



Debates

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Tuesday, 7 June 2022

ACT Youth Assembly report—government response (Ministerial statement)	1681
Domestic and family violence—safer families (Ministerial statement)	1684
Multicultural affairs—legislation (Ministerial statement)	1688
Justice and Community Safety—Standing Committee.....	1691
Public Health Amendment Bill 2021 (No 2)	1692
Ministerial arrangements	1715
Questions without notice:	
Canberra Institute of Technology—procurement	1715
Canberra Institute of Technology—procurement	1716
Canberra Institute of Technology—procurement	1716
Tuggeranong—nurse-led walk-in centre	1717
Canberra Institute of Technology—procurement	1718
Energy—electricity prices	1719
Canberra Institute of Technology—procurement	1721
Canberra Institute of Technology—procurement	1721
Federal government—territory rights	1722
Canberra Institute of Technology—procurement	1724
Municipal services—mowing	1724
Canberra Hospital—safety	1726
Government services—culturally and linguistically diverse communities ..	1727
Federal government—Aboriginals and Torres Strait Islanders	1728
Supplementary answer to question without notice: Canberra Hospital—safety	1730
Legislative Assembly—conduct	1731
Supplementary answer to question without notice: Canberra Hospital—safety	1731
Answers to questions on notice:	
Question Nos 675, 738, 741, 771 and 772.....	1731
Supplementary answer to question without notice:	
Government services—culturally and linguistically diverse communities ..	1732
Leave of absence	1732
Legislative Assembly—conduct (Statement by Speaker).....	1732
Paper	1732
Planning and Development Act—variation No 375 to the Territory Plan.....	1732
Canberra Institute of Technology—procurement	1733
Waste—textiles	1738
Light rail stage 2A—economic analysis	1750
Canberra Institute of Technology—procurement	1762
Adjournment:	
Schools—safety	1768
Assisted reproductive technology—children’s rights.....	1769
Schedules of amendments:	
Schedule 1: Public Health Amendment Bill 2021 (No 2)	1771
Schedule 2: Public Health Amendment Bill 2021 (No 2)	1777
Schedule 3: Public Health Amendment Bill 2021 (No 2)	1780

Tuesday, 7 June 2022

MADAM SPEAKER (Ms Burch) (10.00): Members:

Dhawura nguna, dhawura Ngunnawal.
Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.
Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

The words I have just spoken are in the language of the traditional custodians and translate to:

This is Ngunnawal Country.
Today we are gathering on Ngunnawal Country.
We always pay respect to Elders, female and male, and Ngunnawal Country.

Members, I ask you to stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory.

ACT Youth Assembly report—government response Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.01): Madam Speaker, thank you for the chance to table in the Legislative Assembly today the ACT government response to the 2021 ACT Youth Assembly *Our Voice, Our Impact* report.

Every young Canberran should have the opportunity to contribute to and participate in policy and program discussions that affect them. Members may recall that in June last year young people from the ACT participated in the ACT Youth Assembly, which took place at the Australian National University.

The ACT Youth Assembly is an activity under the ACT government's Youth InterACT initiative, a youth participation and engagement strategy. Youth InterACT encourages participation by young Canberrans and provides opportunities for them to contribute to policy and program discussions on matters that affect them. The Youth Assembly is a deliberative democratic process designed to draw out key ideas and policy recommendations.

The goal was also to encourage the direct participation of young Canberrans aged 12 to 25 in discussing four contemporary issues. The Assembly provided young people with a platform to speak on issues that are important to them, to ensure that a broad range of views were represented and heard. The four issues each had its own forum. The inclusive society forum aimed to explore safety, discrimination, culture and identity for young Canberrans. The forum facilitators collaborated with young people on factors that impact on social interactions, their experiences and their

understanding of what makes an inclusive community. The resilience, rights and respectful relationships forum aimed to explore ideas around resilience, rights and respectful relationships—and the issues surrounding these concepts—for all young Canberrans. The forum also explored what effective respectful relationship programs look like for young people.

The youth employment forum aimed to improve, promote and advocate for fair and respectful employment opportunities and conditions for young workers in the ACT. This forum aimed to identify key issues that affect young people when looking for, or during, employment and to establish effective strategies and avenues that young people can utilise when facing any of these issues. The environment and sustainability forum aimed to address the question of how young people can be active citizens in schools and in their community, to contribute to a safer, cleaner environment.

The council worked with young people to provide recommendations on better management of food waste, recycling and innovative transport options, as well as sustainable schools. Our ACT Youth Advisory Council members co-facilitated each forum to explore creative solutions for each issue. Through group work and discussions, participants explored the issues and developed recommendations across the four forums for the ACT government's consideration.

The ACT Youth Advisory Council compiled the 2021 ACT Youth Assembly *Our Voice, Our Impact* report, highlighting the key information from the Assembly, in particular the recommendations made by the young Canberrans who participated in the Assembly. Young people believe these recommendations will help the ACT to meet the current and emerging needs of young people in our community.

The report contains 18 recommendations from across the four forums. The inclusive society forum identified five recommendations to improve and promote safety, welcoming and inclusion, and to combat discrimination. The resilience, rights and respectful relationships forum identified four recommendations to promote respectful relationships and increase the availability of reliable and accessible information in the community. The youth employment forum identified five recommendations to improve and promote fair and respectful employment opportunities and conditions for young workers in the ACT. The environment and sustainability forum identified four recommendations on better management of food waste, recycling, innovative transport options and sustainable schools.

Madam Speaker, I believe the Youth Assembly provides an important platform for young people in the ACT to engage with issues that affect them. We have seen genuine youth participation and expanded partnerships between young people, government and the community. The 2021 ACT Youth Assembly and the ACT government response to the 2021 ACT Youth Assembly *Our Voice, Our Impact* report reflect our commitment to improving policy, services and programs for young Canberrans. As a result of the Youth Assembly, the ACT government can now direct resources, activities and opportunities to young people in the places and ways that best meet their needs.

I am pleased to add that the ACT government has been working across many areas to meet the current and emerging needs of young people in Canberra that overlap and align with the recommendations highlighted in the report. As members will be aware, considerable work has been done and continues to be done to better care for and protect children and young people in the territory.

The Safe and Supportive Schools policy provides guidance to ACT public schools on promoting a safe, respectful and supportive school community. The policy articulates a range of prevention, identification and early intervention strategies to address bullying and harassment. The ACT government has committed \$2.1 million over four years to provide a considered, evidenced-based approach to preventing gender-based violence through embedding gender equality in ACT public schools. An important component of this work will focus on strengthening respectful relationships and sexuality education, including consent.

In November 2021, in recognition of the unique needs of and support required by young workers, WorkSafe ACT launched its inaugural Young Workers Strategy 2021-2023. The strategy captures WorkSafe ACT's approach to ensuring compliance with the management of work-related health and safety issues affecting young workers in the territory.

In July 2021, the ACT government took action to ban single-use plastics through the Plastic Reduction Act 2021. The first set of items banned for sale, supply and distribution in the ACT from 1 July 2021 included single-use plastic cutlery, single-use plastic stirrers and expanded polystyrene takeaway food and beverage containers. The ban has been supported by ACT businesses and community organisations and has helped to reduce our reliance on plastic.

Today I have outlined only a few initiatives that support the 18 recommendations. There are many more detailed in the report. I encourage members to read both the report and the ACT government response. Our focus will now turn to delivering on these recommendations, ensuring that we continue to respond to the various needs of young people, as well as welcoming and encouraging their participation in all aspects of community life. I wish to thank the members of the ACT Youth Advisory Council for their diligence in preparing this report. I commend the ACT Youth Assembly report and the ACT government response to the report to the Assembly.

I present the following papers:

2021 ACT Youth Assembly 'Our voice, Our Impact'—

Report.

Government response.

Ministerial statement, 7 June 2022.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Domestic and family violence—safer families

Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.09): Today I am tabling the sixth annual Safer Families ministerial statement. This statement shares with you the progress made in the 2021-22 financial year to support those in our community affected by domestic and family violence. My speech today is a summary of the full statement being tabled.

Before I go on, I note that sexual violence can occur in the context of domestic and family violence, and I will be speaking separately in the coming days on the issues of sexual violence. As such, today's statement will focus largely on the significant achievements that the ACT government and community have made over the past 12 months to address domestic and family violence. The full statement being tabled contains more detail on these, so I will be brief.

This year, like the one before, has been significantly impacted by COVID-19. During this time, domestic and family violence has often been referred to as “the hidden pandemic”. I acknowledge all of those who have experienced domestic and family violence and who continue to live with the impact.

Today, I will use the term “victim-survivors”. I know this term does not work for everyone, and I use it respectfully, with that in mind. I wish to acknowledge those who have sought help and those who did not. No matter what victim-survivors may do or may not do, they are always deserving of safety, respect and support. I also acknowledge the extraordinary resilience, creativity, tenacity and compassion demonstrated by frontline services in providing supports during this time. Domestic and family violence services remained open throughout lockdown and beyond for anyone who did not feel safe at home.

In the past year the ACT government has expanded its focus on domestic and family violence to include the prevention of, and response to, sexual violence in our community. I will table a government response to the *Listen. Take Action to Prevent, Believe and Heal* report in the Assembly later this week. At that time, I will share more about the progress in responding to and preventing sexual violence. As such, I will use this statement to focus on initiatives to address domestic and family violence.

This year we have continued to work with Aboriginal and Torres Strait Islander communities in the ACT to progress implementation of the *We Don't Shoot Our Wounded* report. As the ACT government, and as a nation, we have much work to do to address the continuing disproportionate rates of domestic and family violence experienced by Aboriginal and Torres Strait Islander people. Community consultations in 2020, led by the Aboriginal and Torres Strait Islander Reference Group of the Domestic Violence Prevention Council, highlighted four recommendations from the report for priority implementation.

In the past year the ACT government has begun establishing a dedicated service for Aboriginal and Torres Strait Islander women, for legal, advocacy, practical and healing activities. As contract negotiations are currently underway, I am not able to provide further detail, but I am excited about the development of this Aboriginal-led service and look forward to updating the Assembly on its progress in next year's ministerial statement.

In September 2021 the Assembly passed legislation to establish a domestic and family violence death review. The death review will examine deaths and incidents of serious harm and make systemic recommendations. In December 2021 we appointed the first coordinator of the death review. In 2022 we will begin collecting case data to undertake a historic review. The death review is a key prevention strategy, supported by a \$443,000 commitment in the 2021-22 budget, with a further \$747,000 committed between June 2022 and June 2025.

People who have experienced domestic and family violence must be at the centre of our responses. This knowledge is expert and must inform our decision-making. The lived experience expertise of victim-survivors informed the commonwealth *Respect@Work* report. In the past year, the ACT government responded to *Respect@Work*, accepting in full, or in principle, all recommendations relevant to us. I look forward to continuing to work with commonwealth, state and territory colleagues to address workplace sexual harassment. We are now developing more ways to incorporate lived experience expertise into ACT domestic and family violence policymaking—ways that will be safe and meaningful and that give due recognition to the labour involved in shared lived experience.

We must also put a spotlight on those responsible for perpetrating domestic and family violence. Perpetrator accountability means we recognise violence as a choice, eliminate practices that condone violence and ensure that there are consequences when people use violence. Sometimes when we discuss perpetration, we can get caught up in the questions of gender. While violence can be used and is experienced by people of all genders, the facts are that most people who experience violence are women, trans and non-binary people, and children. Perpetrators are overwhelmingly men.

Since 2016, the ACT government has funded the Room4Change men's behaviour change program run by the Domestic Violence Crisis Service, DVCS, including \$1.229 million in the 2021-22 budget. Room4Change has an optional residential component and offers partner support. In late 2021, an independent evaluation found it was well implemented and had the potential to result in fewer and less severe incidents of domestic abuse. Importantly, supported partners were highly positive and many women reported feeling safer due to Room4Change.

We are also holding perpetrators accountable by increasing community understanding of coercive control, an incredibly common but often misunderstood form of perpetration. Coercive control is a pattern of behaviours over time to establish dominance over another person. It is intrinsically linked to domestic and family violence, and its effects are devastating. In 2020 I sought advice from the Domestic

Violence Prevention Council on whether to criminalise coercive control as a standalone offence. The council advised undertaking further consultation and research prior to considering criminalisation and emphasised the importance of non-legislative ways to address coercive control.

The ACT is taking steps outside criminalisation to better address domestic and family violence and coercive control through the ACT Domestic and Family Violence Risk Assessment and Management Framework. The framework will help to ensure that service providers share an understanding of domestic and family violence, including coercive control, to effectively respond. The framework was developed with the community sector and reflects Australian and international best practice and research. A final framework will be released this year.

In the past year we published the ACT practice standards for men's behaviour change programs, developed in partnership with community, government and legal sectors. The standards help organisations to shift accountability to those who are choosing to use violence, and create opportunities for perpetrator behaviour change.

We also supported the ACT's service system to better hold perpetrators accountable through specialised training delivered by expert providers, Stopping Family Violence. Sessions were fully booked and the training has helped equip services to respond more effectively to perpetrators and promote victim-survivor safety.

We are also funding Care Inc to support people experiencing financial abuse, an insidious form of domestic and family violence. Care Inc has also provided financial abuse training for the community sector around recognising and responding to financial abuse.

Someone's identity and circumstances can affect the way they might experience violence and the responses that they need. These intersections are often compounding, and we must tailor supports for the full breadth of our diverse community.

In the past year the ACT government has continued to build on previous consultations with children and young people about their experiences with domestic and family violence. I am pleased that a new service for children under 12 will be designed and delivered in 2022-23, in partnership with the community sector. Work over the past year has secured a provider to develop an ACT-specific service, informed by evidence from Australia and internationally. I am proud of the ACT's innovative work to support children as victim-survivors in their own right.

We are also finding ways to support the ACT's culturally and linguistically diverse community. In 2022 we allocated \$109,000, under a commonwealth national partnership agreement, to the Multicultural Hub Canberra to expand its women's services. The service supports multicultural women experiencing domestic and family violence and provides advocacy for women on temporary visas. Temporary visa arrangements can place women in horrific situations with very few options. Over the past year I have continued to advocate on this issue at the national level.

Domestic and family violence remains a whole-of-government issue and must be addressed through an intersectional lens. For example, the Second Action Plan 2022-2023 of the Capital of Equality Strategy includes a dedicated family safety action. Family safety is also included in the Disability Justice Strategy and a disability liaison officer is embedded at Victim Support ACT. I am proud to be part of a government that responds meaningfully to intersectionality.

Integrated services and systems are key to effective responses to domestic and family violence. In the past year the ACT government has supported system integration by continuing the Family Violence Safety Action Pilot for the 2021-22 year, with \$249,000 of ACT budget funding supplemented by \$143,000 of commonwealth funds. The pilot is nation-leading, bringing together specialist domestic and family violence, criminal justice, victim support, housing and other services to share information and provide in-depth case management for high-risk cases.

Another program showcasing integration is the health justice partnerships, the partnerships bringing lawyers into healthcare settings to provide legal support to pregnant women and new mothers experiencing domestic and family violence. The health justice partnerships have now helped over 900 women, many of whom would not otherwise have accessed support. In 2021, the ACT government committed \$4.1 million over four years to embed the partnerships as an ongoing program. Seeing this program become business as usual is a huge achievement for system integration.

We are also reforming the Domestic Violence Prevention Council to revitalise the strategic governance of the domestic and family violence responses in the ACT. The ACT's efforts to address domestic and family violence would not be possible without the commitment of the domestic and family violence sector here in the ACT. Supporting capability within this specialist sector is critical. We also must build capacity across all human services to recognise and respond to domestic and family violence. We have supported various training opportunities in the past year towards these aims.

The ACT government also supports the sector through engagement with the commonwealth to secure supplementary funds. I endorsed the national partnership on family, domestic and sexual violence responses in late 2021, securing \$4.2 million of commonwealth funds over two years to support sector innovation and frontline responses, and I will continue to advocate for sustained commonwealth investment in this space. I also engaged at the national level in the National Women's Safety Summit in September 2021. When survivor-advocate Brittany Higgins was left off the commonwealth's delegate list, I invited her as an ACT delegate. The summit allowed advocates to distil key priorities for domestic, family and sexual violence policy.

The ACT government also helped to shape the new National Plan to End Violence against Women and Children 2022-2032. I provided feedback informed by local sector views and advocated for meaningful, resourced and intersectional responses to domestic, family and sexual violence through the national Women's Safety Taskforce. The ACT may be a small jurisdiction, but we have much to offer in the national conversation.

The past year has seen us continue to deliver Safer Families initiatives and work with the community sector. It has also seen government, and especially the community sector, overcome incredible challenges from COVID-19, and I again acknowledge those who have experienced violence during this time. I acknowledge and deeply thank all who have worked to keep our community safe.

Domestic and family violence is everyone's business. We still have much work to do. I look forward to continuing this work to make Canberra a safer place for everyone.

I present the following papers:

Safer Families Annual Statement—

2022.

Ministerial statement, 7 June 2022.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Multicultural affairs—legislation

Ministerial statement

MS CHEYNE (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (10.24): Madam Speaker, I am delighted to rise today to share with this Assembly progress to date on the development of the ACT's Multicultural Recognition Act. This new legislation, due for presentation to this Assembly later this year, will further our government's commitment to an inclusive and welcoming Canberra where everyone can belong and participate in social, cultural, economic and civic life.

Our journey began in April last year, with the release of the first discussion paper, "Towards a Multicultural Recognition Act for the Australian Capital Territory". This paper provided a platform for extensive community consultation and enabled us to hear from Canberrans about the proposed legislation and what should be included. We held conversations online, face-to-face and directly with stakeholders and received formal submissions.

Our community told us about a range of unmet and emerging needs in this space and shared ideas on initiatives which could aim to improve livability, accessibility and representation for Canberrans from culturally and linguistically diverse backgrounds. The concepts we explored included the need for a set of guiding principles in a charter to define what our ACT community strives to be; legislating the Multicultural Advisory Council to advocate on behalf of the multicultural community to the ACT government; and embedding transparent accountability mechanisms into government practice, with regular reporting back to the ACT.

Broadly, the feedback we heard on these concepts included: increasing the accessibility of services and resources for diverse communities, who face additional barriers to access the support they need, including providing services and resources in a range of different languages; identifying and implementing opportunities for our government to ensure the inclusion and participation of culturally and linguistically diverse Canberrans in all policies, programs and services; helping to ensure that more diverse voices and viewpoints are engaged in leadership positions across government as a key lever to drive change; increasing the value placed on diversity and more effectively leveraging the knowledge and skills of diverse people and groups when delivering services, including considering changes to policy and regulation to better support diverse communities; and improving community harmony as a key marker demonstrating that the experiences of multicultural communities are being valued as members of the ACT community.

This feedback has been essential in formulating our draft Multicultural Recognition Bill and speaks to the inherent need for developing an act where the cultural and linguistic diversity of all Canberrans is recognised, valued and embraced. The creation of a Multicultural Recognition Act formalises our commitment and the shared responsibility upon each of us, for the benefit of all Canberrans.

In our city we are grateful to experience cultural richness every day in our workplaces, organisations and learning institutions, and through language, history, dress, food, music and celebrations. The strength of our cultural and linguistic diversity connects Canberra to all parts of the world. It shapes our identity as a diverse and dynamic community. The success of our Multicultural Recognition Act will be measured by the way we as a community, now and into the future, elevate, recognise, value and embrace our evolving and growing diversity of cultures and languages. Indeed, the purpose of our Multicultural Recognition Act is to define the Canberra we want to live in now and into the future and to complement the protections we have already legislated in the Human Rights Act and the Discrimination Act.

In the community consultations to date we have heard feedback strongly supporting the proposed scope of the principles of the multicultural charter and suggestions for ensuring that the use of language and terminology is strengths-based, inclusive and non-discriminatory. In refining the proposed multicultural charter, we further considered principles included in legislation and policy across Australia, the feedback provided by Canberrans during consultations and alignment with ACT government policies.

Specifically, these proposed principles aim to provide clear definitions and core values for recognising, valuing, celebrating and promoting cultural and linguistic diversity in the ACT, as well as a commitment to actively respond to racism and discrimination and an acknowledgement of language being central to the preservation and recognition of cultural identity. These principles are intended to speak directly to every Canberran and place a clear and positive obligation on all Canberrans to understand the biases and be open, respectful and embracing of diversity in all its forms.

I am proud to share the eight draft guiding principles of the charter in the current form with this Assembly. They are:

- (1) you are entitled to live in a community where there is mutual respect, irrespective of your culture, language, religion or spiritual belief and
- (2) you have a shared obligation to stop racism, discrimination and the negative effects they have on our community; and
- (3) you are free and safe to express, practise, share and maintain your cultural and religious or spiritual identity; and
- (4) your varied experiences and your personal attributes, as an individual or as part of a community, contribute to the unique expression of your cultural identity, and is recognised and respected; and
- (5) you belong to the ACT community, and are free to participate on equal terms in the social, cultural, economic, civic and political life of the ACT; and
- (6) whether you are a refugee, migrant or otherwise, you are forever welcome and your contributions to the ACT are valued and recognised; and
- (7) language is central to the preservation and appreciation of cultural identity, and you are free and are supported to use, preserve and promote your language; and
- (8) you are an integral part of the ACT's cultural, linguistic and religious or spiritual diversity, and are supported to enjoy and celebrate this diversity in all aspects of community life.

I am hopeful, Madam Speaker, that these principles will have tripartisan support in this Assembly.

In this context, our city proudly celebrates being one of our nation's most culturally and linguistically diverse communities, with one in four of us speaking a language other than English at home. This leads me to the importance of representation through the Multicultural Advisory Council, which advises our government on issues of interest or concern to our city's culturally and linguistically diverse community and supports the exchange of information and ideas between me, as minister, and the community members.

During our consultations for the new Multicultural Recognition Act, we received feedback on the focus, direction and representation of the council, including that the council should be independent and have direct access to the minister; its terms of reference should be flexible enough to allow social and political change; and the council should be a conduit between the community and the minister and the government, through providing advice to the minister. There were differing community views about the composition of the council. We also heard that transparency is important and that meeting minutes and advice to the minister should be publicly available, and that the council should be adequately resourced.

The draft bill details the statutory establishment, functions, membership and appointments of the Multicultural Advisory Council, for consultation. It will be the council's imperative to provide advice on ways to continue to grow the cultural and linguistic diversity of the ACT; to encourage the adoption and application of the multicultural charter; to increase opportunities for active participation in social, cultural, economic and civic life in the ACT; to foster harmonious relations with the

ACT community; and to strengthen the ACT as a welcoming and inclusive community for all.

Madam Speaker, thank you for allowing me to share the journey so far in developing our new Multicultural Recognition Act. The draft bill will be available online today, and translated resources will be available early next week. This marks the beginning of a community consultation process over more than six weeks. The consultation process includes targeted consultation and opportunities to provide feedback through submissions, as well as through two face-to-face and two online sessions. Information about how to participate will be made available on YourSay.

As part of this consultation, we are asking the community to consider: the values and principles expressed in the draft multicultural charter, which I have shared today; how the Multicultural Advisory Council can best represent Canberra's culturally and linguistically diverse community; and the proposed public reporting and accountability measures for our public authorities.

The consultation sessions will be supported by the Multicultural Advisory Council and representatives of the ACT Human Rights Commission and the Legislation, Policy and Programs team from the Justice and Community Safety Directorate. They will be present to answer questions about the relationship between the Multicultural Recognition Act, the Human Rights Act 2004 and the Discrimination Act 1991. I encourage all members to engage in the process by promoting the consultations through your networks.

Following consultation, we will update the draft bill to reflect the feedback we have received. The draft bill will then be considered by cabinet, before being presented to the Assembly by the end of 2022. This is a critical opportunity to define a vision for our growing city as a place of welcome, a place of inclusion and a place of belonging for years to come.

I present the following papers:

Multicultural Recognition Bill 2022—Exposure Draft.

Multicultural Recognition Act—Ministerial statement, 7 June 2022.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 17

MR CAIN (Ginninderra) (10.36): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 17, dated 6 June 2022, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR CAIN: Scrutiny report No 17 contains the committee's comments on 17 pieces of subordinate legislation, proposed amendments to two bills, and three government responses. The report was circulated to members when the Assembly was not sitting. On behalf of the committee, as Chair, I would like to thank the secretariat, Ms Janice Rafferty, Ms Sophie Milne and Dr Frieda Scott, and our legal advisers, Mr Daniel Stewart and Mr Stephen Argument, for their assistance in preparing this report and advising us—committee members Dr Marisa Paterson and Mr Andrew Braddock included. I commend the report to the Assembly.

Public Health Amendment Bill 2021 (No 2)

Debate resumed from 2 December 2021, on motion by **Ms Stephen-Smith:**

That this bill be agreed to in principle.

MS LEE (Kurrajong—Leader of the Opposition) (10.37): Madam Speaker, I do have some amendments, and I foreshadow that I will speak to them in the detail stage, so I will not be speaking to the bill in any substantive form now.

MR DAVIS (Brindabella) (10.37): The COVID-19 pandemic brought into the spotlight a series of serious, existential yet very real questions about the role of government in protecting people's lives, livelihoods, health and human rights. Such questions are: how do we balance the need to support more vulnerable members of our community with upholding rights to liberty and bodily autonomy? How can we ensure trust in government policy development and decision-making when complex decisions must be made and enacted quickly? How do we account for the need to develop new ways of governing for these problems without allowing for a creep into the rights designed to protect the most vulnerable? These questions were explored thoroughly in the policy and advocacy work that has gone into preparing the bill that we debate today.

