



# Debates

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Legislative Assembly for the ACT

**TENTH ASSEMBLY**

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**Wednesday, 8 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.

### **Minister for Skills**

#### **Motion of no confidence**

**MS LEE** (Kurrajong—Leader of the Opposition) (10.01): I seek leave to move a motion of no confidence in the Minister for Skills.

Leave granted.

**MS LEE**: I move:

That this Assembly expresses no confidence in the Minister for Skills.

As would be plainly obvious to everyone in this chamber from what transpired yesterday, I have no choice but to bring on this motion of no confidence in the Minister for Skills. To do otherwise would be nothing short of a breach of duty on my part to hold this minister and this Labor-Greens government to account.

Yesterday morning, when the existence of questionable contracts became public, I said very clearly that there are some serious questions that need to be answered by the minister responsible. Throughout the entire morning, we saw the minister go into hiding from the media and from the public. The deafening silence spoke volumes about the culture of secrecy that continues to permeate this Labor-Greens government. But, come question time, the minister could hide no longer. And it was during this time that we first learned the truth, the shocking truth: the minister knew that CIT were involved in a series of, at best, questionable procurements as early as March last year, fifteen months ago, and about no fewer than four contracts.

By March last year, CIT had entered into contracts with this consultant worth a whopping \$3.36 million. This, in itself, is a staggering amount of money for one consultant. In a move that is inexcusable, unforgiveable, after the minister knew and

had asked questions about these dodgy procurements, CIT went on to award a further two contracts, worth an eye-watering \$5.51 million, to the same individual. This brings us to a total of \$8.87 million of taxpayer funds awarded to one individual. Let us not forget that these are only the contracts that we know about. Still, even after hours and hours of discussion and debate yesterday, none of us—none of us—are any the wiser as to what that huge sum of money has been spent on, what it actually delivered and what benefit it has brought to the CIT and the wider Canberra community.

Yesterday the minister tabled a letter he had written to the CIT board, dated 7 June—that is, yesterday. It is abundantly clear that this was a damage control letter drafted in haste because the concerns he had raised, and effectively did nothing about to halt, were coming to light. In this letter he wrote:

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.

Madam Speaker, I call on the minister today to table that letter of March last year, and any response he received, before 12 pm today in this place. If he has any sense of duty, any commitment to transparency and any semblance of actually getting to the bottom of this, he must agree to that.

The minister continues in his letter dated 7 June, yesterday:

In my subsequent discussions directly with you, and between my office and CIT's CEO, the government flagged concerns that these contracts may not represent efficient use of public funds in line with community expectations.

Madam Speaker, I call on the minister today to table any minutes, correspondence or records of any kind detailing these discussions, before 12 pm in this place. If he has any sense of duty, any commitment to transparency, any semblance of actually getting to the bottom of this, he must agree to that, because it is clear, abundantly clear, that his view was not at all heeded by CIT. This is the same CIT that went ahead and awarded two further contracts, worth \$5.5 million, to the same individual, in blatant disregard of the minister's apparent concerns. Is he the responsible minister who has carriage of CIT, or is he not? If not, who is responsible for this gross misuse of public funds by CIT?

At best, he has completely lost the confidence of CIT, who have demonstrated clear contempt for the minister's apparent concerns. At worst, the minister has been complicit for at least 15 months in these dodgy contracts that have seen \$8.87 million worth of taxpayer funds going to one contractor to provide mentoring for the CEO. Whatever it is, ultimately it does not matter. We all know that the buck stops with him. Instead of trying to cover himself and throw the CIT board under the bus, he must stand up and take responsibility for this egregious misuse of taxpayer funds. This minister must do the right thing and resign. And, if he will not, the Chief Minister must do the right thing and demand his resignation. When will someone in this government take responsibility for the waste, the complacency, the arrogance?

Time and again, the ministers in this Labor-Greens government, and the backbenchers who are supporting them, go into denial mode because, of course, they are untouchable; they could never do anything wrong. They run a protection racket that breeds the toxic culture that we see permeating through this astonishing—astonishing—misuse of public funds. Let me be clear: every single one of the members in this place that provides the vote of confidence in this minister today is complicit in this gross misuse of public funds. I say directly, through you, Madam Speaker: your vote today will speak to your personal sense of integrity, transparency and good governance.

I have heard almost every single member of the Greens in this place talk at some point about transparency, about accountability, about integrity. Only yesterday, Ms Clay used the word “transparency” 11 times whilst speaking in this place—11 times. How will she vote today? Mr Davis, in his weak defence of the minister yesterday, spoke about the efficient use of public funds. How will he vote today? History tells us, of course, that when it comes to actually putting their vote where their cheap words are, the Greens always fail.

How will they vote today? Will they compromise their own integrity to keep their seats at the ACT cabinet table, to protect their political partner, or will they stand up for Canberrans, draw a line in the sand and say that they do not support this shocking misuse of Canberrans’ taxpayer dollars—that it is absolutely and utterly unacceptable that this minister knew, 15 months ago, and allowed two additional contracts, worth \$5.5 million, to be signed under his watch. To date, this will be the biggest test of the Greens’ integrity in this place.

Labor members also mention transparency a lot. Dr Paterson gave transparency a mention yesterday. So did Ms Cheyne and so did Ms Stephen-Smith. Even the Minister for Skills himself saw fit to use it. So let me remind members of what has been going on under the government that is headed up by these members who apparently believe that transparency is so important.

Since 2017 there have been at least seven contracts, totalling \$8.87 million, awarded to one individual by CIT. The minister himself has admitted that he found this concerning and, in fact, reached out in March last year to ask about four of those contracts, worth a total of \$3.36 million. So what has happened after that? Either through incompetence or complicity, CIT has gone on to misappropriate \$5.5 million more of taxpayer funds across two further contracts to the same individual. The minister himself, in describing the latest \$5 million—

**Ms Stephen-Smith:** Madam Speaker, a point of order.

**MADAM SPEAKER:** Point of order.

**Ms Stephen-Smith:** Ms Lee has made a very serious accusation against CIT of misappropriating funds. There is currently no evidence that funds have been misappropriated, and I ask that Ms Lee withdraw that accusation against CIT.

**MADAM SPEAKER:** Ms Lee, would you—

**MS LEE:** Madam Speaker, I withdraw. I say misuse of \$5.5 million more of taxpayer funds across two further contracts.

The minister himself, in describing the latest \$5 million contract in his correspondence of yesterday to the CIT board chair, said:

I have reviewed the tender documentation and contract for this procurement and am unable to determine the specific work to be delivered through it, based on the use of jargon and an ill-defined statement of requirements.

It seems that the minister and I agree on one thing at least. Nobody understands the wilfully opaque, meaningless and unintelligible language used to describe the apparent services to be provided under these contracts. Even this morning on ABC radio the CEO was asked multiple times to explain what these services are and could not and would not explain in plain English what it all actually all means. And nobody can point to any meaningful outcome that has been delivered to CIT or to the Canberra public as a result of \$8.87 million of taxpayer funds spent on this one individual over the past five years.

I also note that the minister yesterday raised the governing structure of CIT several times, in an attempt to begin laying the foundation to sacrifice the board to save his own skin. My question to the minister today is this, through you, Madam Speaker: if you have the authority to write to the board to ask them to explain the expenditure of public funds, are you not ultimately the one responsible? If the board is answerable to you as the minister, are you not ultimately the one responsible? If you have the privilege of bearing the title of Minister for Skills, with all the benefits and responsibilities that come with it, are you not ultimately the one responsible? We all know that the answer to those questions is yes, Minister.

The minister also has a series of questions to answer around the Government Procurement Board. How was CIT able to blatantly ignore the advice of the Government Procurement Board several times? Is the board effective? I think one of the most important questions to be answered by this minister, by the Chief Minister and by this Labor-Greens government is: what else are they hiding? This is the second time in mere months that very serious issues with procurement under this government have been exposed.

Earlier this year, when the Campbell Primary School procurement scandal drew the attention of the Auditor-General and the Integrity Commissioner, I called for an audit of all ACT government procurements over the last five years. Let us not forget that every single member of the Labor-Greens government rejected that call. Even with the shocking revelations of these CIT contracts, there is still no commitment to take a whole-of-government review to find out what is actually happening. Only a few months ago, the Integrity Commissioner made startling statements that these types of probity issues in procurement are rarely a one-off and that these types of serious issues are more likely to be endemic.

Let us not forget that the Minister for Skills is also the Special Minister of State, who has responsibility over all ACT procurements. This minister has been delivering failure after failure, and whether it is incompetence or complicity he must demonstrate some decency and resign. This is a pattern exhibited for years, and this Labor-Greens government must be held accountable. It must stop and it must stop today. Canberrans deserve better. To all members here today: I implore you to put integrity first. Send a message to all Canberrans that you put their interests above your own. The Minister for Skills has failed in his duty to the public and must resign. If he does not have the decency to do so, the Chief Minister must demand his resignation. I commend my motion to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (10.16): While it is never comfortable to face a no-confidence motion, I welcome the opportunity to put on the record the government's position on these procurements and the steps that I have taken, as the responsible minister, in relation to them.

As members would be aware from our discussions in this place yesterday, the Canberra Institute of Technology operates under a governing board, an executive external to government, in line with the Canberra Institute of Technology Act 1987. To answer Ms Lee's question in her speech, as the Minister for Skills I have policy oversight over the delivery of vocational education and training in the ACT but not day-to-day delivery oversight of CIT operations, as is the case with government directorates.

CIT's governance is primarily the responsibility of the institute's board and executive. The board is made up of individuals with knowledge and experience of the vocational education and training sector, as well as members with specialist expertise in key focus areas of training delivery for CIT like health care, construction and innovation. The board selects the CIT CEO, who is then responsible for the institute's operations, including matters like procurement.

CIT does provide me, as minister, with regular advice about its activities. I also have the capacity under the act to seek information and direct the institute to take certain actions, only in limited circumstances. In my capacity as the Minister for Skills, I initially contacted CIT in early 2021 to seek more information about a series of contracts which the institute signed between 2017 and 2021. These contracts were brought to my attention by media inquiries. At the time, there were four contracts that had been identified, with a total value of \$3.274250 million over three years.

I wrote to the CIT board chair, Craig Sloan, seeking advice on how these contracts represented value for money. In this correspondence I also requested information from CIT on the specific outcomes being sought by these consultancies and how these outcomes had been delivered to date. The CIT chair provided a written response and a detailed breakdown of the services provided under these contracts, copies of which I now table. The chair of the CIT board advised me:

... I am confident that procurement processes to engage the service provider were consistent with all procurement policies and practices and that given the enormity of the transformation work, the investments in CIT via these contracts represent value for money.

Following receipt of this written advice, in subsequent conversations with the CIT chair and CEO I conveyed my expectation that CIT would pay close attention to value for money, government procurement policy and community expectations in the expenditure of public funds when undertaking future procurements.

In December 2021 the CIT CEO then advised my office that the institute was considering undertaking further procurement activity, in addition to or as an extension of these contracts. While I did not participate in this conversation, I am advised that my office reminded the CEO of the government's previously stated concerns that indicated that further procurements might not be considered to be consistent with community or government expectations. I am advised that, at this time, CIT's CEO indicated that the institute would go through a full and open procurement process if it ultimately decided to proceed with procuring further change management and professional services of this kind.

So it is fair to say that I was as concerned as any other member in this place to be informed earlier this week, on Monday, 6 June, that CIT had signed another very substantial contract with the same provider. Neither I nor my office were aware that this procurement was in train, prior to receiving advice from CIT that the contract had been signed, and we were not involved in any stage of the procurement process or the selection of this provider.

I want to highlight that this is as it should be. Ministers and our offices absolutely should not be directly involved in procurement processes by government agencies or public entities like CIT. All procurements involving the expenditure of public funds must be handled at arm's length, with the strictest levels of integrity and probity. This means ensuring that decisions are taken by appropriate delegates without involvement or interference from ministers, especially in the case of an entity with a statutory governance structure like CIT, which has its own governing board and executive.

So, having been made aware of this contract on 6 June, yesterday, on Tuesday, 7 June I wrote again to the chair of CIT's board, seeking an explanation and a response to a series of specific questions. I tabled a copy of that letter yesterday, during question time, so it is on the public record for all to see, Madam Speaker. My letter noted a requirement for the CIT board to respond within five working days to the letter.

Yesterday afternoon Labor and the Greens members in this place then further moved to provide information about these contracts to the ACT's Auditor-General for their consideration and advice. That was not supported by the Canberra Liberals. I want to be clear here that I am not, and the government is not, defending the signing of this latest \$4.99 million contract. I have asked the CIT chair to explain how and why it has been signed. Together with Greens colleagues, we have presented that information via this place to the ACT's Auditor-General to consider whether a further inquiry is



warranted. We will await the outcome of both these avenues of inquiry before determining our next steps.

If this procurement is found to have been undertaken without integrity and probity, or if CIT cannot demonstrate that it delivers value for money, then, as minister, I will take further action. I do not want us to get ahead of ourselves in detailing what that further action will be. Frankly, I think Ms Lee has done enough today in even bringing on this motion before the government and the Auditor-General have had a chance to properly consider this matter.

But let me be absolutely clear: as the public provider of skills and training in the ACT, the government expects and requires CIT to use public funds appropriately and efficiently in the pursuit of its mission to deliver high-quality vocational education and training to Canberrans. That is what we expect, and that is why we will continue to pursue this matter until we get some detailed answers. I am happy to come back to the Assembly with more information, when we have it, and to detail any next steps the government may take on the basis of that information.

*Ms Lee interjecting—*

**MR STEEL:** Ms Lee has criticised me for asking some hard questions of CIT, as a minister should do in relation to this matter and as is appropriate with the governance structure of the CIT. Unlike Ms Lee, we are not going to overreach on this. We are going to pursue this matter in a measured and responsible way, as Canberrans should expect from their government.

*Ms Lee interjecting—*

**MADAM SPEAKER:** Ms Lee, you were heard in silence.

**MR STEEL:** I commit to keeping the community and members of this place updated as we pursue this matter. I also table, as Ms Lee requested, the original letter from March 2021 to the chair of the CIT board:

Canberra Institute of Technology—Consultancy services—

Copy of letter to the CIT Board Chair, from the Minister for Skills, undated.

Copy of letter to the Minister for Skills from the CIT Board Chair, dated 5 March 2021, including CIT's Contemporary Organisational Transformation Report.

**MR MILLIGAN (Yerrabi) (10.24):** I commend this motion to the Assembly. My colleagues and I fully support this motion. We do so also on behalf of the many overworked teachers and students. It has come as no surprise to me that this minister is unable to manage the finances and has allowed practices with no integrity to pass through his office when it comes to the CIT. He has constantly favoured the CIT over other providers of vocational education and training, to the detriment of the rest of the sector. So to hear that he allowed these contracts to pass through his office and he did nothing about it comes as no surprise to me. His inaction, his negligence, has failed not only the sector but also the CIT teachers and students.

I have, for some time, been hearing from teachers and students about the dire straits in which this premier institution finds itself. That is how students and teachers describe it. “It is toxic, a terrible workplace; don’t work there,” warned one teacher. She goes on to explain:

Management and senior management are toxic. They keep contractors hanging on for jobs until people leave, stressed, deflated and lacking any confidence.

Others tell us that there is no job security. There is no support for employees. Contracts are short term, sometimes only eight weeks. There is no loyalty. I wonder how many of these issues can be attributed to the money being spent on mentoring the senior executive, rather than on properly resourcing and supporting the teaching staff. Imagine what a difference \$10,000 a day would have made at the chalkface! If the minister had been up to his job, this situation would not have come about.

Students, likewise, tell us that it is the worst system of education they have encountered. They talk about lack of communication, lack of resources and lack of staff availability, all of whom appear to be working part time. It appears to be a common complaint from teachers and students: lack of support, lack of resources and general incompetence by the senior management. Maybe they did need mentoring after all, but maybe if that \$8.87 million had been spent on staffing matters these comments would not have arisen.

Maybe if the minister had been up to his job, vetted the contracts properly, he could have directed the funding into more appropriate channels, supporting teaching staff and students. Instead, the minister failed to act, failed to put the needs of students and teachers first and failed to consider the effects of his inaction on the institution and the broader Canberra community. I wholeheartedly support the motion put forward to this Assembly expressing no confidence in the minister and his inability to properly manage his portfolio.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.28): Of course we will not be supporting the opposition leader’s motion. The contributions that we have heard this morning could best be described as a word salad of hyperbole, throwing around terms like “decency” and—

**Ms Lee:** Read the contract. Have you read the contract?

**MR BARR:** You have obviously been reading them overnight and then have just regurgitated a version thereof in your speech, Leader of the Opposition.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR BARR:** You have obviously absorbed a little bit of that—or whoever writes your speeches for you—because what you have produced this morning is just a word salad

of insults, suggestions that the minister breached legislation. That is what we have just heard from the Mr Milligan, whose understanding of the Government Procurement Act is mind-boggling. If he thinks that ministers should be vetting procurements, that is to suggest, Mr Milligan, that ministers break the law. What we have heard this morning, if it was repeated outside this chamber, would see a number of members facing defamation action. It is outrageous. There is a reasonable point to raise here about these contracts. But what we have seen this morning—the tone of it, the personal attacks on the minister’s integrity—is a massive overreach.

*Ms Lee interjecting—*

**MR BARR:** The constant interjections of the Leader of the Opposition reflect her insecurity and her glass jaw. You have just spent 10 minutes throwing insults at my colleague and you cannot help but interject every 15 seconds. You have already been thrown out of this place in this sitting fortnight. You missed your former deputy’s valedictory because you were suspended from this place, so let us not have another sanctimonious lecture from you about integrity.

*Ms Lee interjecting—*

**MADAM SPEAKER:** Ms Lee!

**MR BARR:** Let us not have another sanctimonious lecture from you about integrity. You were well within your rights to raise the issues you did in question time yesterday, and in the formal motion that you moved, but that you voted against referring this matter to the Auditor-General speaks volumes that this is all politics, all about the minister and all about trying to get a ministerial scalp—and so little about integrity in procurement. Your approach this morning has laid bare that this is all just politics, and it is that that is the most disappointing element.

The minister has responded appropriately at various stages throughout this process, including yesterday and including again this morning, in meeting the information requests that you have made and in providing information on what he did and when, and the information that he received back. The idea that ministers would be involved in writing tenders, assessing tenders, or writing contracts or vetting them, as Mr Milligan has suggested, would be a breach of the law. It is astonishing that we are having this debate about what level of involvement ministers have in procurement. It is very clear, and outlined in the law of the territory. I advise members opposite, before they come in here and hurl insults at a minister and suggest that the minister should be breaking the law, to read the law.

What is very clear in relation to the operation of the CIT, as outlined in the legislation, is where ministerial directions are to be provided and how that is done. That is outlined in section 7 of the act. A ministerial direction is a notifiable instrument, notified under the Legislation Act, and must be presented in this place within five sitting days. So that is the basis on which the minister would give a direction and the process in which the minister would do so, outlined in the act.

Read further into the CIT Act and you see that in section 16 the CIT does have the power to engage consultants. That is outlined in its legislation. Clearly, division 2.2 of the act outlines the governance arrangements and the roles and responsibilities of the CIT board. So the minister is entirely correct in the legal process, and in the statements that he has made to this place, which stand in marked contrast to what we have heard from the other side of the chamber in this debate this morning.

When it comes to the most serious motion that can be moved, a motion of no confidence in a minister, it is important that there are facts on the table. The facts are very clear in this case, Madam Speaker. There is no evidence to support a motion of no confidence in the minister. The minister retains the full confidence of me and his colleagues. He is committed to this portfolio. He is committed to working with all of the education and training providers to see that Canberrans get access to the best quality skills and vocational education and training.

What he has said, and I endorse it, is that there are questions to be asked about this process. He is asking those questions. This Assembly has now determined the process for those questions to be answered, and within a short period of time, so to come in here this morning with no new information, nothing new to say, other than more and more insults to hurl at the minister, says everything about what this is about: politics, politics, politics, and going after the minister personally. Then the contribution from Mr Milligan, suggesting that the minister should break the law, really topped off a top-notch effort from you mob this morning.

Do better. Do better. Politics can be better than this, and it should be. Focus on the substance of the issues and look at what the minister has done, which is the right thing to do. I acknowledge that he has done that, that he has faced the barrage of political insults from you mob and done the right thing. And that, Madam Speaker, is why we will not be supporting this political stunt this morning.

**MR RATTENBURY** (Kurrajong) (10.36): Certainly, this is a very serious matter and I think that many of the questions that have been raised about these contracts, on the face of them and in light of the information we heard on the radio this morning, are very concerning. There are serious questions to be asked about this CIT contract arrangement and we need to get to the bottom of why this contract was given, what is being delivered from it and how the decisions were taken.

As the presenter on ABC Radio said this morning, the \$4.99 et cetera million is a very interesting number and in itself poses serious questions. We Greens agree that, from what we have seen, there are issues of concern with these CIT contracts. That is why, yesterday, we supported this going to the Auditor-General. The Auditor-General has the skills, the forensic capability and the powers under legislation to get the information that is needed to provide this place and members of the community with a clear understanding of the sorts of questions we are all wondering about.

That is why we supported that yesterday afternoon, because what we do not want to do is to have this matter resort to innuendo and half-baked analysis. We do want to get the proper answers, at the end of the day, because there is something worth

investigating here. Again, it has been put that this does not pass the pub test. I think that, on the face of it, most people are scratching their heads and wondering about both the quantum and the detail of these contracts.

There are issues that raise concern, but there is no conclusion yet to those questions. Therefore, this no-confidence motion is getting ahead of itself. The issue needs to be properly investigated by an appropriate body, with due process. It may indeed be that there are problems in this procurement process, but let us find that out. Let us use the mechanisms that this place has established over a number of years. We have a range of them. We have the tools to answer these questions. We have the Auditor-General, Assembly committee inquiries, and we now have an Integrity Commissioner, if that is the point we need to go to. These are the sorts of processes that this place has set up to make sure that these kinds of questions can be answered.

We Greens have supported, and often driven, a range of those mechanisms. This is exactly why we have them. Our community expect us to interrogate these issues, but they do not expect us to jump to conclusions without the information available to us. We have a serious job here. We are not here to get headlines. We are here to actually govern this territory—that is, all of us in this place—and to do that in a way that is considered, thoughtful and based on the evidence. We should not conclude, alone in this Assembly, in this political environment, without the complete picture, what the actual story is. There has been a lot of outrage, but we want to see the independent bodies who are charged with these jobs do their work and then this Assembly can form its view on whether further action needs to be taken.

We expect CIT to use taxpayers' money properly. We expect them to be focused on delivering good training for the residents of this city, for whom CIT is a really important institution. It is why we have always backed it strongly, because we need people being trained in the sorts of skills that CIT is delivering, from those traditional areas of plumbing and hairdressing and hospitality through to the more modern applications. I am very pleased to see them launching programs around electric vehicle maintenance, and the globally leading renewable energy training that they are offering. This is what we expect to see from CIT, to make sure that this city remains at the cutting edge and delivers the services we need.

I think anybody who has heard the confusing and jargon-filled language that has been used to describe the contracts so far is wondering what that money is being spent on. There is no doubt about that. For \$8 million worth of work, I am very keen to see the actual advice, to have an understanding of the work that was provided to the CIT and how this was utilised for public benefit—whether it represents value for money and whether it has improved the institution. These are the sorts of questions that I think everybody in this place, and anybody who has read the paper or heard the radio in the last 24 hours or so, is also wondering.

I have touched on it already, but technically it is not a breach, although it is of course coincidental and somewhat alarming, that the latest contract was priced just under that threshold at which it would have needed to go before the Government Procurement Board. I think this invites further investigation.

What it does not invite is the no-confidence motion we have seen in this chamber this morning. This matter arose in the last 48 hours. The minister stood in the chamber yesterday and answered a series of questions to the best of his ability at that point and undertook to do further work. In our view, that is appropriate. That is the minister's job, to set up the processes to get to the bottom of this. Minister Steel has provided more detail this morning on the steps that he undertook prior to this and he has tabled a series of documents, which Ms Lee referred to in her speech. I am satisfied that that is what the minister should be doing at this point in time. He should be putting this information on the table, and I think he has done that in a suitable and proactive way.

What we have seen from the Liberal Party this morning is that they are seeking the political death penalty before the trial has even taken place. That is what this motion is about. I think the Chief Minister summed it up quite well in his remarks. Yesterday we set up a process with the Auditor-General—and I reflect on the comments that Ms Lee made in her closing remarks yesterday. She sort of expressed scepticism. You know, this Assembly cannot direct the Auditor-General to do something, but we have clearly asked—

*Opposition members interjecting—*

**MR RATTENBURY:** Now they are starting to interject. Wait for the rest of the explanation. We asked the Auditor-General to do this, recognising that the Assembly cannot direct the Auditor-General. The motion was very carefully written to require that the Auditor-General advise the Speaker of whether he intends to undertake that audit. That way, this Assembly can know. If the Auditor-General chooses not to do it—and, frankly, I would be surprised, but that is the Auditor-General's decision under the legislation—this Assembly will know and then we can take other steps. But the Auditor-General is the best mechanism we have to look at this.

The way Ms Lee undermined that in her remarks yesterday afternoon I think reflects poorly on her understanding of both the way the system works and what was actually in the motion, which provided the Assembly with a *repechage* option, should that be required. We should investigate these matters thoroughly and then draw conclusions, not jump to conclusions.

I have been reflecting on the way that the Liberal Party have operated in this matter, in line with the way that they treated Mr Davis during the last sitting period. Members might reflect on that one. They came in here and threw all sorts of allegations at Mr Davis about a matter he had sent out to the electorate. They accused him of everything under the sun. They drew all the conclusions. They found guilt in this chamber, yet, when it went to the independent commissioner for standards, Mr Davis was found not to have breached the rules.

**Ms Lee:** Madam Speaker, a point of order.

**MADAM SPEAKER:** Point of order.

**Ms Lee:** On relevance: what has that got to do with what we are talking about?

**MADAM SPEAKER:** There is no point of order, Ms Lee. Mr Rattenbury.

**MR RATTENBURY:** So Mr Davis was found not to have breached the rules. Where was the recognition from the Liberal Party that they had overstepped? Did any of them come in here and say, “Sorry about that. We got a bit ahead of ourselves”? No. They threw all the smears and then, when the evidence showed something different: crickets. Absolute silence.

We will not participate in those sorts of processes. We expect a degree of due process. We expect a degree of procedural fairness. These are basic tenets of modern liberal democratic societies. We expect the process to be conducted fairly and thoroughly, and that is why we signed off on sending this to the Auditor-General yesterday. Unlike the Liberal Party, we will not run ahead of ourselves. We want the answers. The Liberal Party seem more focused on the political scalp, and that is why we will not support this motion of no confidence today.

**MR HANSON** (Murrumbidgee) (10.46): Firstly, I would like to commend this motion to the Assembly. I thank Ms Lee for shining a light on this issue and the minister’s conduct, and I commend her for that. That is the job of an opposition, and I think she has done it exceptionally well in this case. It is disappointing to see the response of those opposite, who are again, rather than dealing with the matter substantively, seeking to do exactly what they are accusing Ms Lee of doing. They say, “You’re just playing politics; these are just insults.”

Mr Barr spent most of his speech insulting Ms Lee. He spent most of his time deriding her. There were personal attacks, going as far as talking about whether she was in the chamber for Mrs Jones’s valedictory. I am not sure what that has to do with this very serious motion today, other than just being an excuse for Mr Barr to personally attack Ms Lee in a pretty plain, distressing and disappointing way, rather than dealing with the substance of what I think we would all agree is a very serious issue.

Mr Rattenbury continued in that vein—going off the topic, looking to try and say, “This is just some sort of political attack.” Clearly, it is not. He admitted that this does not pass the pub test and that it is an issue of concern, but he said, “It’s only been out there for 48 hours.” No, it did not pass the pub test 14 months ago. What we know from the minister is that it did not pass the pub test back then. For Mr Rattenbury to try and say, “This has only just arisen as an issue,” flies in the face of the very point that Ms Lee is making—that this has been sitting on the minister’s desk for 14 months. It did not pass the pub test then; it does not pass the pub test now.

He went on to make a meandering attack on Ms Lee and the Canberra Liberals. He referred to a motion last week about Mr Davis—a motion that was supported by the Assembly, I would point out. There was no division; there was no vote against that motion. It was supported by the Assembly.

Do you remember when the attacks were made on Mr Milligan? You would remember that one, Madam Speaker, wouldn’t you? Remember the attacks on Mr Milligan? I do not remember Mr Rattenbury coming back in here after that one

and saying, “I’m sorry about that. We got that one wrong. It was a terrible attack. I’m sorry that we smeared Mr Milligan.” There seems to be one argument from that side, but when the opposition and the opposition leader pursue something that this government admits does not pass the pub test and is a problem, apparently, “That’s just politics,” when we raise these issues.

Let us look at what the ministerial code of conduct says with regard to ministers. The code of conduct 2020 is available on the website. Under “Westminster Conventions” it states:

Ministers are answerable to the Assembly (and through the parliament to the people of the ACT) for the administration of their portfolio (including in relation to the expenditure of public money) ...

He is responsible, under the Westminster conventions, for public money and the expenditure of it. We have all said that this does not pass the pub test. But, apparently, it is not the minister’s fault. Apparently, it is not his fault. You need to rewrite your ministerial code of conduct. Under “Ethical principles for ministers”, it states:

Diligence.

Ministers must be diligent in the performance of their duties and fulfil their obligations to the highest standards.

Has that happened? Has that happened at CIT? That is the question that we are asking. The view that we have formed, quite clearly, is that that has not happened in this case. Under “Accountability”, it states:

Ministers are accountable for their own behaviour and the decisions and actions of their staff. They are accountable, within accepted Westminster conventions, for their portfolio and directorates/agencies.

They are responsible. It seems that the minister does not want to take responsibility. The Chief Minister does not want to let the minister take responsibility, and instead spent his time, as did Mr Rattenbury, attacking Ms Lee. Under “Administrative resources”, it says:

Ministers must use administrative resources appropriately. Ministers must not permit public resources to be wasted or used in an improper manner.

Ms Lee has outlined the situation clearly. I think that it is of concern to all of us. The Chief Minister has accepted that there are problems here; Mr Rattenbury has accepted that there are problems; Mr Steel has accepted that there are problems.

What is clear is that when these issues were raised with the minister 14 months ago, his actions were ineffective. If they had been effective, do you think, members, that there would have been—I would say \$5 million, but it is not, is it, because we know that it is \$4.99999 million, to the decimal point—a contract raised? If this minister was someone that the CIT considered to be effective, was diligent and was actually doing his job, do you think that this contract would have arisen? Do you think that it



would have? No; it is unlikely, isn't it? He has been manifestly ineffective in preventing this further largesse. If he had done his job, if he was considered effective, if he was considered something other than a joke by people, this would not have arisen. He was warned 14 months ago, and he has failed to stem the problem that has occurred.

Mr Rattenbury made a great deal about the Auditor-General. If it is looked at by the Auditor-General then that is a good thing. But there is no guarantee of that. What if the Auditor-General does not? As Mr Rattenbury said, we cannot compel the Auditor-General to look at this. If he does not look at this, where are we at? We are where we were 14 months ago, with the minister writing a letter and getting a response. What happens then? Where is the assurance, from our point of view or the public's point of view, that any action that is effective will actually occur? We know that the last time the minister dealt with this he dropped the ball. The last time that the minister dealt with this, it did not just continue; it expanded. It nearly tripled in its scope.

Yesterday, when the minister was asked, "Do you have confidence in the board or in the CEO?" he refused to express that confidence. He outwardly refused. There was a direct question from Ms Lee: "Do you have confidence?" He refused to express it. But, apparently, we are meant to come in here today and express confidence in the minister. If you are concerned that this process has not been fully fleshed out or fully finalised, why did the minister, yesterday, not say, "I have confidence in the CEO"? Why did he deny confidence in the CEO? Why did he deny confidence in the board and the chair of the board, if he does not think that there is an ability now to make some formative judgement? Clearly, there is.

This is a serious issue that is before the Assembly. The question is: has the minister done everything he can? Has he been effective? Has he been effective, in line with the code of conduct, in preventing this \$4.9 million—\$4.999 million—contract from arising? Clearly, he has not. If he had been effective, if he had done his job with the due diligence required of a minister, we would not be in the situation in which we find ourselves now.

I commend Ms Lee for what she is doing today. She will do it despite the slurs, the innuendo, the political attacks, the biased political attacks from Mr Barr and Mr Rattenbury, which are to be expected. We will pursue these matters regardless. I commend Ms Lee for her motion today.

**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) (10.55): I wondered whether Ms Lee would shake off the shackles of the most conservative Liberal Party in the nation and if she would break away from the Liberal leaders of the past. The clear answer is no. Like her predecessors, Ms Lee is devoid of mainstream ideas. To hide from her conservatism, she is resorting to the same stunts used by Zed Seselja, Alistair Coe and, indeed, Mr Hanson.

If this was so serious, why did she not bring this motion on yesterday? It is because she knows that the CIT operates at arm's length from government.

*Opposition members interjecting—*

**MADAM SPEAKER:** Ms Lee and others.

**MR GENTLEMAN:** Given her legal background, she should be aware that CIT was created by this place and has been vested with a governing board, making CIT different from directorates. Ms Lee knows this because she moved a motion yesterday asking for an independent audit of the CIT procurements in question. We also know that this is a stunt because, instead of giving notice yesterday, Ms Lee waited for the chamber to rise and then told the media about today's stunt.

Let us be clear: Minister Steel has acted on the information that he received and on the information over time. He has already asked CIT to do better and, when he became aware of the latest contract, he asked further questions on decisions taken at arm's length from him and the government. Yesterday Minister Steel acted in this place to draw this matter to the attention of the Auditor-General, and that was the right thing to do. There are independent bodies such as the Auditor-General that are better placed to undertake a thorough look at these kinds of matters. The Auditor-General has done this in the past.

If Ms Lee was serious and cared about this issue she would have raised this directly with these bodies. Instead she chose politics. She chose to go to the media first. She chose to muckrake and smear a good minister who had no role in the procurement in question. The stunt is getting in the way of important government business. It is no surprise that, like her predecessors, Ms Lee does not want to improve outcomes for kids, does not care about infrastructure to improve our city—

**Ms Lee:** What?

**MR GENTLEMAN:** This is on the program for today. She opposes improvements to leave entitlements for Canberrans and does not support better regulation for business.

*Opposition members interjecting—*

**MADAM SPEAKER:** Resume your seat, please. Members, every one of the opposition—

*Ms Lee interjecting—*

**MADAM SPEAKER:** Ms Lee, every one of the opposition that has spoken has been heard in silence. I would expect the same respect for those from the government benches.

*Ms Lee interjecting—*

**Mr Barr:** Madam Speaker, the Leader of the Opposition just suggested that members of the government were “making up bullshit”. I do not think that is parliamentary. I heard it, and it should be withdrawn.

**Ms Lee:** First of all—

**MADAM SPEAKER:** Ms Lee, if you uttered those words, I ask for them to be withdrawn.

**Ms Lee:** I withdraw.

**MADAM SPEAKER:** Thank you. I call Mr Gentleman.

**MR GENTLEMAN:** This stunt also shows that Ms Lee does not care about workers. She is attempting to filibuster in the hope that I will not introduce a bill that will make workplaces safer for Canberrans.

**Ms Lee:** He’s got a bill on the agenda. Wow!

**MR GENTLEMAN:** There is a whole lot of government business on the agenda that we are not getting to because of this. Unlike Ms Lee, Mr Steel does care about workers; he cares about all Canberrans. He works every day to improve our city, and he is a diligent and hardworking minister in the Barr government. I am proud to work alongside him. Minister Steel has led improvements in city services. He is delivering one of the largest urban tree projects, and he is working with our bus drivers and our other public servants to improve our city for the better.

Earlier this week he announced an addition of 40 new qualifications to help Canberrans to address the skill gaps in the renewable energy, advanced manufacturing and transport sectors. This builds on new training programs for electric and hydrogen vehicle mechanics. He has recently announced the signing of a contract regarding CIT Woden, making significant progress in the renewal of Woden. He has worked hard to ensure the opening of the Coombs community centre. Minister Steel is also making our city more sustainable by leading efforts to phase out plastics.

Minister Steel is doing all of this while improving amenity across our suburbs and overseeing the biggest infrastructure program in our city’s history, light rail—something that the Canberra Liberals still oppose. Ms Lee might have been hoping that we missed this yesterday. Well, we have not. It is another example of how Ms Lee is still the same old conservative Canberra Liberals leader.

We have one of the best public transport systems, yet those opposite continue to undermine the system and the hardworking Canberrans who help to keep our city moving. Madam Speaker, I will back Minister Steel and his record any day over that of Ms Lee and her rabble opposite. Let us vote down this stunt so that we can get on with the important business that is before the Assembly today.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Members, enough!

**Mr Hanson:** Madam Speaker, Mr Gentleman made a vitriolic speech, calling us a rabble. You are letting that go through to the keeper—

**MADAM SPEAKER:** Mr Hanson—

**Mr Hanson:** but when that invokes a response—

**MADAM SPEAKER:** Mr Hanson—

**Mr Hanson:** you are admonishing us.

**MADAM SPEAKER:** Mr Hanson, sit down.

**Mr Hanson:** Is “rabble” parliamentary, Madam Speaker?

**MADAM SPEAKER:** Mr Hanson, sit down.

**Mr Hanson:** I ask for your guidance: is “rabble” parliamentary?

**MADAM SPEAKER:** Mr Hanson, you are warned. I asked you to sit down and you stayed on your feet. There have been warnings around the level of interjections. If you want to make a comment then you should stand and speak under a substantive motion, please, and not interject.

**Ms Lee:** On a point of order, Madam Speaker: Minister Gentleman just called us a “rabble”. I ask for your guidance as to whether that is unparliamentary.

**MADAM SPEAKER:** There have been a number of words uttered across the chamber. I am going to let it stand, but I ask again for people to have regard and respect on both sides. I am going to let it stand, but I would ask Mr Gentleman to be careful in his language. I ask all members to be careful in their language.

**Mr Hanson:** Madam Speaker, when Ms Lee interjected and Mr Barr raised a point of order, you asked that she withdraw. Will you apply the same standard to Mr Gentleman?

**MADAM SPEAKER:** I will apply a fair standard across the chamber.

**Mr Rattenbury:** On the point of order, Madam Speaker, I think Mr Hanson is seeking to draw a false equivalence. It is about the use of the words. I think the word “rabble” is pretty regularly used in this place. It is quite different to the term that Ms Lee was asked to withdraw.

**Ms Lee:** Madam Speaker, can I seek your guidance? The comment that I made was literally in jest to my colleagues here. Are you going to be saying to every single member in this place that they cannot even have any sidebar conversations lest

someone else accidentally overhears it and calls it to order? Can I get your guidance on that, please?

**MADAM SPEAKER:** I would suggest—

**Mr Gentleman:** On the point of order—

**MADAM SPEAKER:** No, please sit down. I would suggest that side comments are one thing. Side comments that are heard by others, that use language that would not be acceptable in this place, will not be tolerated. Do you have more on that, Mr Gentleman?

**Mr Gentleman:** Yes, Madam Speaker. Ms Lee and Mr Hanson have just stood and reflected on your decision during this process—

**Ms Lee:** No, we asked for guidance.

**Mr Gentleman:** and there is a process for doing that, Madam Speaker. There is a motion that can be moved. I think it is unparliamentary for people to stand and reflect on your decision.

**Mr Hanson:** That is not a point of order.

**MADAM SPEAKER:** Thank you—

**Ms Lee:** On that point of order, Madam Speaker—

**MADAM SPEAKER:** I will hear you, but I think I know what you are going to say—that you were just seeking guidance.

**Ms Lee:** Yes, and we clearly made that point—

**MADAM SPEAKER:** Yes.

**Ms Lee:** both Mr Hanson and me. That is done very frequently, including from the other side.

**MADAM SPEAKER:** Yes.

**Ms Lee:** If they are going to be pulling that up and dissenting from your ruling, I will be very interested to see where that goes.

**MADAM SPEAKER:** Thank you. I will go back. The only thing that will stand in this is that Mr Hanson is warned because I did ask him to sit, so that I could speak to some of his commentary. He did not; so that will stand. I will ask members to reflect on behaviour, to have respect and regard. This is a serious debate. Clearly, there are impassioned thoughts on both sides. But let us continue with some level of decorum and regard.

**DR PATERSON** (Murrumbidgee) (11.04): Obviously, I do not support this motion. Minister Steel is one of the most respected MLAs in the Assembly and across the ACT community. He has a busy and prominent portfolio that spans many areas, including some of the matters that are most relevant and of most interest to our community, within his portfolio of Transport and City Services and, more broadly, as Special Minister of State and Minister for Skills. Together, we share responsibility as members for Murrumbidgee. I know that Minister Steel takes very seriously all areas for which he is responsible, the integrity of his role, and acts at all times in the best interests of his constituents and the ACT community.

Minister Steel's due diligence is demonstrated through the very matter which Ms Lee raises—that he has sought information about the nature of the CIT contract and has questioned, and continues to question, the value of those contracts. Minister Steel himself has questioned the nature of the contracts and sought to better understand and assess the expenditure of CIT's governing board and executive, which operate externally to the ACT government. Minister Steel has already resolved to get to the bottom of this matter and is actively doing so.

The number of no-confidence motions being brought forward to this Assembly in recent months from our Liberal colleagues concerns me—not because of the nature of the no-confidence motions but because they are being used as political fodder. They are wasting time, resources and energy. They are media-seeking exercises. I hope that the one article that the *Canberra Times* will write on the no-confidence motion is worth the Canberra Liberals' and everyone else's time this morning, when we have so many more important issues to be debating and pursuing.

Ms Lee said the word “shocking” multiple times in her speech. What is shocking this morning is the waste of everyone's time. As I said in my speech on an unrelated matter yesterday, it is important that the government is held to account, that questions are asked and that integrity, scrutiny and transparency are applied to maintain the confidence of our community. However, motions such as this vote of no confidence do nothing to further the objectives of the important work of this Assembly.

The Canberra Liberals know that Minister Steel is good at his job, that he applies due diligence, and that he is an honourable and trustworthy member of this Assembly. It saddens me to see that the Canberra Liberals would seek to damage his reputation in a mere attempt to further their own political gain. Maybe it is because the Canberra Liberals, as the Chief Minister said, are so insecure that they feel the need to play politics with such a low act.

Luckily, our community is smarter than that. Luckily, Minister Steel has strength of character and standing in our community, and this motion says nothing about him or about the work he undertakes. This has nothing to do with integrity and it is purely about politics. I look forward to continuing to work positively and constructively alongside Minister Steel for the people of Murrumbidgee and the ACT.

**MR PARTON** (Brindabella) (11.07): I stand in support of Ms Lee in the moving of no confidence against the skills minister. In response to Dr Paterson, I would say that the number of no-confidence motions that have come from this side of the chamber is our way of saying, to quote the Chief Minister, “Do better.”

In response to Mr Gentleman, if this place were a circus and these guys over here were doing the trapeze acts, when they are redoing the infrastructure between acts, they roll out Mr Gentleman to entertain the crowd. And entertain us he does. I cannot believe that Mr Gentleman has gone through the notice paper, pulled out a list of things that we are discussing today and somehow suggested that this means that the Liberals do not support these things. That is just ludicrous.

Ultimately, when we move no confidence in a minister in this place, there are 25-members who, in theory, listen to the debate and vote on whether we have confidence in the minister or not. That is ultimately what is going on here. In reality, in just about all cases, these votes are cast on party lines. To quote Ms Lee, in a parliament such as ours, with a faux crossbench, those in the government simply run a protection racket. That is what is going on here. When we do no-confidence motions in here, the Labor members are in the wagon and the Greens are riding shotgun. And that is how it works.

In a perfect world, members in this place would genuinely assess the information presented to them in regard to the allegations against that minister; they would listen to the various speeches and make a determination as to whether they can support the minister in the firing line. In a perfect world, members would approach these debates with a genuinely open mind and, after debate, would sway one way or another as to whether they have confidence in the minister continuing.

Madam Speaker, I would say that, ultimately, their assessment of these matters should be seen through the prism of their constituents—the constituents who voted for them. At the end of the day, this should not be about whether you personally have, or whether your party has, confidence in the minister but about whether, based on the information before us, the majority of the people who voted for you would have confidence in this minister. I would ask you: how could they?

Let us be honest about it. If we walked out into the street and presented members of the public with this story, if we walked them through the \$8 million worth of contracts, and through the fact that the minister was aware of this matter well over a year ago, would most of them be supporting the no-confidence motion? This is about how public funds are spent; and how could any clear-thinking member of the public possibly believe that this money has been spent well?

You can add to the amount of money that we are discussing the fact that a number of these procurements were considered by the ACT government framework and that the minister signalled in his correspondence to CIT 14 months ago that he was very clearly aware that things were not quite right, or at least needed to be looked into. Mr Rattenbury clearly stated in his speech that what has been laid on the table in regard to these procurements of public money through CIT does not pass the pub test. They are his words. He said it this morning: “Does not pass the pub test.”

Most of the staff at CIT do not think this is overreach. The majority of Canberrans do not think this is overreach. The only people who think this is overreach are the people who are trying to save their jobs. To quote from the consultant in question, I would suggest that this Labor-Greens government has perhaps “not developed the necessary

system-wide capabilities of situational awareness” in this instance, and that “early weak-signal detection and noise sorting” is non-existent.

I think that we need some far-reaching, system-wide change management right here, and right now, in this chamber. This motion clearly indicates where that change management should commence—it should commence with this minister.

**MS LAWDER** (Brindabella) (11.12): I will try very hard, unlike some of the speakers we have heard this morning, to stick to the matter at hand, which is about a CIT procurement issue. It is not about whether a minister is working very hard or is very busy, or about other portfolio responsibilities. As we have debated here in other contexts, Australia’s Constitution does not give the territory government the same full legislative independence provided to the states. Nevertheless, the ACT is governed according to, as Mr Hanson alluded to, the principles of the Westminster system, and the doctrine of individual ministerial responsibility is central to the Westminster parliamentary system—individual ministerial responsibility.

In general terms, the doctrine states that ministers are individually responsible to the parliament for actions taken under their authority. This is not a vibe; it is a constitutional convention in government that a cabinet minister bears the ultimate responsibility for the actions of their ministry or department. We on this side, we the public, we the taxpayers of the ACT, expect accountability, we expect transparency and we expect value for money in the expenditure of public funds. We expect diligence in the oversight of the spending of those public funds.

We have seen many examples of ministers, even premiers, stepping down temporarily while an investigation takes place because they are individually responsible for the actions of their department. For example, Gladys Berejiklian stepped down when ICAC announced an investigation. Vickie Chapman in South Australia stepped down pending the outcome of an ombudsman investigation. There are many examples; but, apparently, in the ACT that does not apply. Apparently, the principles of the Westminster parliamentary system are not really applicable here in the ACT.

We know that the CIT is the ACT government-operated vocational education provider. I have taken a very quick look at some of the CIT annual reports. I have looked at them over the last five years, because that is the period of time we are talking about when these interesting procurement contracts have been awarded. It is a bit difficult to make a one-for-one comparison because, of course, the accountability indicators change frequently, to make it hard to compare apples with apples and oranges with oranges.

I can tell you that, compared to five years ago—and when we have had five years of mentoring of the CEO of the CIT and executive staff—a number of the accountability indicators between 2018 and 2001 have declined. “Nominal hours” has gone down, “program completions” has gone down, “learner satisfaction” has gone down and “employer satisfaction” has gone down. What exactly are the outcomes from this \$8.87 million—let’s face it, nearly \$9 million—of taxpayer funds for the CIT, for its staff, for its students and for the greater ACT population? What are the outcomes we have received for these interesting, nearly \$9 million procurements that we have seen?



What we have seen, and Mr Parton has very well illustrated some of them, is weasel words in these contracts which make it really difficult to determine exactly what they are delivering. We are here today talking in a “spatial and temporal scale” about “complex systems thinking”, but how does that make the CIT better? How does that make the outcomes for students better? It does not appear that it has. What have been the deliverables from this nearly \$9 million worth of contracts? How have the CEO and the executive improved their performance? We have yet to see any mention of that. What transformation work has taken place and how has that benefited staff, students and the ACT community? Where is the value for money for the taxpayer?