This bill establishes a regulatory framework for protecting the public from the health risks of COVID-19 in circumstances where those risks may not give rise to a public health emergency. The bill includes temporary powers to implement public health and social measures, including COVID-19 vaccination requirements for certain workers and test, trace, isolate and quarantine measures to suppress or prevent the spread of COVID-19 in the community. The ACT Greens will be supporting the amendment bill and circulated amendments as drafted by the Minister for Health.

As policymakers, we have a responsibility to engage on difficult questions and make decisions considering evidence, community consultation and our human rights obligations. The legislation before us today strikes a difficult but necessary balance between the protection from disease transmission and protection from state interference.

As Chair of the Standing Committee on Health and Community Wellbeing, I am proud to have participated in the policy process that has led to this legislation and to know that this process has genuinely led us to better outcomes. Committees provide an extremely important function for public accountability and scrutiny in our unicameral system and, while I speak today as the ACT Greens spokesperson for health, it would be remiss of me not to reflect on the government's response to the committee report that is reflected within the amendments that we debate today.

The committee inquiry into this bill was one of the most popular that the ACT Legislative Assembly has ever seen. We heard from over 1,100 individuals and organisations who made submissions outlining their feedback on the Public Health Amendment Bill. Most of these submissions were from individuals living in other jurisdictions who were concerned by what they considered to be an overreach from government. These submissions were clearly part of a mobilisation of concerned citizens across the country and around the world, keen to participate in a process designed to provide transparency and accountability to legislative decision-making of the management of COVID-19.

Most of these submissions did not support vaccine mandates and quarantine, outlining concerns about these vaccines and what they considered to be overreach of the state into their personal decision to not get vaccinated. While the ACT Greens and I do not condone the underlying premise of some of these submissions, it is worth taking stock of the importance to have allowed due process and consideration of all views put forward to that committee.

While it is easy enough to say that we must protect the vulnerable by enacting mandates such as compulsory vaccines and stay-at-home orders, we know all too well that those impacted most by the overreach of the state into their lives tend to be the most vulnerable and most marginalised people—people who do not necessarily have high levels of health literacy, and people who do not necessarily understand or, frankly, trust the role of government in these decisions. Considering this problem as the vulnerable versus the entitled is a fallacy and simplifies very complex human rights and justice problems.

Along with hearing from those concerned by what they understood to be the bill's intentions, the committee also heard from many stakeholders that were strongly supportive of the legislation's intent to limit disease transmission. These stakeholders included peak bodies representing people with a disability, people living in the justice system, and those working across health and community sectors in which vaccine mandates have been enacted. The committee also heard from organisations representing business and industry keen for what they saw as the enactment of legislation that would appropriately allow for a safe return to the enjoyment of public life and employment.

Since the pandemic began, the ACT Human Rights Commission has been advocating for fit-for-purpose legislation to enable the ongoing management of this pandemic. Citing concerns that the existing emergency powers in the Public Health Act were not designed to deal with the long-term management of a pandemic, the commission has

called for the strengthening of human rights protections through primary legislation. This bill and amendments circulated promote the right to life and the protection of family and children.

This legislation does limit the right to privacy and reputation. However, it was determined by the government that this limitation is proportional and reasonable, given the serious nature of this disease, the threat it poses to human life and the particular impact it risks having on marginalised and vulnerable people, including older Canberrans, people with a disability and people living in institutions, including prisons, mental healthcare units and aged-care facilities.

The Human Rights Commissioner and the health commissioner participated in the inquiry, and I was particularly moved by their submission and appearance before the committee. I am pleased to see that their strong advocacy has been incorporated into the final version of the bill. This includes amendments that reflect the committee's recommendations, including, but not limited to, limiting the length of time that a COVID-19 management declaration can be enforced, putting a positive and explicit obligation on the Chief Health Officer to inform the public advocate in circumstances where an isolation or segregation order is made to an individual, and ensuring that oversight agencies explicitly retain the right to visit places of detention in the ACT.

I note that the committee also made a range of recommendations that have not been incorporated into this legislation. This demonstrates that the committee undertook a thorough and open process, as they are designed to be, and that there was the appropriate separation of these processes from government and cabinet decisions. I am pleased that the recommendations and evidence put forward by the committee were cause for significant interrogation and consideration by policy advisers and those in charge of formalising the government's response.

The legislation that is before us today and the amendments that have been circulated by the minister are the realisation of a proper and transparent process, with built-in safeguards for protecting health and human rights. It provides some answers to the important questions that have been put to government and decision-makers over the last two years.

The ACT Greens are proud to support this legislation, which enables a rights-based approach for the long-term management of COVID-19.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.44): While I welcome the Public Health Amendment Bill 2021, and I will flag now that this bill, as Mr Davis has outlined, has the in-principle support of the Greens, I particularly want to make some comments on this bill from my perspective as the Attorney-General.

The bill provides a crucial regulatory framework to address an anticipated situation where COVID-19 continues to present a significant public health risk for the ACT community but one which no longer justifies the ongoing declaration of a public health emergency.

We have been living under a public health emergency for an extended period of time. Although COVID-19 is still prevalent in the ACT, we acknowledge that there may not be sufficient justification for a continuing public health emergency declaration, particularly with the very high rates of vaccination in the Canberra region.

A public health response to a global pandemic necessitates a constant balancing act between protecting community interests and public health, and individual human rights. This is indeed a challenging balance. These are the kinds of balancing issues we have seen reflected through the committee inquiry. I think that, with this bill, the ACT government has struck the right balance.

One of the key points about this bill is that it is proactive. It seeks to promote efficient public health management in the circumstances where there is no longer a public health emergency. The proposals in the bill recognise that, at the conclusion of the public health emergency declaration, certain critical baseline public health measures will be required in the medium term to manage COVID-19, in particular to alleviate pressure on health systems and reduce risk to vulnerable community members. These measures include, for example, a requirement for positive cases of COVID-19 and close contacts to isolate for a specified period of time and be tested for COVID-19 before leaving isolation, and for face masks to be worn in certain high-risk settings to prevent transmission.

The bill also proposes the inclusion of new temporary powers to implement public health and social measures, including COVID-19 vaccination requirements for certain workers, and test, trace, isolate and quarantine measures to suppress or prevent the spread of COVID-19, or perhaps new variants, within the community.

The bill proposes to make ministerial and Chief Health Officer directions, apart from a vaccine direction, notifiable instruments. This promotes a higher degree of transparency of these measures while ensuring that the effectiveness of public health measures is not undermined.

The ACT is, of course, a human rights jurisdiction and, as Attorney-General, I take very seriously this obligation to develop legislation that is consistent with individual rights. The bill is compliant with the ACT Human Rights Act and incorporates a range of safeguards and other measures to ensure that all directions made under a COVID-19 management declaration are proportionate to address the risk of COVID-19. This follows extensive and robust consultation between ACT Health, the JACS human rights and scrutiny team and the Human Rights Commission. Importantly, the bill is constrained in its scope as it applies only to COVID-19 and will expire 18 months after its commencement.

It is important, of course, to compare these proposed new arrangements with the situation we have been living under in recent years under the public health emergency declaration. This bill introduces measures that will increase transparency and accountability in decision-making, which is appropriate when you are operating in a less urgent phase of the pandemic, but in a phase where there are still potentially necessary measures to be put in place.

The bill provides a much more transparent and rights-protective framework than the legislative provisions which have authorised COVID-19 directions in the emergency phase to date. This includes the requirement that ministerial and Chief Health Officer directions are referred to the relevant Assembly committee responsible for the consideration of legal issues, to provide further scrutiny in relation to human rights compatibility.

These kinds of accountability measures are also put in perspective when compared with the Victorian legislation on the same issue, which confers a range of powers on the executive to operate under delegated legislation, and which is subject to limited parliamentary oversight.

We do need to find a balance here, because the reality of the pandemic, of the public health threat, means that we need to be able to take effective action to keep the community safe, whilst at the same time being mindful of the freedoms and liberties of our community. The ACT community does face ongoing risks and challenges posed by the COVID-19 pandemic. Without the appropriate tools to respond and protect the community, we put people at risk, particularly our most vulnerable.

I will quickly touch on some further measures taken in this bill, which are designed to strike a balance regarding upholding community interests and public health while providing safeguards to enhance the protection of individual rights. The bill introduces human rights safeguards by incorporating requirements for a decision-maker to consult with the Human Rights Commission about whether directions are consistent with human rights, to seek the advice of the Chief Health Officer and publish that advice, and to prepare and publish a statement on how each direction is necessary to prevent or alleviate the risk of COVID-19, and how they are consistent with human rights.

A further element is that the directions are time limited to 90 days and must be reviewed by the Chief Health Officer every 30 days to determine whether the direction is still justified. Judicial review options are also available where the applicant has standing.

The bill also gives regard to the fact that there are persons within the ACT community who remain unvaccinated, not by choice but for other reasons beyond their control—for example, due to the vaccine not being available to them due to age, or a health or medical condition, such as allergies or having previously experienced a serious adverse event following vaccination.

The bill recognises the significant way in which such a vaccination direction engages human rights, as detailed in the explanatory statement, by providing that a vaccination direction that may be made by the executive is a disallowable instrument, so that there is a higher degree of scrutiny over such a measure.

As additional human rights safeguards, the bill also provides that the vaccination direction must not prevent or limit a person from being able to obtain an essential good or service, such as groceries and medical treatment; the executive must first be

satisfied that a vaccination direction is necessary to prevent or alleviate the risk posed by COVID-19, and a decision to exercise this power must be accompanied by a statement about the grounds on which that belief is formed and grounds upon which the executive may exempt a person from the application of the direction; and the executive may make guidelines setting out how a person can apply for and be granted with an exemption from complying with a vaccination direction.

In summary, as I said, the ACT Greens support this bill. As the Attorney-General, I have been in cabinet when this was being developed. I want to acknowledge the thoughtful and careful approach that has gone into developing this legislation, both from the Minister for Health and from the various officials who have worked on this, in seeking to strike that very careful balance between having the necessary powers to protect public health and at the same time ensuring that the safeguards that I have described in my remarks, and which are laid out in detail in the bill, and in more detail in the human rights component of the explanatory statement, are being well struck. On that basis I am supportive of the bill today.

MS DAVIDSON (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors) (10.53): I would like to speak in support of this Public Health Amendment Bill. We are now entering our third year of the COVID-19 pandemic and, despite the relaxation of many public health regulations, the risk is not yet over for many people in our community. People with disability, including enduring mental health conditions, their carers and older Canberrans have talked to me about how they feel about the risks that they are facing, and the sense of isolation that comes with the changes that they have had to make to manage those risks in a period of rising community transmission.

While many of us are enjoying returning to education or workplaces, engaging in social gatherings and volunteering activities, and engaging with our community in person, there are people for whom this is still not safe. They have told me that they are experiencing an increasing sense of isolation, community division and exhaustion from both the ongoing existential threat that they face and having to constantly educate others about the fact that our bodies do not all respond to COVID in the same way.

Since March 2020, discussions about chronic health conditions and disability have focused on increased COVID risks. This has happened at the same time as people with disability have had to fight to save the NDIS, and people with disability and their carers have experienced economic hardship, where some employers have not been willing to make reasonable adjustments to enable work from home, or job losses and shift reductions from the economic impacts of COVID. Our seniors have become even more invisible in our neighbourhoods and are at increased risk of abuse.

The framing of discussions about disability and older people in the last couple of years has become increasingly medicalised. For people who have creativity, talent, skills and passion for a full and active community life, that medicalisation of their bodies really hurts. As a community, we can do better, and we should do better, to make Canberra a safe place for everyone.

We cannot change the fact that COVID transmission continues throughout our community, as it does throughout surrounding New South Wales, but we are doing everything we can to reduce the risks to older people and people with underlying health conditions. Maintaining high vaccination rates, especially for those who provide close personal care to people whose health is most at risk, such as disability, aged care and healthcare workers, makes a big difference in reducing transmission and improving health outcomes for vaccinated individuals if they do become infected.

Wearing masks indoors in crowded situations, choosing to meet outdoors where possible and frequent hand washing also help. Staying home if you have any symptoms, even if you think it is not COVID, helps to reduce not only the transmission of COVID but also regular colds and flu. That supports our economy and ensures that the care workforce and workers in retail, hospitality and cleaning jobs, who are often casual with low pay rates, can continue their work with less impact from having to isolate and miss workdays.

The changes in this bill provide us with a toolkit to move quickly in an emergency situation to protect those most at risk in our community. It does so in a way that supports evidence-based decision-making by clinical experts. Those decisions will be transparently communicated to the community, so that we can all understand what is being done and why. The changes include the ability to engage external reviewers, to protect the human rights of individuals and to ensure accountability.

For over a year and a half, my last thought before I go to sleep is hoping that those people most at risk in our community will be okay tonight. My first thought when I wake the next morning is about what we can do today to better support service providers and individuals in our community to reduce their risk, because every life in our Canberra community matters. This is about protecting lives, and doing that in a way that is transparent, accountable and respects the human rights of every individual impacted by the decisions we make as a government and as a community.

We all—not just government but every Canberran—have a responsibility to each other to reduce the risks of this virus, to conserve the dignity and privacy of people who are impacted by public health regulations, and to support evidence-based decision-making and proper external review processes. These amendments provide a framework that enables us to fulfil these responsibilities.

I am a big fan of human rights. The rights we have as individuals are vitally important in each of us achieving our goals and being able to live a good life. But without responsibility to each other, we cannot be anything more than 420,000 individuals, doing our own thing. It is our responsibility to each other and respect for each other's rights to live a healthy life that truly make us a community. Not all superheroes wear capes, but everyone wearing a mask around people at increased risk from this virus is a hero in my eyes. To all of you who are doing what you can to protect our community, I say thank you. It is good to know that we are not alone in our mission to take better care of each other.

MS CHEYNE (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (10.58): This is an important bill at an important stage in our management of and recovery from the pandemic. It is vital that we have the right framework in place to protect public health. As we move through the different stages of managing the pandemic, we need to adjust the framework to suit those different stages. This bill enables us to continue to take a measured, transparent and sustainable approach to managing the public risk posed by the pandemic.

As members know, the government referred the bill to the Standing Committee on Health and Community Wellbeing. I thank the many members of the community, stakeholder organisations and statutory authorities who provided views on the bill. As Minister for Human Rights, I want to note in particular, as other members have, the significant input of the Human Rights Commission in assisting the committee and, in turn, informing further development of the bill.

The bill achieves the critical balance of competing rights. It promotes the right to life and the protection of the family, and it may limit the right to privacy and reputation. It balances these competing rights and establishes a framework that means that the social, economic and public health impacts of COVID-19 can be appropriately addressed.

There are three elements of the bill that I wish to touch on. Firstly, the Human Rights Commission submission to the committee included observations on vaccine directions in the context of the review mechanisms within the bill. The committee made a recommendation on that matter. The bill now includes a provision allowing for a person to apply for an internal review of a decision to not exempt the person from a requirement of a vaccination direction. The bill gives power to the internal review to revoke the original decision and to make a new decision. I note that a person who has standing can also seek judicial review of a decision made on exemption applications.

Secondly, the bill includes a provision requiring the Chief Health Officer to give a copy of any segregation or isolation direction to the public advocate. This picks up the submission made by the Human Rights Commission and ensures that powers exercised under this legislation will be subject to appropriate real-time oversight.

Thirdly, the bill makes it clear that part 6C of the bill, which sets out the regulatory framework for protecting the public from public health risks, does not interfere with an agency visiting and carrying out oversight functions at places of detention. Again, the Human Rights Commission emphasised the essential function of oversight like that carried out by official visitors.

Can I take this moment, as the minister responsible for the official visitors program, to thank all of those appointees for their incredibly hard work at a very difficult time over the last two years, and for their dedication and professionalism, which, of course, are always maintained. It is important that the bill makes it crystal clear that nothing

in part 6C interferes with those roles, and that visiting and overseeing places like the AMC and Bimberi are not impeded.

It is clear that this was a productive committee process that drew out important matters. The bill takes on many of the issues and recommendations raised throughout the inquiry. I thank the Human Rights Commission and the hundreds of individuals and organisations who provided input to the bill. I commend it, with the amendments that Minister Stephen-Smith is proposing, to the Assembly.

DR PATERSON (Murrumbidgee) (11.01): Firstly, I want to acknowledge and thank the many frontline health staff and all of those who have been working tirelessly in our health and compliance sectors throughout the pandemic, to help keep us all safe and to keep our economy ticking over. This has been an enormous effort and it has required coordination and cooperation across many different services and from our entire community.

Thank you, Minister Stephen-Smith, for bringing forward this bill and the further government amendments, and ensuring that the legislation is robust, provides for the public health needs of our community and provides an appropriate approach to human rights.

Throughout the pandemic, the ACT public health response has taken different forms in order to implement the most appropriate directions as the pandemic has evolved at a rapid pace. It is important that we have in place the amendments proposed through this bill as a public health emergency is no longer appropriate. However, there is a need to have certain public health measures continue or allow for the possibility of implementation to keep our community safe.

The directions of the Chief Health Officer and associated compliance mechanisms have been fundamental to the ACT's success in its handling of the pandemic and will continue to be as we navigate COVID-19 into the future. All of us in this Assembly have heard many different perspectives from our community about the ACT government's response to the pandemic. Primarily, this has been incredibly positive.

It is important to briefly reflect on where we have been and where we are, now that we are looking to the future. The last couple of years have been incredibly challenging. The shock and the practical implications of the lockdowns impacted every single person in our community. I am incredibly proud of how our community has banded together to get through this and keep our community safe. We have to remember that when this started we did not have a vaccine, we did not know how this virus would variate, and no-one knew how all of this would play out.

One key observation from these last couple of years is how we have all had a slightly different set of circumstances that we have had to come to terms with during these periods of lockdown and other restrictions. It would be hard to find any two experiences that are exactly the same. Our unique experiences have been shaped by the industries in which we work, how and where we work, whether or not we have school-age children, how we travel, whether we live in a safe and comfortable domestic situation, if we have an underlying health condition or mental health

conditions, or if we have family living interstate or overseas. And probably most pertinent is when or if you or your family, household or workplace have had COVID-19 exposures. Regardless of our circumstances, our challenges, and our individual coping mechanisms and levels of resilience, it has been incredibly encouraging to see the way that our community has come together to support each other.

The thing that has struck me over the last couple of years is how quickly everything changes. It is important to point out that there are some people in our community that have struggled with these changes. I want to acknowledge some constituents in my electorate that I have built a relationship with over the last year or so that have raised their concerns about public health mandates, vaccines and the future of our society more broadly. I always believe we should ask questions. I encourage people in my electorate to ask me questions and to talk to me about their concerns. I may not always have the same point of view, but I will listen.

Questions, inquiry and scrutiny of evidence are more important than ever, and they are critical to maintaining the confidence of our community as we continue to navigate the pandemic. I want to assure those handful of residents that I have looked at the amendment bill, the evidence and the amendments, I have talked to many people, and I am confident about supporting this legislation.

As part of my engagement with these constituents, they have sent me videos and documents to back up their concerns. These are many of the same documents and YouTube videos that are widely circulated by anti-vaccine and anti-mandate groups. What troubles me deeply is that it never takes me more than one Google of the source—that is, the “doctor” who is speaking out, or the group—to see major warning signs. They are doctors who are long retired, those who have lost their medical licences and those that are looking for notoriety, and some are not even doctors at all; or they are faceless, and say that they fear retribution. Most of these sources are from overseas.

The language they use is fearmongering. It is not medical language; it is emotive and it is distressing. I feel very angry towards the creators of these groups and this media that are targeting people who are fearful in our community for their own self-interest, in a very coordinated, calculated way. They have preyed on the vulnerable.

It has been a scary time, and I will remember points of the pandemic—announcements, moments in time, decisions to go and get vaccinated, to vaccinate my children—as moments that I will remember for the rest of my life. Some of these moments scared me, some were empowering, but my decision to stay home to minimise my interaction with people, to wear a mask and get vaccinated were the little bit that I could do to keep our community and my family safe. But some in our community did not feel this sense of empowerment to balance the fear.

The very real fear that these people have felt has increasingly led them to turn away from their families and friends, away from mainstream news, away from knowledge of our academic institutions and government institutions, and engage in online forums with like-minded people, where misinformation and egos reign supreme. This

situation culminated in the anti-mandate protests here in February in Canberra, and still plays out in the stragglers protesting around the ACT, whom I do not believe have anywhere else to go now.

These few constituents that I speak about here have had reputable careers. They have made contributions to our community in many ways, but they have become severely lost and disenfranchised. They do not look like the protesters that yell abuse at people in the streets, that fly flags indiscriminately and write “freedom” scribbles all over their cars. They do not talk about paedophiles, chemtrails or 5G. Instead these people attempt to structure arguments and raise concerns through legitimate channels like ATAGI, ministers’ offices and federal and local members. But regardless of what these people look like or how they choose to engage, the problem is that the source of the information they use is the same, and the bottom line is that these sources of information are simply not credible.

I commend the Chief Minister, the health minister, the Chief Health Officer and officials who provided daily updates to our community during the lockdown days of the pandemic, and I commend the health minister for the detailed update that she provides to the Assembly in every sitting. To the directorate officials, health workers and school staff who have moved mountains to keep our world moving, in an informed and transparent way, I note that the position in which our community now finds itself is a testament to the success and culmination of your years of hard work.

As the pandemic is not over, and as we embark on a new regulatory framework, I want to reiterate how important it is that we always ask questions. We should always assess the source and interests of the evidence we are receiving. We need to strengthen our government institutions and bodies that assess this evidence to ensure rigour and transparency, and be adequately able to communicate these processes broadly to ensure community confidence. We need to be open to doing things differently and work hard to bring the community with us.

As we embark on the next stage or stages of the COVID pandemic, we must seek to bring those who have been disaffected back into the fold, to re-engage them. We have a long path ahead and, hopefully, eventually, to adjust to life beyond the pandemic. I know that the measures within the Public Health Amendment Bill and the government’s proposed amendments will help us to get there. They will keep us safe and enable us to start adjusting to a new way of living, a new way of interacting with each other and of being in our communities and neighbourhoods.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.10), in reply: As others have talked about, and as I talked about in introducing the bill, the Public Health Amendment Bill 2021 (No 2) establishes a new regulatory framework for protecting the public from the risks to public health presented by COVID-19 which may not present as a public health emergency. The government introduced this bill to provide the ability to step down from a public health emergency while maintaining a balanced response where COVID-19 presents a serious risk to public health in the short or medium term. The ACT remains under a public health emergency declaration in which the Chief Health Officer may take any

action or give any direction which is considered necessary or desirable to relieve the emergency.

This emergency mechanism has been vital to the ACT's response to the COVID-19 pandemic and has protected the ACT population. Since the declaration of the public health emergency on 16 March 2020, more than two years ago, the Chief Health Officer has implemented a range of public health directions in the ACT which, at the height of the emergency, required significant restrictions on the community, individuals and businesses. The ACT is now transitioning to a COVID-19 normal state in step with the rest of Australia. This process must, however, continue to recognise the need to protect those who are most vulnerable to the serious health consequences of COVID-19 and mitigate the burden on the public health and hospital systems.

This bill makes important amendments to enable the ACT government to continue to protect the public through a regulatory framework with a continued focus on human rights. The making of a COVID-19 management declaration and the making of directions and exemption guidelines will deliver more transparency for the Assembly and the community. It will do this by requiring consultation with the Human Rights Commissioner on the making of directions and requiring the ACT government to publish the public health advice and human rights considerations. The proposed framework is underpinned by existing objectives under the Public Health Act 1997, including that the provisions will be administered to provide rapid responses to public health risks while avoiding any undue infringement of individual liberty and privacy.

The proposed amendments support public health while enabling individuals and businesses to live and operate in a COVID normal environment. I will talk a bit about our amendments and the opposition's, in advance of the debate on the detail stage. As I said, the bill amends the Public Health Act, primarily by inserting a new part C, to provide for three types of COVID-19 management directions, which appropriately distribute accountability between the executive, the Minister for Health and the Chief Health Officer.

The objectives of this new part include to protect the public from the risks of COVID-19 and strengthen the focus on recognition and respect for the rights of people affected by COVID-19 management directions. The bill enables the executive to make a COVID-19 management declaration if the executive has reasonable grounds for believing that COVID-19 presents a serious risk to public health. The bill, as introduced, would allow for this declaration to be made for a period of up to six months; however, the government will propose to amend the duration of the declaration to three months, following consideration of the committee recommendations and consultation with the Human Rights Commission. A COVID-19 management declaration would take effect immediately after it is made, or at a later date, if this is stated in the direction.

Section 118Q of the bill outlines the requirements for consultation and public notice for a declaration and any direction made under the declaration. The executive must, in making a declaration, ask for advice from the Chief Health Officer about the proposed

declaration or extension and take into account any advice given, and within seven days after notification of the COVID-19 management declaration, give public notice of any advice provided by the Chief Health Officer. These same requirements apply to a ministerial or executive direction made under the COVID-19 management declaration.