We heard from the minister that he wrote in March 2021, yet there was still another very large contract signed this year. What does that say about the CIT’s regard for the minister’s questions? What does that say about their complete disdain for being questioned about this contract? What does it say that they have not really given a satisfactory answer to that letter, let alone have signed another enormous contract without demonstrating the improvement, the value, the deliverables and the outcomes for staff, students, employers and the general ACT community?

This \$8.87 million, nearly \$9 million, of taxpayers’ money does not meet community expectations. It does not pass the pub test. In the debate we have had so far today, Madam Speaker, you know that you have hit a nerve with the government when they fail to address the substantive issue, they go to the personal attack—today it was on Ms Lee—and they go to the process. They do not talk about the individual ministerial responsibility under our Westminster system. They do not talk much about the substance of the issue itself.

This is a very serious matter, and if it is happening here does that mean it is happening elsewhere as well? It is something that needs to be taken seriously, and that means that the minister must be held accountable. We expect that; the public expect that. That is why I commend Ms Lee’s motion to the Assembly today.

**MS LEE** (Kurrajong—Leader of the Opposition) (11.19), in reply: I will go to Mr Steel’s comments first. On the one hand, he is the minister responsible. On the other hand, he talks about the CIT governance yet again—the talking point to lay the groundwork to ensure that he can escape responsibility: “I have a policy responsibility but not for what is going on here.”

So what is this minister’s role when it comes to the CIT, and what has transpired here? At the very least, the public would and should expect that he will safeguard ACT taxpayer funds and that he will do everything in his power to make sure that all decisions that are made by CIT are done with the highest levels of integrity, the highest levels of transparency and the highest levels of probity. Yet, when it came to it, we got weasel words. He said, “No, no; I don’t have responsibility for that part of it.” This minister is not taking this issue seriously. Even today we see him trying to escape liability and responsibility, and that is an enormous slap in the face for the hardworking CIT teachers, for the students and for Canberra taxpayers.

The Chief Minister’s comments about a “sanctimonious lecture” would be absolutely laughable if this was not such a serious issue. We are talking about a man who comes

into every single sitting week and delivers sanctimonious lecture after sanctimonious lecture. But why would we be surprised? He spent very little time on the actual issue and accused me of delivering—what was it?—a “word salad”. This came from the man, who, last term, used the word “trousering” at length—whatever that means. He used the term “word salad”. Perhaps the Chief Minister has been getting some mentoring from that consultant.

The Chief Minister also talks about facts—“Let’s put the facts on the table,”—but, of course, he has left out some facts. Let us go through that. Fact: \$8.87 million of taxpayer funds was spent on one contractor over the last five years. Fact: no-one is able to explain what \$8.87 million of taxpayer funds is being spent on, or what benefit the CIT or the Canberra public are getting from it. Fact: the Minister for Skills admitted yesterday afternoon that he knew there was something dodgy about these contracts as early as March last year. So when the Chief Minister says, “Stop delivering this sanctimonious lecture because you have come to this place now with no information,” let us correct the record.

The minister was dodging media all morning. We found out yesterday afternoon that he knew about the dodginess of these contracts in March last year—15 months ago. Fact: after the minister knew about and asked about these dodgy contracts, the CIT signed two additional contracts worth a whopping \$5.5 million of taxpayer funds. This all happened under his watch. Fact: the Greens continue to talk the talk when it comes to transparency. They continue to talk the talk when it comes to integrity. They continue to talk the talk when it comes to accountability. But, once again, when it comes to the vote, we see them putting their political alliance above the interests of the public.

In response to a couple of comments made by Mr Rattenbury, especially his accusations that I have somehow undermined the Auditor-General, let us set the record straight. He has talked about the fact that we do not have the power to direct the Auditor-General to undertake an investigation. I am with him on this. It is very serious, and I would be very surprised if the Auditor-General did not take this up, but that is entirely the purpose. I pointed out very clearly, in response to that motion yesterday—clearly, he was not listening—that the amendment brought by Minister Steel was, at best, weak. It was a classic example of him coming across as if they are taking this seriously when they are not, because they also know that we cannot direct the Auditor-General to undertake this investigation.

The other fact that Mr Rattenbury is missing is that, whether or not the Auditor-General undertakes this investigation, it is our job as the opposition to continue to hold this government to account. It is our job, but, somehow, in continuing to pursue that, according to him we are undermining the Auditor-General. That is beyond ludicrous, and it again demonstrates that the leaders of Labor and the Greens have a complete lack of regard or respect for the taxpayer and what they should expect from a government that has their best interests at heart.

I was not going to respond to Mr Gentleman because everything in his speech is a complete joke. He cannot deviate from the old talking points. I am actually surprised that he did not throw Tony Abbott and Scott Morrison in there for good measure!

They have at least updated his speeches with respect to that. It is as if he just pulls it out of the top drawer and repeats it.

Let us go to this point because this is quite serious. He talked about us being “devoid of mainstream ideas”. The fact is that \$8.87 million of taxpayer funds were grossly misused. Every single leader of the parties in this chamber has admitted that it does not pass the pub test. The Minister for Skills himself said that he had concerns, yet his own ministerial colleague comes into this place and says, “How dare you waste our time bringing forward this motion, because I have some very important ministerial statements that have been pre-written that I wanted to read out onto the record.” This is ridiculous, un-ministerial behaviour from Minister Gentleman.

Dr Paterson also spoke numerous times about what a waste of time this is. These are shocking statements by Dr Paterson and Minister Gentleman, when they say that bringing forward a gross misuse of public funds is a waste of time. That is absolutely shocking. I wish that I could say that I was surprised, but once again we see what happens when we bring forward motions of great public importance in this place. Labor and the Greens know that this does not pass the pub test. We have a minister who has admitted that he knew about these dodgy contracts 15 months ago. Whether it was through incompetence or complicity, frankly, it does not matter. After he knew about these dodgy contracts, a further \$5.5 million of taxpayer funds went to the same consultant.

Let the record show that today is the day that, despite the Greens admitting that this does not pass the pub test, they will vote to protect their political partner, putting that interest above the interests of the Canberra community. Let the record show that when the Chief Minister had the opportunity to say very clearly to the public that this is unacceptable, instead he and his rabble delivered a sanctimonious lecture to do better. Well, Chief Minister, do better. Do better to ensure that your ministers are doing their jobs. Do better for the people of Canberra. The Canberra Liberals have no confidence in the Minister for Skills. I bring forward this motion today on behalf of the hardworking teachers and students at CIT and the Canberra community, who deserve better than what this Labor-Greens government is putting out.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 7

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

Noes 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	

Question resolved in the negative.

## **Petition Ministerial response**

The following response to a petition has been lodged:

### **Sport—Reid Oval fencing—petition 39-21**

By **Ms Berry**, Minister for Sport and Recreation, dated 7 June 2022, in response to a petition lodged by Mr Rattenbury on 22 March 2022 concerning Reid Oval fencing.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 22 March 2022 regarding petition 39-21, lodged by Mr Shane Rattenbury MLA. The petition seeks the ACT Government to extend the current Reid Oval steel tube and chain link fence along the entire length of Limestone Avenue, and repair broken segments to reduce the risk of sporting equipment, children and animals inadvertently crossing into the path of motorists.

Sports and Recreation Facilities is responsible for the ongoing management and maintenance of the Territory's community sportsgrounds and associated facilities and the planning and delivery of new sporting infrastructure. The team manage outdoor sports and recreation sites covering 444 hectares of public land.

I acknowledge the petitioners request to extend the chain link component of the Reid Oval fencing, and Transport Canberra and City Services (TCCS) will extend the mesh on the current fence to the length of Limestone Avenue. TCCS officers will also assess the current fence for damage and make repairs as necessary to ensure the fence is safe.

I trust this information is of assistance.

### **Motion to take note of response**

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

That the response so lodged be noted.

Question resolved in the affirmative.

## **Domestic and Family Violence (Information Sharing) Amendment Bill 2022—consultation 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) (11.33): I table the following paper:

Domestic and Family Violence (Information Sharing) Amendment Bill 2022—  
Ministerial statement, 8 June 2022.

## **Employment—portable long service leave schemes**

### **Ministerial statement**

**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) (11.33): I table the following paper:

*Long Service (Portable Schemes) Act 2009*—Update on progress to expand—  
Government response to resolution of the Assembly of 9 November 2021—  
Ministerial statement, 8 June 2022.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Transport—infrastructure projects**

### **Ministerial statement**

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.34): I am pleased to take this opportunity to update the Assembly on a number of key transport infrastructure projects being delivered by the ACT government and to highlight a number of the recently achieved and upcoming milestones within my Transport Canberra and City Services portfolio.

As we move through 2022, the territory is continuing to make a recovery from the sharpest impacts of the COVID-19 pandemic over the past two years. We know that the pandemic is not over and that the current challenges being experienced by businesses, employers and agencies right across the city, heading into winter, are an important reminder that we need to stay vigilant in our response. But I am proud to acknowledge the significant benefit that direct investment by government in future-focused infrastructure is having on our city's economic recovery.

Transport Canberra and City Services is investing in and delivering a \$1 billion pipeline of projects through our infrastructure investment program. This is part of the ACT government's much larger infrastructure agenda, which spans major projects across health, education, community services and more, as well as transformative projects like light rail to Woden and the new state-of-the-art Canberra Institute of Technology campus, which are outside of the TCCS portfolio.

In recent months I have updated the Assembly on some of the local and community highlights of this big investment pipeline. This includes Canberra's biggest ever suburban infrastructure program, delivering more than \$20 million of improvements across our suburbs and regions. With upgraded local shopping centres, new and improved playgrounds and dog parks, and more accessible and inviting places to gather and connect, we are making Canberra's suburbs even better.

The program also includes \$77 million in active travel projects, which I updated the Assembly on earlier this year in the active travel statement. This includes building new, dedicated active travel path infrastructure, like the Sulwood Drive shared path in the south and the Belconnen bikeway stage 2 in the north, as well as getting on with the feasibility study which is underway for the construction of further projects like the new Garden City Cycle Route through the inner north. During the recent campaign I was really pleased to see our new federal Labor government commit to co-funding that.

Over the coming years we are investing around half a billion dollars in upgrading some of the ACT's key strategic transport corridors. These corridors are the backbone upon which we deliver all forms of transport for Canberrans. The corridors provide routes for our buses to drive along; they provide the direct connections between key locations for our shared path network to follow, particularly between town centres; and they are increasingly used by Canberra's expanding zero emissions vehicle fleet, as well as by regular private vehicles.

Climate change continues to be at the forefront of our planning and decision-making. As a government we need to adapt to a wave of more extreme weather events, driving us to continue to deliver safer and more resilient infrastructure for our community. It is also a reminder of the need to provide more flexible infrastructure to allow Canberrans and visitors to our city to move around more efficiently and with reduced impacts on our environment.

I would like to provide an update on a number of larger projects being delivered within my portfolio, which are not only supporting the ongoing economic recovery within the territory but are also supporting the continued growth of our city, from the south of Tuggeranong to the northern regions of Belconnen and Gungahlin and throughout the Molonglo Valley. Before I do, I would like to highlight some of the challenges that we, like all jurisdictions around Australia, are facing in delivering major projects at this time. We have felt the real impacts of climate change across our infrastructure program with the current La Nina weather events delivering the wettest summer in seven years. It is an important reminder that climate change is not something that is going to affect us just in the future; it is happening already, and it will continue to get worse unless we act to tackle its causes.

Globally, the reduction of steel manufacturing in China has seen an escalation in the price of steel, while the conflict in Ukraine has resulted in higher prices for oil. From filling up their cars, Canberrans are well aware of this effect, but it is perhaps less

well known that this also increases the price of asphalt, for example, for projects like the roads that we have in our infrastructure pipeline. We are also continuing to experience challenges in workforce availability, both locally and across the entire supply chain, affecting the manufacture and shipping of material supplies.

Canberrans who run businesses, who work in big departments or who have kids at our schools know how much absences have affected the workforce in recent times, and our infrastructure projects have been no exception. Taken together, it is a really challenging time to be trying to build big things. But trying hard and getting on with it is what we are doing, because we recognise how important major infrastructure projects are for our economy today, but also for our city's future liveability.

I would now like to give a brief update on some of the major projects in the works, and what is coming up in the second half of the year. The \$175 million Molonglo River bridge extension of the John Gorton Drive project in my electorate of Murrumbidgee is a really big one on our agenda. This project will support a significant release of land for new homes in the Molonglo Valley, as well as continuing to improve key travel corridors between Weston Creek and Belconnen, and Woden and Belconnen. The new bridge will span 227.5 metres across the Molonglo River, completing the connection between John Gorton Drive and William Hovell Drive.

In my active travel statement in March, I highlighted the challenges Canberrans can face when trying to walk and cycle in this city because it was originally designed to have large, open green spaces. This is a good thing, but it creates some challenges. It results in a low-density, spread-out city, which creates a reliance on car-based travel, even for short trips. So when we are planning and delivering infrastructure for new regions like Molonglo, we focus on including active travel elements so that Canberrans can choose to leave the car at home and walk and cycle or scoot to their destinations, as a great option.

Within the Molonglo River bridge project, \$11 million will be spent on active travel infrastructure, including off-road, separated cyclepaths and an underpass for people on foot. This will create an important link in our active travel network to connect with existing cycle routes to the city and Belconnen. The Molonglo River bridge will also support the potential for future light rail, intertown and local bus routes, as well as access to the future Molonglo group centre, which is being delivered by the Suburban Land Agency. The planning work is well underway. It is being fast-tracked by Minister Gentleman and the Environment, Planning and Sustainable Development Directorate.

In March 2022 we released a tender for design and construction services to those parties who had been successful in an expression of interest process that ran from late 2021 to early 2022. Our planning and impact assessments have been lodged and approved, which means we can get on and get this project moving as soon possible once the current tender process is finalised. That is exciting, because this project will

create around 500 jobs throughout the design and construction phases, which points to its very significant size.

We are expecting the Molonglo River bridge to be completed around December 2025, and it is important to acknowledge that some of the risks and challenges that I highlighted earlier may have an impact on the project. Once we have awarded the design and construction tender later this year, one of the first tasks will be to examine what we can do to limit these challenges, particularly in relation to the supply and availability of materials.

We are further supporting the growing communities of west Belconnen and the Molonglo Valley by duplicating the final 4.5 kilometres of William Hovell Drive from John Gorton Drive to Drake-Brockman Drive. This will include signalisation—putting in traffic lights at the intersection with Drake-Brockman Drive. The Australian government has committed \$26.5 million to this project, matching the ACT government's contribution and bringing the total project investment to \$63 million. This investment will create around 200 local jobs. It is another strategic transport corridor project, where road upgrades are being delivered alongside better active travel infrastructure.

Through this project, we are delivering a new seven-kilometre shared path alongside William Hovell Drive, which will fill in a missing link in the existing network and create a much-needed new connection for the residents of Molonglo and west Belconnen straight through to the city. The environmental and development approvals for this project are complex. Additional consultation with the community was undertaken in late 2021, following the public notification period for the environmental impact statement and impact track development application.

The government have been listening to the community feedback and responding by updating our delivery approach. As a result, the alignment of the section of new shared path between Drake-Brockman Drive and the underpass adjacent to Hawker has been relocated to the western side of William Hovell Drive, away from residences and the off-leash dog area. That responds to community feedback. The approvals are continuing, with both documents now out on public notification until late July. Pending all necessary approvals, we will then commence procurement for the construction phase of the project, which is expected to commence in 2023.

Over on the north side of Canberra, Gungahlin was recognised for many years as being the fastest growing region of Canberra and amongst the fastest growing in Australia. The duplication of Gundaroo Drive is now in its third stage. We have already completed the duplication of sections from the intersection of Mirrabai Drive and Anthony Rolfe Avenue through to Gungahlin Drive and onwards to the Barton Highway. The final \$54.5 million stage involves duplicating the lanes from the Barton Highway to Ginninderra Drive. This will complete the upgrade of the key road corridor connecting Gungahlin with Belconnen, delivering safer and more efficient travel between the new regions. That is going to be really important, particularly if the new CSIRO development goes ahead for residential in the future.



As I have said many times, these projects are not just about upgrading roads. We are duplicating lanes and improving capacity for public transport and private vehicles, including the new bus stops, and we are also delivering new active travel and public transport infrastructure so that it is accessible and attractive, making it easier for Canberrans to have the option of ditching the car and trying another way to get around. The project is delivering 6.4 kilometres of new, on-road cycle lanes, in addition to improving connections to the off-road network with new, wider underpass structures with lighting and improved path connections. We are also delivering more bus stops and upgrading those that we already have.

Following its commencement in February 2022, earlier this year we reached a milestone, with four lanes opening from the Barton Highway towards Chuculba Crescent and the completion of the on-road cycle lanes in this section. We have also completed major works on the future eastbound lanes between Baldwin Drive and Ginninderra Drive, where traffic is now travelling in both directions while we construct the future westbound lanes and signalise the Dumas Street intersection. Major works in this section should be complete this year.

Works are also underway in the final section from Chuculba Crescent to Baldwin Drive. This section was separated from the initial construction package due to the additional design work needed to upgrade the Owen Dixon Drive intersection to a signalised intersection, as part of planning for future development of the nearby CSIRO land. Initially expected for completion in mid-2023, the time frame has been updated to late 2023 so that we can finalise the design and procurement process.

Over in Canberra's south, we are also delivering major upgrades to the Monaro Highway to make the corridor safer, to cut travel times and to add capacity, as well as supporting this important freight corridor. We completed the first package of works in July 2020, which were the safety improvements to the rural section of the Monaro Highway between Old Cooma Road and Williamsdale Road. This included delivering a new left-turn slip lane at the Old Cooma Road intersection, as well as a new northbound overtaking lane between Williamsdale Road and Royalla Drive.

The next stages of the Monaro Highway upgrades will improve safety and travel times for motorists travelling from north of Johnson Drive through to Hindmarsh Drive. Sections of the Monaro Highway, particularly at Hume and Fyshwick, are consistently recognised as being amongst the most dangerous roads in the ACT. In delivering these upgrades, a number of significant conflict points will be removed, providing a greater level of safety, as well as certainty in decision-making for drivers.

A focus of these works is the new Lanyon Drive interchange. This will deliver a new southbound flyover over Lanyon Drive, as well as intersection upgrades at key points on David Warren Road and Sheppard Street. Early works are well underway for the future interchange. These include significant utility relocations to facilitate construction of the interchange, which is due to start in 2023 and will take at least 2½ years to complete.

We recently completed an expression of interest process for the design and construction phase of the project, with a tender for these works to be released in coming months and award of the contract planned early next year. When we started these works in February, I was pleased to announce that we also have the preliminary designs available for upgrades at the intersections of Isabella Drive, Mugga Lane, Tralee Street and Sheppard Street.

Two more flyovers are being designed at Isabella Drive and at the Hume mid-blocks at Mugga Lane, Tralee Street and Sheppard Street, improving access to the Hume industrial precinct. Engagement is continuing with local stakeholders and businesses as we progress the design work for these upgrades. These Monaro Highway works will create around 700 jobs, providing a continuous pipeline of work for both our local design consultancies and construction contractors as we progress through the multiple stages of this project.

Many Tuggeranong residents, like myself, will tell you about the need to complete the full duplication of Athllon Drive, not only at the Tuggeranong end but also in Phillip. Its completion will make travelling to Woden and on to the city safer and faster for Tuggeranong residents. It is a key part of the ACT government's plan to create and protect local jobs by delivering the infrastructure our growing city needs. I acknowledge that, as a government, we have been thinking and talking about this one for a while, which is why I am really pleased to now see these works moving ahead.

We will be duplicating a total of three kilometres of road, from Shea Street to Melrose Drive in the north, and from Sulwood Drive to Drakeford Drive in the south, between Kambah and Wanniasa. This will include new intersections, a bus priority lane and new bus stops, new shared paths and a new pedestrian and cyclist underpass beneath Sulwood Drive. These works will ensure that this key transport corridor is a great option for commuters, whether they use public transport, cycle or drive a private vehicle.

People on the south side would also be aware that there is an ongoing discussion about future extensions to light rail, including a proposed connection to Mawson. This proposal primarily impacts on the northern section of Athllon Drive and planning is continuing with Major Projects Canberra ahead of the progression of the stage 2B detailed design.

In the meantime, we have decided to progress the southern section between Sulwood Drive and Drakeford Drive separately so that we can get on with this important project. A tender for the detailed design phase is expected to be released soon. The Australian government recently committed \$46.7 million to the project, and we welcome that contribution to a project that is already in the pipeline that we have already committed to. We expect to commence the detailed design phase later this year, which will take approximately 18 months to complete before commencement of construction in around 2024.

We are really pleased to be getting on with the raising of London Circuit as the first step towards bringing light rail to Woden. Light rail to Woden has reached important milestones, with the National Capital Authority issuing the works approvals for the raising London Circuit project and also the Vernon Circle north signalisation, and procurement is in the final stages for the raising London Circuit project.

Members in this place will have heard me say this a lot, but when that construction gets underway in the city, it is going to be disruptive for the road network. One of the key things that we are going to be doing to mitigate this is encouraging Canberrans to rethink their routes and rethink their routines. That will be achieved through a public information campaign rolling out later this year. We will be urging Canberrans to consider taking public transport, walking, cycling and scooting to avoid getting stuck in traffic. But we recognise that not everybody will be able to leave the car at home and pick another transport mode. That is why we are also investing in infrastructure upgrades now to support more efficient travel.

One of the first physical interventions identified by the ACT government's Disruption Taskforce was for the installation of part-time signals controlling the westbound right-turn movement from Parkes Way into Coranderrk Street. For those who do not think in compass points—I am told that I do—that means regulating traffic coming in from Kings Avenue and the airport and turning into the city, which can disrupt the much larger flow of traffic seeking to enter the city from the Tuggeranong Parkway and Belconnen.

Signalising the westbound right-turn movement will better regulate traffic flow and improve the capacity of the intersection, to cut delays at this pinch point for faster and less frustrating commutes. Work will be starting imminently on this project, as soon as we finalise land-licensing agreements with the National Capital Authority. We received works approval in April and are well advanced in procurement so that we can press go once the final land licence agreement comes through. The construction works will take about three months, with the majority of works to be carried out at night to minimise impacts to daytime commuters on this busy intersection. Of course, we expect the worst of the disruption to really begin next year, in 2023, so those works will be occurring sooner.

The ACT government is investing significantly in major road and transport projects to keep our city moving as it grows. I have outlined a number of these projects today. I could on keep going, but there are a lot of them. We have a \$5 billion infrastructure pipeline, following the 2021-22 ACT budget, which is the largest in the history of the ACT government. We are protecting jobs across industries and will also be creating more across the territory for years to come, through this pipeline. I look forward to seeing these projects take shape as we continue to ensure that Canberra remains one of the most liveable cities in the world, that it remains one of the most connected cities in the world and is also one of the most sustainable. I present the following paper:

Key infrastructure projects update—Ministerial statement, 8 June 2022.

I move:

That the Assembly take note of the paper.

**MS CLAY** (Ginninderra) (11.55): I rise today to speak to Minister Steel's statement on key transport infrastructure projects. The ACT Greens are strong supporters of increased investment in our transport infrastructure across Canberra, but we also know that building more roads does not fix congestion and it does not work on our other big problems—climate change, equity and affordability. We need to help more people get out of their cars, and we cannot do that if we are building more roads that are simply going to get clogged up with more cars.

The ACT government, in the Moving Canberra 2019-2045 integrated transport strategy, set out the transport modal hierarchy. That identified that we give priority to pedestrians, then cycling, then public transport and freight, then ride sharing and taxis and, lastly, private car travel. But we are still spending a lot of our money on roads that are aimed primarily at private vehicle use. We really need to see a mode shift away from cars and towards public and active transport.

The rate at which we are spending money on road duplications shows that we are not really investing to match the goals that we set for ourselves. It is also not matching best practice transport policy and is not in line with what the IPCC are telling us now. They have moved into a new phase. They are telling us the science on climate change and they are also starting to tell us more clearly how we should deal with it. They are talking a lot about our city planning and urban management tools. They are talking about sustainable living and public and active transport. They are not talking about lots of road duplications.

I am pleased to see a lot of great content in the minister's speech and in his recent work on public and active transport. I know he is a really big supporter. But we are still dedicating a huge chunk of our actual dollars to roads that we do not need. We have \$1.3 billion in road-widening and duplication projects between 2020 and 2040 that are either complete or in the pipeline, and that is a huge chunk of dollars for the ACT government.

We know that some of those projects are unnecessary and that money could be better spent on active and public transport and on maintaining the infrastructure that we already have. We know that we need to spend a lot more on maintaining the roads we have already got, fixing our potholes and repairing our ageing path network. We have done some great work on doing an audit on the state of that path network. We are going to need a lot of funding to get that up to the mark, once we have a look at that.

Minister Steel has identified in his statement the massively escalated costs of new road construction. That is beyond our government's control. There has been an increase in the material costs for all construction. There are general building and construction workforce shortages across Australia and there are capacity constraints for the delivery of Canberra's infrastructure. All of these are real barriers and we cannot control them. It means it is an excellent time to reconsider planned road

duplications and to put them on hold until a more suitable time, if we think we still need them.

Athllon Drive is one of the projects we do not think we need. I spoke about this to the *Canberra Times* in April. The journalist pointed out that the population of the Tuggeranong Valley has fallen in the last two decades. It is unclear to us how we are getting the best value for money by investing in a road duplication to Tuggeranong instead of spending that money on fixing the existing road and path network in Tuggeranong or reinvesting the money in the Tuggeranong region in a more useful way.

We could fix up all our roads and paths there. We could increase our bus services in Tuggeranong. We could work on light rail. We could build other things that the community want and need—more parks, more green spaces. The \$46.7 million of funding from the federal government and the \$93.3 million total cost of the duplication would be much better used if it was redeployed to other projects. If we did that, it would still create jobs, it would still stimulate our COVID recovery and it would still help Canberrans to move around the city.

That money was announced by Zed during the election campaign. I do not like having ACT government planning decisions made by people who are not part of that decision-making process. I really resent it. I stated our position at the time, and I will restate it now: every single road duplication needs to be carefully thought out. When we are talking about road duplications, building more roads is not a long-term fix for road congestion. More roads fill up with more cars and more roads lead to more climate emissions. A better approach is to put more money into public and active transport to help more people get out of their cars. We want to look at every duplication before we commit to it.

I know it is counterintuitive, so I am going to spend a bit of time talking about this concept. Building more roads does not fix congestion. It is well accepted in transport now that the way to fix congestion is to help more people get out of their cars and to remove more cars from the roads. Additional duplications, widening and other investments on the parkway will simply stimulate more cars. It will create more traffic and encourage more driving. It is not going to solve our congestion or our other problems.

The only sustainable way to fix that traffic is to get as many people out of their cars as possible, to help everyone who can get out of their car to do that, to give them really good public and active transport options, to build on this flexible work trend that we are seeing and help them with their trip-chaining, to help them reduce the number of trips they need to use, to use logistics and behaviour change programs and to invest in all of that education to help people travel at different times of the day.

We are looking at all of that. I am really pleased to hear that the minister is looking at all of those tools for the Disruption Taskforce, but I think we need to widen that out, city-wide now, and use those tools before we use road duplications. Other cities all around the world are doing that. Other cities are cutting down their road duplications.

Other cities, in some places, are tearing up their roads and putting in different infrastructure. It is just the wrong time to be duplicating.

We have also got concerns about the Canberra south-west corridor upgrade, which is another \$100 million in spending on the Tuggeranong Parkway. I think all of these projects need to go through a different filter than they were put through before.

I am pleased to hear about the \$77 million pipeline of active travel work. That level of funding is really good and it is getting close to the level that the Greens think is the right level—around 20 per cent of our roads budget to be spent on active travel—if we are going to take active travel seriously. We have got questions about how some of that money is being spent and I have asked some questions on notice about that.

We have noticed that \$16 million is identified in the Monaro Highway upgrade. We are struggling to see how that is going to give our active travel users \$16 million worth of value from that highway. We are looking forward to making sure that we get more dedicated active travel projects, not simply a systemic dedication in the budget. The Monaro Highway upgrade is a huge project that the ACT will contribute \$115 million to. The total project cost is \$230.5 million.

I think about these huge sums of money and how they compare with how much we spend on active and public transport. Labor's big active travel project in the last term was the \$5 million Belconnen bikeway, and that is a great project, but imagine how many more people we would get out of cars and into sustainable modes of transport if we started looking at \$230 million. The amounts do not match up. We could fix up our whole city's path network and we could maintain it really well, without all the gaps and the cracks in the paths, without all of those problems that really turn people off.

There are some necessary road projects that we need in the ACT and I am pleased to see those coming along. The Molonglo River bridge is essential for the growing Molonglo Valley, and it is good to see projects like Gundaroo Drive which are already under construction. It is good to see those progressing. For a lot of our road duplications, we need to stop and think about those duplications and those widenings. We need to reconsider them, given the serious environmental, climate and economic cost that every single road project comes with. We need to think about them, knowing that they will not fix our congestion.

I want to make brief mention of the William Hovell Drive project. That got really good results. The minister did the consultation that was required, but the community found that that was not sufficient for a project of that size. We got involved, which added a lot of community members and stakeholders, and we chatted to the minister. The minister went back and re-consulted. That had a really good outcome. The community came back with very strong messages about where they wanted the active travel path and what they were using the existing space for. All of that information had not gone through, and that project has been redesigned. I think it is going to deliver good results for everybody who lives there, as well as people who are now going to be using the active travel corridor. It is a really good example of where more consultation has led to much better results, as well as better trust and a much happier

community. I would love to see that deeper level of consultation done on a regular basis with some of those big projects.

I am looking forward to serious consideration of the merits and serious costs of each of our road projects. I do not think it should be business as usual. We need to stop and think about whether each one of these will happen. I was speaking to some ANU economists recently who told me that all of these projects need to go through a climate filter and a green filter. Some of them will stand up, but some of them will not.

We need to stop and think whether each project is compatible with our local and international goals, whether it matches current practice in town and transport planning, whether it matches our goals for climate change, whether it makes our city better or worse, whether it will improve our lives, whether it will help us actually get around Canberra or whether it will just reproduce existing problems and whether there is a better use for the amount of money that we are spending.

Question resolved in the affirmative.

## **Children and young people—out of home care Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (12.05): I present the following papers:

Next Steps for Our Kids 2022-2030—

Report, dated June 2022.

Appendix A—A Step Up for Our Kids journey, dated June 2022.

Appendix B—Review of contemporary practice in out of home care, dated June 2022.

Sources—References and useful resources that guide our work, dated June 2022.

Next Step for Our Kids 2022-2030 and progress update on resolution of the Assembly of 11 May 2021—Care and Protection Orders—Ministerial statement, 8 June 2022.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

**Sitting suspended from 12.06 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): Regrettably, Minister Steel has advised that he has tested positive to COVID and so, for obvious

reasons, will be absent from question time. He is getting a PCR test to confirm, but it is likely that he will not be present for the rest of the sitting week as well. I will take questions in Minister Steel's portfolios.

As I advised the Assembly yesterday, Minister Vassarotti is also going to be absent from question time today. The previous arrangements—questions to Minister Gentleman in relation to building and environment matters and to Minister Berry in relation to housing and homelessness matters—remain in place today.

### **Questions without notice**

#### **Canberra Institute of Technology—board**

**MS LEE:** Madam Speaker, my question is to the Minister for Skills, which of course the Chief Minister will be taking. Minister, you have referred to the Canberra Institute of Technology Act 1987 multiple times in relation to the \$8.87 million worth of CIT contracts. You repeatedly said that CIT is accountable to its board. Minister, who is the board accountable to? Section 7 of the act vests ultimate authority over CIT in the minister, and CIT receives the majority of its funding, as you are aware, from ACT taxpayers. I have already read the act, which is why I have referenced it, so please do not respond in that way! Who is the board accountable to?

**MR BARR:** The board has accountability as outlined under the act and under the various acts that are referenced in the CIT Act. I am sure that the Leader of the Opposition is aware, if you go to the tail end of the act, that the board has accountability under a number of different acts, including in relation to its reporting requirements ultimately, through the minister, to the Assembly.

**MS LEE:** Minister, who has the authority to make appointments to the CIT board?

**MR BARR:** The act outlines the skills requirements for the board, and the executive would make appointments.

**MR MILLIGAN:** Chief Minister, if the board is accountable to you, aren't you ultimately responsible for this concerning use of funds?

**MR BARR:** I thank Mr Milligan for the question. Clearly, the Government Procurement Act also applies in this regard. Whilst there is ministerial responsibility and accountability, there is also accountability for the board, chief executive and anyone who is delegated authority under the Financial Management Act to make procurement decisions.

#### **Canberra Institute of Technology—procurement**

**MS LEE:** My question is to the Minister for Skills. Minister, I have received countless phone calls, messages and emails from CIT staff and students over the past 24 hours, relieved that these issues in relation to the CIT contracts are coming to light. What message do you have for the hardworking employees of CIT about these contracts?



**MR BARR:** I am sure the countless requests and contacts can be forwarded to the government to ensure that we can respond directly to those individuals, if they wish to receive a response directly from the government. The government's commitment is to resource the CIT to provide high quality vocational education and training. CIT is, of course, one of the major providers in the ACT vocational education and training market and, as the sole public provider in the ACT, has a very important role to play.

**MS LEE:** Minister, what message do you have for the CIT employees who have been too scared to speak up publicly about these contracts for fear of losing their jobs?

**MR BARR:** I am not sure that I accept the imputation within the question. Clearly, people who had concerns have raised them. I do not think it was the detailed investigative work of the Leader of the Opposition that brought these issues into the public realm.

**MR MILLIGAN:** Chief Minister, what message do you have for CIT employees who have raised these contracts time and again internally in CIT and have been told to keep quiet?

**MR BARR:** Again I have no evidence with which to verify the veracity of the claim from the member. I have noted some of his earlier statements that have been factually incorrect, so I am not going to accept the premise of the question. Nevertheless, under the ACT's various acts of this place, there are a number of different ways that individuals who are in the employ of the ACT public sector can raise issues of concern. That can be with their direct senior management, but there are also avenues outside of raising matters with their direct senior management.

### **Tuggeranong—recreational facilities**

**MR DAVIS:** My question is to the Chief Minister standing in for the Minister for Transport and City Services. Minister, it has been exactly one month today since the YourSay community survey on the Lake Tuggeranong revitalisation project closed. I understand that there will be a *What we heard* report due later this month, but I am too excited, and I just cannot wait until then. I was hoping you could speak to some of the key trends in the community feedback so far.

**MADAM SPEAKER:** Mr Barr, without announcing any policy.

**MR BARR:** I thank Mr Davis for the question. Regrettably, I am not in a position to advise him of the key trends. I have been advised that, as he has identified, the report will be available at the end of this month, that the detailed design is expected to be complete in the second half of 2022, and that construction is anticipated to commence in 2023. But I will have to take this on notice, and provide some of that information for Mr Davis, as, regrettably, I do not have it all in front of me, now.

**MR DAVIS:** Chief Minister, will the government consider upgrades specifically for the skate park behind Lakeside Leisure Centre as part of those revitalisation works?

**MR BARR:** I am always partial to a good skate park upgrade, but I will not make an announcement of policy in question time. I will raise the matter with Minister Steel when I next get the opportunity to discuss this project with him.

**MR BRADDOCK:** Chief Minister, whilst you are at it, can you ask Minister Steel if he is considering installing any public art installations on the Lake Tuggeranong foreshore.

**MR BARR:** Yes, I can. Thank you.

### **Canberra Institute of Technology—procurement**

**MS LEE:** My question is to the Minister for Skills, the Chief Minister taking the question. Chief Minister, this morning in the chamber Minister Steel mentioned discussions between his office and CIT in December 2021 regarding the \$8.87 million of questionable contracts. On 23 December 2021, CIT received two invoices from the consultant—that is, two invoices on the same day—to discharge in full the entire sum of a contract valued at half a million dollars. That was four months before that contract was due to end. Minister, are you aware that had happened?

**MR BARR:** No, I think, for obvious reasons, I was not, but I will check with Minister Steel's office. I will take the detail of the question on notice.

**MS LEE:** Does it seem to you like the discussions had by Minister Steel's office might have triggered these unusual advance payments four months before the contracted end date with the consultant?

**MR BARR:** That is asking for an expression of opinion. I will ascertain the time lines in relation to this. Obviously, we have discussed at some length both in question time yesterday and in the debate on the motion afterwards the process for investigation from this point. Minister Steel has asked for further information within five days. That would be the next point at which it would be reasonable to look at the time line of these questions. As we have discussed at length yesterday and again this morning, the forensic detail of this is clearly a matter that the Auditor-General is likely to take up.

**MR MILLIGAN:** Chief Minister, are you confident that CIT was provided with strong enough advice from Mr Steel's office to make it clear that these contracts did not pass the pub test?

**MR BARR:** I note the use of the term "the pub test". It has become one of our favourite clichés. I am not sure that there is sort of a pub test metric in which you can do an assessment. Even if there were, I am not sure that everyone would agree on the scale of whether it gets you through the front bar or the back bar or whether you can get a top shelf drink or just something on tap on the pub test. Thank you for the colloquial question, Mr Milligan. We have all seen, because Minister Steel has tabled both his correspondence and replies in the further level of detail that the CIT provided, that he has clearly raised a number of questions and received answers in relation to those questions.

### **Canberra Institute of Technology—board**

**MS LEE:** Madam Speaker, my question is to the Chief Minister, in place of the Minister for Skills. Minister, in the letter to the CIT board that Minister Steel tabled yesterday, there is a reference to a letter of March 2021 and the subsequent discussions between Minister Steel and the CIT board chair. What was said in those discussions and what action items arose from those discussions?

**MR BARR:** Obviously, I was not privy to those discussions, so I will need to take that question on notice.

**MS LEE:** Minister, in reference to that letter of March 2021, Minister Steel mentioned discussions between his office and the CIT CEO. What was said in those discussions and what action items arose from those discussions?

**MR BARR:** Again, I will need to take that on notice. I appreciate that the Leader of the Opposition advised me in advance that the questions were pre-prepared and that she did not expect me to be able to answer questions on meetings I was not in, so I will take that on notice and will get the information.

**MR MILLIGAN:** Chief Minister, what further actions did you or Minister Steel take over the course of 2021 to satisfy yourselves that the funds were being spent appropriately?

**MR BARR:** Some of the detail Minister Steel has tabled. If there is anything further, I will get Minister Steel to provide that information.

### **Federal government—industrial relations**

**MR PETTERSSON:** My question is to the Minister for Industrial Relations and Workplace Safety. Minister, what does the federal election result mean for Canberrans and their workplace safety and rights?

**MR GENTLEMAN:** I thank the member for his question. It does bring about an opportunity, I think, for better conditions around work safety in the ACT. We will see, I think nationally, much better processes regarding workplace safety. I know that the previous federal minister was stymieing the conversations between states and the commonwealth on workplace safety. We have already seen some media regarding where this government wants to go; indeed looking after workers is a key priority for this government.

**MR PETTERSSON:** Minister, what other federal Labor government commitments will support Canberra workers and assist ACT government endeavours?

**MR GENTLEMAN:** We will see amendments to the workplace safety act. Of course, we see that the federal government are willing to treat Canberrans with respect. They are willing to support workers in the ACT and across Australia by backing minimum wage increases. Another commitment from the government that

will benefit all workers, including Canberrans, is childcare policy. This will make it easier for families to be present in the workforce and deal with the structural inequalities that still exist within our workplaces. The former government wanted to put kids on forklifts! This new government would rather see these kids in good child care so that their parents can choose to contribute to the economy and the workforce.

Our workplace safety laws in the ACT are based on model laws at the federal level. An agreement exists between the government about negotiation and policymaking around these laws. I look forward to the return of genuine consultation and cooperation with the new government on our workplace safety laws. The stronger and more relevant laws and regulations that will come from this process will benefit employers and workers in the ACT.

**MR HANSON:** Minister, in what way will the new government help teachers across the ACT who have been threatened and have faced assaults on a regular basis in our schools?

**MR GENTLEMAN:** I refer to what I have just said about better work health and safety laws across the nation—not just here in the ACT, and not simply in regard to teachers. All of the workforce should be able to come home safely at the end of the day, and that is what I think the federal government will lean to, and we will be supporting them during that process.

### **Emergency services—staffing**

**MR MILLIGAN:** My question is to the Minister for Police and Emergency Services. Minister, recently we heard that firefighters, instead of an ambulance crew, were sent out to respond to a priority 1 call, due to shortages. The firefighters' union called it unprecedented, while the ambulance union states that the service is on a knife's edge. Minister, two years ago you promised additional staff so that minimum staffing levels as determined by the ACT Emergency Services Agency could be met. Minister, why weren't there enough ambulance staff available?

**MR GENTLEMAN:** I thank Mr Milligan for the question; it is important. Of course, each year we have invested more in our emergency services in each of the first responder portfolios. I refer the member to the excellent interview of the commissioner just the other day on the radio. She said that the ACT Ambulance Service has an established reputation as a high-performing community-based service but, like many industries, is currently suffering from ongoing impacts associated with COVID-19. The ACT Emergency Services Agency recognises that there has been pressure on ambulance services nationally. The ACT is not exempt from this, and ACTAS is facing ongoing pressures and strain from the service.

With respect to this particular incident that occurred on Saturday 4 June there were some crewing issues, and, as a result of staff shortages, increasing workforce demands, fatigue and illness, it was decided to support our ambulance paramedics. The support provided by ACT Fire and Rescue was not an alternative to an ambulance; it was in conjunction, to ensure that care arrived as quickly as possible and to assist with frontline prioritising.

But in regard to supporting them in the funding sense, every single year we have added more funds and more resources for our frontline services, and every single year the Canberra Liberals have voted against it.

**MR MILLIGAN:** Minister, when will you employ the new staff that you promised two years ago?

**MR GENTLEMAN:** We have been employing the staff. Of course, there have been recruit colleges through that period of time, particularly for Fire and Rescue and the ACT Ambulance Service. That continues to be ongoing. We have 53 additional paramedics, seven additional ambulances and powered stretchers in all emergency ambulance vehicles, which will reduce physical demands on paramedics and improve patient safety. That has occurred with the previous funding that has been delivered. In August 2020, the government announced funding of over \$45 million for the design and construction of a joint fire and ambulance station at Acton, and that is progressing as well. We have also announced \$14.1 million to continue funding the PACER operation over the next four years. That is health led, of course, but we support them with ambulance services and ACT Policing.

**DR PATERSON:** Today is Thank a First Responder Day. I was wondering if there were words from the ACT government to thank first responders in the ACT.

**MR GENTLEMAN:** I thank Dr Paterson for reminding all of us that it is Thank a First Responder Day. It is very important for our Canberra community to thank their first responders. We, as a government, do. They go out of their way every day to provide safety for Canberrans. I and the chief officers today have put out some social media thanking our first responders. Can I also say that we thank not just our first responders but their families as well, because they are the ones who have to manage the shift work responsibilities that our staff have and sometimes the difficult situations that they go through. So, thank you to our first responders.

### **Planning—crematorium facilities**

**MS CLAY:** My question is to the minister for planning. Minister, I have previously asked questions of you and the minister for city services about how many crematoria Canberra needs. The last response from the minister for city services said current cremation capacity was sufficient in Canberra and the proposed government facility in Southern Memorial Park will meet Canberra's future needs. Minister, can you tell me whether Canberra needs an additional privately-run crematorium near Callum Brae Nature Reserve, given that the city services minister says current and future government facilities will cover our needs?

**MR GENTLEMAN:** I am not sure if it is up to me to decide whether or not Canberra requires a further crematorium. With regard to planning and land management, there is an active development application for this project. In that sense, I would not be able to comment while that application is active with the independent Planning and Land Authority.

**MS CLAY:** Minister, what planning tools are available to government to ensure that Canberra does not get an oversupply of crematoria?

**MR GENTLEMAN:** I thank Ms Clay for the question. I guess, as we develop the city, we look at town centres and the responsibility of government to ensure that outcomes in those town centres and geographical areas have all the community facilities that are required by that group. That is normally formed in the estate development plans for those areas, such as shopping centres and community facilities. In that regard, I guess the planning authority would have a view as to this particular facility. As I said, though, there is an active DA so I will not be commenting particularly on the details of it.

**MR BRADDOCK:** Minister, would a planning review ensure Canberra gets the crematoria it needs where it needs them?

**MR GENTLEMAN:** I think we will see that as we go to the detail stage in looking at district planning. At the moment the act is in play and people are making comment on that, which has been very well received at this point; the commentary has been well received by the Planning and Land Authority. I am looking forward to that going through and the presentation of the bill again to the Assembly in the not too distant future. We will see how we go through the feedback from the Canberra community on the district planning matters.

### **Emergency services—staffing**

**MR MILLIGAN:** Madam Speaker, my question is to the Minister for Police and Emergency Services. Minister, in the last two years emergency services have seen a nine per cent and 15 per cent increase in administrative and executive staff respectively, yet there have been only a seven per cent and a five per cent increase in ambulance and Fire & Rescue officers. Minister, why has more attention not been paid to increasing frontline staff?

**MR GENTLEMAN:** I thank Mr Milligan for the question. I reject the premise of the question. There has been an increased focus on frontline staff. As I mentioned earlier on, the funding that we put through in concurrent budgets has added significant resources to ESA, ACTAS, Fire & Rescue and our other emergency services, including ACT Policing, to ensure that we can recruit. There has been active recruitment going on, and not just normal recruitment either, because we are finding it difficult to get some staff for frontline services. We have been looking at lateral recruitment, too, from other jurisdictions, which has had some success.

**MR MILLIGAN:** Minister, why are office staff being prioritised over frontline staff when there is an expected increase in demand due to winter staffing and COVID?

**MR GENTLEMAN:** As I said in my previous answer, it is not the case. Our priority is certainly on frontline staff. The agreement with firefighters was for 99 new firefighters over the forward years. That is an extraordinary agreement, an extraordinary EBA for Australia, I think. You can see the outcome from that, with the

secretary of the Firefighters Union going nationally, telling other states and jurisdictions how good the ACT has been to them in making this arrangement and recruiting firefighters for the future.

**MS CASTLEY:** Minister, where else is money being spent within the services, rather than on frontline crew?

**MR GENTLEMAN:** It is usually capital expenditure: new stations, new fire trucks, new ambulances and, as I said, electric stretchers. We were one of the first jurisdictions to ensure that we could support the needs of ambulance officers in the workplace by using new technologies. When we look at supporting the staff on the ground, I think that new technologies are supportive of that. At the same time, we are making sure that we recruit new officers, not just to take up the positions of those people who are retiring but to increase the broader strength of our first-line responders.

### **Canberra Hospital—alleged bullying**

**MS CASTLEY:** My question is to the Minister for Health. Minister, I refer to reports from the cardiology department in the Canberra Hospital that state that “staff within Canberra Hospital’s cardiology department have reported shocking behaviours from some colleagues, including swearing, screaming, kicking doors and throwing objects”. The report also states that the behaviour included “allegedly consistent bullying of trainees, nurses, allied health and administration teams for, in some cases, more than a decade”. Minister, we are aware that some staff have been stood down recently, but why was this behaviour allowed to continue for over a decade?

**MS STEPHEN-SMITH:** I thank Ms Castley for the question. I do thank her for acknowledging that action is being taken in relation to these matters. Ms Castley would be aware that in 2018 there was a significant review of culture, and the need for reform in culture and to improve the culture across ACT public health services. That is a process that we have been taking very seriously. There has been a range of work underway, both across territory-wide health services to establish frameworks for action and also deep dives into those areas that have been identified as having particular culture challenges associated with them. This is detailed work that needs to be done in order to support the action that might be taken in response to these issues.

Ms Castley is right; in some circumstances these have been longstanding issues. There has been, for various reasons, historical reluctance to take action against some people, particularly where those people are senior figures. I hasten to add that I am not commenting on any individual matters in relation to this. The message that the Canberra Health Services CEO has been sending to staff, through the actions that have recently been taken, is that these actions will no longer be tolerated. Inconsistency with the values of the organisation is no longer acceptable in Canberra Health Services, and they will not just be talking the talk; they will be walking the walk. I think the CEO has been very clear about that. But the process itself needs to be fair, and it needs to be underpinned by those very detailed investigations that have occurred in a number of areas where those challenges have been identified.