While a COVID-19 is in force, the Chief Health Officer will be required to advise the minister on the status of the risk presented by COVID-19. The government will propose an amendment to the bill that requires this advice to be provided every 30 days, rather than every 60 days, as is currently reflected in the bill. These timelines are consistent with the timelines that we have been using to date under the public health emergency in terms of extension of the emergency and advice from the Chief Health Officer. To provide for a greater level of scrutiny, the bill requires that a COVID-19 management declaration will be a disallowable instrument to ensure the Legislative Assembly is able to consider the merits of such a declaration. This gives the community confidence that its elected officials are empowered to consider whether the making or extension of a COVID-19 management declaration is appropriate, with the ability to move a motion of disallowance.

The bill proposes a new framework for the making of public health directions that give effect to test, trace, isolate and quarantine measures, as well as public health social measures, should they be required. If a COVID-19 management declaration is in force, the executive, the minister, and the Chief Health Officer may make their respective directions for up to 90 days to mitigate the public health risk of COVID-19. If necessary, directions may be extended for a further period of up to 90 days.

The decision to give direction-making powers to the executive and minister recognises the impact of public health social measures and vaccination requirements on the community, and that these restrictions can limit rights under the Human Rights Act. The Chief Health Officer's advice must be sought and considered in the making of any direction. The bill requires ministerial and Chief Health Officer directions to be notifiable instruments. However, the ministerial and Chief Health Officer directions would also be subject to review by the relevant Assembly standing committee to report on any human rights issues which may arise. This is a further important safeguard which will enhance oversight of decision-making. It promotes accountability and provides an opportunity for the committee to draw any issues to the Assembly's attention and for consideration.

It is important to note that the Chief Health Officer's power to make actions in relation to normal public health hazards under the Public Health Act 1997 does not require scrutiny and oversight by the ACT Legislative Assembly—a pertinent example being the Chief Health Officer's ability to issue directions on a range of matters under section 113 of the act, including for confinement of an individual. The Chief Health Officer direction under the bill is aimed at dealing with a public health risk associated with a person who has been diagnosed with COVID-19 or is at significant risk of becoming a diagnosed person.

The impact of any disallowance by resolution by the Assembly on a Chief Health Officer direction would effectively prevent the Chief Health Officer from making any

determination of the same substance for a period of six months, in accordance with section 67 of the Legislation Act 2001, unless the Assembly reconvened to overturn that decision. Such a disallowance could have the effect of impeding the Chief Health Officer's ability to manage a public health risk presented by COVID-19, which would significantly undermine the purpose of the bill. Similarly, it would be problematic if a ministerial direction were to be subject to disallowance, potentially affecting the ability of the minister in consultation with the Chief Minister, Chief Health Officer and Human Rights Commissioner to act quickly in implementing low-level restrictions, such as the use of face masks and the regulation of gatherings.

The disallowance of a ministerial direction has the very real potential to impede an effective public health response which seeks to mitigate the public health risk presented by COVID-19 and, therein, the potential for an escalation to a public health emergency. The Chief Health Officer and ministerial directions will be made with reference to expert health advice, including that of the Australian Health Protection Principal Committee. The government is of the firm view that our public health response must be guided by the latest public health advice, not politics. Having said that, the bill does require vaccination directions made by the executive to be disallowance instruments. This provides an increased level of parliamentary scrutiny in line with COVID-19 management declarations.

The government is of the view that this tiered approach to the scrutiny of the exercise of powers under the bill, is the right approach, recognising the significant human rights implications associated with vaccination mandates. From these comments, it is probably clear that the government will not be supporting the opposition amendments to make ministerial and Chief Health Officer directions disallowable. All directions made under a COVID-19 management declaration must be based on clear public health advice from the Chief Health Officer, to ensure any restrictions imposed on the community are justified and proportionate to the level of risk being managed in the ACT. The bill already includes a range of safeguards to ensure such directions are proportionate to the risk of COVID-19 and limit human rights to the least extent possible, but our experience is that these measures may need to be implemented and changed on short notice.

The bill will require any vaccination direction made by the executive to be based on advice from the Chief Health Officer, as well. A vaccination direction may only be in force if the executive is satisfied that it is necessary to prevent or alleviate the risk presented by COVID-19. The government is committed to continuing the carefully targeted approach to vaccination directions noting the impact these directions can have on vulnerable people and those attending such settings. As I have noted, a vaccination direction would be a disallowable instrument, noting the significant impact such a declaration would have on rights under the Human Rights Act.

Following consideration of the committee inquiry report on the bill and views expressed by the Human Rights Commissioner, the government will move an amendment to allow a person to apply for an internal review in relation to a decision to refuse a vaccination exemption or grant an exemption subject to conditions on the grounds stated in a vaccination direction. However, given the potential for significant

workload and abuse of process we will not be supporting the opposition's amendment to also include an external decision review for these exemptions. This is a matter of practicality as well as recognising the very significant safeguards that are already built into the bill, including the human rights considerations required to be taken into account in making exemption guidelines.

The bill requires that a COVID-19 management direction include a statement about the nature of the risk presented by COVID-19 and the grounds on which the direction is necessary to prevent or alleviate the risk. The executive minister and Chief Health Officer may only make a direction if they are satisfied it is necessary to prevent or alleviate the risk presented by COVID-19, and they must present and publicly release the public health advice to support such measures. It will also be a requirement for the executive minister and Chief Health Officer to consult with the Human Rights Commission before making a direction unless there is an urgent need to make a direction, in which case consultation with the Human Rights Commission must occur as soon as practicable afterwards.

The bill also sets out requirements for the making of exemption guidelines. Exemption guidelines will provide a further degree of transparency on how exemptions decisions are made and reviewed. The bill provides that guidelines are notifiable instruments, and consultation must be undertaken with the Human Rights Commission to ensure the guidelines are consistent with human rights. Division 6C.6 of the bill details the process for a person to seek an exemption or an internal review of certain decisions made in relation to an exemption application.

The government will move an amendment to include the Director-General of the ACT Health Directorate in the definition of "relevant decision-maker" as the decision-maker in determining an application to exempt a person from a vaccination direction. The government amendment resulted from government amendment 22, which introduced internal review rights for an exemption decision under the vaccination direction. If a person is not satisfied with the outcomes of an internal review, in certain circumstances the person will be able to seek a review by an independent external reviewer. The types of decisions where an external review may be sought are in relation to ministerial direction to prevent or limit entry into the ACT on medical or compassionate grounds and a Chief Health Officer direction involving a requirement to segregate or isolate. External review is an additional safeguard against unintended consequences impacting on a person's interests and wellbeing.

The government will also move an amendment to include a new section 118ZCA, which empowers the minister and Chief Health Officer to make a standing exemption. The ability to issue a standing exemption throughout the COVID-19 public health emergency in response to a particular direction has been an important measure to provide a flexible and responsive approach to our management of COVID-19. It is anticipated that the ability to enact a standing exemption will be critical should the COVID-19 situation escalate in the ACT.

The ACT government acknowledges that the bill promotes, engages and limits a range of human rights under the Human Rights Act 2004. The government consulted with the Human Rights Commissioner in the drafting of the bill and the proposed

government response to the committee inquiry report. Human rights protections in the bill include the requirement for all public health directions to be consistent with human rights and are subject only to reasonable limits that are demonstrably justified in accordance with the Human Rights Act.

The bill requires statements to be publicly released by the Minister for Health, Chief Health Officer and the executive, outlining how the measures within each direction are consistent with the Human Rights Act. Consultation must also occur with the Human Rights Commissioner before making a new direction or as soon as practicable after the making of the direction in urgent circumstances. Additionally, the Chief Health Officer is to provide advice on the public health risks which justify the COVID-19 management declaration and the particular measures which are being proposed in any direction.

The ACT government recognises the importance of proper consideration of the impact of public health directions on human rights. For this reason, the government has ensured that this legislation enshrines obligations for consultation and transparency in the ongoing management of COVID-19. The government will move an amendment to make it clear that proposed new part 6C is not intended to interfere with an oversight agency's functions by an entity that involves visiting a place of detention under a territory law. The amendment will provide that a person must meet the requirements under any Chief Health Officer, ministerial or executive vaccination direction—including, for example, wearing a face mask where that is required or isolating because the person has tested positive for COVID-19.

In my ministerial statement on the ACT government response to COVID-19 on 1 June I advised members that, following advice from the Chief Health Officer, I had extended the existing public health emergency for a further declaration for a further period of 90 days until 11 August. This extension reflects the uncertainty and increased risk associated with the upcoming winter season and anticipated increase in case numbers and pressure on our health system. (*Extension of time granted.*)

There will continue to be consideration of the status of the emergency every 30 days, as has been the case throughout the pandemic response. The passage of this bill will provide a framework for the Chief Health Officer to be able to consider making a recommendation to government as to whether a step-down approach is justifiable, noting, however, that any recommendation will be subject to the risk that is being managed at the time of the recommendation. I will continue to have ongoing discussions with the Chief Health Officer in relation to the potential timing of a transition to a COVID-19 management declaration.

On behalf of the government, I would like to thank the Standing Committee on Health and Community Wellbeing for its inquiry into the bill, following the government's referral in December last year. I also thank the scrutiny committee for its comments on the bill. I was pleased to table the government's response to the findings of the health and community wellbeing committee inquiry in the March sitting, and I have provided the scrutiny committee with a formal response to address comments raised in *Scrutiny Report 12*.

I would also like to thank the Human Rights Commissioner for engaging in productive consultation with the government throughout the development of the bill. The strong commitment to engagement has meant that the bill has a strong focus on human rights, which the government is committed to. While I acknowledge that the Human Rights Commissioner had sought some further amendments to the bill, I am pleased the government will be bringing forward balanced amendments that address the key issues that have been raised.

Further to the amendments I have mentioned, the government will also move an amendment to require the Chief Health Officer to notify and provide the Public Advocate with the direction, where an individual is given a direction by the Chief Health Officer to segregate or isolate. This amendment will ensure that any individual subject to isolation requirements will be afforded an opportunity for the independent oversight of their circumstances.

The bill and the government amendments, which I will move in the detail stage, will ensure that the ACT government can continue to respond to COVID-19 in a proportionate and justified way, based on health advice while balancing key human rights principles and the needs of the community. While we recognise that COVID-19 continues to present risks to those most vulnerable and to the public health system more broadly, this legislation will enable the territory to step down from a public health emergency at the appropriate time and to continue moving towards living with COVID-19. Finally, I thank all those who spoke in the in-principle stage of this debate, and I commend the bill to the Assembly.

Bill agreed to in principle.

Detail stage

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.29), by leave: I move amendments Nos 1 to 4 circulated in my name together and table a supplementary explanatory statement to the government amendments [*see schedule 1 at page 1771*].

Amendments agreed to.

MS LEE (Kurrajong-Leader of the Opposition) (11.29), by leave: I move amendments Nos 1 to 5 circulated in my name together and table an explanatory statement to the amendments [*see schedule 2 at page 1777*].

The Canberra Liberals have always taken a measured approach to the management of the COVID-19 pandemic in the territory, acknowledging the need to balance public safety with individual rights and freedoms. An argument can be made that we need a

way forward on pandemic management that sits between business as usual and a public health emergency. The pandemic is still present, even though for a lot of us life feels like it is getting back to normal. However, it is my view that the proposed bill and amendments introduced by the minister do not quite get the balance right between ensuring public safety and safeguarding individual rights and freedoms.

The amendments that I am proposing today are necessary to improve oversight of and accountability for the powers that would be granted to the executive, the ministers and the Chief Health Officer through this bill. If I may, I will address all my amendments together. I know that we have more coming. My proposed amendments would achieve three things: (1) adding an external review mechanism for vaccine exemption decisions; (2) removing the ability of the Chief Health Officer to make a direction to an individual; and (3) making all instruments disallowable rather than notifiable.

These are the three areas where the bill is lacking. It is not just the Canberra Liberals who believe this is the case. It was also reflected in the recommendations of the Standing Committee on Health and Community Wellbeing, following its inquiry into the bill. The committee took into account the comments of various community organisations and stakeholders when compiling its findings and making recommendations on the bill. The recommendations are also very much in line with the views of Canberra's community advocates. The Standing Committee on Justice and Community Safety, in its scrutiny role, has also raised a significant concern about oversight, particularly around notifiable and disallowable instruments. In its most recent report, it notes that the government's response regarding those instruments was unsatisfactory.

My proposed amendments address the key shortcomings that remain in the government's proposed legislation and amendments. First, on the external review mechanism for vaccine exemption decisions, although the government is proposing an amendment to its original bill to include an internal review mechanism, it has not included a provision for external review. Having recourse to external review is a critical aspect of government accountability and is much more accessible for most of the community than judicial review under the Administrative Decisions (Judicial Review) Act. The same oversight principle applies to my amendments proposing to make decisions disallowable rather than notifiable. The powers conferred by this legislation are significant and must be subject to sufficient, appropriate and justifiable scrutiny and oversight. It is in the interests of all Canberrans that we retain the ability to disallow a direction in the Assembly if a majority of us believe it to be unreasonable. This is not a duty that we take lightly.

Finally, I am proposing an amendment that negates the power available to the Chief Health Officer under this legislation to provide directions to individuals. The government has provided no adequate justification for the inclusion of this provision and has ignored community feedback on it. My amendment will address this issue by removing the power of the Chief Health Officer to make a direction in relation to a particular individual.

I believe that my proposed amendments significantly strengthen this legislation. Given that the Minister for Health has already indicated that the government will not

be supporting my amendments, can I say on the record that that is incredibly disappointing, because the measures that I have introduced through my amendments are designed to provide the right balance between decisions that need to be made—decisions that have a very wide-ranging encroachment on individual freedoms and rights—and the ongoing challenges that we face as a community in managing and dealing with the COVID-19 pandemic.

These are very reasonable measures that I have put forward to ensure that there is a robust accountability and oversight mechanism. It is extremely disappointing—but perhaps, given everything that has been going on in the last couple of months, not surprising—that Labor and the Greens have said publicly that they are not going to support my amendments. That is very disappointing indeed for the entire Canberra community.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.35): I wish to speak briefly on Ms Lee’s amendment No 3, which, as she said, would remove the capacity for the Chief Health Officer to make a direction in relation to a particular person. We did consider whether this would be an appropriate amendment and, in consultation with the Human Rights Commission, decided not to make this amendment but instead to make an amendment where, if the Chief Health Officer made a direction in relation to an individual person, that direction would be provided to the Public Advocate to ensure specific oversight of that individual direction.

This reflects the fact that the Chief Health Officer already has the capacity under the Public Health Act to make directions in relation to individuals where there is a specific risk associated with that. As noted in the government response to the Standing Committee on Health and Community Wellbeing inquiry into the bill, the government is of the view that the Chief Health Officer’s ability to issue a direction to an individual person is appropriate, given the application of relevant protections and safeguards.

The Human Rights Commission, in its submission to the Standing Committee on Health and Community Wellbeing inquiry into the bill, acknowledged that safeguards have been included in the bill in relation to a Chief Health Officer direction to a particular person, including that the person must be given the direction in writing and that a direction issued to a particular person involving segregation or isolation is subject to internal and external review rights.

The Human Rights Commission made a submission which stated that “real-time oversight and monitoring are required to protect the human rights of vulnerable individuals who are subject to an individual direction”, and that is exactly what the government’s amendment No 5, which has been circulated, does. It requires the Chief Health Officer, as I said, to notify the Public Advocate of any direction issued to an individual person. This has also been introduced in response to recommendation 8 of the Standing Committee on Health and Community Wellbeing inquiry into the bill.

I can give you an example of where this might be relevant. A circumstance may give rise to a direction issued to a particular person where there is a highly virulent and transmissible variant of COVID-19. Instead of issuing a direction at large, instead of locking down the whole community, it may be appropriately contained through a less severe measure, on a population basis, by the issuing of a direction to a particular person or a particular group of people.

This is a very standard way of managing notifiable diseases in our community. The management of monkey pox is a very practical example at this point in time. We are seeing a very small number of cases of monkey pox in the Australian community at this point in time, and there would be individual requirements for people to isolate and for close contacts to be contact traced, and for them to isolate as well, in relation to a potentially transmissible disease. These things make up a standard way of managing a public health risk without having to make a community-wide direction in relation to that.

Question put:

That amendments Nos 1 to 5 be agreed to.

The Assembly voted—

Ayes 7

Mr Cain
Ms Castley
Mrs Kikkert
Ms Lawder
Ms Lee
Mr Milligan
Mr Parton

Noes 15

Mr Barr
Ms Berry
Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis
Mr Gentleman
Ms Orr
Dr Paterson
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendments negatived.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.42): I move amendment No 5 circulated in my name [*see schedule 1 at page 1771*].

Amendment agreed to.

MS LEE (Kurrajong-Leader of the Opposition) (11.42), by leave: I move amendments Nos 6 to 13 circulated in my name together [*see schedule 2 at page 1778*].

Question put:

That amendments Nos 6 to 13 be agreed to.

The Assembly voted—

Ayes 7

Mr Cain
Ms Castley
Mrs Kikkert
Ms Lawder
Ms Lee
Mr Milligan
Mr Parton

Noes 15

Mr Barr
Ms Berry
Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis
Mr Gentleman
Ms Orr
Dr Paterson
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendments negatived.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.46), by leave: I move amendments Nos 6 to 21 circulated in my name together [*see schedule 1 at page 1772*].

Amendments agreed to.

MS LEE (Kurrajong—Leader of the Opposition) (11.46): I move amendment No 14 circulated in my name [*see schedule 2 at page 1779*].

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 7

Mr Cain
Ms Castley
Mrs Kikkert
Ms Lawder
Ms Lee
Mr Milligan
Mr Parton

Noes 15

Mr Barr
Ms Berry
Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis
Mr Gentleman
Ms Orr
Dr Paterson
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendment negatived.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.48): I move amendment No 22 circulated in my name [*see schedule 1 at page 1775*]. For the information of those who have not been in the chamber, this amendment will provide a right to internal review of a decision in relation to a vaccination exemption where the decision was to not exempt a person or exempt a

person subject to conditions. The government is confident that the consultative process with the Human Rights Commission for vaccination directions and the accompanying guidelines provide a robust internal scrutiny process which is then bolstered by the fact that the instrument is ultimately subject to disallowance.

The ACT government will recognise any existing exemptions, including any COVID-19 exemption recorded on the Australian immunisation register. The government will continue to be informed, on the advice of the Chief Health Officer and the information from the Australian Health Protection Principal Committee and the Australian Technical Advisory Group on Immunisation, in relation to the application of exemptions.

Exemption guidelines developed by the government will be implemented as a notifiable instrument, given the importance that the guidelines are notified where a vaccination direction is in existence and has not been disallowed. The ACT government will consult with the Human Rights Commission in the development of these guidelines to ensure that they are consistent with human rights.

The amendment also inserts a new section which provides for the internal review process, following an application for review. The new decision-maker, the internal reviewer, is required to conduct a review of the original decision and confirm the decision, vary the decision or revoke the decision and make a new decision. The new decision-maker must give notice of their decision in writing as soon as possible and not later than five days after the day the application for internal review is made.

MS LEE (Kurrajong-Leader of the Opposition) (11.50), by leave: I move amendment No 1 to the Minister for Health's proposed amendment No 22, which has not been considered by the scrutiny committee [*see schedule 3 at page 1780*]. I present a supplementary explanatory statement to the amendment.

Question put:

That **Ms Lee's** amendment to **Ms Stephen-Smith's** proposed amendment be agreed to.

The Assembly voted—

Ayes 7

Mr Cain
Ms Castley
Mrs Kikkert
Ms Lawder
Ms Lee
Mr Milligan
Mr Parton

Noes 15

Mr Barr
Ms Berry
Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis
Mr Gentleman
Ms Orr
Dr Paterson
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendment negatived.

Original question resolved in the affirmative.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.53), by leave: I move amendment No 23 circulated in my name, which has not been considered by the scrutiny committee [*see schedule 1 at page 1776*].

Amendment agreed to.

MS LEE (Kurrajong-Leader of the Opposition) (11.53), by leave: I move amendments Nos 15 to 17 circulated in my name together [*see schedule 2 at page 1779*].

Question put:

That amendments Nos 15 to 17 be agreed to.

The Assembly voted—

Ayes 7

Noes 15

Mr Cain
Ms Castley
Mrs Kikkert
Ms Lawder
Ms Lee
Mr Milligan
Mr Parton

Mr Barr
Ms Berry
Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis

Mr Gentleman
Ms Orr
Dr Paterson
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendments negatived.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.55), by leave: I move amendments Nos 24 and 25 circulated in my name together [*see schedule 1 at page 1776*].

Amendments agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 15, by leave, taken together and agreed to.

Clause 16.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.56), by leave: I move amendments Nos 26 and 27 circulated in my name together [*see schedule 1 at page 1777*].

Amendments agreed to.

Clause 16, as amended, agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 11.57 am to 2.00 pm.

Ministerial arrangements

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (2.00): Minister Vassarotti is again not present in question time due to quarantine. Mr Gentleman will assist with questions in the building and environment space and the Deputy Chief Minister will assist with housing and homelessness.

Questions without notice

Canberra Institute of Technology—procurement

MS LEE: Madam Speaker, my question is to the Minister for Skills. Minister, today it was reported that there have been seven questionable contracts at CIT and that one individual has received a total of at least \$8.87 million since 2017, mainly to provide mentoring services to the CEO. Minister, \$7.21 million worth of these contracts have been signed since you have held the portfolio. The latest is valued at just under \$5 million, or almost \$10,000 per day for two years. Minister, on what date were you first made aware of this series of questionable procurements?

MR STEEL: I became aware of the latest contract that was signed and put up on the contracts register yesterday. I have also been aware of some other contracts that have been signed between the individual and a series of affiliated companies since as early as last year, when I also raised some concerns with and asked some questions of the CIT board.

It is important to note that CIT operates under a governing board and executive external to government, in line with the Canberra Institute of Technology Act 1987. So the release and negotiation of external contracts are matters for the CIT board and executive. As I said, the government was only informed of this latest contract yesterday.

MS LEE: Minister, what advice did you receive when you asked those questions of the CIT board, and will you table that advice?

MR STEEL: Some detailed information was provided to me in relation to the earlier set of contracts. We expect that the CIT uses public funding efficiently and effectively. I have also written to the chair of the CIT board to ask for a detailed explanation of the latest contract and require that information to be provided to government within five working days. Those questions will be around the quantum of the funding and its efficient use and what the deliverables will be for this large contract that has been provided.

CIT have advised me already and provided some high-level information that the services include organisational change management and support, and delivering strategic initiatives, including those associated with transformation under the Strategic Compass 2025. They have advised me that the contract was entered into following an open tender process in which three providers participated. But I will be seeking further explanations and detailed information about this contract. I expect that it will be provided to me within those five days.

MR MILLIGAN: Minister, do you think it is appropriate for a government organisation to pay \$10,000 per day for mentoring for the CEO?

MR STEEL: I refer the member to the answer to the previous question, where I have outlined that I am seeking answers to those questions from the board.

Canberra Institute of Technology—procurement

MS LEE: My question is to the Minister for Skills. Minister, earlier this year, the Canberra Liberals called for an audit of all government procurements over the past five years. These CIT contracts are exactly the kind of anomalies that would have been uncovered by such an audit, but you rejected our call. As the minister responsible for both Procurement ACT and the CIT, what responsibility do you take for this series of questionable CIT contracts?

MR STEEL: I refer the member to the governing structure under the Canberra Institute of Technology Act 1987, which shows that the CEO is clearly directly accountable to the board. I will be asking the board for detailed information about the nature of this contract, what it is hoping to achieve and what the deliverables are under the contract. But the matter that the member referred to in Procurement ACT is quite a separate one, and I am not sure that the same issue applies here. I will certainly be asking those questions and getting detailed advice from the board about the nature of this particular contract.

MS LEE: Minister, if you, as the minister responsible, are not responsible for the questionable expenditure of taxpayer funds then who is?

MR STEEL: I thank the member for her question. I refer her again to the act.

MR MILLIGAN: Minister, what assurances can you provide to Canberrans that this is not happening in other government agencies?

MR STEEL: I refer the member to my answer to an earlier question, when I said that we will be seeking an explanation from the CIT board about this contract. Until we have considered that information, it would be too early to say.

Canberra Institute of Technology—procurement

MR MILLIGAN: Madam Speaker, my question is to the Minister for Skills. Minister, late last year an Auditor-General's report highlighted systemic issues with

the ACT government's procurement culture. In your response to that report, you assured Canberrans that your government's procurement processes had been fixed; yet, the most recent contract CIT signed with one individual is for \$4,999,990. That is \$10 under the Government Procurement Board's \$5 million review threshold. Minister, do you think this is suspicious?

MR STEEL: I thank the member for his question. I note that the questions that I will be asking of the board are through the letter that has been sent through to the CIT board. I will be asking questions about the nature of this contract, and we will find out CIT has to say about what is being delivered under this contract.

MR MILLIGAN: Minister, are you aware that the first payment made to the consultant as soon as this contract was signed was for nearly \$1.7 million?

MR STEEL: No, but I will be asking the CIT board a number of questions and I am looking forward to hearing their response to the letter that has been sent through to them in relation to this latest contract.

MS LEE: Minister, what are the services that have been delivered for that up-front payment of nearly \$1.7 million, and will you table your letter asking the series of questions to the CIT board, by the close of business today?