**MS CASTLEY:** Minister, are there any reports of similar behaviour in other departments and, going back to my initial question, why was it allowed to continue for a decade?

**MS STEPHEN-SMITH:** I think I answered Ms Castley's previous question. As I have indicated, and as the freedom of information request has responded to—and it has been reported in the media—there has also been some work in relation to the intensive care unit at Canberra Hospital. It has actually been very publicised and known through the culture review process that there were particular areas that were variously identified as hotspots or areas of concern, where there were those deep dives that were occurring. There was that very detailed work that was occurring with those teams to understand what the fundamental basis of those culture issues were. There were a range of things that have been determined through those processes, and work with those individual teams to improve that culture.

I also want to say that there are areas of Canberra Health Services and areas of Calvary, our health services generally, that have outstanding culture. One of the things that has been done through the culture review and through responding to the culture surveys that have been undertaken is to identify not only those areas that clearly have a problem, where they might be in a culture of blame, but also those areas that are in a culture of success—as well as what we can learn from those areas, and how those staff and the people and leaders in those areas can share their experiences of how they are building a strong and positive culture across our organisations.

That has been the exact work that we have been doing in response to the culture review, and in response to the surveys that have been undertaken. The survey that was undertaken in November last year had the best overall outcome for Canberra Health Services that has ever been achieved, since these surveys commenced in the mid-2000s. So we are on an upward trajectory, but we do know that we still have a long way to go.

**MR CAIN:** Minister, apart from the perpetrators of inappropriate behaviour, what are the consequences for the managers who allowed this behaviour to continue?

**MS STEPHEN-SMITH:** It is very difficult to respond to a question like that, which specifically seems to be in relation to an individual area of the organisation. As I have just indicated, in each of these different areas there are different reasons that poor culture has developed and continued over time. Obviously, management has a key role to play in addressing those issues. Mr Peffer has been clear that no-one in the organisation is too senior to face the consequences if there is poor behaviour occurring in their particular area and they are in some way responsible for that.

### **Federal government—child care**

**MS ORR:** My question is to the Minister for Early Childhood Development. Minister, how will the federal Labor government's plan for cheaper early learning positively impact Canberra families?



**MS BERRY:** I thank Ms Orr for the question. It has been a particularly challenging couple of years for Canberra families, and one of the major cost-of-living challenges is for families with children and their fees. For many families this cost locks them out of accessing important learning at a crucial stage of a child's development. We all know that education does not kick in just at school. From the moment a child is born their learning journey begins, and early childhood plays a critical role in that. The new federal government, led by Anthony Albanese, has made a series of commitments to reduce the cost of early learning, making it accessible for more families. The federal Labor government is committed to lifting the maximum childcare subsidy rate to 90 per cent for families for the first child in care; to increasing childcare subsidy rates for every family with one child in care earning less than \$530,000 in household income; to keeping higher childcare subsidy rates for the second and additional child in care; and to extending the increased subsidy to outside school hours care.

The federal government will also have the Australian Competition and Consumer Commission design a price regulation mechanism to drive out-of-pocket expenses down in the long term. The Productivity Commission will conduct a comprehensive review of the sector, with the aim of implementing a universal 90 per cent subsidy for all families. This will be an approximately \$5.4 billion investment, starting from July 2023. The impacts of this commitment will mean that more Canberra families will have access to early learning for their children and will support workforce participation for parents and carers. This will ensure that more children have a great beginning to their life-long education.

**MS ORR:** Minister, how does the Federal Labor Government's commitment to cheaper early learning complement ACT government initiatives in this area?

**MS BERRY:** I thank Ms Orr for the supplementary question. The new federal government has committed to developing and implementing a whole range of government early-years strategies to create a new integrated approach to the early years. The strategy will develop a program of action and develop better outcomes for Australian families. This complements the approach that the ACT government has taken in setting up its own early childhood strategy, *Set up for Success*. Underpinning the ACT government's strategy is a commitment to give every child a fair start to life.

No child should miss out on early childhood education because it is not affordable. The ACT government has committed to work towards 15 hours per week, 600 hours per year, of free universal early childhood education for three-year-old children. This commitment is beginning with access for 500 three-year-olds, prioritising children and families most in need, as well as 15 hours per week of Koori preschool for 100 three-year-old Aboriginal and Torres Strait Islander children.

The strategy also importantly recognises the value of early childhood educators as professionals who play a critical role in learning and development outcomes. Actions include developing educator professional standards and providing training to educators to support children affected by trauma. Every child has their own story. Different lived experiences and circumstances shape their stories and impact on their future years. A commitment from both the federal and ACT governments to ensure

equal access to education right at the start will set up children with the tools and support that they need.

**DR PATERSON:** Minister, how does reducing the cost of early learning contribute to gender equality?

**MS BERRY:** I thank Dr Paterson for the supplementary question. The commitment to reduce the cost of early learning will make it more accessible for Canberra families because it has flow-on effects, not just for the child's development but for creating a more gender-equal community. Across the country, women continue to do the majority of unpaid domestic labour and care-related work, and the impacts of the pandemic have exacerbated this gender imbalance. Often for households where one of the parents or carers is a woman, she will forego extra paid work to stay at home with children. There are many compounding reasons for this. Firstly, it speaks to the traditional and harmful gender roles which form an expectation that women will be the primary carers. It also goes to the fact that women are more heavily concentrated in insecure, lower-paid work, preferencing the work of the male parent for the financial security of the household. This means that making early learning more affordable will not force families to make a choice about foregoing work to do the unpaid work for caring and educating children.

This supports workforce participation and allows more women to pursue their paid careers. Ensuring that women can equally participate in a workforce contributes to creating a more gender-equal community, where they are not disadvantaged by caring responsibilities. It is great to have this commitment from the federal Labor government to make early learning more affordable, which will have massive flow-on effects for Canberra families and the community more broadly.

### **Canberra Hospital—cardiology department staffing**

**MS CASTLEY:** My question is to the health minister. The *Canberra Times* reported on 5 June that staff from Canberra Hospital's cardiology department have reported some doctors rostered on for duty were often not actually in the hospital and would not always answer their phones. The article said several senior staff across multiple departments have been let go over the past six months. Minister, if doctors rostered on for duty in the cardiology department are often not actually in the hospital, where are they?

**MS STEPHEN-SMITH:** I cannot possibly fathom how Ms Castley would imagine that I could answer that question. What I will do, to help her out, is to provide a little bit of background on the cardiology issue.

In relation to cardiology, a report in 2020 known as the Johns review was largely commissioned to review the services provided by the cardiology unit with a view to improving quality of service delivery to the community. Following discussion with a large number of CHS employees, the review also provided some observations regarding the culture of the unit. A project manager resource was appointed to facilitate the implementation of the report, with most recommendations having been implemented. That is really around the quality issues that were identified.

In reviewing the cultural aspects of the report, the interim unit director at the time, Dr Peter French, concluded that behaviours had not changed sufficiently, with several reports of poor behaviours. For reference, Dr French's observations are outlined on pages 173 to 205 of the freedom of information documents that have been released and uploaded on the FOI register.

Immediately following Dr French's observations, Ms Barbara Deegan was commissioned to undertake a review of the culture within cardiology. Ms Deegan delivered her report identifying a range of specific concerns pertaining to four cardiologists—

**Ms Castley:** On a point of order, Madam Speaker, the question was about where are the doctors. If the minister does not know, I am happy for her to take that on notice.

**MADAM SPEAKER:** I think she responded to that at the very beginning of her answer.

**MS STEPHEN-SMITH:** Madam Speaker, I am absolutely not going to take that question on notice, because there is no way that I could answer a question on where those doctors were. It is ridiculous!

**MADAM SPEAKER:** There is no point of order. Continue. You have 10 seconds left, Minister.

**MS STEPHEN-SMITH:** Thank you. Ms Deegan delivered her report identifying a range of specific conditions pertaining to four cardiologists who have been subsequently suspended (*Time expired.*)

**MS CASTLEY:** How many times have doctors rostered on for duty in the cardiology department not been in the hospital, and what action has been taken?

**MS STEPHEN-SMITH:** That is a question that possibly Canberra Health Services will be able to provide advice about, so I will take it on notice.

*Members interjecting—*

**MADAM SPEAKER:** Members! Ms Stephen-Smith, Ms Lee, enough.

**MR CAIN:** Minister, how many senior staff have been let go over the past six months? Surely you can get the answer to that question.

**MADAM SPEAKER:** Without a snide addition to your question, Mr Cain.

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. I am very happy to take that question on notice. It is something that I will be able to get the answer to.

**Mr Parton:** Excellent.

**MADAM SPEAKER:** Members! Honestly.

**Mr Parton:** I am just praising the minister.

**MADAM SPEAKER:** Don't you start, Mr Parton, or you will be on that short-list as well.

### **Sport—Amaroo tennis centre**

**MR BRADDOCK:** My question is to the Minister for Sport and Recreation. Minister, can you please provide an update on the project to deliver a new tennis centre in the suburb of Amaroo, in my electorate?

**MS BERRY:** I am very happy to talk about the Labor commitment to invest in a new tennis facility in partnership with Tennis ACT and Tennis Australia. I know it is of interest to all Yerrabi members, including Mr Braddock, Ms Orr and Mr Pettersson. And of course, the project aims to ultimately achieve 10 full-sized courts, hot shot courts, a hitting wall, LED lighting, parking and a pavilion.

This project is a commitment that I know that the Gungahlin community have been waiting for and, in fact, I know that Nick Kyrgios, who was at the announcement for this facility, he is keeping a very close eye on the announcements for this facility and he is definitely holding this government to account for when he gets the chance to take Mr Barr on again, on the tennis courts, once they are created! And as soon as I have more detail to provide to the Assembly on the development and planning of this process, I will be able to provide more information.

**MR BRADDOCK:** Minister, are you able to provide an estimate as to when the courts might be open for public use?

**MS BERRY:** Well the planning work has commenced as far as the suitability of the site and the due diligence. But on when the site will open, I do not have that advice at the moment. But once it becomes available, I will definitely provide that.

**MR DAVIS:** Minister, into the future, how will you ensure the fair, equitable and needs based distribution of funding across all community sports clubs in the ACT?

**MS BERRY:** Well thank you, Mr Davis, that is a bit of a hypothetical question that I probably cannot look into my crystal ball and assess that. However, of course, announcements are made during the budget process and we will make sure that we are carefully responding to the sports needs in our community.

Knowing that the ACT continues to have the highest sports and recreation participation rates in the country, we know that there are needs across our community, as that participation grows and continues to grow, and in fact, COVID meant that even more people were getting out and participating in sports that they had not before.

And so, we know that more Canberrans than ever before have wanted to get out to a range of different sports and recreation activities across our community and we have always been able to maintain great facilities here in the ACT and will continue to make sure that we do that.

### **Federal government—sports infrastructure**

**DR PATERSON:** Minister, how will the ACT government work with the new Albanese Labor government on delivering sports infrastructure in Canberra?

**MS BERRY:** Well this is one question that I thank Dr Paterson for and it goes to, I guess, some of the questions that—the question that Mr Davis asked about how we can continue to provide sporting facilities here in the ACT and working with a new Albanese Labor government, we will be able to see an allocation—a fairer allocation of national infrastructure spending to co-invest in this city.

For our local sports clubs and teams, the lack of investment that we have seen in assets sitting either without the proper maintenance, making them unavailable for use by our elite teams. On the eve of the election, we finally saw a recognition of the previous coalition government's responsibilities to maintain its own asset with a commitment to fund repairs and upgrades at the AIS arena.

Federal Labor made a \$15 million commitment to repair, renovate and reopen the arena, something the ACT government has long been advocating for since its sudden closure in 2020. While it has served out community well, being utilised as a vaccine hub through the COVID-19 pandemic, I know Canberrans, including myself—and I know Ms Lawder as well as an avid basketball fan—cannot wait for the works to commence so that we can go back to cheering on teams like the Canberra Capitals at their home venue.

The new Albanese government is also looking to Canberra's sporting future with a \$750,000 commitment to the University of Canberra's long-term plan and vision to develop a sports hub. This is something the ACT government will continue to work with the University of Canberra on, and it was great to be able to be there to the launch of their strategic plan.

It is wonderful to finally have a federal government that can share this vision for Canberrans, even on the local level, federal Labor committed \$800,000 to a tennis court in Canberra upgrades with four new acrylic hard courts at the Weston Creek Tennis Club. With \$100,000 co-contribution from the ACT government—(*Time expired.*)

**DR PATERSON:** Minister, what do these commitments mean for local sport in the ACT?

**MS BERRY:** Well it means that finally, we have a government that is listening and caring about the nation's capital and its citizens. The commitments from the new Labor government will make a significant difference to our sports infrastructure in the

ACT, renovating and reopening the AIS is long overdue. When the arena was closed in 2020, it left Australia's most successful sports team, the Canberra Capitals, and many other sports teams, without a large venue to play in. I have raised the future of the AIS with every single sports minister since I have been in this role, and when the decision was made to close it without notice in 2020, I had multiple meetings and correspondence with former Minister Colbeck and the Sports Commission to get a resolution for the arena. Now with the new federal government, this work can get done.

Not only will it provide a place for the Capitals and the Giants to play, but the arena is also a central part of Canberra's events and entertainment scene. These additional investments on the local level will provide a boost to participation and access to spaces in the medium to long term.

The ACT government continues to work with the University of Canberra on their vision, the University of Canberra has been an integral part of the Canberra Capitals and boost support and investment for basketball in the ACT. Investment in Canberra's tennis infrastructure is welcomed in a sport that has seen increased growth which has, of course, been inspired by our incredible Aussie stars like Ash Barty, Dylan Alcott and Canberran Nick Kyrgios.

With more courts and better availability of courts through the very successful book-a-court system, tennis has never been more accessible. The commitments from the federal government, coupled with the ACT's commitments around expansions and improvements to tennis infrastructure in Gungahlin and Woden will see more court time for players across Canberra.

These investments will improve the provision of sports facilities for our elite team sporting teams and all players across the ACT.

**MR PETTERSSON:** Minister, how will these investments connect with the ACT government's commitments to sports infrastructure?

**MS BERRY:** I thank Mr Pettersson for his question. The ACT government has been delivering on sporting infrastructure priorities for the community with these new investments from the Albanese Labor government, these are most welcomed and they are a number of projects completed or underway that I want to highlight that support overall sports infrastructure in the ACT.

In terms of our pools, the new \$36 million award-winning Stromlo Pool opened in 2020. I encourage anyone who has not had a chance to get up there and check it out, it is quite a remarkable building with a 50-metre pool and program pool, leisure and toddler pools, as well as a splash park. The facility also has a dedicated gym and crèche, and some of the best views in the ACT.

In addition to commitments at the Woden Creek Tennis Club, progress on the Amaroo Tennis Centre is continuing. This 10-court facility will be a welcome addition to the tennis facilities on the northside. We saw the recent funding which I have talked about earlier, with the North Woden Tennis Club, and work is continuing, of course, on the

Throsby home of football. This \$33.5 million investment in a new facility in Canberra's north will support a range of community and high-performance programs for capital football.

One final project I want to mention is the new ice sport facility proposal for Tuggeranong. I know members are very interested in this development and I look forward to the delivery of this project. I can advise the Assembly that a proposal has been received and is being considered by the government and I hope to be able to share more news on this project soon. I look forward to the delivery of these important projects and a different approach when it comes to investments in Canberra from the Albanese-Labor government.

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

### **Answers to questions on notice Question Nos 771 and 776**

**MS CASTLEY:** Yesterday I raised a couple of questions that were outstanding. A few of the responses from the ministers was that they were just waiting on the signatures to come across. I am just raising the fact that they are still late—771 with Minister Stephen-Smith, and 776 with Minister Berry. Three questions came in.

**MS STEPHEN-SMITH:** I have signed the other ones that were with me for review. In relation to 771, I had a question about some of the information that was provided in the draft response. I just want to make sure that we have got that 100 per cent right before I sign it off.

**MS BERRY:** In relation to 776, I am confident that I have signed the question on notice. But I will check after question time just to be sure that it is on its way to Ms Castley's office.

### **Supplementary answer to question without notice Canberra Hospital—safety**

**MS STEPHEN-SMITH:** Yesterday Ms Castley asked Minister Gentleman whether an improvement notice from WorkSafe ACT had been issued to the Canberra Hospital emergency department. I can advise the chamber that a WorkSafe ACT improvement notice has not been issued to the Canberra Hospital emergency department at this time.

*Mr Parton interjecting—*

**MS STEPHEN-SMITH:** Canberra Health Services, as I indicated yesterday, is working with WorkSafe ACT to ensure its processes in the emergency department are supporting a safe work environment for staff. WorkSafe ACT last visited the emergency department on 9 May and Canberra Health Services has subsequently provided information to WorkSafe ACT that is being reviewed.

Yes, Mr Parton, I did acknowledge yesterday that WorkSafe ACT had been visiting the emergency department and that there were ongoing conversations underway, and we very much value the role of WorkSafe ACT in this matter.

## Papers

**Madam Speaker** presented the following papers:

Bill referred to Committee, pursuant to resolution of the Assembly of 2 December 2020, as amended—Correspondence—Bill—Not inquired into—Statute Law Amendment Bill 2022—Copy of letter to the Speaker from the Chair of the Standing Committee on Justice and Community Safety, dated 6 June 2022.

Public Accounts—Standing Committee—Report 8—*Inquiry into Annual and Financial Reports 2020-21*—Speaker’s response to Recommendations 8 and 9, dated 7 June 2022.

## Nurses and midwives—staff to patient ratios

**MS CASTLEY** (Yerrabi) (2.53): I move:

That this Assembly:

(1) notes:

- (a) phase 1 of the nursing and midwifery ratios began on 1 February 2022;
- (b) the three key compliance measures being reported are:
  - (i) a supernumerary team leader on morning and afternoon shifts;
  - (ii) a nurse/patient ratio of 1:4 for morning shift, 1:4 for evening shift and 1:6 for night shift; and
  - (iii) skill mix of no more than 25 percent enrolled nurses and 75 percent registered nurses;
- (c) an amnesty period was granted until 22 June;

(2) further notes:

- (a) a Freedom of Information (FOI) document obtained by the Canberra Liberals reveals Canberra Health Services (CHS) “remain confident that we will be fully compliant with phase 1 of the ratios by June 2022”;
- (b) FOI documents showing a “snapshot on ward compliance” on 15 February 2022 reveal only partial compliance with ratios;
- (c) for the morning shift, only 9 out of 17 wards were fully compliant;
- (d) for the evening shift, only 8 out of 17 wards were fully compliant; and
- (e) predictions for the night shift were that it would not be fully compliant; and

(3) calls on the ACT Government to:

- (a) provide nurse ratio compliance figures since February 2022 (with a breakdown of the three key compliance measures being reported);
- (b) disclose if CHS are now “fully compliant” with phase 1 of the ratios, given we are now near the end of the amnesty period;
- (c) commit to publicly releasing nurse ratio compliance figures for CHS, as happens in the Queensland health system; and



- (d) commit to publicly releasing nurse ratio compliance figures for the Calvary Public Hospital.

Madam Speaker, it was in September 2020, one month before the last ACT election, that the Labor government pledged to finally implement nurse/midwife to patient ratios. Almost two years after its pre-election commitment, Canberrans are still waiting for those nurse/midwife to patient ratios to be fully implemented.

The reason for this notice of motion today is simple. The government promised to implement the ratios and has failed to deliver them. We know, from freedom of information documents obtained by the Canberra Liberals, that a ministerial brief to the health minister dated 18 February this year from Canberra Health Services' Acting Deputy CEO Colm Mooney reveals only partial compliance with the ratios.

The snapshot on ward compliance from 15 February shows that, for the morning shift, only nine out of 17 wards were fully compliant, which is just over half. For the evening shift, only eight out of 17 wards were fully compliant, which is less than half. Predictions for the night shift were that it would not be fully compliant. The ratios update to the minister states, "As you are aware, due to the impact COVID-19 is having on our workforce, we continue to have challenges with our work rosters and compliance with ratios." The note to the minister goes on to say, "Canberra Health Services remain confident that we will be fully compliant with phase 1 of ratios by June 2022 at the end of the amnesty period." These are not my time frames! Now that we are in June, nearing the end of the amnesty, the purpose of this notice of motion is to hold the government to account, to find out if our health system is now fully compliant with nurse midwife to patient ratios and, if not, why not? And if the government is not complying with ratios, when will it be?

The health minister on 10 March was keen to trumpet how nurse to patient ratios would improve our health system, issuing a media statement with the headline, "More nurses in hospitals to improve patient care and healthcare staff welfare". The minister said that recruiting more nurses to meet the nurse to patient ratios would improve patient care, reduce the risk of medical complications, and improve occupational safety and job satisfaction for staff. These are all positives, but if our nurse to patient ratios are not fully compliant then the minister cannot claim these outcomes for our health system. If we cannot get the first phase of the ratios right, focusing on general medical, general surgical, acute aged care and the adult mental health units, that does not bode well for the other areas in our hospital system where nurse to patient ratios are yet to be implemented.

In her media statement Minister Stephen-Smith said:

A typical improvement will mean a nurse on a day shift in a medical ward will care for four patients instead of five.

This is promising. But, as the FOI documents reveal, it is not the reality—far from it, given that in February for the evening shift less than half of the wards were fully compliant and, for the morning shift, just over half.

The government said it would commit \$50 million over four years to the first phase of ratio implementation and employ 90 new nurses and midwives—55 for the Canberra Hospital and 35 for Calvary Public Hospital Bruce. A *Canberra Times* article on 17 May revealed that 88 had been employed. But what we also know, Madam Speaker, is that our health system is in crisis and the government's failure to do proper workforce planning has seen services cut across our hospital network.

Matthew Daniel from the nurses union has criticised the government over its inadequate workforce planning, saying it had “fallen off the wagon” over the past two years. Mr Daniel acknowledged that some workforce planning was done, but it was not based on evidence. He said:

We need to see ward-by-ward across the public sector. What is the age cohort? How many people are going to retire in the next little while? How many people have we got in the front door? How many graduates are we taking in and what services are we going to require over the coming years?

Mr Daniel's final comment to *the Canberra Times* on 17 May was damning:

There is no one place where we can see a match between what demand for nurses and midwives is going to be and the supply.

A quick perusal of our newspaper headlines over the last month makes clear one thing: Canberra's health system is in crisis. Consider these: “Hospitals grappling with ACT nurse crisis”, “Clinics face staff shortages”, “Services cut back to deal with demand”, “ACT's senior nurse crisis”, “Health staff indicate intention to resign”, “Elective surgeries face delay” and “Surgery halt to come for strained system”. Just as a postscript, Madam Speaker, those headlines have all appeared in the last three weeks, since 17 May.

As well as calling on the government to provide nurse ratio compliance figures since February and to disclose whether the government is now fully compliant, this motion also addresses transparency. The motion calls on the Labor-Greens government to commit to publicly releasing nurse ratio compliance figures for CHS, as happens in the Queensland health system, and to commit to publicly releasing compliance figures for Calvary Public Hospital. The Queensland government introduced nurse to patient ratios in medical and surgical wards and mental health wards in 2016, and it provides quarterly compliance figures on its Health website. There is no reason the Labor-Greens government cannot do the same so Canberrans can hold their government to account for their running of the health system.

Madam Speaker, Canberra's health system is not just under strain; it is cracking, and it has been for some time. Unfortunately, the situation is getting worse with the government's failure to deliver on its nurse ratio commitment—just the latest evidence of a system unable to cope following the government's recent decision to suspend elective surgeries. The health minister needs to stem the exodus of nurses from our health system, to fix a toxic culture of bullying and harassment, and to create a system where our nurses have ongoing professional development so they feel valued and respected for their knowledge, commitment and expertise. Finally, the minister

must deliver on her government's commitment on nurse to patient ratios so the Canberra community can start to have some confidence in a health system struggling in so many ways.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.01): I move the following amendment:

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

“(1) notes:

- (a) mandated minimum Nurse/Midwife-to-Patient Ratios is a process of organising patient care with a mandated number of nurses and midwives every shift;
- (b) implementation of phase one of ratios commenced on 1 February 2022 at Canberra Hospital and Calvary Public Hospital Bruce following approval of the ACT Public Sector Nursing and Midwifery Enterprise Agreement 2020-2022 by the Fair Work Commission;
- (c) an amnesty period was agreed between the ACT Government and the Australian Nursing and Midwifery Federation until 30 June 2022 to allow time for implementation of ratios in both health services; and
- (d) ratios are currently being implemented in phase one across acute aged care, general medical, general surgical and adult mental health units with three key compliance measures:
  - (i) a supernumerary team leader on the morning and afternoon shifts;
  - (ii) the appropriate ratio for each shift which is dependent on the unit type, level of care being provided within that unit and the shift; and
  - (iii) skill mix of no more than 25 percent Enrolled Nurses to 75 percent Registered Nurses.

(2) further notes:

- (a) the ACT is just the third jurisdiction in Australia to implement ratios;
- (b) the Canberra Liberals did not commit to the implementation of ratios at the 2020 ACT Election unlike ACT Labor and the ACT Greens;
- (c) in the 2021-22 ACT Budget the ACT Government committed over \$50 million to implement phase one of ratios, which has supported the recruitment of 90 full-time equivalent nurses;
- (d) there is a recognised international shortage of nurses and other health professionals that is placing pressure on all health systems; and

(3) calls on the ACT Government to:

- (a) continue planning for ratios compliance to be publicly reported by health service and compliance measure each month;
- (b) continue to work with the Australian Nursing and Midwifery Federation to implement and manage phase one of ratios across Canberra Hospital and Calvary Public Hospital Bruce;

- (c) continue to work with the Australian Nursing and Midwifery Federation to negotiate the implementation, management and review of the next phase of ratios through the ACT Public Sector Nursing and Midwifery Enterprise Agreement; and
- (d) continue to progress work on the Territory-Wide Health Workforce Plan to support a sustainable health workforce in the ACT.

I circulate this amendment both to correct some errors in Ms Castley's original motion and to update the chamber on the circumstances. This particular amendment calls for ratio compliance and compliance measures to be publicly reported by the health service each month—not each quarter, but each month. That is what we were already planning to do. We already have a quarterly performance report on health system data, and we already report compliance through the steering committee for the implementation of nurse-patient ratios.

The amendment also clarifies some of the processes around this. I have to give Ms Castley some credit here, because, unlike one of her predecessors, who used FOI and took up a lot of public servants' time on thousands and thousands of pages of documents and basically never used them, at least Ms Castley is using the documents. They might be out of date, and she might be misinterpreting and misunderstanding what is going on, but at least she is making use of the documents! Without asking for any updates on how we are going at the moment, as we get close to the end of the amnesty period that has been agreed with the AMNF, she has the chutzpah to get out there and say, "These figures from February, two weeks into the implementation of ratios, are not fully complying"!

As a bit of background for Ms Castley, ACT Labor and the ACT Greens went to the 2020 election committing to the implementation of nurse-patient ratios. The Canberra Liberals did not. No such commitment was made by the Canberra Liberals to the implementation of nurse-to-patient ratios. I did not hear any apology for that from Ms Castley. I did not hear any explanation as to why the Canberra Liberals did not commit to nurse-to-patient ratios in the 2020 election. I invite her, in closing, to commit the Canberra Liberals to the ongoing implementation of nurse-patient ratios. That would make them the first Liberal Party in the country to be committed to nurse-to-patient ratios. The ACT is the third jurisdiction in the country to commit to nurse-patient ratios after the two other Labor jurisdictions of Victoria and Queensland. We are very proud of that election commitment, and we are proud to be delivering on that election commitment.

On that note, I will table the latest reporting of the ratio implementation working group from Canberra Health Services:

Overall CHS Ratio Compliance—Point in Time—Period 23 to 29 May 2022.

I do not have up-to-date data from Calvary to provide at this point in time, but I am tabling the compliance report from Canberra Health Services. It is, as Mr Daniel has talked about, a point-in-time report for the period 23 May to 29 May, and overall Canberra Health Services is 89 per cent compliant for this point-in-time report. This is

broken down and the elements include the supernumerary team leader compliance; the one-to-four and one-to-six ratios, noting that the high dependency unit in mental health is actually a one-to-two ratio; and the 75-to-25 skill mix. It is also broken down between the adult mental health unit, general medical wards, general surgical wards and acute aged care wards. It identifies some common themes where compliance has not been achieved—being unplanned leave and COVID impact—and the supernumerary team leader, which was significantly lower than the other elements, but I would note that in the general medical wards the supernumerary team leader ratio compliance was 100 per cent. In the acute aged care wards, the supernumerary team leader ratio compliance was 100 per cent. In adult mental health the supernumerary team leader was 97 per cent. In the general surgical wards it was only 72 per cent. There was also 100 per cent compliance on general surgical wards with the 75 to 25 ratio skill mix, and the rest of the figures are between 80 and 90 per cent.

I table that for the information of the Assembly. If Ms Castley had asked for that information, we would have been happy to provide it. We are happy to continue to work through that working group and with the Australian Nursing and Midwifery Federation on how we can improve that compliance reporting and what we report publicly.

I acknowledge the point Mr Daniel has made that this is only point-in-time reporting. What is currently being reported on is whether the roster is being appropriately filled—that is, whether the roster is reflecting the requirements of ratios—and what is happening at the start of shifts. But we recognise that there are strains and pressures on our health system at this point in time. There has been unplanned leave, as was identified in the document that I have just tabled, and there is sometimes the need for nurses to be redistributed to address some of the very serious pressures across our hospital systems. That can result in noncompliance with ratios through the time of a shift.

We absolutely recognise that that is an ongoing challenge, not just a challenge for the ACT. As we know, Ms Castley read out some of the headlines in relation to the ACT system, but those headlines are appearing in newspapers right around the country, because every single health service across Australia—and, indeed, health services around the world—are under pressure at the moment for various reasons. In Australia it is partly because of COVID and partly because of flu and the winter season. Partly it is because our healthcare workforce has been under such pressure that we have seen people leave. But across our workforce we have seen more people recruited than we have seen leave. Canberra Health Services, in particular, has been very clear that when people have planned leave—when people have annual leave that they have planned to take—that it is able to be taken. That is really important in terms of caring for our staff.

Ms Castley talked about the fact that the implementation of nurse-patient ratios was a 2020 election commitment by ACT Labor and the ACT Greens—it was not a commitment of the Canberra Liberals; she did not mention that part—but that has taken some time to come to fruition. As Ms Castley identified, it was funded in the 2021-22 budget, with \$50 million to recruit 90 full-time equivalent nurses. The recruitment was not of midwives; we have not done ratios for midwives yet, but we

will do so. Those 90 full-time-equivalent nursing positions have been recruited, in addition to the three support staff positions that were funded by that \$50 million commitment.

All of these time frames and all of these processes have been worked through with the union. There was an agreement with the union that ratios would be implemented through the enterprise agreement framework. That was part of the bargaining for the enterprise agreement. That is where the time frame of 1 February to commence implementation came from. The figures that Ms Castley has been using all day to support her argument are from two weeks into implementation. To give her credit, she has received great media from a crappy argument! She has really used the data she had to the best of her ability.

I think that that demonstrates that I was keeping an eye on this, and my office was keeping an eye on this. We were asking, “How are we going? We know we are supposed to be implementing from 1 February, so how are we going? How do we think we will be going? How are we going to make sure that by the end of June, when that amnesty period comes to an end, we will be compliant?” The answer is that we will be pretty close, but the workforce pressures mean we might not always be there for every shift, for every ward, every day. But that is our commitment—unlike the Canberra Liberals who have never committed to it.

I look forward to Ms Castley, in her closing, committing the Canberra Liberals to nurse-patient ratios, and, if they are elected at the next election, to continuing to implement the ratios framework and to working with the ANMF on any further ratio framework phases that may still need to be implemented. We are currently working with the Australian Nursing and Midwifery Federation on the second phase of ratios, and I have had a number of conversations with Mr Daniel and his team about what we need to prioritise through that. We are also working with them on the next phase of the Towards a Safer Culture project so that we can ensure that our nurses and midwives are well supported in the workplace and that they have a safe workplace. We very much appreciate our partnership with the Australian Nursing and Midwifery Federation on these issues of ratios, on workloads more broadly and on staff safety. We continue to have conversations with them about their third priority, which is consultation in the workplace.

In addition to the commitment to ratios, the ACT government also committed to hiring an additional 400 health professionals, including nurses, across this term of government. Since the 2020 election, we have funded an additional 257 full-time-equivalent staff to join our teams. As I spoke about last week, the number of staff at our health services continues to grow year on year. In phase 1 of the ratios, as Ms Castley has been talking about, they are being implemented across 21 wards at both public hospitals. As I have said, I can confirm that all 21 wards have now implemented the requirements of the ratio framework.

I can also assure the Assembly that managers of each of these wards are publishing their rosters in compliance with the ratio measures. The very real issue here is, as I have said, the same issue that all workforces are facing in the ACT. We have talked about it in question time in relation to the experience of the ambulance service over

the weekend. We have talked about it previously in relation to the education system and our schools, and Mr Steel was not able to attend question time today. All workplaces, public and private, are experiencing these issues of high levels of unplanned leave that are resulting in staff shortages.

These issues are further compounded by a shortage of nurses and other health professionals internationally, and we are working to tackle that issue. That is something I spoke about in March in my ministerial statement about the health workforce. I outlined the work the government is doing to ensure that we have a sustainable and highly skilled workforce to provide care to the ACT and surrounding regions. We have recruited more graduates than ever before. We are working to ensure that we recruit allied health staff to support our nurses and doctors in making sure that there is timely discharge of patients. Our allied health teams can do that very well alongside those in the emergency department and the changing models of care.

In my March statement I spoke about the Canberra Health Services 2022-23 Nursing and Midwifery Workforce Plan that was released during Nurses and Midwives Week in May. I recognise that the ANMF has some concerns about that plan, but they have also acknowledged that at least that work is happening and at least there is a plan. This is the specific workforce plan—running ahead of the territory-wide workforce planning—to ensure that strategies and actions are getting started while work continues on the broader workforce planning that I have talked about in my amendment today. Ms Castley should be well aware of the workforce planning that is occurring in this space and the work that is being undertaken, given that this was also referred to in the FOI for the motion.

As I have said, the health directorate is currently continuing to refine reporting and data collection and working with the health services to automate this reporting, which will include a better view of compliance across a shift rather than at a single point in time. Canberra Health Services will be putting into operation an IT system for this automation from July. As part of this work, the directorate is working on testing compliance measures with the steering committee, of which the ANMF is a member, to ensure they accurately reflect the span of time that compliance needs to be in place. So, we will not just be publishing the roster or the start of the shift as Queensland does, but will be going well beyond what Ms Castley is asking us to do by collecting and publishing data for across the shift as well.

The directorate is also already working on developing a public interface of reporting health services data not dissimilar to the Queensland Health format, and access to compliance data from health services will be available for the community to see. The government is committed to ensuring the reporting requirements of the framework are provided. I commend my amendment to the Assembly. I thank Ms Castley for raising this important issue, but I also correct many of her misunderstandings.

**MR ASSISTANT SPEAKER** (Mr Pettersson): Ms Stephen-Smith, I have reflected on your speech, and you used some unparliamentary language. I ask that you withdraw that.

**Ms Stephen-Smith:** I am sorry; I withdraw.

**MR DAVIS** (Brindabella) (3.16): I am pleased to speak on behalf of the ACT Greens in support of Minister Stephen-Smith's amendment to Ms Castley's motion. I would like to thank Ms Castley most sincerely for her newfound support of the union movement and its advocacy for the safety of nurses and midwives in our hospitals. It is thanks to the union movement that minimum ratios are being implemented across the country, and I stand in solidarity with workers in their campaigns for workplace safety. We know that ratios save the lives of patients and significantly improve levels of occupational injury for nurses and midwives. I thank the union for making these structural workforce issues their problem and for again demonstrating the incredible social justice movement that unions represent.

The ACT Greens, along with our friends in ACT Labor, went to the 2020 election with a commitment to deliver minimum staffing ratios between nurses, midwives and their patients. I was proud to sign on to the Australian Nursing and Midwifery Federation's "ratios save lives" pledge that year. I did not see your signature on a pledge, Ms Castley, but I suppose that is all in the past. This was the beginning of a strong relationship between my office and the ANMF. I note that this pledge was not supported by any Canberra Liberals incumbent member or candidate—or the former shadow health minister.

Unlike the Liberals, the Greens are proud to stand with our city's nurses, who want to be supported to provide the best possible care to our community. It was after speaking to comrades from the ANMF earlier today that I have reaffirmed the ACT Greens commitments to nurses, midwives and their patients, and to safety in our public hospitals.

I was thrilled to see the ANMF's advocacy ratified in this year's budget, despite the unprecedented strain upon our health system that COVID-19 has caused. Our nurses and our midwives are truly essential workers. They are our frontline workers, and they are feeling the effect as we enter now our third year of this pandemic. Indeed, these strains have made even more visible the need for ratios and the need for continuous improvement of workplace culture and supports for our frontline staff.

The benefits of nurse-to-patient ratios are well documented and well known. The ACT Greens know that quality health care can only be delivered with the right number and skill mix of nurses. We know that a higher level of nurse staffing is associated with a decrease in the risk of in-hospital mortality. We know that, for every increase of one nurse, patients are 14 per cent less likely to experience in-hospital mortality.

We know patients will also be less likely to experience an adverse event in units with a high nurse-to-patient ratio. This has important implications for both clinical practice and the optimisation of patient outcomes. Properly implemented ratios will ensure that there will always be the right number of nurses and midwives present to care for Canberrans and those who use our hospital services from the Canberra region.

We also know that a sophisticated, flexible and, importantly, nurse-led approach to the implementation of these ratios benefits everyone. Ratios are not only good for patients; they are good for nurses, too. They are important for workforce planning, for



shift planning, forward planning and, importantly, a work-life balance for our hardworking frontline staff.

I was pleased to see that earlier this year Minister Stephen-Smith announced that there would be an extra 50 nurses working at Canberra and Calvary hospitals. On top of this, the minister made it clear that an extra 40 will come by midyear, with a target of introducing 400 more frontline healthcare workers by 2024 into the ACT Health system.

Nurses and midwives have been overworked for a long time. If there is any shining light or silver lining from the miseries of this pandemic, it is that the hard work and commitment to their profession that nurses and midwives give every day has been brought into stark focus for every Canberran.

Having these increased numbers will drastically improve patient care and occupational safety for healthcare staff. To hear the ANMF say earlier this year that the ACT has the best ratio conditions for nurses in Australia is something I am immensely proud of. But it is not enough to do better than everyone else; we should be aspiring to do the very best.

The pandemic has been incredibly challenging for our health system, just like it has been challenging for our schools, for our businesses and for every area that deals with the public. Certainly, it has been hardest of all for our nurses, who not only have been working with COVID-19 patients and their families but, in more recent months, have also experienced the very serious impacts of quarantined workers and staff shortages.

We know that recruitment is a challenge. But, at the moment, retention proves to be our bigger challenge. It is important to have both parts, but we know that, at the moment, retention proves to be our issue, and it is incumbent on all in government to focus our attention on retention, to ensure the long-term success of our commitment to nurse-to-patient ratios.

We need to recruit more nurses and midwives, but we also need to make sure that we are retaining those already working. We have to make sure that they are not burning out, that they are well supported and that they are well paid. I stress at this point that I will keenly watch EBA negotiations between the government and the ANMF that will take place next year.

I have been troubled by recent reporting that indicates there continue to be cultural challenges at the Canberra Hospital. Following our recent annual reports hearings, the health and community wellbeing standing committee, on which you and I both sit, recommended that the ACT government increase efforts across Canberra Health Services to address workplace culture, especially regarding bullying and harassment.

These headlines distress every Canberran, as they absolutely should. I, along with every other non-executive member in this place across all three parties, I suspect, will continue to hold the minister to account and work with senior bureaucrats across ACT Health throughout budget estimates and annual reports hearings to ensure the best possible outcomes for that work.

I will say that I am encouraged by all that we hear from Minister Stephen-Smith and Mr Peffer that this is being worked on. As much as there are problems that need fixing within our health system, I must say that it is a great hospital. We have a great healthcare system. I would be remiss if, at this point, I did not share with the house that in the last week I have spent more than 120 hours at the Canberra Hospital. I have been in the Canberra Hospital with a family member who is currently receiving care, and who is at pains to stress to every single nurse, doctor and staff member that he comes into contact with that his son is an MLA! I wonder whether that is reflected in the high quality of care that he is receiving!

I absolutely must stress at this point—not to excuse the very important issues that Ms Castley raises, not to dismiss the incredibly important points for which our strong union comrades continue to advocate, for their workers—that our hospital is a great hospital. Our nurses, midwives and doctors are great nurses, midwives and doctors. As someone currently living with a close family member who is receiving care at the Canberra Hospital, I could not think of anywhere in the world that I would rather have them getting care.

I wish the ANMF the best of luck in their negotiations for the upcoming enterprise bargaining, a process that in 2018 led to the important structural reforms that we are talking about today. It is no secret that I am a strong supporter of the union, the ANMF. There is indeed strength in the union, and it is the union that makes us strong. The Greens are big fans of unions, and it should be stressed we are big fans of transparency.

There was a great example of this recently, when Minister Davidson worked with the union to bring oversight of and an inquiry into the Dhulwa mental health facility. We are always happy to work collaboratively with our union comrades to make sure there is transparency and oversight of government decisions, and of every red cent of taxpayer dollars invested into government service provision.

It is really important that we listen to our workers, that we listen to their unions, that we support our nurses and midwives and that we give them what they need to take great care of Canberrans. We would love to see ratios expanded everywhere, including to the cancer outpatient services, which I understand are not currently covered by ratios.

It is important that the data that we are collecting and sharing is accurate and transparent. This goes to some of the IT upgrades that Minister Stephen-Smith remarked on in her speech. I will be very keenly watching the implementation of those things to make sure that we are getting efficiency when we are monitoring our ratios. I recognise that this is an ongoing area of challenge for the government, and we are supportive of efforts to increase transparency and improve those systems. It is why we are pleased to support the amendment today.

Let me underline the fact one more time, at the risk of repeating myself. We will continue, no doubt, to see more motions from the Canberra Liberals, and indeed Ms Castley, in her role as the shadow minister, on issues in Canberra Health Services

and ACT Health more broadly. That is good; that is necessary. It holds the government's feet to the fire and it allows those of us on the crossbench to provide an alternative view and a different perspective.

I must absolutely underline the fact to anybody listening to the debate today—not to excuse or to forgive shortcomings in our healthcare system—that there is nowhere in the world I could think of where you would rather live if you were in an emergency and you desperately required high quality health care by empathetic, highly trained and well-paid staff than here in the ACT, and I am proud of that.

**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) (3.27): I would like to speak in support of Minister Stephen-Smith's amendment. Just last week, Mr Parton criticised Mr Davis for bringing forward a motion that called on the government to do work that we were already doing. But I am very happy today that, in that spirit of collaboration, Ms Castley has also brought forward a motion that calls on us to do work that we are already doing.

I am very happy to be one of the Greens and Labor MLAs who committed to nurse-patient ratios in 2020, and this is why. It is because appropriate staffing ratios lead to better outcomes for patients, they help to avoid the need for further treatment and they protect the welfare of nursing staff, including our mental health nurses.

The nurse and midwife to patient ratios framework is being implemented in a phased approach, and that began on 1 February 2022, as Minister Stephen-Smith has discussed in some detail. The mental health units that are included in phase 1 of the ratios are ward 12B, the adult mental health and the mental health short-stay units at Canberra Health Services, and adult mental health, the Acacia and older persons mental health units at Calvary Public Hospital in Bruce.

The recruitment of mental health nurses continues to be a challenge locally, nationally and internationally, but our health services are working hard to continue recruiting and onboarding staff. As at 31 March 2022, nursing actually had the lowest vacancy rate across all of the professions within mental health, justice health and alcohol and drug services, at 6.18 per cent.

All mental health units that are included in phase 1 have met the requirements of the ACT public sector nursing and midwifery safe care staffing framework. The extensive recruiting and onboarding work that has been undertaken by our health services during a period of staffing shortages is to be commended, and I thank everyone involved for the work that they have done to make sure that we have as many people as possible on shift for every shift.

There is a strong body of evidence that indicates that nursing ratios improve clinical care and outcomes for patients. Patients benefit from appropriately staffed clinical teams, and they have their needs met with proper expertise and appropriately constituted teams. They are also an investment. High quality care saves money in the

long run. It ensures that people receive the care that they need, and it prevents bigger problems in the longer term.

Appropriate staffing levels protect the wellbeing of our mental health nurses. They help us to reduce staff burnout and to ensure the retention of an experienced workforce. We heard Mr Davis talk about the importance of retaining the staff that we have and taking care of them, as well as recruiting more. Ratios will be considered in the context of the ongoing work that we are doing on the mental health workforce strategy, but I know that Canberra Health Services remain committed to meeting the elements of ratio compliance by 30 June 2022, with ongoing recruitment and our onboarding of nursing staff. I thank them for their work on this. I commend an amended version of this motion.

**MS CASTLEY (Yerrabi) (3.30):** My job here, as a member of the opposition, is to hold the government to account. It is not to promise that I would find things; it is to bring a piece of information to Canberrans that shows the government have not done what they said they would do.

These are your time frames and your figures, not mine. I did not come up with the amnesty period to end in June. I have the figures here; 89 per cent compliance is not compliance. You said that 90 staff was what it was going to take to get the ratios up and running—one to four, morning and evening; one to six at night. You are at 88, yet still not compliant. When Queensland implemented their ratios, they were 97 per cent compliant within the first month.

This motion is simply about getting the data. Yes, the figures that we had were for February. We need more information. Canberrans deserve it. They voted for you, so they deserve to see—

*Members interjecting—*

**Ms Cheyne:** Mr Assistant Speaker—

**MS CASTLEY:** They voted for the Labor-Greens government.

**MR ASSISTANT SPEAKER (Mr Pettersson):** Ms Castley, please resume your seat. A point of order?

**Ms Cheyne:** Mr Assistant Speaker, as per the standing orders, all remarks need to be directed to you or through you, not directly across the chamber to members. I ask Ms Castley to accord with the standing orders and conventions of debate.

**MR ASSISTANT SPEAKER:** Thank you, Ms Cheyne.

**MS CASTLEY:** The Canberrans, the good Canberrans—

**MR ASSISTANT SPEAKER:** Ms Castley, can you resume your seat for one second? Ms Cheyne, thank you for raising that point of order. I agree. Unfortunately,

I could not hear what anyone was saying because everyone was shouting. Ms Castley, please resume.

**MS CASTLEY:** Thank you, Mr Assistant Speaker. Canberrans voted for the Labor-Greens government. The Labor-Greens government promised nurse ratios, and the health minister promised that, by the end of June, Canberra would be fully compliant. What did the minister say today? I wrote it down: “We’ll be pretty close.” I am sorry, but that does not, as we have heard many times today, pass the pub test. “Pretty close” is not good enough. Canberrans deserve better. They deserve more.

My job here is to hold the government to account. That is why I stand by my “calls on”. Yes, (3)(a) of the minister’s amendment is excellent. I stand by the rest of mine because, as I say, Canberrans deserve better. They deserve to know what is going on. Our nurses and hospital staff are amazing. As everybody in this place continually says, they deserve to be taken care of. The Labor-Greens government have promised to do that, and my job, as a member of the opposition, is to hold the Labor-Greens government to account. In the minister’s own words, they will not be able to do that by the promised time, which is the end of June this year.