MR STEEL: I am happy to table that letter. The letter asks a number of questions of the CIT board, and I can provide that for the Assembly's benefit:

Canberra Institute of Technology contract 2022.GS3003590.220—Letter to Mr Craig Sloan, Chair Board of Directors, Canberra Institute of Technology, from Mr Chris Steel, Minister for Skills.

Ms Lee: I have a point of order. The minister has not answered the first part of my question about the services delivered for the payment on the signing of the contract for \$1.7 million.

MADAM SPEAKER: There is no point of order.

Tuggeranong—nurse-led walk-in centre

MR DAVIS: My question is to the Minister for Health. Minister, last week, on Friday, at my electorate office I had some really positive feedback from constituents who have recently received care at the Tuggeranong walk-in centre. They raised concerns with me about the fact that the centre has been closed at short notice in recent weeks. Are you able to outline why that is and what measures are being put in place to protect the service into the future?

MS STEPHEN-SMITH: I thank Mr Davis for the question. Indeed, Tuggeranong residents have benefited from the existence of the Tuggeranong walk-in centre, the kind of service that the Canberra Liberals used to vehemently oppose but have now finally and belatedly come on board with. There were 3½ thousand presentations in quarter one of 2021-22, and people only had to wait 23 minutes in the median for that

presentation at the Tuggeranong walk-in centre. Unfortunately, there have been a few instances where the Tuggeranong walk-in centre has been closed for either a few hours or a couple of days over the past couple of months due to very high demand across our health services and staffing constraints.

The decision to close the service is based on system pressures, which we have talked about a lot in this place, and includes walk-in centre staff shortages related to team members quarantining at home with COVID-19 or as household contacts, in addition to the usual winter illnesses that result in unplanned leave across walk-in centre services. An exception to that reason for closure was last weekend when staff were redeployed to the Canberra Hospital emergency department to assist with extensive unplanned leave and keep the emergency department operational.

Tuggeranong walk-in centre has, of course, remained open whenever there is a walk-in centre workforce to provide a safe service to the community. There is also a safety factor for walk-in centres in ensuring there are a sufficient number of staff to maintain a safe environment for both staff and patients.

MR DAVIS: Minister, can you confirm that it is the government's intention to retain the Tuggeranong walk-in centre's current service model?

MS STEPHEN-SMITH: I thank Mr Davis. Absolutely. Walk-in centres provide a very important model of care. We are, of course, also committed to establishing a walk-in health centre in south Tuggeranong, which will complement the services provided by the walk-in centre in Tuggeranong and, indeed, the walk-in centre that is available at Weston Creek. On the occasions when Tuggeranong is closed, people are directed to Weston Creek as the next closest walk-in centre. Weston Creek is the largest walk-in centre in terms of the number of treatment rooms that are available.

This is a very important model of care, supporting Canberrans who have minor injury and illness to get quick care, free of charge, at the point of service and taking pressure off our emergency departments. We remain committed to this model.

MS CLAY: Minister, can you tell me the closure rate for the Belconnen walk-in centre and how it compares with the Tuggeranong centre?

MS STEPHEN-SMITH: I do not recall Belconnen walk-in centre having been closed recently as a result of these same pressures. Belconnen walk-in centre is our busiest walk-in centre. It is an extraordinarily well-regarded service, as they all are, and is very busy. One of our decisions around redistributing staff is to make sure that those busy and more central walk-in centres are able to continue to support our community when we have to adjust our staffing levels. Belconnen, obviously, is a key part of that system.

Canberra Institute of Technology—procurement

MR MILLIGAN: Madam Speaker, my question is to the Minister for Skills. Minister, freedom of information documents show that CIT ignored Government Procurement Board advice about improving the tender specifications and processes

for CIT's \$8.87 million worth of contracts with one individual. The contracts also look like they were designed so that he would come out as the preferred tenderer. Minister, will you be looking into this series of CIT procurements to see whether the processes were biased?

MR STEEL: I thank the member for his question. I have asked the CIT board to provide me with further detailed information about the nature of this contract. I will be having discussions, following that, about anything that arises, based on the information that is provided to me. If the information is concerning, then of course I will escalate that.

MR MILLIGAN: Minister, can you assure Canberrans that ACT government agencies do not routinely ignore Government Procurement Board advice and arrange tender processes so that they can hire the contractors that they want?

MR STEEL: I thank the member for his question. That information about the Government Procurement Board advice is not something that ministers get involved with in terms of procurement. It is an arm's-length process. I am not involved directly in this procurement or indeed in other procurements, as is appropriate under probity guidelines. We are just not involved in that process. But I will be asking questions of the CIT board in relation to this particular contract which has been published on the contracts register.

MS LEE: Minister, what responsibility do you take, in addition to ensuring that processes are followed, for the culture that is permeating, to ensure that the procurement processes do not continue to be a problem?

MR STEEL: We have a procurement reform project underway. That follows a review of Procurement ACT that was undertaken last year. The recommendations of that review will be implemented, together with any findings from recent Auditor-General's reports, to improve the transparency, the probity, of our procurement processes, going forward. I look forward to updating the Assembly as that work continues.

Energy—electricity prices

DR PATERSON: My question is to the Chief Minister and Treasurer. Chief Minister, can you please update the Assembly on electricity prices in the ACT?

MR BARR: I thank Dr Paterson for the question. We are in the fortuitous position of being the only state or territory in the national electricity market where regulated electricity tariffs will decline in the coming fiscal year. ACT electricity prices will decrease in nominal terms by 1.25 per cent, and the real decrease will be closer to five per cent—4.93 per cent—when accounting for current levels of inflation. This means that an average household will save around \$23, and an average business around \$88. This comes at a time when other jurisdictions in the national electricity market will be seeing increases in the double digits, which will mean hundreds, and potentially thousands, of dollars in increased costs for households and businesses respectively.

Across the border in New South Wales, the average household electricity costs are expected to be \$800 a year higher than in the ACT. This positive outcome for Canberra households and businesses is the reflection of the long-term policy decisions that the ACT government has been pursuing since 2012—policies that were bitterly opposed by those opposite at that time.

DR PATERSON: Chief Minister, why isn't the ACT seeing the significant price increases announced in other states and territories?

MR BARR: Our transition to 100 per cent renewable electricity has largely driven the decrease in electricity prices here, in contrast to the other states and territories. ACT scheme costs have decreased because of a fall in the large-scale feed-in tariff costs, which account for 86.26 per cent of the ACT government scheme costs for the coming fiscal year.

The ICRC has credited the ACT's long-term renewable energy contracts as "more than offsetting the increase in wholesale electricity costs". As we have been progressively entering into long-term renewable supply contracts over the past decade, the ACT has effectively hedged against future price increases. This shields ACT businesses and households against upward pressures that have caused the significant spike in electricity prices elsewhere in the NEM.

The ACT government's actions in this area have achieved a dual objective—100 per cent renewable electricity, achieved five years ahead of the target I set in 2015, in 2020, as we work towards our target of zero net emissions by 2045, whilst at the same time ensuring price stability for ACT residents and businesses, and shielding us against the sort of impacts that we are seeing in other states and territories.

MR PETTERSSON: Chief Minister, what is the ACT government doing to assist those Canberrans who still struggle with the cost of their power bills?

MR BARR: I thank Mr Pettersson for the question. We do acknowledge that, even though prices are falling in nominal and real terms, there will be tens of thousands of Canberra households who will still need additional support. We have support through a utilities hardship fund, which supports vulnerable consumers to access essentially instant \$100 vouchers through their eligible energy retailer. We provide a utilities concession of \$750 annually to 31,000 eligible low income households towards their energy bills. We provided a one-off \$250 increase, on top of that \$750, in the current financial year, bringing the total concession to \$1,000 in fiscal year 2021-22.

We have our Vulnerable Household Energy Support Scheme, which has committed \$50 million over the next five years to support low income households to become more energy efficient. We have the Home Energy Support Program, which was launched in March, and which has committed \$3.1 million over four years for solar rebates. Eligible households can receive a rebate of up to \$2½ thousand and access to optional interest-free loans through our Sustainable Household Scheme. Through that scheme we are supporting households to make renewable energy upgrades, and offering zero interest loans for a range of products. As of 3 June, almost 3,700

installations had been completed. Loan applications, including the installations, have reached 5,600, worth a total value of nearly \$61 million.

In addition to these programs, we have the low income home energy efficiency program. We introduced electricity pricing reforms to assist Canberrans to lower their energy bills, with electricity retailers now required to compare their prices against the ACT reference price. *(Time expired.)*

Canberra Institute of Technology—procurement

MR MILLIGAN: Madam Speaker, my question is to the Minister for Skills. Minister, in relation to the contracts of over \$8 million to one individual, have you spoken to the chief executive officer of the Canberra Institute of Technology about these procurements?

MR STEEL: Yes, I have in the past, in relation to previous contracts. I have also spoken to the board chair Mr Craig Sloan about previous contracts, and now I have written to him again today to raise further questions about the latest contract that has been notified on the register.

MR MILLIGAN: What explanation did the CEO of CIT provide you for the spending of \$8.87 million dollars on mentoring?

MR STEEL: As I said, it was in relation to the previous contracts, not the current ones. In relation the current one, CIT has advised me today that the contract, and those before it, are intended to support the delivery of CIT's ongoing transformation and delivery of the CIT's procedure compass 2025. The previous contracts were used to support the previous version of that document, and CIT has advised me that the services include change management, in particular, particularly supporting CIT to change as they move into the new CIT Woden campus in the future. And they, of course, have advised me that they entered the contract to deliver those things, but I will be seeking further information about this latest contract, which is for \$4.99 million. I expect them to provide that information to me for my consideration within five working days.

MS LEE: Minister, do you have confidence in the CEO and the chair of the CIT?

MR STEEL: I refer the member to my previous answers, where I have said that I am seeking information from the board, which I will then consider.

Canberra Institute of Technology—procurement

MS LEE: My question is to the Minister for Skills. Minister, under the latest contract awarded by CIT, some of the services to be delivered include “developing system-wide capabilities of situational awareness, early weak signal detection and noise sorting,” and “developing iterative capacity to cycle through adaptive renewal processes across multiple spatial and temporal scales”. Minister, what does this mean?

MR STEEL: I am not sure that ironical expressions are in order, but what I would say is that we are seeking information from the CIT Board about what is intended to be delivered through this contract, which has gone through a tender process and has now been signed and notified on the contracts register. We will be asking about how this is a good use of public funds, CIT funds, and an effective and efficient use of expenditure to achieve the outcomes that CIT is hoping for. They are the questions that I am asking. I will be getting information from the CIT Board, as is appropriate under the governance structure, and I will consider that information.

MS LEE: Minister, given that this information is not included, like other contracts, who is providing this service, what are their qualifications, what is their hourly charge-out rate and what are the milestones?

MR STEEL: That is the sort of information I am requesting from the CIT, to provide me with further information. The contract provides a level of information there. I would like further detail about what they intend to deliver and what the outcome measures are under the contract and whether it is an effective use of public funding.

MR MILLIGAN: Minister, how will CIT determine whether these services have been delivered?

MR STEEL: I refer the member to the answer to the last question, Madam Speaker.

Federal government—territory rights

MR PETTERSSON: My question is to the Minister for Human Rights. Minister, with the new make-up of the federal parliament, what preliminary work is the ACT government undertaking in preparation for a possible repeal of the Andrews bill?

MS CHEYNE: I thank Mr Pettersson for the question. It is clear that the ACT is in a much better position to have our rights restored to legislate on voluntary assisted dying, following the federal election in May. We have waited years, decades even, for the federal parliament to repeal the Andrews law, which amended the ACT's and the Northern Territory's self-governing acts. It prevents the territories from making laws with respect to voluntary assisted dying. The ACT can't afford to waste any time on this. The Chief Minister and I are reiterating to our federal counterparts that this is an important issue.

Opposition members interjecting—

Mr Hanson: What do you mean “can't afford to”, when you can afford \$8.87 million on mentoring?

MADAM SPEAKER: Members! Mr Hanson: inappropriate. Please be quiet.

MS CHEYNE: This is an important issue and one that needs to be brought on for debate without delay. It is a simple legislative change that will put us on an equal footing with Australians who live in the states. In anticipation of the Andrews bill

being repealed, work is beginning behind the scenes. I have asked officials to begin undertaking a comparative jurisdictional analysis of how the states have legislated. Given that every state has passed its own scheme, we are well placed to learn from their experiences what the various schemes look like, what works and where we can improve. As we are surrounded by New South Wales, I have specifically asked officials to look closely at the New South Wales framework, passed very recently.

The comparative analysis will also be drawing from our own inquiry into end of life choices, as a starting point. This committee inquiry was the ACT's most recent community consultation. It is important that we have genuine community input every step along the way. This work will inform a consultation paper to test some of the key assumptions and questions for an ACT scheme, ahead of a draft bill. We are putting in the legwork early, now, so that when we do have our rights restored we will be ready.

MR PETTERSSON: Minister, how does the ACT's approach to voluntary assisted dying compare with the legislative processes of other jurisdictions?

MS CHEYNE: I thank Mr Pettersson for the question. Every state, every single state, has been able to get on with discussing with its communities how to progress a voluntary assisted dying framework, without having to ask the federal parliament for permission. Unlike our state counterparts, the ACT has been hamstrung by the outdated Andrews bill that prevents us from deciding for ourselves about whether and how to legislate for voluntary assisted dying. This law is compromising our democratic rights, and it may be inconsistent with Australia's international human rights obligations—our own human rights obligations. It is outdated, patronising and unconscionable.

The last federal government did all it could to stall, to ignore and to disregard the territory's rights. Our own then senator Zed Seselja consistently failed to stand up for his constituents. I am relieved that the new federal government is listening to us and has said that it will progress a bill to right this wrong. However, I want to be clear that we will have a strong and robust community consultation process, just like every other state has done, when considering the development of these laws.

MS ORR: Minister, how can the community get involved in this issue?

MS CHEYNE: I thank Ms Orr for the question. The first hurdle is to remind federal parliamentarians that they need to restore our rights. We know that the vast majority of Canberrans support voluntary assisted dying, but we will need to have a debate about what Canberrans want that scheme to look like. This is a sensitive and complex issue that necessarily requires significant consultation and community debate. As mentioned earlier, I have already asked officials to start on the preliminary work so that we are ready to constructively begin the community conversation as soon as we are allowed. When that legislative bar is lifted, I welcome the community having their say.

This may well be an iterative process, and I would expect that any draft bill would be referred to an Assembly committee for further examination. While we are currently in a very preliminary stage, we will be engaging with the community closely as soon as

we can. The ACT is in the best position it has ever been in to have its rights restored. Canberrans have waited long enough. The ACT government are doing everything we can so that we are ready when it happens.

Canberra Institute of Technology—procurement

MS LEE: My question is to the Minister for Skills. Minister, in reference to the series of questionable CIT contracts to one individual, totalling \$8.87 million, the latest contract, valued at nearly \$5 million over two years, equates to a cost to the taxpayer of just under \$10,000 a day. Meanwhile Canberra's teachers, nurses, the staff at Dhulwa, police and first responders experience violence, threats, trauma and stress in their workplaces on a daily basis under your government. Imagine what a difference \$10,000 per day would make to our frontline staff. Minister, what do you say to the teacher who contacted my office this morning after reading this ABC story, shocked that CIT is paying \$10,000 per day for mentoring when they earn \$400 per day as a relief teacher in one of Canberra's schools?

MR STEEL: I say that we are absolutely committed to the efficient and effective use of public funding, and that is why I am asking questions of the CIT board about this particular contract that was put up on the contracts register yesterday. I became aware of it only yesterday, and I am asking those very serious questions, and asking for an answer within five working days, to consider the detail of why this contract has been entered into, and what it will deliver for the CIT and the broader community, in line with community expectations.

MS LEE: Minister, what do you say to the members of ACT Policing who are overworked and understaffed, and at the same time your government is spending \$10,000 per day on one consultant?

MR STEEL: I refer the member to the answer to the previous question.

Opposition members interjecting—

MADAM SPEAKER: Mr Milligan, you can have the call, but it is difficult to hear who got the first call, with all of the noise.

MR MILLIGAN: Minister, when your government is spending \$10,000 per day on one consultant, what message does that send to Canberra's nurses, who have been under enormous pressure during COVID-19?

MR STEEL: Madam Speaker, same question; same answer.

Opposition members interjecting—

MADAM SPEAKER: Members, enough.

Municipal services—mowing

MS CLAY: My question is to the Minister for City Services. Minister, we hear a lot about mowing in this Assembly, and there are a lot of different views about where

Canberra should be mown and how often. And there is a real yearning to protect our biodiversity in this city. At the moment I am hearing regular reports that City Services sometimes mows over marked Landcare areas by accident. That is a real shame. People have put a lot of work into planting those areas, and it destroys the plants and wildlife that live there. What steps are you taking to ensure City Services does not mow over known Landcare areas?

MR STEEL: I thank the member for her question. I think she has noted in her question some of the competing priorities of our mowing program, which includes safety, amenity and environmental priorities as well as ensuring that we maintain culturally significant sites and also infrastructure. So we need to make sure that we balance those priorities. We work very closely with the conservator, particularly in identifying areas that need to be considered, as part of the mowing program design. Often those areas are marked clearly with bollards to make sure that both passers-by of the public understand that these are areas that may not be mown, but also that the mowing contractors and in-house mowing teams are aware of that. TCCS works collaboratively with our volunteer groups to identify areas that should not be mown. From time to time I realise that they make mistakes in that. To help clarify that, we are undertaking consultation on an open space land management plan later on this year. This new plan will identify areas for rewilding and go into the mowing practices that will be employed on various sites around Canberra to make sure that we can meet the priorities and expectations of the community that I have outlined.

MS CLAY: Can you describe some of the challenges that City Services faces when it tries to create a no-mow area?

MR STEEL: Clearly, it is some of those competing priorities. Many people in our community expect that areas will be mown, and when they are not—even if it is for a rewilding purpose—some concerns are often raised about that. Setting clear expectations about what areas will be mown is part of the work that we want to do on the open space land management plan—to consult with the community about that and engage in a conversation about what those areas are, but also what needs to be done to more clearly mark some of those areas. I mentioned the bollards before. Is it signage? Is it fencing? Are there other types of initiatives to really clearly set out which areas, are for mowing and which are to be left for rewilding or for planting by various volunteer groups? That is something that is going to be a really useful collaborative exercise, and we are looking forward to engaging with the community on it later on in the year.

MR BRADDOCK: Has TCCS trialled any no-mow areas, as part of a demonstration or study?

MR STEEL: There are, as I mentioned, a number of areas that are not often mown, and that is for a range of different reasons. Sometimes they are marked out. It still requires, often, a conversation. I know that I have been having a conversation with Mr Pettersson and the residents in Crace about the hill in Crace, which is not necessarily mown as often as people would like. It was intended that that area would be mown less often to support biodiversity outcomes. That is a conversation that we need to have with the community. There are a number of existing sites, and we will be

looking at how we can identify more in collaboration with some of those volunteer groups that want to do more planning, and want to care for some of our reserves and undertake more rewilding activities in the bush capital.

Canberra Hospital—safety

MS CASTLEY: My question is to the minister for workplace safety. The *Canberra Times* understands that last Thursday WorkSafe issued a workplace safety improvement notice at the Canberra Hospital emergency department. Is this correct and, if so, what were the safety issues that made WorkSafe attend the ED and what improvements have been made?

MR GENTLEMAN: I thank the member for the question. It is probably a matter for Minister Stephen-Smith with regard to the location of the WorkSafe issue. Of course, WorkSafe do a lot of work to provide the best safety outcomes for Canberrans and they work across government as well as the private sector in the ACT. I will take the detail of the question on notice and come back to the member.

MS CASTLEY: To be confirmed on notice will also be what improvements have been made, if any. My first supplementary question is: has WorkSafe attended the ED in the past four years?

MS STEPHEN-SMITH: I will take that question, Madam Speaker, as Minister for Health. I am aware that WorkSafe has been attending the emergency department. I do not think it is appropriate to ask Minister Gentleman to take on notice what improvements Canberra Hospital is making. I am happy to take that question on notice as well in terms of what improvements Canberra Hospital is making.

I understand that WorkSafe has been attending the emergency department to talk with staff about the particular workplace pressures that exist at the moment, which we have talked about many times, in terms of the very high levels of demand and the staffing pressures that exist within the emergency department and how these are being managed.

MR CAIN: Minister—and I will let you choose—how many times has WorkSafe attended the Canberra Hospital and emergency department in the last two years, and why?

MS STEPHEN-SMITH: Obviously, I will have to take the detail of that question on notice. All of our public service agencies are very aware of their responsibility to report matters to WorkSafe. Canberra Health Services not only includes Canberra Hospital but also a range of other facilities as well. Where there are incidents that need to be reported to WorkSafe, they will be reported and where they want to seek advice from WorkSafe and that is appropriate, they will also work collaboratively with WorkSafe.

I think, again, it is a bit of a stretch to imply that because WorkSafe is visiting somewhere that that is necessarily a negative thing. It is actually a productive relationship between many of our directorates and WorkSafe to ensure that we are

supporting work health and safety right across the ACT public service, including in our health services.

Ms Castley: On a point of order, Madam Speaker, the question was how many times has WorkSafe attended—

MS STEPHEN-SMITH: And I took that question on notice, Ms Castley.

Ms Castley: Great.

MADAM SPEAKER: Members!

Government services—culturally and linguistically diverse communities

MR BRADDOCK: My question is to the Minister for Multicultural Affairs. Minister, we know that certain culturally and linguistically diverse communities face increased barriers in accessing government services. It is said if you do not count it, you cannot see it, and if you cannot see it you cannot make sure the service addresses the specific needs. Bearing this in mind, what demographic data is collected on culturally and linguistically diverse clients of ACT Government services?

MS CHEYNE: Thank you, Madam Speaker. And as Mr Braddock noted, we are a proudly multicultural city here in the ACT and we are committed to fostering a city that is inclusive and does recognise that diversity and responds accordingly. So ACT government directorates determine their own scope and methods for data collection which relates to service users and other interactions and how that is used. And so, I am advised that there is not a consistent collection across directorates. You could probably see why that is, in some ways. And that is not necessarily information that is shared across government. So while there is that data collection which can be captured by the different directorates, it has been a matter for the different directorates and different ministers would be speaking to that.

But I would acknowledge that the lack of centralised collection could be creating a potential knowledge gap, perhaps, regarding the needs of our CALD communities by the ACT government. However, I can confirm that the Community Services Directorate is working with the ACT Data Analytic Centre in CMTEDD to consider options for developing an accurate, detailed and centralised data source in the ACT government on the demographics of CALD people living in the ACT and how we can use that data to better inform our services.

MR BRADDOCK: Would that improved data be available to all ACT government services to be able to better understand their clientele?

MS CHEYNE: I will take that on notice, Madam Speaker.

MR DAVIS: How does the government order and then prioritise what data it collects to best support service provision to the CALD community?

MS CHEYNE: I want to thank Mr Davis for the question, Madam Speaker. I went to this a little bit in my previous answer—it is a matter for individual directorates; it is not centralised; I am not the minister for this data collection. But what I can do is talk a little bit about data collection that occurs within Access Canberra and perhaps touch a bit on the Multicultural Recognition Act, the exposure draft of which I tabled today.

So for example, Access Canberra collects some demographic data in its annual survey. For example, we know that when it comes to CALD community users, that generally those who identify that they speak a language other than English at home are more likely to attend a service centre than someone who might primarily be speaking English at home. So, I think what we could then deduce for that, usefully, is that if we ever did see a decline in service centre attendance overall, that there are sections of a community when an in-person service is more highly valued, and that would certainly help guide our service offering. But I would draw members' attention to section 13 in our proposed multicultural recognition bill, which I tabled the exposure draft of this morning. We expect it would, and indeed its intention would, be encouraging the different directorates to be proactively addressing gaps in accessibility, creating more equitable access and working to fulfil the multicultural charter. While it is flexible in how it is designed and how directorates go about that, I could certainly envisage that more considered data collection could be one way of achieving that, depending on the directorate.

Federal government—Aboriginals and Torres Strait Islanders

MS ORR: My question is to the Minister for Aboriginal and Torres Strait Islander Affairs. Minister, what does the new Federal Labor government's commitment to advance a constitutionally enshrined Voice to Parliament mean for Aboriginal and Torres Strait Islander people in the ACT? How will the ACT government support this?

MS STEPHEN-SMITH: Thank you, Madam Speaker. I thank Ms Orr for her question. Well Madam Speaker, as you know, the Uluru Statement from the Heart was a generous invitation to government from Aboriginal and Torres Strait Islander leaders across Australia to chart a new path forward in the journey of reconciliation.

It was disheartening that the outgoing Liberal government did not commit to implementing the Uluru Statement in full, and that is just one reason I was so pleased with the recent election of an Albanese Labor government. I recognise that work towards an Indigenous voice was progressing under the outgoing Liberal government in partnership with the states and territories. And I acknowledge and thank outgoing Minister Ken Wyatt for his commitment to this work and all Aboriginal and Torres Strait Islander leaders who had engaged in the co-design process to date.

But this was a different model to what was proposed in the Uluru Statement. It was a—

Opposition members interjecting—

MADAM SPEAKER: Members!

Ms Orr: I note that Mr Hanson is having a nice conversation across the chamber. It does make it very hard to hear, when the minister is addressing you, with her back to us, as is appropriate.

MADAM SPEAKER: Mr Hanson, I think you have the cue to be quiet.