The key point is that the Labor-Greens government made a promise, and they are unable to fulfil that promise to our nurses and patients needing care in our Canberra hospitals. As I said I welcome (3)(a), but I stand by the rest of my “calls on”. I ask the ACT government to give us the full picture. I think I will leave it there. That is probably enough for today. We will not be supporting the amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 14

Noes 6

Mr Barr

Mr Davis

Mr Cain

Ms Berry

Mr Gentleman

Ms Castley

Mr Braddock

Ms Orr

Mrs Kikkert

Ms Burch

Dr Paterson

Ms Lawder

Ms Cheyne

Mr Pettersson

Mr Milligan

Ms Clay

Mr Rattenbury

Mr Parton

Ms Davidson

Ms Stephen-Smith

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Environment—wood heaters**

**MR DAVIS** (Brindabella) (3.39): I move:

That this Assembly:

(1) notes that:

- (a) Canberrans deserve to take pride in our clean air. Clean air is a universal right;
- (b) as shown by the ACT Air Quality Report, air quality in the ACT is generally excellent compared with other Australian cities and is considered clean by world standards;
- (c) air quality standards should be as rigorous as possible, recognising that some pollutants such as PM2.5 have no known safe level;
- (d) wood heaters generate a complex mixture of particles and gasses, such as carbon dioxide, carbon monoxide, nitrogen oxides, organic compounds and organic matter. These pollutants are both damaging to human health and the environment, but of these pollutants it is PM2.5 that has the greatest health impacts;
- (e) although the number of Canberra households with wood heating is relatively small, these heating sources are largely responsible for increased PM2.5 pollution during the winter months;
- (f) Tuggeranong Valley is among the three valleys worst affected by pollution from wood heater smoke in Australia, due to the topography, cold weather inversions during winter, and as demonstrated by continued PM2.5 monitoring;
- (g) by the ACT Government's most recent ACT Air Quality Report, the air quality sensor in Monash recorded 37 days that exceeded safe levels of PM2.5 in 2020, 13 of which were attributable to domestic wood heater emissions between May and August;
- (h) in 2019, only two such days were attributable to domestic wood heater emissions; and
- (i) higher levels of PM2.5 during winter suggest that Canberrans have been staying home and using wood heaters more since the start of the COVID-19 pandemic;

(2) acknowledges the work that the ACT Government is doing, including:

- (a) releasing, in November 2021, the Bushfire Smoke and Air Quality Strategy 2021-2025—a whole of government approach to prevent, prepare for, respond to, and recover from significant bushfire smoke events and better manage smoke from wood heaters;
- (b) that the first Action Plan outlines the ACT Government's commitment to review and improve the Wood Heater Replacement Strategy, to strengthen wood heater emissions standards for wood heaters, and to phase out older, polluting wood heaters that do not meet the standards;
- (c) the ACT Government's Wood Heater Replacement Strategy, which commenced in 2004 and offers financial incentives to encourage removal of wood heaters from Canberra homes; and
- (d) the ACT Government's 2021 Sustainable Household Scheme, which complements the Replacement Strategy with zero-interest loans for household emissions reductions;

- (3) further notes that:
- (a) low-income households can face challenges in being able to access rebate schemes to replace heaters with energy efficient split systems if it involves an out-of-pocket cost;
  - (b) the current Wood Heater Replacement Program could be improved to make it more effective in reducing wood heater smoke in the Tuggeranong Valley in the ACT and improving air quality; and
  - (c) work has already commenced to review the Wood Heater Replacement Program, as referred to in the aforementioned Action Plan; and
- (4) calls on the Government to:
- (a) trial a program to assist low-income households to achieve the following outcomes:
    - (i) replace wood heaters with energy-efficient reverse cycle split system units;
    - (ii) limit the impost on the householder by ensuring the application process is as simple and accessible as possible; and
    - (iii) in order to make this transition accessible, explore the option that such a changeover comes at no up-front expense to the household, rather than a rebate;
  - (b) promote this and existing programs to increase uptake, and make sure that any householder that would benefit from said programs is made aware of such opportunities; and
  - (c) report back to the Assembly prior to the release of the next Action Plan 2023-2025.

Today I call on the ACT government to take meaningful action on an issue that has been challenging the Tuggeranong community for a very long time. The ACT Greens believe in the right to clean air. That should not be a controversial statement. It was reaffirmed by the United Nations Special Rapporteur on Human Rights and the Environment in 2019. Anyone who had to grab a mask during our bushfire season in the summer of 2019 could tell you that clean air is not a luxury. It is a necessity. It is non-negotiable.

We know that some pollutants have no known safe levels. Particulate matter 2.5 is just one of them, and unfortunately it is a pollutant that we see far too much of in Tuggeranong. Smoke from wood heaters is a massive contributor to our PM2.5 pollution levels. In fact, it is one of the main sources of air pollution during our winter months. I would like to quote directly from friends at Asthma Australia, because I feel that the severity of the health risk from wood heaters is often overlooked. They say:

Woodfire heater smoke is a risk factor for developing asthma and triggering symptoms in people who already have asthma. It is also a risk factor for other respiratory illnesses, certain cancers, cardiovascular disease, premature birth, and premature death.

In New South Wales the Environment Protection Agency have estimated that wood heater pollution will cost their state a whopping \$8.1 billion through the provision of

necessary health services over the next 20 years. Globally, the World Health Organisation estimates that around four million people die prematurely from the domestic burning of biomass, including wood.

Many would be unaware of the concept of the “intake fraction”. The intake fraction is the proportion of a pollutant that people will actually inhale. Because wood heaters are located in people’s homes, directly in their living rooms, the intake fraction of pollutants is much higher than a lot of high-scale industrial emissions.

The Tuggeranong Valley is particularly vulnerable to PM2.5. Research shows that it is one of the worst affected areas in Australia. Back in 2020 we saw a whopping 37 days above acceptable levels of PM2.5 pollution from the air quality sensor in Monash. We can blame 13 of those on wood heater emissions during the winter months. To put that into perspective, that is up from a meagre two days in 2019.

People are noticing. I have been contacted by many constituents in the short 18 months that I have served in this place who are worried for their own health, the health of their families and the health of their broader community. As we slide into the winter months, I suspect that I might hear from even more constituents asking us to do something about the smoke from wood heaters. With more people staying at home during COVID lockdowns, and subsequently many continuing to work from home, the health risks from wood heaters have only grown. So it is time to do something.

A lot of people have asked: why not just ban wood heaters entirely? While we are aware of the serious health risks from wood heater smoke, we also have to remember that heating is essential here in Canberra. My approach to my work in this place has always been, “More carrot and less stick.” Why ban something, why be accused of being the fun police in the comments section, when you can actually tailor-design programs to ensure that people are getting the help they need, when they need it, to make their own decisions, and to improve their own health and the health of their communities?

Heating is expensive, though; we know that. We know that many Canberra households are struggling with the rising costs of living, even with the good news this week that the ACT is the only jurisdiction in the country insulated from the current rising cost of electricity. That does not change the fact that it still is very expensive to run a household here in the ACT. Many lack the disposable income to replace their wood heating with electric heating. I am talking about those with a wood heater in their home currently that would prefer to have electric heating but for whom that changeover would require thousands in immediate out-of-pocket expenses. That is a big hit to the hip pocket for many pay cheque to pay cheque households in my electorate of Brindabella.

I believe we need to make this transition accessible to everybody in our community. My motion very specifically is targeted towards low income households in particular. I do not want the upfront cost of replacing your wood heater with something safer, something cleaner for you, your family and the broader community, to price Canberra households out of making this very important decision. I spoke to a constituent



recently who told me, “We want to make the change, but we do not have endless money to make it happen.” It is that simple. That is why I am calling on the ACT government to trial a new program, targeted first at low income households, that will help them to replace their old wood heater with a much more energy-efficient reverse-cycle split-system unit. I cannot stress this enough: I really want this program to come at no up-front cost. A lot of Canberrans with wood heaters really need that kind of program to help them make the transition.

I also want to see such a trial improve the accessibility by limiting the hoops that people have to jump through to access replacement schemes. We are a public servant town, which means that, across the board, our city has a very high level of, shall we say, bureaucratic literacy. But often bureaucracy can act as a barrier, and it can limit the uptake of well-intentioned government programs designed to deliver good outcomes. For many time-poor people, the overcomplicated, burdensome bureaucracy of fine-print paperwork can make the whole thing seem a little bit too hard. I hope that by making a specific reference to streamlining these applications, the government can tailor-design a trial that accommodates as many people as possible.

It has been identified that the community are not aware of our current programs in time to make use of them, but I do not think that is a fair characterisation. Often the current programs are a pleasant surprise—or a cherry on top—for those who have already planned for and have the means to replace their wood heaters, rather than a genuine incentive.

We see this perverse situation currently, with the design of the scheme now, which I note was in place well before the current minister’s service, back in 2014. The Wood Heater Replacement Program rebate is offered at a point after the household has invoked the expense of making the transition, as a “thing to get once you’ve already borne the cost”. Of course, it makes me wonder: is anyone actually taking out their wood heater and replacing it with electric heating because of the scheme, or are we just giving away good taxpayer money after bad to people who do not need the support?

The ideal trial will help someone on a low income to replace their wood heater at no cost. The application process must be accessible and well advertised and, at the end of it, someone will have a cheaper, safer, cleaner and more comfortable home.

If you will permit, Mr Assistant Speaker, I would like to talk about the impact of reducing emissions from wood heaters in the community. I appreciate all of the people that have engaged with me on this topic, many since my election, because it is really important that we remain accountable and that we justify what we have been doing on this issue since my election.

I have been talking to my community about this for a while, and one thing I hear all the time is that wood heaters can be cheaper, or cheap enough, to sustain if you use the right wood. Putting aside the evidence that electric reverse-cycle units are the cheapest long term, once they are fitted and the initial upfront cost has been borne, and the fact that Canberrans are going to see their electricity bills go down this year, I grant that some wood is better than others.

However, the way our wood is regulated, it is difficult to know whether it meets our high environmental standards. It is in our legislation that sellers have to state the species of wood and where they find it. But, in practice, a fair amount of the wood burnt in our suburbs comes from logging in New South Wales native forests. Our demand in the ACT keeps this industry going. This industry is so damaging to biodiversity, and we should make sure we are responsible when we do source wood.

A recent CSIRO survey found that, in order to reduce the cost of maintaining wood heaters, some owners burn rubbish wood and recycled wood, which often contains oils, paints and other chemicals which can prove hazardous to air quality. In theory, sure, there are woods out there to purchase that are more sustainable. But the reality is that, in practice, we are not operating sustainably, and we have to take that into account when we discuss the sustainability of wood heaters here in the ACT.

The maintenance costs of wood heaters also fail to take into account the real cost—the cost on government and the cost on the whole community; that is, an increase in medical bills for respiratory care from increased exposure to PM2.5 emissions. In Armidale, a 2007 study in the *Environmental Health* journal found that a massive 38 per cent of respiratory-related visits to the GP could be tracked back to a household wood heater. Per day, that cost that small town of Armidale roughly \$1,666 in health care. Even more troubling, wood heaters were found to increase the annual morbidity in Armidale by seven per cent. All of this says that the mandate to act on wood heaters is real.

There are other jurisdictions working hard to support their communities to phase out wood heaters. Through a combination of legislation to stop the installation of new wood heaters and a buyback scheme, Launceston has managed to encourage three-quarters of wood heater owners to switch to more sustainable alternatives. Some councils in Sydney, including Waverley and Holroyd, to name a couple, have banned the installation of wood heaters, and others—Manooka Valley, Oran Park and Turner Road councils—mandate non-polluting heating in new developments.

At the end of the day, I understand that there will still be people out there who enjoy their wood heater for aesthetics. Let me assure you, Mr Assistant Speaker, that of all the issues I have spoken about passionately in my short time here, nothing has troubled my born-and-raised country-boy father quite like my passion to do away with wood heaters. I understand that it divides opinion.

While I hope that these people will look after their own health and the health of their community by sourcing wood responsibly, my motion today is very specifically targeted towards those people who want to make a change, who want to make a transition, who do not want to continue to rely on the old wood heater in their home, and who want to move to a sustainable and cleaner option. They want to ensure the health of them, their children, their families and their community, but they just do not have the upfront capital. They just do not have thousands of dollars in the bank in order to go out and buy a split system, have it fitted and wait six to eight weeks for the bureaucracy to do its part and return to them a fraction of the cost. It is just getting in the way.

I strongly encourage my community, and the entire ACT community, to make use of existing schemes to swap out their wood heaters, and I look forward to seeing the results of this trial when the government reports back to the Assembly next year. I will be monitoring it closely. Fortunately, I have a pretty good working relationship with the Minister for the Environment, and she and her whole office know that I will be on this diligently.

In the meantime, let us make sure that all Canberrans are empowered to transition to more sustainable ways of living when they tell us that that is what they want to do. Let us try and ensure that the programs we design and the high amount of taxpayer money we invest in these programs are designed in such a way that they are universally accessible, they limit unnecessary bureaucracy, they are strategically targeted to the people who they will most benefit, and we are not giving away money to people who can afford to make the change, but instead we are targeting these programs as a good progressive government should do—to those who need our support the most.

**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) (3.53): I rise to support the motion brought forward by Mr Davis. I thank him for his engagement with his local constituents of Tuggeranong and for bringing forward their concerns and suggestions to improve Canberra's air quality, to assist in our important energy transition, as a city, to clean, green, portable electricity. I note that this is also important to many of the residents of Weston Creek.

Asking questions and listening deeply to people, then using their experiences and ideas to better shape policy and programs, is something that the ACT Greens value highly and do well. So I thank Mr Davis again for bringing forward what he heard from reaching out to his community for ways to improve local air quality and support people to make clean and affordable energy choices.

While my colleague Minister Rebecca Vassarotti would love to be standing here today to speak to this motion, she is unfortunately in isolation, so I am responding on both her behalf, as Minister for the Environment, responsible for the relevant policy work, as well as on behalf of my colleague Mr Rattenbury, as the Minister for Energy and Emissions Reduction, as his responsibilities include the Wood Heater Replacement Program.

I would like to thank Minister Vassarotti for her commitment to creating a cleaner, healthier environment and for bringing forward the Bushfire Smoke and Air Quality Strategy 2021-2025, alongside the Minister for Health, Minister Stephen-Smith, in November 2021. While this strategy originated as a much-needed response, acknowledging the impact of the Black Summer fires on our air quality and health, Minister Vassarotti has expanded the remit of the strategy to include a path to reducing the air quality impacts of wood heaters.

Clean air is foundational to ensuring that our communities are liveable for all. While the smoke pollution resulting from wood heaters does not come near the peak particulate pollution levels from the Black Summer fires, it is important that our air quality strategy responds to the fact that many of us, and our neighbours, need clean air every day or suffer serious health consequences, and this is impacted by wood heaters in particular places in our colder months.

I would like to take the opportunity to talk now about some of the work that the ACT government has been doing to address the air quality impacts of wood heaters. In line with the actions detailed in the air quality strategy, a review of the Burn Right Tonight campaign and Wood Heater Replacement Program was recently undertaken. The review included focus groups of general community members, individuals with an existing wood heater and also those who had taken up the Wood Heater Replacement Program offer previously.

Key findings from these in-depth community conversations were that clean air is a source of pride for many Canberrans. The broader community supports government action on air quality, and most would like to see a further reduction in wood fire usage over time. For those motivated to replace their wood heater, the key drivers of removal tended to be the effort and mess associated with a wood heater, as well as a growing appreciation of their impact on the environment. Further, we need to focus our communication efforts in those areas that we know have a higher wood heater ownership, such as areas in Tuggeranong and Belconnen.

As part of the work already happening under the strategy, community conversations and research are underway to assist in shaping improvements to the Wood Heater Replacement Program to increase uptake, including assisting low income households. This motion brought forward by Mr Davis will help to sharpen and focus our efforts in the areas of Canberra that need it most and help to break down some of the barriers that people are experiencing in accessing programs.

As well as clean air, another thing that the ACT Greens have been working away at—patiently, consistently and often out of sight—is a just transition to a zero carbon future and making sure that no-one is left behind. It is important that we look at this from a holistic energy transition perspective, because we need, as a growing city, to move away from expensive, polluting wood and gas heating and towards comfortable, well-insulated homes affordably heated by clean electricity.

I would like to also talk now about the programs currently in place to support people wanting to replace their wood heater with electric heating. For many years the ACT government has run the Wood Heater Replacement Program, which offers rebates for households removing or replacing their wood heater. In addition, the ACT government Sustainable Household Scheme offers zero interest loans of between \$2,000 to \$15,000 to support eligible ACT households to live more comfortably, reduce emissions and cut their energy costs. This scheme complements the Wood Heater Replacement Program to assist with covering the additional cost of replacing a wood heater with an energy-efficient electric system for eligible households.

The strength of this motion is that it better brings all of these efforts together in a more tailored, effective way to reach those who need it most. Another strength of this motion is that it is another important trigger to prompt those community conversations about the most efficient and low-impact ways to heat our homes and how these choices impact on the most vulnerable in our neighbourhoods. In a city that prizes its clean air, do older, polluting, inefficient wood heaters still have a place? This motion represents another step along the journey towards cleaner air for all in this changing city.

I do hope that our colleagues across this chamber will support this motion, because, as Mr Davis highlighted earlier, there are serious health impacts if we do not do the work to improve air quality. Many of us know someone whose health is impacted by poor air quality triggering asthma or other respiratory conditions, and we all remember the smoke in the air after the last bushfires. When it comes to taking care of our planet, to quote someone smarter than me, “unless we all want to die very unpleasant deaths, we are going to have to work together”.

As a member of the ACT Greens, I am proud of the work of my ministerial colleagues that has ensured that Canberra is a national and global leader as an environmentally and climate friendly city. This motion also highlights the power of local Greens MLAs, strongly representing the needs of their communities, to ensure that climate and energy policy and program settings deliver for low income households so that we bring all Canberrans along on the journey towards a cleaner, greener normal for this great city.

**MS LAWDER** (Brindabella) (4.00): I thank Mr Davis for bringing this motion to the Assembly today. As many members in here would know, wood fire smoke is a concern that is raised most winters by a number of residents, particularly in my electorate of Brindabella. It is particularly noticeable down in Tuggeranong.

As Mr Davis’s motion points out, the Tuggeranong Valley is amongst the three valleys worst affected by pollution from wood fire smoke in Australia. This is for a number of reasons, most notably the topography of the Tuggeranong Valley and the well-known inversion layer, and the cold winters we experience here in Canberra. The *ACT State of the Environment Report* in 2019 found that air quality is generally good in the ACT, except for particulate matter pollution from wood heaters, especially in the Tuggeranong Valley

We know that often it is older, less efficient wood heaters that are particularly to blame. The *State of the Environment Report* found that smoke from wood heaters had the greatest impact on air quality in the ACT and recommended that the ACT government build on incentives to encourage the replacement of wood heaters, specifically targeting the Tuggeranong Valley.

Whilst there is an obvious environmental impact from wood fire smoke, there are also the potential health risks for those exposed to it. Short-term exposure to high levels of wood smoke can cause eye and respiratory tract irritation. It can aggravate asthma and it could worsen heart disease. Asthma Australia CEO Michele Goldman stated:

People with asthma are among those most at risk from feeling unwell from breathing wood heater smoke, which is also harmful for pregnant people, infants and young children, the elderly and people with other chronic heart and lung conditions.

A survey from Asthma Australia found that 14 per cent of people in the ACT use a wood fire heater as their main source of heating. I guess this is unsurprising, given that a number of homes in the ACT were built in the 60s, 70s, 80s and 90s, when some of the other forms of heating were far less popular.

We know that the ACT government is doing some work to reduce the number of wood fire heaters operating in Canberra. We have the Wood Heater Replacement Program, which allows residents to apply for a rebate for replacing a wood heater with a more efficient electronic heating system. The Burn Right Tonight campaign also assists residents to understand how best to use their wood heaters and minimise their individual smoke pollution. I note that the 2022 air quality report is due to be published on 20 June this year. I am sure that, like me, other members are eager to read through it to understand the recent air quality in the ACT.

What I hear from some of my residents in Tuggeranong is that they have gone to the extent of installing their own air-monitoring systems. There is one which is a community air-monitoring system, which seems to be quite popular. It is composed of sensors that are installed and it uses a fan to draw air past a laser, causing reflections from the particles in the air. These reflections are used to count particles in six sizes, between 0.3 and 10 micrometres in diameter. The information is uploaded to a map so that you can see for your suburb or your area what the average particulate matter count is. For some reason, it seems to be particularly bad in Chisholm, amongst the suburbs in Tuggeranong.

Mr Davis's motion calls on the government to trial a program to assist low income households to replace wood heaters through an easy and accessible application process. It calls on them to explore how this program could come at no upfront cost to the household, unlike the current rebate. Finally, it calls on the government to promote this and existing programs to applicable households and report back to the Assembly prior to the release of the next action plan for 2023-25.

On this side of the chamber we believe in individual choice and individual responsibility, and we do not want to unnecessarily intervene or interfere in Canberrans' lives and homes. But there also comes a time when the government chooses to step in for the greater good. In some cases, environmental and health impacts from wood fire heaters may trigger that response. But we must recognise that some households choose to use wood heaters to heat their homes, and why that might be the case. For example—and this is addressed in Mr Davis's suggestions—they may not be able to afford to replace their wood heater. Some people might simply prefer it.

Mr Davis's motion aims to establish a replacement program for those who want to remove their wood heater but may not be able to afford the upfront costs and/or then wait for a potential rebate to come through. When we are in an environment where

cost of living pressures continue to rise, I appreciate that this motion comes from a genuine place of wanting to improve a government service, to make it more accessible so that we can address these environmental and health concerns without negatively imposing a financial burden on low income households especially.

People on low incomes just do not have the same opportunities to replace their wood heaters, especially the older-style ones. I appreciate that this motion is suggesting some ways to approach this and to alleviate this. For that reason, the Canberra Liberals will be supporting this motion today. Once again, I would like to thank Mr Davis for bringing it to the Assembly.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (4.07): I will speak briefly to Mr Davis's motion and make a few remarks regarding air quality and my portfolio of health. I thank Mr Davis for bringing this motion to the Assembly and note, as Mr Davis's motion does, that air quality in the ACT is considered excellent, compared with other Australian cities and by world standards. We are, as a government, committed to protecting people from poor air quality and acknowledge that clean air is something that Canberrans quite rightly expect.

As Mr Davis has outlined, we do experience days of poorer than average air quality during winter that can be attributed to wood fire smoke. In particular, there are localised events that can affect certain suburban areas. Ms Lawder just talked about one in particular. I recognise that the Tuggeranong Valley is the most affected part of the ACT and acknowledge Mr Davis's advocacy for his constituents in this regard. These instances can be exacerbated by certain weather conditions and also, again as Mr Davis has talked about, by poor choices made by a small number of wood heater owners about the types of wood that they burn in particular.

The ACT government acknowledges, as Ms Davidson has talked about, the importance of making sustained progress to reduce the impact of these events on Canberrans. The ACT government is committed to enabling a healthy environment for all Canberrans and, as part of that, has released the whole-of-government ACT Bushfire Smoke and Air Quality Strategy 2021-2025, which outlines seven objectives, with the first action plan for the first two years released together with the strategy.

Four objectives under this strategy have actions for ACT Health, and I would like to briefly outline what is happening in relation to those. Objective 2 seeks to strengthen measures to address the air quality impact of wood heaters. The ACT is committed to investigating the utility and reliability of suburban air quality monitoring to collect data on the prevalence of wood smoke in suburban areas across Canberra. This involves a thorough examination of the technologies available and their suitability in determining air quality. This work has been underway for 12 months now.

Objective 3 focuses on enhancing air quality monitoring and forecasting. This work will investigate air quality forecasting systems and the feasibility of an ongoing low-cost air quality sensor network, connected with the previous objective.

Objective 6 aims to support the health and wellbeing of Canberrans who are affected by bushfire and wood fire smoke. The ACT Health Directorate is working to continually improve public health messaging to ensure that clear and consistent information is available to Canberrans during severe bushfire smoke and hazardous air quality events. Information will also be available to the community on ways to reduce the amount of smoke entering buildings. We know that during the bushfire smoke event that we experienced there was lots of advice going around about that.

Objective 7 seeks to provide targeted support to vulnerable populations and workers during severe air pollution events. Work on actions under this objective involves a number of parts of the government. There is a commitment to undertaking a detailed review to ensure that information regarding vulnerable people can be appropriately accessed, provided and used during an emergency event. These objectives of course will be reported on at the end of the current action plan, through whole-of-government reporting, as outlined in the strategy.