MS STEPHEN-SMITH: This was, of course, a different model to what was proposed in the Uluru Statement; it was a second best option. Having a voice to parliament enshrined in the Constitution will provide all Aboriginal and Torres Strait Islander people with autonomy of political expression as a foundation of Australian democracy.

As the only jurisdiction with a democratic Aboriginal and Torres Strait Islander elected body to advise and scrutinise government, the ACT is uniquely well placed to share our experience and contribute to this work. I look forward to working in partnership with the new Labor government, Aboriginal and Torres Strait Islander leaders, and other state and territory governments on how we can advance a constitutionally enshrined voice to parliament that meets the needs of diverse Aboriginal and Torres Strait Islander communities across Australia.

MS ORR: Minister, what does the federal Labor government's commitment to a Makarrata Commission mean for Aboriginal and Torres Strait Islander people in the ACT? How does this align with the ACT government's existing work in this space?

MS STEPHEN-SMITH: Thank you, Madam Speaker. I thank Ms Orr for the supplementary. The other key element of the Uluru Statement from the Heart was the call for a Makarrata Commission as part of the path to treaty. The new Labor government has also committed to implement the commission. Madam Speaker, Makarrata means the coming together after a struggle.

The Uluru Statement describes the Makarrata Commission as having the remit to facilitate truth telling and oversee treaty or agreement making between government and First Nations peoples.

Treaty is a complex process, the ACT government is committed to supporting traditional owners to undertake a treaty process here in the ACT, should they wish to do so. But there are significant challenges to overcome, to advance this work. We have facilitated some initial conversations, but we know there will be significantly more talking, thinking and healing to be done.

We are, likewise, continuing to work with community leaders on how best to inquire into and address the overrepresentation of Aboriginal and Torres Strait Islander people in the justice system. We have heard that truth-telling could be an important part of this process but also that many recommendations have already been made by Aboriginal and Torres Strait Islander led reviews and that we must act on these recommendations as well. While the time frame for the Makarrata Commission is not

known, and the Labor government has been clear that it will prioritise the voice process in line with the Uluru Statement, I am hopeful that a focus on truth-telling and agreement-making will support and supplement the ACT government's work in supporting the interest of First Nations Canberrans, which is, of course, also supported by the \$20 million healing and reconciliation fund.

DR PATERSON: Minister, how will the new federal Labor government and the ACT government support jobs for Aboriginal and Torres Strait Islander Canberrans?

MS STEPHEN-SMITH: Thanks, Madam Speaker. And I thank Dr Paterson for the supplementary. Well Aboriginal and Torres Strait Islander public servants are an important part of both our ACT public service and the commonwealth public service here in Canberra. The work they do benefits our community and our nation.

Our public services can, and should, play a significant role in providing employment and economic opportunities for Aboriginal and Torres Strait Islander Canberrans. The ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 includes targets to increase the number of Aboriginal and Torres Strait Islander employees across the ACT public service and increase the number of Aboriginal and Torres Strait Islander people in senior positions with the ACTPS.

The agreement's first impact statement, tabled earlier this year, demonstrates that we are making positive progress in this area. The statement notes that Aboriginal and Torres Strait Islander people aged 25 to 64 were 2.09 per cent of all people aged 25 to 64 employed in the ACT by the ACT public service and APS in 2021 and this is an increase from 1.9 per cent in 2018.

Clearly, there is more to be done in this space and that is why I am so pleased that the incoming Albanese Labor government has committed to a target to increase Aboriginal and Torres Strait Islander employment in the APS to 5 per cent by 2030. The Labor government has also pledged to do more work to address the representation of Aboriginal and Torres Strait Islander staff in the senior ranks of the Australian public service and acknowledgement that these staff are currently underrepresented in higher positions.

Full commitment to the Uluru Statement, renewed commitment to closing the gap and more local jobs for Aboriginal and Torres Strait Islander people right here in Canberra is what Canberrans have voted for, it is what Australia voted for, and that is what they will get from an Albanese Labor government.

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

Supplementary answer to question without notice Canberra Hospital—safety

MR GENTLEMAN: In relation to the question I took on notice from Ms Castley, on reflection, it would be inappropriate for me to provide commentary on the independent work of WorkSafe, including confirming or denying any inquiries that

WorkSafe is or is not undertaking. For the benefit of those opposite: WorkSafe is an independent statutory body.

Legislative Assembly—conduct

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (2.52): Madam Speaker, I draw your attention to a tweet from Ms Lee, the time stamp indicating it was made during question time. I present the following paper:

Posting of tweets during question time—Copy of tweet posted by Ms Lee in relation to CIT contracts.

Madam Speaker, I seek your guidance as to whether tweeting this in question time breached standing order 55. Standing order 55 makes it disorderly to assign imputations or improper motives on members. I also draw your attention to the practice in the House of Representatives, which has found that tweets from the chamber can infringe standing orders.

MADAM SPEAKER: Given that you have just presented it, I will come back with some advice, Mr Gentleman.

Supplementary answer to question without notice Canberra Hospital—safety

MS CASTLEY: I wish to correct the record. In my question I referred to the *Canberra Times*. Obviously I meant to say the Canberra Liberals.

Answers to questions on notice Question Nos 675, 738, 741, 771 and 772

MS CASTLEY: I seek an explanation or a statement in relation to questions on the notice paper that have been unanswered.

MS STEPHEN-SMITH: I am happy to provide a response to Ms Castley in relation to those questions that are my responsibility. In relation to question No 675, that is currently with me for review. There are a number that I received yesterday afternoon or evening or this morning that I have not had a chance to review. I can advise that I have now signed question No 780. Question 738 is with me for review, as is question 771. Question 741 is waiting for Calvary input, as is question 772. There is another question taken on notice that we are still working on as well.

MS BERRY: I have signed all questions on notice from Ms Castley, so they should be working their way through the system. I know there are two, before Mrs Kikkert asks, that are outstanding from the Community Services Directorate. There was an issue with a changeover of staff in my office where the questions did not follow the changeover in staff. We have caught that up and we will respond to those questions and provide answers as soon as possible.

Supplementary answer to question without notice

Government services—culturally and linguistically diverse communities

MS CHEYNE: I took a question on notice from Mr Braddock earlier regarding the work that CSD is doing with CMTEDD about the data source. I did state in my response that it was work to consider options for developing that data source, so it is just in the very early stages. At this stage, even if I continue to take it on notice, I cannot confirm exactly when or how that data will be shared. Certainly, the intention in developing that option would be to consider the applicability of that data across government.

Leave of absence

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

That leave of absence be granted to Ms Vassarotti for today and tomorrow due to personal reasons.

Legislative Assembly—conduct

Statement by Speaker

MADAM SPEAKER: Getting back to the tweet, I do not think there is an offence to the standing orders, Mr Gentleman, but I remind people to be very mindful, given that last week there was a withdrawal and a deletion of social media posts. I remind everybody to be careful in their enthusiasm to make comment from the chamber and other places.

Paper

Mr Gentleman presented the following paper:

Planning and Development Act—Pursuant to section 76—Planning and Development (Plan Variation 375) Approval 2022—Demonstration Housing Manor House Griffith section 31 block 6.

Planning and Development Act—variation No 375 to the Territory Plan

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (2.56): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Planning and Development Act—Pursuant to section 76—Planning and Development (Plan Variation 375) Approval 2022—Demonstration Housing Manor House Griffith section 31 block 6.

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

Canberra Institute of Technology—procurement

MS LEE (Kurrajong—Leader of the Opposition) (2.57), by leave: I move:

That the Assembly:

(1) notes that:

- (a) Canberra Institute of Technology (CIT) receives the majority of its funding from the ACT Government, and is accountable to Canberra taxpayers;
- (b) CIT has awarded seven contracts for consultancy services valued at \$8.87 million since 2017 to one individual and their associated business entities;
- (c) three of the contracts were sole-sourced, and four went to open tender. The same individual and their associated business entities continued to win each tender;
- (d) the value of contracts has steadily escalated since 2017;
- (e) one of the earliest contracts in 2017 was valued at \$86 280.58; the contract in 2022 was valued at \$4 999 990.00;
- (f) the daily cost of contracted services has risen from \$1058.82 per day in 2017 to \$9980.02 per day for the contract signed in March 2022, plus associated travel and related costs;
- (g) despite these steeply increasing costs, the services provided by the contractor have not substantially changed over the same period of time;
- (h) the services provided by the contractor are predominantly mentoring and workshops for the Chief Executive Officer (CEO) and executive team;
- (i) in 2019, CIT ignored a request from the Government Procurement Board to provide them with an update related to these procurements;
- (j) it is not clear, and there is very little publicly available information as to what outcomes or results have been delivered by the contractor;
- (k) the contract documents for these procurements do not contain information that would otherwise normally be included in ACT Government contracts for consultancy services, such as:
 - (i) names of specified personnel providing the services;
 - (ii) hourly or daily rates;
 - (iii) milestone payment amounts and dates; and
 - (iv) defined deliverables and due dates; and

(2) calls on the ACT Government to:

- (a) commission an independent, comprehensive audit of this series of procurements made by CIT, to determine:
 - (i) whether CIT requires the services;
 - (ii) whether procurement processes were unbiased;

- (iii) whether it was appropriate to use a contractor based interstate for services that could have been provided by a Canberra-based supplier; and
 - (iv) what outcomes have been delivered for CIT and Canberra taxpayers; and
- (b) report to the ACT Legislative Assembly on the findings of the audit by the final sitting day in September 2022.

I sought leave to speak today on this very serious issue about procurement that has been raised in the ABC story that was published today. Here we are again learning of more procurements under the watch of this Labor-Greens government that raise significant alarm bells. This time it is the Canberra Institute of Technology and the publicly available contracts that go back to 2017. There are seven contracts that I have been able to find, totalling \$8.87 million, and they have all been awarded to one individual and his related entity. Let us be clear. Government contracts regularly run into the millions of dollars. The value of the contract itself does not raise significant concern, but when you start to look a little deeper, there are some serious questions about what is actually going on here. Madam Speaker, let me give you a few details.

The first contract that I could find was from 2017 for \$86,280.58, and it is mentioned in CIT's annual report from that year. I am not sure what that one was for because, as far as I can see, the contract itself is not publicly available. The second is a sole-source contract from 2017-18 for \$198,000. This contract equates to \$1,058.82 per day. It is also not clear what this one was for.

The third is another sole-source contract for three months in 2018 for a total of \$151,250. That is approximately \$50,000 per month, or \$2,326.92 per day. That one was for CEO and executive team mentoring and "familiarisation of organisational transformational theory and practices" and the delivery of workshops. That contract also included \$6,791.13 in travel expenses so that the consultant could travel to Canberra.

The fourth is where things start to get really concerning. This one runs from 2018 to 2020 at a cost of \$1,220,000, or \$3,333.33 per day. This was also the first one to go to open tender, but CIT ignored Government Procurement Board advice about improving its tender processes and language. It went to tender and, hey, what do you know? Apparently, the "best value for money provider" was the same contractor. This contract was for mentoring, coaching, workshops and "strategic guidance on transformation" and providing CIT staff with "learning materials, research articles and relevant reading texts".

In relation to this contract, I have seen an FOI document with a seven-page board paper produced by the consultant called "thought piece". Most of it, as you can see, is redacted, but some of the headings are here. They mentioned "key temporal scales", "key spatial scales" and "context-specific approaches"—if anyone wants to tell me what that means. I seek leave to table this "thought piece".

Leave granted.

MS LEE: I table the following paper:

Thought Piece—Redacted, undated.

If this is what we are paying millions and millions of dollars for, then the minister responsible has some very serious explaining to do, especially because, after this, CIT went on to spend another \$7.2 million on this consultant.

The fifth contract is another alarming escalation. This one also went to public tender but CIT, again, ignored the Government Procurement Board advice and, again, the same consultant was awarded the contract. To the objective observer, it would seem like the tender process was designed in such a way that a predetermined outcome would prevail, no matter what. The value of this contract was \$1,705,001 or \$3,151.57 per day, and it was for mentoring, coaching and strategic guidance.

Let's move on to the sixth contract—again, a public tender—for \$512,050 between September 2021 and March 2022 at a cost of a whopping \$4,161.01 per day to provide “regular and strategic guidance of nominated staff” and to “design processes, systems and structures that enable greater coordination of analysis and strategic decision-making in relation to products, offerings and services and tighter feedback mechanisms to apply a coherent approach to the implementation of strategic actions for the whole of the organisation”. I had to take a bit of a breath there. As you can clearly see, there is a pattern emerging.

This brings us to the seventh contract. This contract was signed in March this year for \$4,999,990, or a staggering \$9,980.02 per day—almost \$10,000 per day—for two years until March 2024. What do we get from this contract for \$10,000 a day? Let me enlighten you, Madam Speaker—

Opposition members interjecting—

MADAM SPEAKER: Members! Can you just resume your seat?

MS LEE: Can we stop the clock, please?

MADAM SPEAKER: You have been heard in silence by those opposite. It is your own side that makes it difficult to hear you. I would suggest no more interjections or commentary, please.

MS LEE: What do we get from this contractor for \$10,000 a day, Madam Speaker? Let me enlighten you. The terms of the contract state that it is to provide services such as “developing system-wide capabilities of situational awareness, early-weak signal detection and noise sorting”, to provide services such as “developing both context-specific and generalised responses to the multitude of situations it encounters” and to provide services such as “developing iterative capacity to cycle through adaptive-renewal processes across multiple spatial and temporal scales”.

Frankly, this is just utter rubbish. If anyone in this chamber can explain what that means, how this benefits the CIT CEO and executive team and how these “deliverables” can be measured, then I welcome it. We certainly do not need external consultants to tell us that these contracts seem to have clearly been drawn up to be opaque and uncertain so that the outcomes cannot be measured in any meaningful way.

For \$10,000 a day, Canberrans need and deserve answers as to how the taxpayer funds are being spent. I reiterate that this latest contract describes a series of bizarre “services” to be delivered, which is costing the ACT taxpayer \$10,000 a day. If you thought that was bad, there is more. The consultant is not based in Canberra, so taxpayers are funding his trips down here, including accommodation, petrol and meals under each contract, to the tune of thousands of additional dollars.

When you read through the actual contracts, things start to look even more alarming. Facts and figures typically included in ACT government contracts are all redacted, or not there at all, in this series of contracts. Information such as the personnel delivering the so-called “services”, their hourly or daily rate, milestones, deliverable dates and an invoice payment schedule with dollar amounts is all redacted or is not there at all. Why?

A quick look through the Tenders ACT website shows that there are plenty of consultancy contracts where all of that information is publicly available, as it should be, so why not for these contracts? You read the resumé of the individual in question and it is exceedingly questionable, at best, as to whether this individual is qualified or experienced enough to deliver large-scale organisational transformation or, in the contractor’s own words, “develop iterative capacity to cycle through adaptive-renewal processes across multiple spatial and temporal scales”.

Honestly, could anyone measure that and be sure that it is actually being delivered? Remember, the Government Procurement Board gave CIT advice that their KPIs need to be measurable and that they should revise their tender document to “clearly articulate the role of the contractor, the work to be undertaken and what outcomes and deliverables are expected”. CIT blatantly ignored that advice. Is it a coincidence that the latest contract—remember, this is the one that is worth \$4,999,990—is \$10 under the threshold for review by the Government Procurement Board on procurements by administrative units of the ACT government? I will let the public come to their own conclusions on this.

This morning I had a discussion on ABC radio about this seriously alarming situation, and not long afterward there was a story about how we do not have enough paramedics to fill shifts in Canberra, so firefighters have been forced to step in. There are not enough frontline emergency services personnel, forcing firefighters to drive ambulances. This is an extraordinary situation where our firefighters are diverted from their essential duties to help fill the void of other essential staff because this Labor-Greens government has, and continues to, let down our frontline workers who put their lives on the line each and every day for us.

We saw only last week the Labor-Greens government was brought kicking and screaming to finally address the chronic teacher shortage in our schools. We know that our nurses are almost at breaking point—they are calling out for more support—and we know that our frontline police officers are so lacking in support and resources that they cannot even attend property crimes, forcing Canberrans to do nothing more than report it on a website. This is the same government that has allowed a whopping \$8.87 million to be paid to one external contractor to provide services that no-one can make head or tail of what they are, whether there is any benefit to the Canberra community or whether, indeed, they have actually been delivered.

We already know that the minister responsible will say—if he has got his talking points ready—that they were subject to open tenders and all processes were followed. But we know that this Labor-Greens government has a broken procurement culture. You can have all the processes in place that you like, you can do all the internal reviews that you like, but it is absolutely clear that these contracts look like they were designed to deliver a predetermined outcome and those that were in positions of enormous privilege jumped through hoops to make it happen.

I emphasise that the overwhelming majority of staff at CIT are hardworking, capable people teaching our future generation the skills they need to thrive in the workplace of the future. These contracts are an absolute slap in the face to these hardworking CIT staff, a few of whom have now approached me about their serious concern about these contracts but have either been overtly told to stop asking questions or—let us just leave it at that. This is the result of a toxic culture of secrecy that has been fostered and continues to be fostered by this Labor-Greens government.

In closing, let's recap this extraordinary situation—\$8.87 million in contracts over the last five years to one individual. The latest contract pays this individual \$10,000 a day to deliver strategic guidance that is wilfully opaque or, at best, completely unintelligible. Starkly missing from these contracts is information that is a given under any other procurement contract that you would expect—details of personnel, their charge-out rates and qualifications, key milestones and deliverables. \$8.87 million, Madam Speaker.

There are many questions that need to be answered by the minister responsible and this Labor-Greens government. In its 21 years in power, this Labor-Greens government has fostered this culture of secrecy, a culture of fear and a culture of serious probity issues, especially in procurement. This must stop. The minister needs to stand in this place and be held accountable to the Canberra community. I commend my motion to the Assembly.

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

That the debate be adjourned and the resumption of the debate be made an order of the day for a later hour this day.

Question put.

The Assembly voted—

Ayes 15

Noes 7

Mr Barr	Mr Gentleman	Mr Cain
Ms Berry	Ms Orr	Mr Hanson
Mr Braddock	Dr Paterson	Mrs Kikkert
Ms Burch	Mr Pettersson	Ms Lawder
Ms Cheyne	Mr Rattenbury	Ms Lee
Ms Clay	Mr Steel	Mr Milligan
Ms Davidson	Ms Stephen-Smith	Mr Parton
Mr Davis		

Question resolved in the affirmative.

Waste—textiles

MS ORR (Yerrabi) (3.17): I move:

That this Assembly:

(1) notes:

- (a) Australia is the second highest consumer of textiles per person in the world;
- (b) Australians on average acquire 27 kilograms of new clothing per person and discard around 23 kilograms of clothing to landfill each year;
- (c) of the textile waste sent to landfill each year in Australia, 93 percent is from clothing;
- (d) national product stewardship initiatives include a focus on textile waste; and
- (e) creating a circular economy provides significant opportunity to drive innovation, better design, create new jobs, and recover valuable resources going to landfill; and

(2) calls on the ACT government to:

- (a) consult with the local textile sector and interested community members as part of consultation on the upcoming draft circular economy plan to identify opportunities to improve textile stewardship in the ACT, including consideration of the following:
 - (i) ways to re-use textiles such as clothes swaps;
 - (ii) ways to re-purpose textiles such as upcycling into something else;
 - (iii) ways to recycle textiles that cannot be re-used or re-purposed;
 - (iv) the benefits of establishing a textiles hub in the ACT to support local designers, crafts people, and industry to realise circular economy opportunities as well as educate the broader community on circular economy possibilities; and

- (v) the economic and employment opportunities that could be realised from the support of a circular textile economy in the ACT; and
- (b) include actions to reduce textile waste as part of the draft circular economy strategy to be released before the end of the year.

There are many challenges that we face as a society when it comes to waste management and reduction, from organic food waste to household plastic, from old and broken whitegoods to the carbon dioxide produced through energy production. Australians have the second highest consumption and disposal of textiles per capita in the world. As my motion notes, on average, an Australian will acquire 27 kilograms of new clothing each year, and each Australian will, on average, discard around 23 kilograms of clothing. This is second only to the United States.

Fast fashion has become a phenomenon that has led to clothing becoming so cheap that it is viewed as disposable by a majority of the population. You can buy extremely cheap items both in-store and increasingly online, and one in three of these items will be discarded and end up in a landfill within a short time of being purchased.

Many, if not the majority, of these fast fashion items contain elements of plastic fibre that very quickly degrade into microplastics, particularly if they are dumped in landfill. As members will know, microplastics are an ever more concerning phenomenon and are being found in all sorts of places in our ecosystem—in the bodies of salmon and tuna and, in many cases, inside parts of our own body. They are toxic and not healthy to be stored in the bodies of any creature.

It is important to note the changes to the textile industry and particular impacts of the fast fashion movement on our environment. Consumer trends have changed and fast fashion is supported by consumers. The ability to buy lots of cheap clothing is very appealing to a consumer. People buy clothes for a particular occasion or event and then discard this clothing; thus it becomes a single-use item, often discarded to landfill.

Fast fashion has perpetuated an overwhelming sense of carelessness for sustainability. This is having a devastating impact on our environment. The textiles industry is one of the top five polluting industries in the world. It can take between 10,000 and 15,000 litres of water to manufacture just one pair of jeans. The nature of fast fashion also means that the clothing items that are created are of lower quality, resulting in these items of clothing being discarded quickly, and consumers preferencing replacing them rather than repairing them.

As noted by the Australian Fashion Council, in 2020-21 Australia's fashion and textile industry contributed more than \$27.1 billion to the national economy, representing about 1.5 per cent of our total economy. This shows how significant Australia's textile industry is. As a government, we should help to work with the industry to implement better ways to reduce landfill waste.

We in the ACT have been particularly proactive over the years in reducing the production of our waste and facilitating re-usage where we can. For example, we have

invested in and worked to reduce our electricity emissions to net zero, we have helped initiatives like keep cups to get off the ground, and we have continued to support much loved and effective facilities such as Green Shed.

Keep cups are a popular initiative across all of Canberra, from their initial beginnings in the Gungahlin town centre, in my electorate, and have been adopted by many cafes in the territory. You can frequently see people using the green keep cups in different town centres.

Another example of the way that the government can and is reducing waste is the use of recycled material in the resurfacing and maintenance of roads across the ACT. These materials can vary from old car tyres to printer toner powder, recycled road surface, recycled road base, recycled concrete, and fly ash from power generation interstate. Additionally, the Container Deposit Scheme introduced during the last term of government has been very successful in keeping recyclable drink containers out of landfill, waterways and gutters.

I am always impressed with the ACT government's initiative to be better, do better and look after our environment. I commend my colleagues' continued support in exploring other ways that we can reduce our waste going to landfill. The motion that I have presented today is another example of the ACT leading the way and showing the other states and territories how it is done.

The motion circulated in my name today calls on the ACT government to further examine the scope of these waste reduction initiatives through the draft circular economy plan by including textiles in the plan. Currently, there is no specific plan at a state or federal level to deal with textiles in this way.

I have spoken several times in this place about the circular economy. The circular economy turns to the avoidance and re-use of items considered waste or excess rather than just recycling them. This provides not only a positive environmental impact but also opportunities for economic development and growth in new industries.

The three key principles of a circular economy are to design out waste pollution, keep products and materials in use and regenerate natural systems. These principles may seem like obvious ways to reduce waste. However, we know that our current business-as-usual model will not allow us to achieve these objectives. That is why it is imperative that governments and our communities look for new opportunities to build a circular economy.

As an example of this, the European Union are taking a particularly focused view of this mission and outcomes. In March this year, they presented a package of the European Green Deal proposals to make sustainable products the norm in the EU. The goal is to do this while supporting circular business models as part of the green transition.

As part of this announcement, the European Commission noted that European consumption of textiles has the fourth highest impact on the environment and climate change, after food, housing and mobility. It is also the third highest area of

consumption for water and land use and the fifth highest for the use of primary raw materials.

Given that Australians acquire and discard more clothing per capita than any other country in the European Union, it is not unreasonable to imagine that our textile consumption also has a significant and detrimental impact on the environment. Like in the European Union, one of the solutions to these waste issues is to incorporate textiles that have been discarded or are no longer required into a burgeoning circular economy.

This transition to a more circular economy is not only environmentally beneficial, it is also economically and socially beneficial. Re-using and recycling create approximately 9.2 jobs per 10,000 tonnes of waste. This is compared with 2.8 jobs per 10,000 tonnes of waste sent to landfill. These are jobs that should be invested in and realistically will become the jobs of the very near future as part of a cleaner and more sustainable economy.

One of the pioneers of the circular economy for textiles here in Canberra, who I have previously spoken about in the Assembly while discussing these issues, is Kelli Donovan. Kelli is the CEO, creative director and founder of Pure Pod, a sustainable fashion label that provides people with high quality and sustainably sourced and produced clothing. Pure Pod is a great example of a small business that is providing customers with an alternative to fast fashion. It is this type of small business that we have the potential to help get going on their plans to repurpose textiles, with appropriate government support through including textiles in the draft circular economy plan.

I mentioned before that the average Australian discards around 23 kilograms of clothing to landfill a year. I acknowledge that many of us in this chamber will find this hard to believe, as we may not personally contribute to this. However, many Australians do, and can easily reduce this by ensuring that their discarded clothing is repurposed or given a new home.

This motion, and the subsequent planning and actions that will come from it, will help to create positive change for the textile industry here in the ACT and help to establish new ways for Canberrans to contribute to a circular economy. The ability to participate in clothes swaps, donate their textiles for refurbishing, or even the ability to recycle their textiles that cannot be re-used or repurposed, will be of benefit to our environment and our community.

Lastly, I want to touch on the positive economic aspect of my motion. As part of my motion, the ACT government has the ability to create new local jobs for Canberrans. The ACT government can explore how best to encourage and implement a circular economy, with the textile industry being a focus.

I find it very exciting when thinking about the positive impacts that these changes will have on our community. Our environment will benefit greatly. Our local textile Canberra businesses will be better supported. In the conversations that I have had,

there is much support for such planning and action. Finally, we have the opportunity to better support our economy and provide more local jobs.

We might even all benefit from this on a personal level, by having even more sustainable choices when buying our clothing. We could have more ability to make a conscious decision to buy second-hand or upcycled clothing from a local Canberra designer or manufacturer. I commend my motion to the Assembly.

MS LAWDER (Brindabella) (3.26): I am pleased to support Ms Orr's motion today. As she rightly points out, Australia does have a serious textile waste problem. In 2019 Australia produced over 250,000 tonnes of textile waste. In order to imagine how much this is, it equates to filling 190 Olympic-size swimming pools. It means that 6,000 kilos of textiles end up in Australian landfill every 10 minutes.

In 2021, under the Morrison government, textile waste was added to the minister's product stewardship priority list in Australia, alongside a commitment of up to \$1 million to support product stewardship efforts on clothing and textiles waste. The minister at the time, Minister Ley, also hosted Australia's first commonwealth-led industry clothing and textiles waste round table and exhibition with industry leaders to find innovative solutions to combat the increasing amount of clothing waste being sent to landfill.

There have been some success stories in Australia. For example, in January 2021, the Bathurst Regional Council conducted a textile recycling trial that was described as an overwhelming success. In the first month of that trial more than 1,600 kilos of textiles were recycled—just in the first month of the trial.

Here in the ACT we have a proud recycling culture and an environmentally conscious community. I think that clothing and textile waste is no exception to that for our residents in the ACT. We already undertake some measures. Just last week, in my electorate, there was a clothing swap at the Uniting Church at Erindale, organised by local resident Liz Stephens, who may be familiar to many people here. Coming up this weekend, a women's group, CBR Gals, is also hosting a clothes swap. If you are looking to refresh your wardrobe, I encourage you to attend.

There are "buy nothing" groups all over Canberra. They are very popular, to the point where it would be difficult to find a suburb that did not have one. They encourage the swapping, sharing and re-use of clothes and textiles. The Zonta Club of Canberra and elsewhere also regularly hold preloved fashion events to encourage the re-use of clothing. They also re-use fabric to make breast care cushions.

These are just a few very small examples that demonstrate that Canberrans are clearly conscious of their waste footprint, and they are eager to re-use and upcycle, wherever possible.

Last Saturday night I had the pleasure of attending the Conservation Council World Environment Day dinner. This is the 50th year of World Environment Day, although not the 50th year of the dinner held by the Conservation Council. They had a great guest speaker, Professor Veena Sahajwalla, affectionately known as the "waste

queen". I know that you, too, Mr Assistant Speaker, attended the Conservation Council dinner.

Professor Sahajwalla gave a great speech about her work in reducing and repurposing waste in the most creative ways. Textile waste was no exception, with Professor Sahajwalla and her team creating green ceramics. They combine repurposed textiles and glass, and these tiles look fabulous. We heard that some large development companies are already lined up, eager to incorporate them into new builds. It was a great night and a reminder of how much we can all do to reduce the amount of waste going to landfill.

Ms Orr's motion calls for the consideration of the benefits of establishing a textiles hub here in the ACT. This is something that many Canberrans would support. A textiles hub would support local designers and promote circular economy opportunities within the industry here in the ACT.

I commend Ms Orr's motion, and thank her once again for bringing it to the Assembly today.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.31): I rise today in support of Ms Orr's motion on textile waste and the circular economy, and thank her for bringing this motion before the Assembly today.

The ACT government is deeply committed to reducing waste, maintaining the value of resources and supporting the transition to a circular economy in the ACT. I am pleased to inform the Assembly that the ACT government is taking steps to reduce waste from textiles and to promote re-use and repurposing wherever and whenever possible.

While textiles make up a relatively small percentage of waste that is going into landfill, they are a waste stream which can, in nearly all circumstances, be diverted from it. The ACT waste feasibility study noted that in 2014-15 textile waste accounted for approximately 14,000 tonnes per annum of waste going into the territory's landfill. The majority is made up of clothing and accessories, and leather, including shoes, with composite textiles such as tarps, carpets and underlay and composite products making up the remainder of textile waste.

Members of this place would know about the valuable resource that is the online Recyclopaedia, provided by the ACT government. The Recyclopaedia provides information on a range of options to re-use, repurpose and recycle products that contain textiles across the ACT. I encourage the community to use this resource to understand how they can take part in reducing their waste and seek to re-use or repurpose in the first instance. The Recyclopaedia identifies a raft of charities that accept quality items for resale and other options for Canberrans to drop off unusable textiles for recycling or repurposing.

As Ms Orr's motion notes, Australians consume an average of 27 kilograms of new clothing every year and produce about 23 kilograms of clothing waste to landfill. This

roughly accounts for 93 per cent of textile waste generated each year. We should do more to reduce this number, and the ACT government is ready to partner with the community in a variety of different ways.

The ACT government is supporting a charity bin trial at the Hume Resource Management Centre. The trial is helping us to redirect textiles from unnecessarily going into landfill and allows the ACT government to also support charity partners—Koomarri, in this instance, an organisation based in the ACT and southern New South Wales that seeks to support people living with a disability to have high quality jobs. Koomarri runs a social enterprise called Cut Cloth, which turns waste textiles that are not fit for sale into rags—literally a rag trade—and they are then sold to businesses in the local region.

The ACT government is very proud to partner with Koomarri to deliver this important social enterprise and initiative. For the first seven full months of the trial, from 1 November 2021 until 31 May 2022, a total of 118.4 tonnes of material has been recovered for re-use. This represents an average of approximately 16.9 tonnes per month.

Canberrans can drop off old clothes to this charity bin at the Hume Resource Management Centre, or at the Green Shed at Mitchell, where the Green Shed are also supporting this social initiative. I look forward to seeing the trial continue through to October this year, when the ACT government will evaluate and assess its success before looking to make this a permanent initiative. Of course, we will also be informed around the next steps coming from the development of a draft circular economy strategy, in consultation with the community.

The charity bin pilot came from a change in government policy, with the removal of charity bins from public land. There are a range of different charity bins still available on private land to which people can drop off clothing and textiles, but there was a concern in the community around illegal dumping. We are looking forward to moving on to the next steps following this trial—looking at how we can potentially expand the drop-off points while making sure that, as we do so, it also reduces the risk of illegal dumping, which was costing charities millions of dollars to clean up.

It is encouraging to see that Canberrans are enthusiastically engaging with initiatives that promote the re-use of products, including clothing and textiles. Examples supported by the ACT government include the Garage Sale Trail, a national community and sustainability event where communities across the country hold garage sales on the same weekend. The key goal of that event is to promote the re-use and redistribution of second-hand items. That has also had a focus in recent years on using clothing and textiles to create new clothes and sell those on to the community. The Zero Waste Festival, which I attended in April, also included a clothes swap to support Canberrans to update their wardrobes. It is great to see that events like this are occurring around the city and drawing the attention of the community to the fantastic re-use opportunities with clothing and used clothing.

Beyond this, Canberrans are actively engaging in buying, selling and gifting items online, on platforms like Facebook, “buy nothing” groups and online marketplaces.

That shows a strong commitment from the community to find ways to reduce their waste wherever possible.

As Ms Orr notes, the ACT government is developing a circular economy strategy for the ACT. As a part of that, we will be looking at a wide range of options to progress the concept of a circular economy here in Canberra. We will be seeking to see whether we can design out waste streams and keep materials in use at their highest value. Through that body of work, we will investigate opportunities to keep textiles in circulation through the community-led and fashion-forward opportunities that are already happening through the kinds of pilot programs and events that I have mentioned. It is also about stepping up the advocacy at a national level, particularly to some of the fashion houses, to make sure that, when they are designing clothing, they do so in a way that not only promotes re-use and very good quality items, but makes sure that they are doing so in an environmentally sustainable way, and that they are creating clothing that is environmentally friendly.

We have seen some clothing manufacturers do that. Some are offering to mend and repair their fashion items. One of the manufacturers that was discussed at the Zero Waste Festival was Patagonia. They offer that for their puffer jackets and all of those sorts of items that they sell. It would be good to see more fashion houses take up that opportunity. Hopefully, through national work, we will improve the environmental friendliness of our fashion industry, which is, unfortunately, a creator of this large waste stream.

I look forward to having the opportunity to work with the community and hear their views, and to bring together a vision of the circular economy here for the ACT that is not only practical but has that nationwide and worldwide vision. This motion reflects just one waste stream, and we will be looking to incorporate many more as part of those plans. I thank Ms Orr for bringing this motion forward to the Assembly.

MS CLAY (Ginninderra) (3.39): I rise today to speak in support of Ms Orr's motion. It is really good to come in here and talk about the circular economy, carbon emissions and the environment.

I will start with a question: have you ever stood in front of a packed wardrobe and wondered why you have nothing to wear? Unfortunately, a lot of us have had that experience a lot of times. Most of us buy a lot of clothing, and most of that clothing ends up in landfill. There is also a lot of unworn clothing outside landfill sitting around in cupboards, unworn. I used to work in the recycling industry, and we would call that the above-ground landfill. It is particularly true for clothing.

We have talked a lot here about waste to landfill, and that is certainly an environmental problem. But all of that clothing and all of those textiles represent a much greater environmental problem. There is wasted water to make them. There is wasted land to grow them and create them. There is wasted energy and carbon emissions, and there is a big environmental footprint on all of that stuff.

The textile industry is one of the five largest contributors to carbon emissions, and Australia is the world's second largest per capita consumer of textiles. We know that

fast fashion is a big problem here. It is not just fashion; textiles also are the furnishings in our homes. It is on our couches, it is our curtains, it is our shoes and footwear. There is quite a lot of this stuff out there.

It is not always obvious to people how clothing generates carbon emissions and how it generates these environmental waste streams. It is sometimes better to look at it in a very specific context. If you look at the example of a T-shirt, first of all, you have to grow the cotton to make that T-shirt, and that takes land, water and energy; or you have to manufacture it from polyester, if it is made from a man-made material. You have to spin it, weave it and dye it. You have to make that piece of clothing. You have to package it and you have to transport it. There is an environmental impact from all of those stages.

Once somebody buys it and uses it—hopefully, many times—they then wash it and maybe they iron it. This usage stage adds quite a lot of impact. Analyses have found that it can add 40 per cent of a garment's lifetime emissions, just from washing and ironing. In my house we are proud environmentalists, so we do not like to iron. We wash in cold water, and I am proud to say that my daughter, at the age of four, could not identify an ironing board. She had never seen one before. It is not because we are lazy; it is because we are environmental feminists. That is how we like to live.

Once all of that has happened, people discard it. Unfortunately, at the moment most of these items are being discarded. It is actually not that easy to recycle fibres. We have a burgeoning industry, but it is not quite mature and it needs a bit of help. That is one of the reasons why the Commissioner for Sustainability and the Environment recently singled out clothing as one of the problems in her scope 3 emissions report. Textiles and clothing are a bit of a problem for us.

The good news is that there are a lot of ways to reduce the impact. There are a lot of ways already in existence and there are a lot of ways that we can encourage the innovative business community and consumers to help us to reduce it even more. You can buy garments second-hand. That is a great option. You can buy garments that are made from recycled material. There are more and more manufacturers who are getting into that game. It is really good to see. I have seen UK data that shows if you are buying it second-hand or buying it from recycled material, you can cut 99 per cent of your emissions at the manufacturing stage. It is a really big saving.

There is also real value if we can build up our local manufacture of recycled fibres. That helps us to make good jobs right here in the ACT. It also reduces a lot of other environmental and human problems. It cuts down modern slavery. It helps us to make sure that we have really good standards of workers' rights. It helps us to reduce exploitation.

Australia does not manufacture as much as it once did. For textiles, clothing and footwear, this is especially true. We would like to see much more of that in Australia, and right here in the ACT.

I would like to acknowledge the important work of the textile, clothing and footwear union, now part of the CFMEU's manufacturing division. They have done some great

work with the industry, developing Ethical Clothing Australia. That is helping us to ensure that, where we are manufacturing these products in Australia, we are respecting workers' rights, we are making sure that we do not exploit outworkers and that we reduce the human impacts on those supply chains.

There are other ways that you can reduce your impact. You can buy fewer garments. That suits a lot of people. And you can make them last for a long time. Buy high quality and repair them. We have heard a lot about the repair options, the growing awareness of this, and businesses involved in that repair movement.

I personally prefer second-hand. I buy most of my clothes from op shops. Most of the clothing that I am wearing right now and my jewellery are from op shops. Most of the stuff that I wear around Belconnen is from op shops. It started out as an environmental choice and now it is a hobby. I have a lot of fun doing it. I had a lot of fun meeting my friends in the Green Shed. I built up a recycling business with them and heard a lot of the different stories that they used to tell about the stuff that they would sell. This is part of the joy of op shopping. It is not just stuff that you are finding; it is stories and people's lives that you are finding.

I once did an interview with the Green Shed staff, and I asked them about the strangest garments they had ever sold. They had sold one of Michael Milton's old prosthetic legs—I assume after he had finished using it—and they also sold quite a lot of used bondage gear, which is apparently very popular with the K-pop set. I have not bought either of those items. They are not in my current collection. But I have found a lot of other great treasures.

I once did a carbon audit of the Green Shed's operations to see the impact that you can have from a business that sells a lot of used goods. I was pretty blown away by the carbon impact of that. Since 2011 the Green Shed has salvaged over 60,000 tonnes of stuff that otherwise would have gone to landfill. That represents a saving from landfill; much more importantly, it is a huge saving in carbon, energy and water for stuff that has not had to be re-created from scratch.

I analysed that and I found that 250,000 tonnes of carbon emissions were saved by that trade. These numbers are hard for people to get their heads around; so, to put that in context, the Green Shed's carbon savings offset more than half of the ACT's total landfill emissions. One business, doing a really good trade in second-hand goods, has actually cut the ACT's landfill emissions in half, effectively. There is some really good news to be had here. I would encourage everyone to get out there and get to as many op shops as they can.

There are a lot of specialist businesses in Canberra. Roundabout in Holt has a good line in kids and baby goods, in clothing. They are a really good social enterprise. A lot of these businesses are working in the social enterprise space. There is the Green Shed. Ys Buys, Salvation Army, Another Chance, and St Vincent De Paul. There are so many op shops all around Canberra. A lot of these op shops will also accept goods back and accept donations. We had a rule in the business: if it is not good enough to give to a friend, you cannot really give it to an op shop.

I appreciated the minister's words about the problems that charities have had with illegal dumping. It is important to make sure that, when you give something to a charity, they actually want it and that it is in a good, acceptable condition. That is exactly why we need fabric recyclers as well as fabric re-users, because at some point whatever you have will be completely unwearable and unusable for anyone else, and we will have to recycle it or send it to landfill.

Koomarri do rags and fibres. They often work with the op shops to pick up that rag trade, and that is good to see. There is a lot of innovation coming through in that recycling sector. I was recently out at Canberra City Care in Charnwood. They are using fabric offcuts to make barrier bags in anticipation of the government phasing out the next round of plastics. They make a lot of goods from old fabric.

H&M stores have recycling boxes. They take back old clothing, underwear and ripped tights—things that you cannot give away. Sheridan started taking old sheets and towels, which was great to see. Wildcare Queanbeyan sometimes take old rags and clothing. I use a business called Upparel. That is a different business model. You actually have to pay for that. They come to my house. I pay them money and they take away a box of fibres and turn that back into new goods. They then sell socks and things to the public.

Because I get most of my clothing for free, or I do not pay very much for it, I am happy to pay to recycle, but I know that that is not a great option for everyone. The thing is that there are already a lot of good options. You can buy less, and you can make it last and wear it for a long time. You can buy second-hand. You can buy stuff that is made from recycled fabric, and you can make sure that you are recycling it at the end of life.

It is really good to see Ms Orr's motion today because it will contribute to all of those options and help us to build the growing, viable business scene that we are already seeing grow. It will make sure that we turn our minds to this in our upcoming circular economy paper, and make sure that we are building up all of those great options, making a lot of jobs and cutting a lot of our environmental footprint at the same time. The ACT Greens are very happy to support this motion.

MRS KIKKERT (Ginninderra) (3.48): I thank Ms Orr for bringing this motion regarding textiles and sustainability before the Assembly today. In March I spoke in this chamber about the Repair Cafe in Ginninderry. On that occasion, I noted my strong commitment to thrift and the wise management of resources. "If I can buy perfectly good second-hand clothing at an op shop," I said then, "there is no reason to buy things that are brand new. If a button falls off, sew it back on."

In my previous speech I also mentioned PhD student Monica Andrew, whom I met during my very enjoyable visit to the Ginninderry Repair Cafe. Monica and her husband, John, are regular volunteers at Ginninderry, where the Repair Cafe is held on the first Sunday of each month. In addition, Monica established the Repair Cafe at the University of Canberra at the end of 2018.

This initiative grew directly out of her research at the university. Monica's PhD focuses on clothing and textile sustainability. She says:

We simply can't keep pulling things out of the earth and putting them back into landfill.

There is about a kilogram of cotton in a typical pair of jeans and a T-shirt, but, as Monica points out, there are a lot of other things embedded in that kilo of cotton, including 66 kilowatt hours of energy and somewhere between 10,000 and 20,000 litres of water.

Monica's advice is simple:

... all the research shows that the best way you can be more sustainable is to wear an item as many times as possible before you discard it.

This quest for longevity depends upon maintenance, she notes, which includes both proper laundering and repairs. This is where community initiatives like Repair Cafes come in. Monica's research has identified two major changes in Australian society. The first is that sometime in the 1990s Australian schools stopped routinely teaching manual skills. "There was this idea", she has said, "that we needed knowledge workers, not manual workers." As a result, many people no longer know how to mend their own clothing.

At the UC and Ginninderry Repair Cafes, however, Monica teaches people how to sew on buttons, fix rips, mend fallen hems and so forth. Most of these repairs are not difficult. She says:

I get a lot of repairs ... that take five minutes or less.

And this is an important fact, because the other major change that has occurred is access to cheap clothing. As a result, many people think, "Why bother repairing something now when I can go and buy a new one?" But this is a false economy. As Monica makes clear, it often takes longer to go out and buy something than it would to do a quick repair.

Of course, another way to make sure that clothing is worn as many times as possible is to pass it along when we no longer need it. Many of us know that this can be done through community op shops. I take this opportunity to mention Roundabout Canberra. Local resident Hannah Andrevski founded this enterprise as a means of getting preloved clothing for babies and children into the hands of local charities that support families in need.

Roundabout Canberra recently ran out of clothing for older children. I understand that a generous community response has filled the gap when it comes to clothing for girls, but Hannah and her team are still desperate for boys' clothing in sizes 8 through to 16. I take this opportunity to encourage any Canberrans who have clean, good condition boys' clothing in these sizes to consider dropping it off to Roundabout Canberra, located at the Holt Community Hub in Beaurepaire Crescent, between 10 am and 1 pm on weekdays or between 1 pm and 4 pm on Saturdays.

I thank Hannah, Monica, Roundabout Canberra, the Repair Cafes at Ginninderry and at the UC, and all other residents and community organisations who are engaged in helping us to be wiser in our management of textiles and other resources here in the ACT. I look forward to seeing the innovative ideas that such people and organisations will bring to upcoming public consultation on this matter. Thank you.

MS ORR (Yerrabi) (3.53), in reply: I thank all the members today for their contribution to the debate. I think the point has really been made that there is a lot of opportunity in how we start to avoid waste from textiles. We have had quite a bit of noting here of the activities that are already happening across our community.

But I think that, as Ms Clay pointed out, there is an opportunity for extra support from government and coordination from government to really take that to the next level. There is an imperative to do it, given the environmental impact that so many members today have highlighted that comes from textile waste. It is not just the waste to landfill, as so many have noted, including me; it is also the impact on the environment from the production of textiles and some of our practices, particularly around fast fashion.

I commend the motion to the Assembly and I thank everyone for their support. When you have got all three parties singing from the same song sheet, you know you are onto a good thing. It is nice to have everyone agreeing within the chamber, and I look forward to the work that goes forward on this and that the minister leads. I can tell him now that there are a lot of locally based designers and practitioners out there who are very excited about the prospect of the work that can come from this. So, once again, thanks to all members. I commend the motion to the Assembly.

Question resolved in the affirmative.

Light rail stage 2A—economic analysis

MR PARTON (Brindabella) (3.55): I move:

That this Assembly:

- (1) notes that, in the Public Accounts Committee (PAC) hearing on 12 May regarding its inquiry into the Auditor-General's Report on the Light Rail Stage 2A Economic Analysis, the Auditor-General:
 - (a) was critical of cost omissions from the Light Rail Stage 2A Business Case that could have been reasonably foreseen, particularly in relation to a wire-free operating system;
 - (b) believed the present value of the project cost estimate was understated for a variety of reasons, including the absence of a nominal cost figure for development of the Acton waterfront;
 - (c) indicated that Acton waterfront development costs could be in the order of between \$80 million and \$100 million compared with a present value figure of \$23 million cited in the business case;
 - (d) reiterated that expected costs associated with Light Rail Stage 2A, including Acton waterfront development costs, should be updated in publicly available documents;

- (e) observed that the benefits generated by the Light Rail Stage 2A project are probably overestimated, with a significant amount dependent on it facilitating development on the Acton waterfront;
 - (f) noted that neither the Stage 2A business case nor the economic appraisal provides information or evidence on how Light Rail Stage 2 is expected to accelerate development in the Acton precinct;
 - (g) reiterated a previous criticism over the lack of a benefits realisation plan committed to in the Stage 2A business case;
 - (h) advised that, despite an audit request, the Government failed to provide detailed documentation that should have been available in keeping with good practice;
 - (i) observed that “If the public cannot have faith in and do not have access to reasonable information in relation to this stage, it brings into question the veracity of information that is put out into the public domain for future stages”; and
 - (j) concluded there was insufficient attention paid to preparation of the economic analysis and a lack of professionalism on the part of the people who put it together;
- (2) further notes that an expert witness in the PAC hearing referred to incompetence regarding understated costs and overstated benefits;
 - (3) affirms the role of an independent audit authority as a vital quality assurance function for ensuring public money is efficiently and effectively expended;
 - (4) acknowledges the professionalism and expertise of the ACT Auditor-General;
 - (5) acknowledges the quality of advice tendered by the ACT Auditor-General generally, and specifically, in relation to the Light Rail Stage 2A project;
 - (6) acknowledges the validity of the ACT Auditor-General’s findings on deficiencies in the business case and economic analysis for the Light Rail Stage 2A Project;
 - (7) agrees that both this Assembly and the ACT public have not been presented with a proper coverage and transparent appraisal of the true costs and benefits of the Light Rail Stage 2A project; and
 - (8) directs the Government to provide before the Assembly’s 22 November sitting, a revised business case and economic analysis that properly meets the Auditor-General’s recommendations and findings, including his views offered in the Public Accounts Committee hearing on 12 May 2022.

At its core, this motion calls upon the government to do what the Auditor-General expected them to do, what the Liberals and the Canberra public expect them to do and what, on some days—some days—even the Greens want them to do. The motion simply calls for transparency.

You guys are in the middle of delivering the single most expensive piece of infrastructure in the history of self-government in the ACT, and the people who voted for you, as well as the people who did not, deserve to know that they are getting value for money. This motion calls upon the government to do what the Auditor-General

has called for, and that is to redo the economic analysis for stage 2A of light rail, do it properly this time, and then share it with all of us. That is what the Auditor-General recommended in his report from September of last year.

We, the Canberra Liberals, have enormous respect for the office of the Auditor-General, but you could be forgiven for believing that the government does not. This is despite the Auditor-General's scathing attack on the veracity of the economic analysis of stage 2A of light rail, despite his very clear recommendation. For the sake of the exercise, let us go to the recommendation. This is from the Auditor-General's report:

Major Projects Canberra should review and update the economic analysis associated with Light Rail Stage 2a. In doing so, Major Projects Canberra should:

- a) review the assumptions underpinning the economic analysis, including the identified costs and benefits associated with Light Rail Stage 2a, since the publication of the redacted Stage 2a Business Case in September 2019; and
- b) make publicly available the revised and updated economic analysis in an updated Stage 2a Business Case.

In the government response, fascinatingly, the government agreed in principle with the first recommendation. They said that they will continue to identify project costs, as procurement and construction works continue. But they are simply not doing what the Auditor-General recommended; they are not going back and doing the economic analysis properly. They are certainly not releasing it to the public. They are not going to tell us about it. The government have a transparency problem and it is very, very real.

We are not the only ones who have noticed it. I mentioned the Greens earlier. Even their junior coalition partners are aware of it. I note the question in question time last week from Greens MLA Ms Clay. Ms Clay, who is part of the government, asked Mr Steel, as transport minister, about the Mecone consultancy report on urban infill capacity. We all know that the only reason that this report has seen the light of day is because there was an FOI request for it. Ms Clay rightly asked the question, "Why was this report not proactively released?" Why would you not have just told everyone? Why did you sit on this? Why is it that this government, particularly when it comes to this project, has to be dragged kicking and screaming into any meaningful disclosure of any information? What are they hiding about light rail? That is the question that people ask when this stuff happens: what is it that they actually do not want us to know?

You could forgive people for believing that the government themselves have pressed pause on this project. Is it a coincidence that, in all of the material from government on this project in 2019-20, there was a clear indication that stage 2A would be operational by 2024, but once we got to 2021 all of the indicative dates had been removed from their predictions? Even when Mr Steel was asked in the chamber, as a follow-up to that question from Ms Clay, as to when stage 2A would be operational, he was not able to answer. He was not able to answer with any definitive date; he just was not able to.

Why is it that contracts for the delivery of stage 2A have not been signed yet? Why is that? According to earlier public documents, this contract was supposed to be awarded in mid-2020. I know we have had a pandemic. I get that. I know we have had a pandemic, and I can already hear the minister responding with those words. Irrespective of that, we are dragging the chain on this one. Stage 2A, on the official project time line from Transport Canberra, was supposed to commence, at least the construction of it, two full years ago. The government promised that they would be running trams to Commonwealth Park sometime in 2024. They have got Buckley's.

Why are we waiting so long for the actual commencement of the genuine work of the raising of London Circuit? Again, we were originally told that this part of the project would be pretty much done by now. It was supposed to be done. Why have the vehicles that will be required for the operation of stage 2A not even been ordered? They have not even been ordered. Given the supply chain issues, how long will it take for those orders to be filled and how much more will it cost than was originally anticipated?

Why is the work on the bus depot at the new interchange at Woden so far behind the original projections? Why do we not know any more about the retrofitting of the light rail vehicles for wireless travel in the parliamentary triangle? Does the minister know what is going on or do they just not know what is going on? Why did federal Labor effectively withdraw its offer of financial infrastructure support for stage 2B? That is effectively what went on during the election campaign. The Libs left theirs on the table. Did Senator Gallagher and Prime Minister Albanese know more about this project than the people of Canberra do?

Where is the promised ticketing system? While we are on it, where is the promised ticketing system for the buses? Where is that? Or is this just reflective of a minister who cannot deliver anything on time? The people who voted for this project want to be sure that they are getting value for money, and they cannot be sure of that while this government point-blank refuses to give a clear picture.

The Auditor-General, in his report, was extremely critical of cost omissions from the economic analysis. He believed that the present value of the project cost estimate was understated for a variety of reasons, including the absence of a nominal cost figure for the development of the Acton waterfront, which is quite a big cost. So that was removed, but all of the potential benefit from Acton was left in. He basically said that all the numbers associated with the development of the Acton waterfront—these are not his words—do not hold water. There was no actual evidence on how light rail stage 2A would accelerate the Acton waterfront.

I do not know, Mr Assistant Speaker Cain, if you ever saw the movie *Field of Dreams*, but it just seems to be based on that “build it and they will come” quote. The Auditor-General observed that if the public cannot have faith in and do not have access to reasonable information in relation to this stage, it brings into question the veracity of information that is put out into the public domain for all future stages. That statement did not come from Max Flint or from Bill Stefaniak. It did not come from Jon Stanhope. It did not come from me. It came from the Auditor-General. God help us!

So this motion calls upon the Assembly to affirm the role of the audit authority to satisfy all of us about how public money is spent. It is quite the topic of debate today, isn't it, Mr Assistant Speaker? It is quite the topic of today—how public money is spent—because it looks as though there is, potentially, in some areas, quite a bit that has been spent badly. Further, it calls upon the Assembly to acknowledge the validity of the ACT Auditor-General's findings on the gaping holes in the economic analysis of light rail stage 2A; for us to all agree that we have not been presented with proper coverage and transparent appraisal of the true costs and benefits of this part of the project; and to direct the government to do exactly what the Auditor-General asked them to do—do the business case properly and then show it to all of us. Is that really too much to ask?

We know that this motion will be amended into oblivion by the government because we are seeing time and again that scrutiny is not their friend and transparency is just a word which has no place in the way that the government go about their business. What we see time and again from this government is, "It's my way or the highway." Correspondence can be entered into but they are not going to read it anyway. They are not going to consider it. Cost is irrelevant because it is not their money; it is your money. To the taxpayers: it is your money.

When the Auditor-General of this territory makes a call that he wants you to go back to the drawing board, do the numbers properly and then share them with the rest of us, we are of the belief, the Canberra Liberals, that that is what you should be doing. I commend my motion to the Assembly.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.05): I rise to set a few things straight for Mr Parton and those opposite. Mr Parton's motion quotes the Auditor-General at length, so I will start by doing so too:

On 10 September 2019, a redacted version of the City to Woden Light Rail: Stage 2a City to Commonwealth Park Business Case ... was made publicly available.

That is a clear quote from the Auditor-General. At the time, yes, sections were redacted from that public document because they were commercially sensitive. They had pricing details that may have prevented the ACT government from getting a good deal in negotiations with any future delivery partner—value for money—something the opposition claim that they want to achieve through procurement but, on the other hand, are arguing against. You just cannot have it both ways.

To resume quoting the Auditor-General, the published business case:

... provided details for the design and construction of light rail between the City and Commonwealth Park and the ongoing operation and maintenance of that component of the light rail system. The Stage 2a Business Case also includes information associated with the economic analysis for Light Rail Stage 2a.

The Auditor-General then went on to detail publicly the present value figures for the benefits and costs of the project, which were made publicly available by the Chief

Minister for the purposes of the audit, and which could not be provided at the time the business case was released several years before. We have been very transparent in releasing the stage 2A business case and the economic analysis for all Canberrans to see, including Mr Parton and the opposition, and for the purposes of the audit. The approach of releasing the business case is the same approach that we took with stage 1, and it is the approach that we intend to take for future stages of light rail.

The fact is that economic analysis supporting the business case was conducted by a reputable firm, EY, who have undertaken this analysis on many infrastructure projects around Australia, including on stage 1 of light rail, which is proving to be a business case and economic analysis that is very conservative as time goes on. And EY undertook the assessment on the project consistent with nationally accepted principles for infrastructure projects.

For Mr Parton's benefit, I will just refresh the chamber on what a business case is. A business case is a point-in-time assessment tool. It is completed during the investment decision stage, when government is deciding whether or not it wants to proceed with a given project. It is a means of looking at the expected costs and benefits, based on information and project parameters available at the time it is completed. The project's scope and risks are also included in there, to decide if a project should go ahead. That is the key point because, once we recognise what role a business case plays and when one is prepared in the investment decision process, we can see Mr Parton's motion today for what it really is. Mr Parton is really demanding that we go right back to the start of the process and reconsider whether stage 2A of light rail to Woden should even get built.

By calling for a new business case, he is saying that the Canberra Liberals have not decided whether they support light rail. Have we got them over the line? They are undermining it every step of the way. They remain to be convinced that improving public transport for the south side by delivering the north-south spine extension of our future light rail network is a good idea. They are not even sure that people in Woden and beyond deserve the same high-quality, clean and efficient public transport option that thousands of people on the north side have been enjoying every day since April 2019.

That is completely at odds with what they told Canberrans on the south side during the last election and the half-hearted gestures of support that they have offered ever since, including in the chamber. Let us be honest. Today's motion is just another example of Mark Parton and the Canberra Liberals trying to have it both ways, saying that they support light rail to Woden while undermining it at every opportunity through this chamber, the media and loopy social media posts. They say that they are concerned about project timing, that they want the whole project to go back to the beginning stage that we started at in 2019. I am sick of it, to be honest, and I think Canberrans are too.

Stage 2A of light rail is going ahead. We have already started work on it. Early works for the project are happening just outside the door. Work will start on London Circuit very soon. The wrap-up in the next couple of months will occur on the procurement process and then we will be moving into construction work, following contract

signing with a delivery partner for this important precursor project. A further works approval application will follow for stage 2A to the National Capital Authority. Where does Mr Parton's crusade on this end? We are committed to bringing light rail to Woden. Stage 2A is the first essential step in taking it all the way there.

Members interjecting—

MR ASSISTANT SPEAKER (Mr Cain): Members!

MR STEEL: The project does have some standalone merits, like connecting the ANU—

Mr Parton interjecting—

Ms Clay: On a point of order, Mr Assistant Speaker, I am really trying to listen to the debate and I find I cannot hear it.

MR ASSISTANT SPEAKER: Yes, I have called two of the members. We would not like to go to the next stage. Mr Steel.

MR STEEL: We know that they definitely do not want to go to the next stage, Mr Assistant Speaker. The project does have some important standalone merits for 2A, like connecting the ANU, businesses and homes in the west of the city and the new Acton waterfront to the rest of Civic and all the way up to Gungahlin. We recognise that the main benefits for the project come from extending the north-south transport spine all the way to Woden. The business case was only focused on stage 2A. We recognise that there are a range of challenges with taking light rail all the way to Woden, including both technical issues and approvals processes to work through with the NCA and the new federal government for 2B.

We want to get cracking on building the line as soon as we can. That is why it is so important that we get on with stage 2A, while we undertake the design and the works approvals for 2B at the same time. Mr Parton knows this. The Canberra Liberals know this. They seem to think that if they can undermine stage 2A enough it will never get to Woden, which is really their true objective. They should just be upfront and honest with Canberrans that they do not support light rail, like the deputy leader over there a few years ago, when he said he would do everything in his power to stop its development. Just recently he has been actively pushing to undermine the project online, publicly speculating about whether the Liberals would have a higher primary vote if they supported or opposed the project.

Our government acknowledges the important role that independent agencies like the Auditor-General play in providing oversight of the ACT's governance and administration. I thank the Auditor-General again for their report into the stage 2A business case, which the government has already formally responded to in this place. As my amendment notes, we will certainly take on board all of the advice and the views the Auditor-General have provided in developing future business cases for stage 2B of light rail to Woden and any future stages of Canberra's light rail network.

Our focus now is on getting on with delivering this project and realising the benefits that are associated with it. That is why we will be preparing a benefits realisation plan, once we have received works approval for stage 2A and engaged a partner to deliver it. A benefits realisation plan follows on from the analysis undertaken during the project assessment and business case stage. It captures each of the project benefits that are intended to be delivered by the project and then sets targets, indicators, time frames, reporting protocols and governance responsibilities for these. It is a way of ensuring that those benefits are genuinely realised so that the original investment made by government is worthwhile.

As officers from Major Projects Canberra noted during the recent committee hearings of the public accounts committee into the Auditor-General's report on the stage 2A business case, the benefits from these kinds of major infrastructure projects can come over a period of decades, and most of them do not commence until the thing is built. A benefits realisation plan is therefore usually developed and agreed during the delivery phase of a project. This means that monitoring and measuring the benefits can commence once the project becomes operational.

From a transparency perspective, a benefits realisation plan itself has a number of benefits. It makes it clear to the community and stakeholders what benefits a project is intended to achieve or deliver in quite a practical way. It sets indicators and targets against these so that progress can be transparently tracked over time. It keeps government agencies and stakeholders focused on the delivery of those benefits because, as I have noted, these often have a long lead time to realisation and need ongoing effort. Preparing a benefits realisation plan was one of the recommendations of the Auditor-General's report into the stage 2A business case, and our government will be acting on that recommendation.

We can keep having the same conversation in this chamber if Mr Parton and the Liberals like. But while we are having it in here, the government is getting on with the work of building light rail to Woden, less than 500 metres up the road. If it were not for today's weather, Mr Parton could stick his head out of the window and probably see our crews getting on with the work.

We have been transparent at every stage in releasing the business case for stage 1 and stage 2A of light rail, and we will continue to be transparent in releasing the business cases for stage 2B and any future stages we deliver. In line with the advice from the Auditor-General, we will prepare a detailed benefits realisation plan for stage 2A at the appropriate time and also make this available for Canberrans to see and transparently assess.

Once we have gone through the procurement process for stage 2A, of course we will transparently release the contract for any works that are undertaken by the delivery partners, for the public, Mr Parton and the Assembly to see. We are in that process at the moment, trying to get value for money. We are getting on with the work of delivering light rail to Woden. What we will not do is let the Canberra Liberals slow down or obstruct the delivery of this important transformational project for Canberra's future just because they do not like it and never have.

I move:

Omit all text after “That this Assembly”, substitute:

- “(1) acknowledges the role of an independent audit authority as a vital quality assurance function for ensuring public money is efficiently and effectively expended, and recognises the professionalism and expertise of the ACT Auditor-General;
- (2) notes the ACT Auditor-General has provided a report into the business case prepared to inform Stage 2A of light rail to Woden and that the findings of this report are publicly available;
- (3) notes the ACT Government is committed to delivering light rail to Woden, with Stage 2A representing an essential first stage of the route; and
- (4) acknowledges the ACT Government will:
 - (a) prepare and publish a Benefits Realisation Plan for Stage 2A of light rail following receipt of Works Approval by the National Capital Authority and entry into a main works contract for this project;
 - (b) prepare the business case for Stage 2B and any future stages of light rail with the Auditor-General’s advice and views in mind; and
 - (c) publicly release the business case for Stage 2B and any future stage of light rail at an appropriate time, in line with the practice for Stage 1 and Stage 2A, so that these can also be transparently reviewed by the Canberra community and offices like the Auditor-General.”.

MS CLAY (Ginninderra) (4.17): I rise to speak to Mr Parton’s motion and to the amendment circulated by Minister Steel. Mr Parton’s motion focuses on transparency issues for light rail stage 2. It is similar to quite a lot of other motions and questions that we have heard from Mr Parton in the past. We Greens are also very concerned about transparency. I have asked a lot of questions on this issue myself.

Mr Parton’s motion acknowledges the good work of the Auditor-General. I am really pleased that we have this independent body. They do excellent work; they are so important when it comes to public scrutiny. The motion further calls on the government to produce documents. I will not go into an explanation here. I think we have heard it. Mr Parton knows what documents have been released. He knows why documents will and will not be released. He knows what the government have stated in their response to the Auditor-General’s report. We have heard the same explanation quite a lot of times.

For that reason the Greens will be supporting the minister’s amendment, but we certainly share Mr Parton’s interest in transparency. We have taken care with this amendment. We have made sure that it acknowledges the importance of external scrutiny and that it provides transparency. We have made sure that they will be releasing the information that they can release through the benefits realisation plan.

It is probably worth talking about that benefits realisation plan. A lot of documents get discussed with light rail, and I am not sure that everybody has a clear track regarding all of those different documents. That benefits realisation plan will make it much

clearer to the community and stakeholders what benefits the project is intended to deliver, and it will do so in quite a practical way.

It will set indicators and targets against benefits so that progress can be tracked over time and so that we can check it. It will keep government agencies and stakeholders focused on the delivery of those benefits. That is important, because these projects have a really long lead time and it takes a long time to realise them. They need a lot of ongoing effort. We need to monitor and check that we are getting what we thought we were getting.

An awful lot of other transparency measures apply to this project and to most projects here. We can all ask questions in the Assembly about this project. Mr Parton asks a lot of questions, which is really good to see. I asked questions last week. I asked questions during question time, and I have lodged some more questions about light rail on notice. I think it is good that we use those tools and that we do get the information that we want and the information that our communities are asking for.

I am a really passionate advocate for the utmost transparency and for the proactive disclosure of documents. It is good to see that we get those documents released proactively whenever we can and that we continue to ask questions and get as much openness as we can have about a commercial project that is underway.

This project is also open to the committee review process. The Auditor-General's report into stage 2A is currently being inquired into by the public accounts committee, on which the Canberra Liberals, ACT Labor and ACT Greens all have members. I am looking forward to seeing the outcome of that committee review. Committees are another key strand of our scrutiny, and of the scrutiny of government work, and it is important that we inquire into and take note of those committee inquiries.

It is also worth noting that some governments are much less transparent. We have noticed that the New South Wales Liberal government have not made public the business case for their rail projects. They have not published their business cases at all. We have published the business cases for light rail stages 1 and 2A, and we are expecting both business cases to continue to be published. We are expecting the benefits realisation plans to be published. We are expecting transparency on all of those.

Scrutiny and transparency are essential in making sure that government is accountable, and they are essential to ensuring that we can trust our political system. I think that our best decisions are informed by that level of scrutiny. Our best questions often come from an informed populace, and it would be a mistake for any government to assume that it had all of the answers. That is why I will certainly continue asking public questions about this project and I will continue monitoring it. I am pleased to see that Mr Parton will clearly be monitoring it as well.

The ACT Greens went to the election with these values clearly detailed in our policy platform. We want our infrastructure projects to be accountable, transparent and subject to quality public engagement for their whole duration. We want the publication of documents, wherever that can be done. We want the publication of

environmental impact statements, environmental assessments, business cases, cost-benefit analyses and benefits realisation plans, whenever these can be provided. We want open and transparent access to government information, and we want a clear presumption of proactive disclosure as part of our robust freedom of information system, whenever that can be done.

It is important, when we are talking about light rail stage 2A, to remember that we are not talking about stage 2A in isolation. That is true for any piece of transport infrastructure; it is particularly true for this one. This is a part of a whole. Looking at 2A in isolation would be like looking at a bridge in isolation when there are two roads connecting it. It would not make any sense at all. You have to look at the whole project. It would be like looking at the merits of Barry Drive if, instead of connecting to Belconnen, it stopped at Fairfax Street. That is simply not how we look at these infrastructure projects. I think that Canberra as a whole understands this.

I hope that today's motion is a genuine measure to promote transparency. I am looking forward to more transparency. I am hoping that it is not simply an attempt to revive the light rail wars. That would be a shame. I think we lost a lot of time on that, and we have heard tripartisan support for light rail stated in here a few times. I am hoping that we are not once again going back to the drawing board and reconsidering the entire project. I am also hoping that, with a change of federal government, we might get smoother delivery of this project and more federal funding for this project.

There are some incredible opportunities that can be delivered by light rail to Woden. We have some significant opportunities for infill, for transit-oriented development, for a lot of the climate-friendly development we know will house a growing population—the kind of development that the IPCC is telling us we need to have in our cities, the kind of development that we know every growing city needs. We need this type of transit-oriented development and this type of smart infrastructure project in order to deliver a livable and sustainable city. We know that that will be better for people on the planet. We know that we cannot keep doing things the way we did them in the past in Canberra. It is simply not going to work.

I will keep asking questions about this project and scrutinising the delivery of light rail. I will keep advocating for the best possible system. I am pleased to see this motion, but the ACT Greens will be supporting the amended version of it. In the interests of transparency, we think that the amendment reaches the mark.

MR PARTON (Brindabella) (4.24): I thank members for participating in this debate. In response to Mr Steel, I would say that this motion has got nothing to do with allowing us to see the entirety of the heavily flawed economic analysis that was referred to in the Auditor-General's report. It has nothing to do with that. This motion calls upon the government to do what the Auditor-General wanted them to do, and that is to go back and do it again.

Like the Auditor-General, I understand what a business case is. I understand what an economic analysis is. The first public official to call for the business case to be re-prosecuted was the Auditor-General. He was the one who said, "Let's go back and do this again." So Mr Steel's criticism of me in this chamber surely must also apply to

the Auditor-General. It must. Mr Steel gave his response and pretty much said, “Parton’s a nong because he does not seem to understand how business cases work.” How could I possibly have such little understanding of how government works? I can only assume that this is also a criticism of the Auditor-General, because that was very, very clearly his recommendation in that report.

In other attacks from Mr Steel, what Mr Steel is saying today is that anyone who questions the process of delivering a new hospital is against nurses, pretty much—anyone who asks any question about the delivery of any project. What he is saying in here is that anyone who questions procurement associated with the building of a new police station is against police. It is ludicrous. He used the word “loopy”; I would just go with “juvenile”. It is a juvenile attack on us, painting us as some sort of anti-tram warriors. It reeks of desperation and of a minister who is out of his depth and has nowhere else to go but to hurl claims like that over the chamber.

It is no surprise that the government do not want everyone to see what they are doing with this major project. We continue to share the enormous concerns outlined by the Auditor-General. His concerns were pretty fundamental and somewhat devastating. They had a very big impact on this side of the chamber, to the extent that, on 7 October last year, members would recall that we moved a motion calling on the Assembly to establish a select committee to oversight this project and report back to the Assembly on a biannual basis.

Mr Steel did not warm to that, which was a surprise to me. He did not warm to it, that chance for transparency, but he did agree, in his amendment to the motion, to have the stage 2A project referred to the Standing Committee on Public Accounts. When the ACT Auditor-General gave evidence at the PAC hearing on 12 May, he continued to express serious concerns over the business case and economic analysis for the light rail stage 2A project. If anything, his language, on occasions, was a bit more forthright during the PAC hearing. His observations included significant cost omissions, overstatement of benefits, lack of an assurance process, lack of attention paid to the economic analysis, lack of professionalism, withholding data that should have been made available, and lack of transparency. If you have not, dear members, do yourselves a favour and please go back and read the transcript or even watch the video of the PAC hearing for yourself and reach your own conclusions.

There is a bit of *deja vu* here, isn’t there, because the issues of governance and analysis raised by the Auditor-General on light rail are not new. They are not new. You have only got to browse some of his previous work to see why. Back in 2018 the Auditor-General reviewed the sale of block 30 in Dickson and observed things such as that the transaction did not achieve value for money; there was a high risk that the Planning and Development Act was breached and open, transparent and contestable process was not achieved; significant inadequacies in the tender process; and no evidence that the economic benefits were ever assessed. It does not really matter because it is your money. It is your money; it is not theirs. You have paid your rates.

In relation to the purchase of properties to the west of Canberra, the Auditor-General’s report suggested that probity was lacking; there was inadequate clarity and documentation; value for money tests were not followed; and

accountability and transparency were lacking. Furthermore, the 2020 report on residential land supply recommended the provision of greater information and transparency, while the report on the Campbell Primary School modernisation project observed that probity was not demonstrated in the procurement process.

I could go on and on, but I am sure that members get the drift. We can clearly see a stark body of evidence demonstrating the government's preparedness to take shortcuts, to withhold critical data, to create spurious arguments to suit their ideological goals. This government clearly disregards open, transparent and objective evidence in favour of doing things irrespective of the cost. Surely you cannot keep draining the community's purse this way and, further still, you cannot continue to ignore our very own Auditor-General.

The Canberra Liberals will not be supporting Mr Steel's amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 15

Noes 7

Mr Barr

Mr Gentleman

Mr Cain

Ms Berry

Ms Orr

Ms Castley

Mr Braddock

Dr Paterson

Mr Hanson

Ms Burch

Mr Pettersson

Mrs Kikkert

Ms Cheyne

Mr Rattenbury

Ms Lawder

Ms Clay

Mr Steel

Mr Milligan

Ms Davidson

Ms Stephen-Smith

Mr Parton

Mr Davis

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Canberra Institute of Technology—procurement

Debate resumed.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.34): I would like to respond to Ms Lee's motion, which she tabled, by leave, in the Assembly, without circulating it beforehand. We have taken some time to look at her motion, and I will be moving an amendment to it.

We believe very strongly, as an ACT government, that public funds should be used effectively and efficiently. We want to make sure that, in particular, our public provider of vocational education and training in the ACT, the CIT, uses money to

pursue its functions under the CIT Act 1987—its mission to deliver high-quality education for Canberrans. The Canberra Institute of Technology operates under a governing board structure. They have an executive that is external to government. The structure is outlined in the Canberra Institute of Technology Act 1987. The release and negotiation of external contracts are a matter for the CIT board and executive.

However, I have had some concerns about a range of different contracts which the CIT has signed over the past few years. In March 2021, upon becoming aware of a couple of contracts, I wrote to the CIT board to clarify the nature of four of the contracts that CIT had signed, and asked a range of questions about how those contributed to the efficient and effective delivery of CIT's mission to deliver high-quality skills and training for the Canberra community. I was then provided with a range of information by CIT which detailed what would be delivered under those contracts, but I flagged concerns that those contracts may not represent efficient use of public funds or be in line with community expectations.

Upon becoming aware, yesterday, of the signing of a further contract for \$4.99 million, I wrote to the chair of the CIT board again to raise my concerns and ask a range of questions as the Minister for Skills.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, Ms Lee was heard in silence.

MR STEEL: That includes why CIT has determined the work to be procured under the contract represents necessary, efficient and appropriate expenditure of public funds; specifically, what would be delivered under the terms of this new contract and what personnel will be involved in its delivery; and asking them to provide a detailed, itemised breakdown of the kind provided in the response to my original correspondence in March 2021, justifying such a large quantum of funding, \$4.99 million, being used for change management services of this nature, and asking whether lower cost alternatives were considered. I also asked questions about CIT procuring change management services from this external consultant, around why they have not looked at options for insourcing and providing in-house advisory services to undertake that work at potentially less expense.

These are the range of questions that have been asked, that have been detailed in the correspondence that I have tabled, and I will seek to amend Ms Lee's motion to have that reflected. Ms Lee has asked for an audit to be undertaken in relation to the series of contracts taken out by CIT with this particular provider and affiliated companies. We believe that this is a matter that should be audited by the Auditor-General, so we are seeking to invite the Auditor-General to do a review, to provide further advice on this matter and to give a sense of timing to the Assembly at the earliest opportunity. As to whether they intend to pursue an inquiry, we will ask them to advise the Speaker on whether they will be undertaking a review so that we can provide that to all members of the Assembly.

This is a matter that the government has been concerned about. I thank Ms Lee for bringing this motion to the Assembly to undertake this audit. We agree, but we would

like to see it done by the Auditor-General, who has the powers under the Auditor-General Act and, of course, with the oversight committee that can potentially look into this at a later date and provide maximum transparency as we investigate these matters. I move the following amendment that has been circulated in my name:

Omit all text after “That this Assembly”, substitute:

“(1) notes that:

- (a) Canberra Institute of Technology (CIT) receives the majority of its funding from the ACT Government, and is accountable to Canberra taxpayers;
 - (b) CIT has awarded seven contracts for consultancy services valued at \$8.87 million since 2017 to one individual and their associated business entities;
 - (c) three of the contracts were sole-sourced, and four went to open tender. The same individual and their associated business entities continued to win each tender;
 - (d) the value of contracts has steadily escalated since 2017;
 - (e) one of the earliest contracts in 2017 was valued at \$86 280.58; the contract in 2022 was valued at \$4 999 990.00;
 - (f) the reported daily cost of contracted services has risen from \$1058.82 per day in 2017 to \$9980.02 per day for the contract signed in March 2022, plus associated travel and related costs;
 - (g) despite these steeply increasing costs, the services reported to be provided by the contractor have not substantially changed over the same period of time;
 - (h) the services provided by the contractor are predominantly mentoring and workshops for the Chief Executive Officer and executive team;
 - (i) it is not clear, and there is very little publicly available information, as to what outcome or results have been delivered by the contractor;
 - (j) the contract documents for these procurements do not contain information that would otherwise normally be included in ACT Government contracts for consultancy services, such as:
 - (i) names of specified personnel providing the services;
 - (ii) hourly or daily rates;
 - (iii) milestone payment amounts and dates; and
 - (iv) defined deliverables and due dates;
- (2) further notes that having been advised by CIT of the latest \$4.99 million contract, the Minister for Skills wrote to the Chair of the Canberra Institute of Technology on 7 June 2022 seeking a response within five working days on the following matters:
- (a) how and why CIT determined that the work to be procured under the most recent contract for \$4.99 million represents necessary, efficient and appropriate expenditure of public funds;

- (b) specifically what will be delivered under the terms of this new contract, and what personnel will be involved in its delivery;
 - (c) what justification there is for such a large quantum of funding, at \$4.99 million, being used for change management services of this nature and whether lower cost alternatives were considered;
 - (d) given CIT has been procuring change management services from this external consultant since 2018, why the Institute has not recruited an in-house adviser or team to undertake this work at less expense than ongoing external consultancies;
 - (e) what oversight the CIT Board has had of services delivered under the prior contracts, and how the board has assured itself that this expenditure represents ongoing value for money; and
 - (f) what assurance the Board can provide that the procurement process for this contract was conducted with the highest levels of probity and impartiality;
- (3) submits the above information to the ACT Auditor-General and invites their review and further advice; and
 - (4) requests the Auditor-General advise the Speaker on whether they intend to pursue an inquiry into these contracts, with this information to be provided to all Members following receipt by the Speaker.”.

MR DAVIS (Brindabella) (4.40): I would first like to thank the Leader of the Opposition for her motion, and I thank Minister Steel for the commitments he has made to the Assembly today on the question. No doubt the media reports this morning were concerning, and they would have raised an eyebrow not only of all members in this place but of everybody in the community who saw what would appear, at face value, to be, at best, a questionable allocation of funds through the CIT.

Of course, it is not for us in this place to determine a judgement on the veracity of those claims that have been in the media for less than 12 hours. It would be rightly placed for an independent third party, an arbiter, to determine what exactly has happened here and whether or not there are any decision-makers who have questions to answer. I do think it is important, though, to flag that in Minister Steel’s amendment to Ms Lee’s motion he has outlined some of the steps he has taken as minister—on behalf of the ACT Greens, I am very grateful for that—showing that, as soon as these issues became present in the media this morning, the minister and his office, quite proactively, it would appear, reached out to the CIT, through their board, almost immediately, seeking explanation and justification for some of the challenging media reports that we saw this morning.

As Minister Steel put to me in a conversation earlier, and as we have discussed previously in this place, it is not the place of the Assembly to direct or dictate the Auditor-General as to what they should or should not inquire into. Certainly, it is the strong view of the ACT Greens that this particular matter requires investigation by the Auditor-General. We would encourage the Auditor-General’s office to consider this issue as a matter of priority. Along with the minister, we look forward to the probity and those independent arbiters, those eyes, to give advice to government and to this

entire Assembly on exactly what has gone on here, if there are any questions to answer, and to provide advice not only to government but specifically to the CIT board on what may need to be done in the future.

The ACT Greens are pleased to support Minister Steel's amendment to Ms Lee's motion.

MS LEE (Kurrajong—Leader of the Opposition) (4.42): Mr Steel, in speaking to his amendment, has attempted to explain what he, as the responsible minister, and the ACT Labor-Greens government have done about these serious issues that have now come to light about \$8.87 million worth of taxpayer funding that has gone to seven contracts to one individual to provide services that even now no-one can tell me what they are for.

I have just had a quick read—granted, it was a very quick glance—of the letter that Minister Steel wrote to the CIT board, a “please explain” letter, which he referred to in question time. It actually raises more questions than it answers. As soon as it hit the media, the minister of course went straight into damage control and wrote to say, “Hey, what's going on here?” The letter specifically states—and Mr Steel referred to this in question time—that he first raised these concerns with the CIT board over a year ago, in March 2021. I will quote directly from the letter:

In March 2021 I wrote to you seeking clarification of the nature of the first four contracts and how they contributed to the efficient, effective delivery of CIT's mission to deliver high quality skills and training for the Canberra community.

In March 2021 the minister had cause to be concerned about four contracts with this individual. It is all good for the minister to come into this place now, in June 2022, and say, “I raised these concerns back in March 2021.” What has happened since? We know that there was a contract signed for \$5 million literally a few months ago.

At best, CIT have no confidence in their own minister and, at worst, he has turned a wilful blind eye to what is going on. Is it good enough, when we are talking about \$8.87 million worth of taxpayer funds, to say, “You know what? I wrote a letter 15 months ago”? That is literally the sum-up of the minister's response as to what he has done about these serious concerns. He found out about the latest contract that is worth \$5 million yesterday, no doubt when the media came asking, “What is going on here?”

Whilst the minister has attempted to try and explain all of the things that he and the Labor-Greens government have done, it begs the serious question: what, for the past 15 months, has this government done to protect ACT taxpayer funds from being grossly misused in this way? What have they done to try and get to the bottom of what is actually being delivered under these contracts?

I reiterate, Madam Speaker: March 2021, seeking clarification on the nature of the first four contracts. This is extraordinary. Minister Steel thinks that he can come into this place and go, “Hey, look at me; I've explained now.” It actually raises more questions about what he has done as the minister responsible and what this

government has done. The fact is that \$8.87 million—and let’s not forget that those are just the contracts that we have been able to find publicly—has gone out the door and is footing the bill for mentoring services to the CEO of CIT, all under the watch of this minister and this Labor-Greens government.

It is all good now for the minister to come in and go, “You know what, Ms Lee? Thank you so much for bringing this forward. Yes, we’re really concerned and let’s have an independent examination of them.” The amendment Mr Steel brings on, again, is a total rewrite. I do not know why, because paragraph (1) is pretty similar to what I have written. Paragraph (2) goes on to say, “These are my excuses.” In paragraphs (3) and (4) there is all the vibe about “let’s get the Auditor-General involved”. But there is absolutely no time frame to try and get this done and no certainty about what is going to happen. We know that we do not dictate to the Auditor-General what they can, what they should and what they cannot do. Minister Steel knows this very well. This is a classic example of looking like he is doing something. That is not good enough for the Canberra public. If he is that serious, please explain what has gone on in the last 15 months, since first raising concern about four contracts. What has been going on?

The Canberra community are still in the dark and they deserve answers. There has been \$8.87 million of ACT taxpayer funds paid to one contractor, and now we know that the minister already had concerns about this contractor. To come into this place and to be forced to explain, because it has now hit the media, with a pretence of looking like he is trying to do something is too little, too late. There are serious answers that must come to light and it is up to the responsible minister to be held accountable. We will not be supporting the amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 15

Mr Barr	Mr Gentleman
Ms Berry	Ms Orr
Mr Braddock	Dr Paterson
Ms Burch	Mr Pettersson
Ms Cheyne	Mr Rattenbury
Ms Clay	Mr Steel
Ms Davidson	Ms Stephen-Smith
Mr Davis	

Noes 7

Mr Cain
Mr Hanson
Mrs Kikkert
Ms Lawder
Ms Lee
Mr Milligan
Mr Parton

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Schools—safety

MRS KIKKERT (Ginninderra) (4.53): I rise today to speak of a very serious topic that is plaguing our community—in our homes, in our work and also in our schools. We have raised the alarm bells and have tried to deal with emotional and verbal abuse in our homes and in our workplace. Many people are beginning to recognise this abuse and call it out. However, this emotional and verbal abuse is happening in our schools, to our students, yet we do not talk much about it. I am here to call it out. As shadow minister for youth and families, it is my duty to do so.

A constituent has emailed me with his concern about a schoolteacher allegedly committing emotional and verbal abuse on a student. Let me remind everyone that emotional and verbal abuse includes insults and attempts to scare, isolate and control someone. This constituent went on to say that a teacher had said to a primary school aged student, “Hunt you down.”

Now, imagine if that was said at a workplace. We would classify that as a threat and direct emotional and verbal abuse to an individual, followed by disciplinary action on that individual, depending on whether you have a great boss and an environment that does not tolerate any sort of bullying to anyone. However, when it is said to a primary-aged student, the reaction from the school and the Minister for Education, in almost dismissing the incident and not taking it seriously, is a shame. I have spoken to Minister Yvette Berry about this issue and followed up with her via email last week, yet I have had no response from her. Meanwhile, the situation with her department, in dealing with this, is laughable and an insult to this family, as well as indirectly rubbing salt into the wounded child.

The minister has said before that nobody accepts any kind of violence in our schools. She is also the Minister for the Prevention of Domestic and Family Violence, yet her silence on this matter speaks volumes about what she really accepts. This is not just a number, an incident that happened in a school playground or even during a meeting. This is a real student with real heartache. My constituent has expressed that his daughter is afraid of going to school because she does not feel safe around the teacher and she felt devastated at the time of the incident because she felt betrayed and unsafe.

Will the education minister actually provide a safe environment for this constituent’s child? Or maybe the minister has lost control of the education department. The minister thinks she looks strong, but her dealing with schools makes her look weak. Our students—and I mean all students—have every right to feel safe in their school and deserve to attend a school where they are respected, feel supported and feel safe. Even a sincere apology when adults are aware of their wrongdoing goes a long way in building a positive and safe place for our children. Anything less than that is unacceptable, prideful and has no place in our community.

Assisted reproductive technology—children’s rights

DR PATERSON (Murrumbidgee) (4.57): This week, in anticipation of the government’s response, in the next sitting, to the motion I moved on assisted reproductive technology and the potential for a donor registry, I am reading the stories of three donor-conceived people to bring attention to their experiences and highlight the need to consider their perspective in the review of current regulatory arrangements. These are Kirrily’s words:

My name is Kirrily and I am a 33-year-old born and raised Canberran. My story starts in the late 80s when my incredibly strong and independent mother decided that she wanted a sibling for my older brother. Being a single mother, from a failed relationship in the late 80s, it was a tricky time to be considered a suitable candidate for sperm donation. After many attempts at a clinic, she finally fell pregnant with me.

I am forever grateful to my mother because she has always been honest and open with me about how I came to be. My family are extremely loving and supportive, and my childhood was a happy one.

I didn’t know any different and life to me seemed very normal until I was about 8 years old when I started having friends sleep over at my house. Friends would always ask about the absence of my Dad and I didn’t know what to tell them.

Although Mum was very honest and open about everything about me, we came from a very strict Catholic community, and I was forbidden from talking about ‘our secret’ with anyone. As an 8-year-old girl, it was very difficult to hide the truth from my friends and family and to be secretive about who I truly was. I started to feel alone and different, and deeply sad that I was unable to share this part of my life openly. Being donor conceived started to feel more like a burden than a blessing.

Growing up as a teenager in Canberra, I was very conscious of dating or having an intimate relationship with others for fear that I could potentially have a consanguineous relationship without knowing. I also had poor mental health during my teenage years, and I believe that this is due not to being able to discuss being donor conceived or receive any support for being donor conceived. There were not any available programs or support services ... It wasn’t until I started university that I was comfortable engaging in the dating scene because people came from other states and cities.

When I was pregnant with my first child, I became very passionate about finding out more information about my donor and medical history, if not for me – for them. I decided to write a letter to the fertility doctor ... and requested a meeting to find out any possible information ... I paid a \$250 consult fee to meet with this doctor.

Unfortunately, he was not willing or able to tell me anything about my medical history or donor records. When I asked about the possibility of having any half siblings, he assured me that it would be extremely unlikely and that once there had been a successful pregnancy with a sperm donor, they would not use that donor again. I remember walking out of his office feeling even more confused, frustrated, and disregarded as a human being.

After a decade of searching for answers, I paid \$129 to do a DNA test through Ancestry.com which is where I matched instantly with a half-brother that I never knew I had. This was INCREDIBLE, because not only could I speak with someone who was like me and who could completely understand and empathize with my situation, they were undoubtedly part of me and shared my DNA. A few years later and even more incredibly, we found two more half-brothers also conceived in the A.C.T from a different fertility clinic. Ultimately, I was right to be extremely cautious when dating because I have three older half-brothers within a small community of Canberra that I was unaware of.

Currently, we are still searching for the missing pieces and for more information on our medical history and donor. We still do not know who our donor is. It has proved extremely difficult to find any information or records about our existence. There are currently no records of my conception, no medical records accessible to me, or history of my existence at the fertility clinic I was conceived.

It is stories like Kirrily's that make me incredibly determined to see reform in the ACT and to see the rights of the child front and centre of legislative reform.

Question resolved in the affirmative.

The Assembly adjourned at 5.03 pm.

Schedules of amendments

Schedule 1

Public Health Amendment Bill 2021 (No 2)

Amendments moved by the Minister for Health

1

Clause 5

Proposed new section 118N, definition of *vaccination direction*

Page 4, line 4—

omit

section 118ZM (1)

substitute

section 118Z (1)

2

Clause 5

Proposed new section 118P (1) (b)

Page 5, line 12—

omit

6 months

substitute

90 days

3

Clause 5

Proposed new section 118P (2)

Page 5, line 16—

omit

6 months

substitute

90 days

4

Clause 5

Proposed new section 118P (3)

Page 5, line 18—

omit

60 days

substitute

30 days

5

Clause 5

Proposed new section 118V (5)

Page 11, line 26—

insert

- (5) If the chief health officer makes a segregation or isolation direction in relation to a particular person, the chief health officer must give a copy of the direction to the public advocate.

6

Clause 5**Proposed new section 118Z (3) (b)**

Page 15, line 15—

omit

the Executive

substitute

the director-general

7

Clause 5**Proposed new section 118Z (3) (c)**

Page 15, line 17—

omit

the Executive

substitute

the director-general

8

Clause 5**Proposed new section 118ZC, definition of *affected person*, new paragraph (aa)**

Page 17, line 27—

insert

- (aa) in relation to a standing exemption—a person to whom the exemption applies; and

9

Clause 5**Proposed new section 118ZC, definition of *externally reviewable decision*, paragraph (a)**

Page 18, line 9—

omit

- (a) a Ministerial direction to prevent or limit entry into the ACT, where the decision relates to an application to exempt a person—

substitute

- (a) a Ministerial direction to prevent or limit entry into the ACT, or a standing exemption from the direction, where the decision relates to an application to exempt a person from the direction or a condition to which the standing exemption is subject—

10

Clause 5**Proposed new section 118ZC, definition of *relevant decision-maker*, new paragraph (c)**

Page 18, line 26—

insert

- (c) in relation to an application to exempt a person from a vaccination direction—the director-general.

11

Clause 5

Proposed new section 118ZC, new definition of *standing exemption*

Page 18, line 26—

*insert**standing exemption*—see section 118ZCA (1).

12

Clause 5

Proposed new section 118ZCA

Page 19, line 2—

*insert***118ZCA Standing exemption**

- (1) The relevant decision-maker for a Ministerial direction or chief health officer direction may exempt a class of people from complying with a requirement of the direction (a *standing exemption*).

Note Power to make a standing exemption includes power to make different provision in relation to different matters or different classes of matters, and to make an exemption that applies differently by reference to stated exceptions or factors (see Legislation Act, s 48).

- (2) A standing exemption may be subject to conditions.
- (3) A standing exemption may be made on the relevant decision-maker's own initiative or the request of a person.
- (4) In making a standing exemption, the relevant decision-maker must comply with the requirements (if any) of—
- (a) for a standing exemption from a Ministerial direction—a Ministerial exemption guideline; or
 - (b) for a standing exemption from a chief health officer direction—a chief health officer exemption guideline.
- (5) A standing exemption is a notifiable instrument.

13

Clause 5

Proposed new section 118ZD (1A)

Page 19, line 6—

insert

- (1A) An affected person in relation to a standing exemption may apply to the relevant decision-maker to exempt the person from complying with a condition to which a standing exemption is subject.

14

Clause 5

Proposed new section 118ZD (2) (c)

Page 19, line 10—

after

relevant direction

insert

or standing exemption

15

Clause 5

Proposed new section 118ZD (3) (a)

Page 19, line 13—

after

Ministerial direction

insert

or standing exemption from a Ministerial direction

16

Clause 5

Proposed new section 118ZD (3) (b)

Page 19, line 15—

after

chief health officer direction

insert

or standing exemption from a chief health officer direction

17

Clause 5

Proposed new section 118ZE (1)

Page 20, line 2—

omit

section 118ZD

substitute

section 118ZD (1)

18

Clause 5

Proposed new section 118ZE (1A)

Page 20, line 5—

insert

(1A) On application under section 118ZD (1A), the relevant decision maker may exempt an affected person in relation to a standing exemption from complying with a condition to which the exemption is subject.

19

Clause 5

Proposed new section 118ZE (5) (a)

Page 20, line 25—

after

Ministerial direction

insert

or standing exemption from a Ministerial direction

20

Clause 5

Proposed new section 118ZE (5) (b)

Page 20, line 27—

after
 chief health officer direction
insert
 or standing exemption from a chief health officer direction

21**Clause 5****Proposed new section 118ZF (1)****Page 21, line 10—**

before
 review
insert
 internal

22**Clause 5****Proposed new subdivision 6C.6.4A****Page 25, line 4—**

insert

Subdivision 6C.6.4A Exemptions—vaccination directions—internal review**118ZJA Internal review—vaccination direction—application**

- (1) This section applies if—
 - (a) a person makes an application for an exemption from complying with a requirement of a vaccination direction in accordance with a vaccination exemption guideline; and
 - (b) the relevant decision-maker makes either of the following decisions (an *internally reviewable decision*):
 - (i) not to exempt the person;
 - (ii) exempt the person subject to conditions.
- (2) The person may apply to the relevant decision-maker for internal review of the decision.
- (3) An application may only be made on a ground stated in the vaccination direction.
- (4) An application must—
 - (a) be in writing; and
 - (b) set out the grounds on which internal review of the decision is sought.
- (5) The making of the application does not affect the operation of the internally reviewable decision.

118ZJB Internal review—vaccination direction—decision

- (1) On application under section 118ZJA, the relevant decision-maker must arrange for someone else (an *internal reviewer*) to review the internally reviewable decision.
- (2) The internal reviewer must review the internally reviewable decision and—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) revoke the decision and make a new decision.

- (3) The internal reviewer must give written notice of their decision under subsection (2) as soon as possible, and not later than 5 days, after the day the application for internal review is made.
- (4) Failure to comply with subsection (3) is taken to be a decision to confirm the internally reviewable decision.
- (5) In making a decision under this section, the internal reviewer must comply with the requirements (if any) of a vaccination exemption guideline.
- (6) In this section:
internally reviewable decision—see section 118ZJA (1) (b).

23

Clause 5

Proposed new section 118ZL (1) (a)

Page 26, line 14—

omit

Ministerial direction

substitute

chief health officer direction

24

Clause 5

Proposed new section 118ZQA

Page 30, line 12—

*insert***118ZQA Oversight functions unaffected**

- (1) Nothing in this part is intended to interfere with the exercise of a function by an entity that involves visiting a place of detention under another territory law.

Examples—other territory laws

- *Auditor-General Act 1996*
- *Children and Young People Act 2008*
- *Corrections Management Act 2007*
- *Inspector of Correctional Services Act 2017*
- *Integrity Commission Act 2018*
- *Mental Health Act 2015*
- *Mental Health (Secure Facilities) Act 2016*
- *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*
- *Official Visitor Act 2012*

- (2) However, a person visiting a place of detention must comply with any chief health officer direction or vaccination direction that applies to the place or the person.

25

Clause 5

Proposed new section 118ZR (2) (ia)

Page 31, line 3—

insert(ia) *standing exemption;*

26

Clause 16

Proposed new dictionary definition of *standing exemption*

Page 41, line 2—

insert

standing exemption—see section 118ZCA (1).

27

Clause 16

Proposed new dictionary definition of *vaccination direction*

Page 41, line 8—

omit

section 118ZM (1)

substitute

section 118Z (1)

Schedule 2

Public Health Amendment Bill 2021 (No 2)

Amendments moved by the Leader of the Opposition

1

Clause 5

Proposed new section 118R (5)

Page 7, line 17—

omit

notifiable

substitute

disallowable

2

Clause 5

Proposed new section 118S (6)

Page 8, line 10—

omit

notifiable

substitute

disallowable

3

Clause 5

Proposed new section 118U (5)

Page 10, line 25—

omit proposed new section 118U (5), substitute

- (5) A chief health officer direction must not be made in relation to a particular person.

4

Clause 5

Proposed new section 118U (6)

Page 10, line 27—

omit proposed new section 118U (6), substitute

- (6) A chief health officer direction is a disallowable instrument.

5

Clause 5

Proposed new section 118V (1)

Page 11, line 3—

omit

, whether made in relation to a particular person or not,

6

Clause 5

Proposed new section 118W (1)

Page 12, line 2—

omit proposed new section 118W (1), substitute

- (1) A chief health officer direction comes into force immediately after it is made, or at a later time stated in the direction.

7

Clause 5

Proposed new section 118W (2)

Page 12, line 9—

omit

made other than in relation to a particular person

8

Clause 5

Proposed new section 118W (3)

Page 12, line 12—

omit

For a chief health officer direction made other than in relation to a particular person, the chief health officer may extend the period for which the direction

substitute

The chief health officer may extend the period for which a chief health officer direction

9

Clause 5

Proposed new section 118W (4) and (5)

Page 12, line 17—

omit proposed new section 118W (4) and (5), substitute

- (4) An extension of a chief health officer direction is a disallowable instrument.

10

Clause 5

Proposed new section 118X (1)

Page 12, line 22—

omit

11

Clause 5

Proposed new section 118X (2)

Page 12, line 24—

omit

the chief health officer direction

substitute

a chief health officer direction

12

Clause 5

Proposed new section 118Y (1)

Page 13, line 5—

omit

13

Clause 5

Proposed new section 118Y (2)

Page 13, line 7—

omit

the chief health officer direction

substitute

a chief health officer direction

14

Clause 5

Proposed new section 118ZH

Page 23, line 3—

relocate to subdivision 6C.6.1 as section 118ZCA

15

Clause 5

Proposed new section 118ZK (6)

Page 26, line 9—

omit

notifiable

substitute

disallowable

16

Clause 5

Proposed new section 118ZL (6)

Page 27, line 8—

omit

notifiable

substitute

disallowable

17

Clause 5

Proposed new section 118ZM (6)

Page 28, line 5—

omit
 notifiable
 substitute
 disallowable

Schedule 3

Public Health Amendment Bill 2021 (No 2)

Amendments to the Minister for Health's amendments, moved by the Leader of the Opposition

1

Amendment 22

Proposed new subdivision 6C.6.4A, new subdivision 6C.6.4B

after proposed new subdivision 6C.6.4A, insert

Subdivision 6C.6.4B Exemptions—vaccination directions—external review

118ZJC External review—vaccination directions—application

- (1) A person in relation to whom a decision has been made under section 118ZJB may apply to an external reviewer for review of the decision.
- (2) The application must—
 - (a) be in writing; and
 - (b) set out the grounds on which external review of the decision is sought.
- (3) The making of the application does not affect the operation of the externally reviewable decision.

118ZJD External review—decision

- (1) On application under section 118ZJC, the external reviewer must review the externally reviewable decision against the following (the *relevant requirements*):
 - (a) the requirements in relation to exemptions under this division;
 - (b) the requirements (if any) of a vaccination exemption guideline.
- (2) After completing the review, the external reviewer must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) revoke the decision and make a new decision; or
 - (d) refer the decision to the relevant decision-maker for the decision to be remade.
- (3) If the external reviewer refers the decision back to the relevant decision-maker under subsection (2) (d), the external reviewer must tell the decision-maker how the decision did not comply with the relevant requirements.