Briefly, Mr Deputy Speaker, I would like to expand on information I provided in question time during the May sitting on the air quality monitoring aspect. The standard for air quality is set by the National Environment Protection (Ambient Air Quality) Measure. The ACT Health Directorate monitors air quality in the ACT through three air quality stations, located at Civic, Florey and Monash, to evaluate our performance against these national standards.

In 2021 there were two instances in Monash where wood smoke resulted in Canberra not meeting the pollution standard. Currently, as of the end of May 2022, there have been no days identified where air quality pollution levels have risen above the concentrations set out by the standard. I recognise that this is in one particular location in Monash that this monitoring is taking place.

As part of objective 2 and 3 of the strategy, the Health Directorate and the Environment, Planning and Sustainable Development Directorate work closely together to ensure that government policy is informed by the evidence that we are seeing. The work being undertaken by the directorate to collect suburban air quality data will be important in ensuring that we continue to meet the needs of our community. Collection of this data will enable us to identify how wood smoke impacts Canberra suburbs, which suburbs are most affected and the degree to which the air quality is affected. Taking an evidence-based approach will allow the government to make informed decisions and take targeted steps to improve on current wood heater programs and incentives.

As the Minister for Health, I will continue to work with my colleagues, in particular the Minister for the Environment, Minister Vassarotti—and I again thank her for the leadership that she has shown in this area in taking real responsibility for this work—and the Health Directorate will continue to support improvements in our already outstanding air quality, most of the year in most parts of Canberra, to ensure that every Canberran can take advantage of our beautiful environment. The work currently underway across the ACT will further our work to improve the health and wellbeing of all Canberrans more broadly.



Again, I thank Mr Davis for bringing this motion to the Assembly. I acknowledge that I also, like some others, have a little bit of a conflict here. My dad has a lovely open wood fire that I very much enjoy standing in front of when I am at his house. But I also recognise that there are externalities involved in wood heating and that there do need to be steps taken to minimise the impacts and to enable low income Canberrans in particular to make that switch, if they are in a position to do so. Again, I thank Mr Davis for bringing this motion to the Assembly and commend the motion.

**MR DAVIS** (Brindabella) (4.14), in reply: I thank Minister Davidson, Minister Stephen-Smith and my fellow member for Brindabella Ms Lawder for their contributions. Mr Deputy Speaker, either I am not being spicy enough or I just have terribly good ideas, because I seem to be making a habit of bringing motions to this Assembly that go through with all 25 members, all three parties and no amendment. So I will take that for what it is.

I do want to stress, though, that I want to give credit to the government—in particular Minister Stephen-Smith and, later, Minister Vassarotti, who took on the portfolio—for the work that really led to this motion. I think we have known for some time—whether or not we have publicly accepted it is another thing—that the current Wood Heater Replacement Program simply has not been cutting the mustard. It has not been doing what it was intended to do, and it clearly has not been targeted at the right people.

That would be my view, and I think that was in part acknowledged by the government's work in releasing their Bushfire Smoke and Air Quality Strategy in November of last year. The government said in that strategy:

Current programs, policies and regulations will be reviewed to ensure they support better air quality.

As you can see here, Mr Deputy Speaker, what I am essentially trying to do is to get the jump on an inevitable review of the Wood Heater Replacement Program by proposing my alternative, and I am very delighted to see that there is enthusiasm to take up a trial. Of course a trial is exactly that, a trial, so one of two things are going to happen. Either I will have egg on my face and the trial does not work; it does not appeal to people and we do not see fewer wood heaters in our suburbs, in which case, hopefully, there will be no greater investment in financing a trial like the one I propose outside of the current budget allocations for the Wood Heater Replacement Program.

Alternatively, my proposed policy does have the desired effect; the trial works, and we see fewer wood fire heaters in our suburbs. We see improved air quality right across Tuggeranong. We see, in particular, low income households supported to install more energy efficient, cleaner and sustainable electric heating and cooling in their homes. At that point there will be a conversation, particularly from my colleagues in government, and in particular on the all-powerful ERC committee, about funding such a program into the future.

That gets to the real point, which I touched on in my speech but do want to reinforce in my final moments, about the merits of a ban. I know that my predecessor in this place many eons ago, as the Greens member for Brindabella, advocated for a ban. I know that there have been Greens right around the country with very strong views on the issues of air quality in much more condensed, concentrated places than the ACT who have advocated for bans.

I really want to stress a point that I think Ms Lawder raised so eloquently about the freedom of individual rights and individual choice. My dad is a bit like Minister Stephen-Smith's dad in enjoying the smell of an open fire, but I think with rights also come responsibilities. I think there is an important conversation for us, as members of this place, to have with our community about the right you have to heat and cool your home in any way that you see fit, as evidence becomes available to us about the impact that that is having on your neighbours, on your community.

It is only anecdotal, but the real motivating reason for this motion today, or my very specific and honed interest in the air quality strategy and my proposal for this trial, was an email that I received from a brand-new constituent of mine. They moved to Brindabella from Gungahlin. They made the right choice, Mr Braddock, to come down south. They moved to Tuggeranong. They moved into Richardson. They have twin daughters, five years old, both asthmatic. They won their home at auction, proud first home buyers, and drew the unlucky straw of being sandwiched between three open chimney flues. They have asthmatic daughters, five years old. No bounding on the trampoline in the backyard for them, no sleeping out under the stars, as you do when you have sleepovers when you are a kid. That is really unfortunate.

We talk a lot in here about the value of living in the bush capital and having nice family homes on nice blocks. I know that is a passionate policy area of my friends in the Canberra Liberals, so it is a shame for Canberrans who are making that choice that there are certain pockets of suburbia, in particular concentrated in my electorate, where people are not enjoying the freedoms of a clean and healthy environment in the way that we would like them to, and especially in the way that we promote ourselves proudly to be able to offer Canberrans. I think that is really important.

I also think it is really important to stress my motivations to try to design a policy here that utilises money already allocated in the budget. The first few emails of correspondence I received after posting on social media this morning about my intentions to propose such a program came from the usual known quarters. I have a couple of serial emailers and serial commenters who, frankly, I do not think would vote for me in a red fit. They do like to tell me every time they think I am getting it wrong, and there was a suggestion made about the impost that this might cause to taxpayers: "Why should taxpayers be footing the bill for helping people to invest in the capital value of their asset, in terms of taking out wood heaters and replacing them with reverse cycles and whatnot?"

I would argue that the government spends a lot of money in lots of different ways. Lots of different governments of all political stripes right across the country spend a lot of different money in a lot of different ways to improve air quality and to improve

public health outcomes. I do not know if you have seen how much it costs to run Canberra Hospital, but it is not cheap. It certainly is not cheap to build the new one. Public health is incredibly expensive and prevention is much better than cure. So if we can find a way of best using the money that we have already allocated towards programs that will, over the long term, not just utilise money already allocated in the budget currently but minimise the burden on taxpayers in terms of unnecessary and unwanted presentations in hospital for asthmatic ailments and respiratory illnesses that could be avoided by protecting our air quality, I think that is really important.

My intention here was to take a pragmatic, financially prudent approach. It was Mrs Jones who said in her valedictory the other day to remember that I was blue first, so maybe there is an ounce of economic conservatism that comes to bite when I want to pull out the chequebook that I do not have, and that makes me think, “How can we do this in the most effective way possible?”

I think this, hopefully, gets the balance right. I look forward to discussing it further with Minister Stephen-Smith and Minister Vassarotti. Most importantly, Mr Deputy Speaker, I know you will be interested in hearing this, as a keen follower of my quarterly updates in my *Let's Talk Tuggeranong* newsletter. You will be pleased to see that another one of those will pop into your mailbox in coming months, hopefully with advice on the implementation and design of this new trial, where I hope to make sure that all of my constituents know how they can access the new trial and get a few more dirty, sooty chimneys out of Tuggeranong and a few more energy efficient split systems in instead. Thank you all, members, for your contributions.

Question resolved in the affirmative.

## **Business—Better Regulation Taskforce 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) (4.22): I am pleased today to present *Better Regulation: A report on how we are improving business regulation in the ACT*. The ACT is one of the smallest, yet strongest, economies in Australia. However, just like every economy around the world, the COVID-19 pandemic has impacted our local economy.

In response to the impact of the pandemic on local businesses, the ACT government established the Better Regulation Taskforce, with the aim of making it easier to start, run and grow a business in the ACT. We want to put in place the best settings for business recovery, longer term growth and regulation in the ACT. We know that the business landscape will continue to evolve as a result of the pandemic and this will require adaptive government responses, fit-for-purpose regulation and productive working relationships between government and business.

The pandemic and periods of lockdown changed consumer behaviour. It changed the ways in which businesses trade, operate and communicate. It showed how a broad range of regulation methods can be used to manage public health directions. We have

all learnt from these experiences, and it is important to take these learnings into our future regulatory practices.

The ACT government has long been committed to better regulation. We want to continue to find the right balance between regulatory outcomes and effort, and to support a “how can we help?” mindset. That is why the task force is focused on making interactions with business better, faster and simpler by improving the rules, regulations, government processes, information and supports for business. We want businesses to have better experiences when interacting with the ACT government. To achieve this outcome, through its discovery phase the task force took a multifaceted approach to understanding what changes could be made through best practice regulation.

The task force began by engaging directly with businesses. As the report outlines, we heard that, when it comes to dealing with government, businesses want government to better understand their needs and experiences, they want information to be clearer and targeted to them, they want to only tell government once, and they want to know where they can go to get help and for there to be someone they can talk to who understands business. They want government to “think small first”, to say yes whenever it can, to be more transparent, coordinated and consistent, and for processes and approvals to be streamlined. The task force also looked at best practice regulation in other jurisdictions and commissioned a wide-ranging review of legislation to identify potential areas for reform.

After taking the time to listen to businesses and to understand their needs, the findings from the discovery phase have been analysed and developed into a better regulation agenda for the ACT. The agenda, or work program, is broad and ambitious—and it is stepped out clearly in the report. We want there to be an unambiguous, shared understanding across the government and business communities about the reform work we will be progressing. I will take the opportunity today to guide the Assembly through it.

The agenda will be implemented progressively over the coming years, with two streams of government reform action. Both streams are equally important for achieving better regulation outcomes for business, and each work stream will be progressed in parallel. Stream 1 is focused on policy and legislation. This stream is about improvements we can make to our current policy settings and legislative frameworks to improve outcomes for business. Having listened to, and continuing to listen to, the needs of business, we will make continual improvements to the rules, regulations and government processes.

For example, we heard from business about the importance of government procurement. We will review legislation, policies and processes with a small and medium enterprise lens and bring forward options to support a best practice procurement framework. This will be a wide-ranging review of many components of the procurement framework, including reviewing procurement policies for local industry participation and reviewing procurement thresholds. We understand that there is a cost on business to respond to requests for quotes and tenders. We will work to make sure that they are proportionate to the tender requirements.

This reform will put in place best practice regulatory settings. It will ensure that the procurement framework remains fit for purpose and is achieving its objectives for SMEs in the Canberra region. It builds on initial work already undertaken by the government to support SME procurement. Earlier this year we produced a step-by-step guide for small and medium-sized businesses to guide them from start to finish through the process of supplying to ACT government, and we are working to update our Procurement ACT website with a supplier landing page.

Another significant component of the policy and legislation stream of the agenda is to ready the ACT for the commencement of automatic mutual recognition of occupational licensing. Reciprocal recognition of licences supports occupational mobility for interstate workers. As a cross-border community, automatic recognition of the occupational licences of workers registered in New South Wales will reduce barriers for ACT businesses so that they can quickly and easily onboard interstate workers. AMR will increase flexibility for business and individuals, delivering savings on registration fees, paperwork and time. Significant work has been undertaken by this government to bring more occupations into AMR in three weeks time, on 1 July 2022.

The policy and legislation stream of the Better Regulation Agenda also encompasses a major review of the night-time and entertainment economy. This sector has been significantly impacted by the pandemic. The hospitality and entertainment sectors make a significant contribution to the ACT's economic recovery, its jobs market and the way of life for Canberrans. Business has raised concerns about how this sector is currently regulated. Concerns and feedback include noise management issues, the need for a more coordinated approach to approvals, a view that fees for differing scales of businesses are disproportionate, the need for better integration of policy, and clearer information on compliance requirements.

In response to these concerns, we will develop a night-time and entertainment economy regulatory quality framework approach. This will involve working with industry and across government to review the policy, legislative, regulatory and process requirements that frame the night-time and entertainment economy industries. This review will support the work underway to provide for a city entertainment precinct, which is being led by Minister Gentleman. It will ensure that regulatory settings for the sector are meeting their intended objectives efficiently and effectively in a complex and changing environment.

Finally, this policy and legislation stream of the Better Regulation Agenda will address several individual reform opportunities that have been raised with the task force and warrant consideration by government. For example, we will develop options to improve existing regulatory arrangements, including reviewing how statutory declarations and deeds are executed and reviewing model rules for incorporated associations. We will investigate ACT refresher training courses for interstate responsible service of alcohol certificate holders. We will review the licensing of employment agents, and we will review the options for the regulation of short-term rental accommodation. These reforms are the first lot of discrete but distinct issues that are important to address. We will, of course, continue to engage with businesses and regulators to identify other reform opportunities for our future work program.

The second stream of the Better Regulation Agenda is about business experience and regulatory practice. Through these reforms, we will make government and business interactions better, faster and simpler. Businesses want government to “stand in their shoes” when thinking about regulation and, where possible, businesses want to collaborate with government on the design, implementation and enforcement of regulation. We will work to enhance the interactions between government and businesses by developing a survey of business sentiment to measure the quantity and the quality of interactions with business over time, by mapping the end-to-end business user experience, and piloting a model for human-centred design for new regulation. These reforms will ensure that government better understands businesses, their needs and the impact of regulation.

Businesses need accurate, targeted information from government which they can access how and when it suits them. This ranges from information being available in the one place, or at least easily located, to knowing who to reach out to if there is a problem or advice is needed. We heard about the value that businesses place on connecting directly with someone in government to solve problems and to provide one-on-one support. Businesses would also like to engage with government when exploring innovative or new ways to do business.

We will provide clear information for business by developing a “who’s who” of regulatory agency contacts for businesses, improving web resources for business, and continuing to develop the Business Hub website as a seamless online point of entry for business. These reforms will ensure that business can access clear, consistent and up-to-date information from government.

We will also deliver targeted support for business to navigate regulatory requirements and to try new things by considering options to introduce a dedicated and proactive business support team to work through a concierge model; by developing a customer commitment to finding solutions for business, with a view to making it easier to say yes to business ideas while managing the risk; and by developing a sandbox protocol to empower regulators to explore innovative ideas. These reforms will support small business and encourage entrepreneurship.

It is inefficient practice for business to provide the same information to different entities, so we will embed an “only tell us once” principle wherever possible by using data better to inform regulatory focus and protections. Through detailed mapping of business experience, we will identify and streamline sources of reporting duplication. We will remove unnecessary duplication in legislation or regulatory practice. These reforms will reduce unnecessary regulatory burden on business. In summary, this stream of the Better Regulation Agenda will support regulators to create certainty for business, to ensure consistency of information, and to facilitate clear and open communication between business and government on regulatory issues.

Building on the ACT’s strong history of regulatory reform and the findings and analysis of the discovery phase, our Better Regulation Agenda sets out clearly identified deliverables to achieve the right balance of regulatory outcome and effort. This is a work program that removes unnecessary and unwarranted burdens, reducing

time spent on compliance activity where possible, while supporting regulator best practice and performance for both individual businesses and the broader community. We will continue to work with business and monitor our progress against the agenda.

Finally, as well as delivering these streams of the Better Regulation Agenda, the task force will use the agenda to work towards a regulatory quality framework. Regulation that is done well can boost the economy and deliver the best outcomes for ACT businesses, consumers and the community at large. Our analysis of regulatory reform approaches across Australia and abroad has shown that there is no single right way to improve regulatory quality. Each jurisdiction has its own approach, processes and arrangements to suit the specific regulatory landscape. What is common is a recognition that achieving best practice and better regulation is usually underpinned by a framework that focuses on regulatory quality.

Many elements of a regulatory quality framework are already in place in the ACT. Over the next two years, the task force will draw together these existing elements, test new ideas and co-design a coordinated and coherent regulatory quality architecture for consideration by government. As we implement the Better Regulation Agenda, we will apply a regulatory quality framework approach, beginning with the application and testing of a set of draft principles for best practice regulation. The Better Regulation Agenda provides a crucial learning and engagement opportunity to test and progress these big ideas, while delivering immediate improvements for business.

Before I table the report, I would like to take this opportunity to thank all of the businesses and stakeholders who shared their ideas about what would best support business success here in the ACT. It has been incredibly valuable. I would also like to acknowledge the hard work of the Better Regulation Taskforce. This team has done an enormous amount of work already and is looking forward to continuing to work with business to successfully implement a broad program of work and make Canberra a place where it is easier to start, run and grow a business.

As I have described, the report that I am tabling today updates the community on the task force's work to date, including the discovery phase and the beginning of the analysis phase. This work has produced a broad and ambitious work program—an agenda that responds to what businesses want and provides certainty on what reforms will be progressed over the next few years. Mr Deputy Speaker, with indulgence, I want to note the very positive feedback that we have already had from the Canberra Business Chamber, which has said clearly that the *Better Regulation* report gets it right. I thank the CEO, Graham Catt, and all members of the Business Chamber for working with us in being able to produce such a meaningful reform agenda.

I present the following papers:

Better Regulation—

Report, dated May 2022.

Report—Summary, dated May 2022.

Task Force—Ministerial statement, 8 June 2022.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Schizophrenia Awareness Week Ministerial statement**

**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) (4.38): Schizophrenia Awareness Week was from 22 to 28 May 2022. This awareness week is held every May to coincide with World Schizophrenia Day on 24 May. The 2022 theme is “Connecting with Hope”—something we can all relate to. I would like to take this opportunity to encourage Canberrans to increase their awareness and become more informed about schizophrenia and other mental illnesses.

With one in five people in the last year experiencing a mental illness, it is crucial for our community to understand different mental health issues and, more importantly, where to find the right level of support. Within the Canberra region, we are supporting people with mental illness, including people with a schizophrenia illness, through health care such as GPs and private psychiatrists, public mental health services and the mental health community sector. Services are provided for both acute needs and longer term recovery.

People with schizophrenia can recover and lead fulfilling lives. Support is available, and I am very pleased that the ACT government delivers and funds a wide range of these supports. These include the public community mental health centres at Belconnen, Gungahlin, City, Woden and Tuggeranong; acute inpatient mental health units at Calvary and Canberra hospitals; the rehabilitation inpatient unit at the University of Canberra Rehabilitation Hospital; step up, step down residential supports; and community psychosocial supports delivered by non-government organisations.

One of the newer services that I would like to highlight is the ACT Safe Haven. Safe Haven offers a warm, non-clinical, safe space where people can freely go if they are experiencing emotional distress, mental health concerns, isolation and loneliness, and are seeking social connection and support. Safe Haven is located in Belconnen, and it is open Tuesday to Saturday from 4.30 to 9 pm. Canberrans are encouraged to know about the services offered here in the ACT, to seek support early or encourage and assist others to seek support.

The emphasis for this year’s campaign is connecting with real-life stories about what it is like to live with schizophrenia or psychosis. The campaign places importance on finding and curating connections to form a strong team to support people with psychosis. The key messages for this year’s campaign are about connecting with hope, busting myths, recognising the need to address fear and enhance awareness of



schizophrenia, that recovery is possible, and that being inclusive of family and carers is important. The many misconceptions about schizophrenia add to the burden experienced by those who have lived experience, as well as their families and carers. Educating the community about mental illness is our most effective tool in reducing the stigma. I believe it is also important to dispel the myths and allow every individual to reach their full potential in the home, the community and the workplace.

This year's theme connects strongly to the ACT vision for mental health—of a kind, connected and informed community working together to promote and protect the mental health and wellbeing of all. As the ACT Minister for Mental Health, I am committed to supporting people with schizophrenia through raising awareness to reduce stigma, and to building community understanding, early intervention and the ongoing development of our mental health service system. Our whole community benefits when all Canberrans can contribute and participate to their full potential, so I encourage the ACT community to become better informed about schizophrenia and other mental illnesses.

I thank those of you who continue to raise awareness and share knowledge about schizophrenia. It is through initiatives like Schizophrenia Awareness Week that our community can contribute significantly to broadening the public's knowledge and understanding of schizophrenia and help everyone connect with hope.

I present the following paper:

Schizophrenia Awareness Week—Ministerial statement, 8 June 2022.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Workplace Legislation Amendment Bill 2022**

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

Title read by Clerk.

**MR GENTLEMAN** (Brindabella-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) (4.43): I move:

That this bill be agreed to in principle.

Today I am pleased to present the Workplace Legislation Amendment Bill 2022. This amendment bill further advances the government's commitment to ensuring that our workplace legislation continues to be effective. At the heart of the legislation is the

commitment to keep people safe at work. This is a commitment that has also been articulated in the Parliamentary and Governing Agreement of the Tenth Legislative Assembly to review and amend work health and safety laws to keep Canberrans safe. It is a commitment that is central to what we do as a Labor government.

Amendments in this bill to the Work Health and Safety Act 2011 will implement a number of recommendations from Marie Boland's review of the national template work health and safety laws. Following this review in May last year, workplace health and safety ministers agreed on actions against the 34 Boland review recommendations. Safe Work Australia, the national policy body responsible for maintaining the model laws, has been incrementally updating its template legislation in response. A number of improvements have been developed and today in the ACT we are implementing those. These changes have been a long time coming. Now that we are starting to see them, we have a responsibility to adopt them as early as possible to ensure that our laws keep pace with the nationally agreed model law changes.

Nine of the 34 Boland review recommendations will be implemented through this amendment bill. They are associated with the recommendations about providing greater clarity for duty holders about their work health and safety obligations; ensuring that WHS offences are effective in deterring non-compliance; ensuring that liability for penalty amounts under WHS laws cannot be insured against; and strengthening cross-border information-sharing arrangements between regulators.

Amendments are also proposed to the Work Health and Safety Regulation 2011. These implement two recommendations from the Boland review relating to the statutory notices issued by the regulator, evidence of operator training and instruction within amusement device logbooks, and clarification about compliance with national standards referenced through the WHS laws.

In addition to implementing the Boland review, this amendment bill extends work health and safety incident notification laws to require employers to report sexual assault incidents occurring at their workplaces to the work safety regulator. Currently, these workplace incidents would only be notified if there is a hospital admission or medical treatment provided. This should not be the case. The prevalence of workplace sexual assault and harassment has been in the public discourse over recent years, particularly since the *Respect@Work* national inquiry into sexual harassment report in 2020 and the independent review into commonwealth parliamentary workplaces in 2021. All forms of workplace violence, including sexual assault, are absolutely unacceptable and have serious health and safety impacts for workplaces and workers. Employers play a key role in ensuring that workplaces are safe for all workers, which includes the elimination of risks and hazards that might contribute to sexual assault.

I want to recognise the CPSU for its advocacy on making this change to our work safety laws, especially Bec Adams, who is in the chamber today. We will keep working together to make sure that workplaces are safe for everyone. Like we are doing today, we will continue to make change together.

Recommendation 20 of the Boland review recommended that incident notification provisions be reviewed to provide for notification triggers for psychological injuries.

In response to recommendation 20, expanding the incident notification provisions is being considered at a national level through Safe Work Australia. I expect this work will pave the way for further expansion of the incident notification requirements to include certain psychological injuries and sexual harassment.

The changes in this bill represent a significant step forward in giving visibility to the all too often under-reported act of workplace violence. Specifically, the bill includes amendments to the Work Health and Safety Act 2011 to incorporate a workplace sexual assault as a notifiable incident which is reported to the regulator. Under these amendments, a sexual assault incident means an incident or suspected incident in relation to a workplace that exposes a worker or any other person at the workplace to sexual assault. By notifying the WHS regulator of incidents, appropriate action can be taken to assess the risks and implement controls in a workplace to prevent further violence or aggression.

The incident notification requirements are not intended to impede or interfere with police responses and investigations for the enforcement of criminal law. In fact, we have deliberately steered away from terms like “alleged” and using the Crimes Act 1900 definition of a sexual assault offence.

I previously committed to the Assembly that I would bring forward reforms that will assist employers to better identify, understand and respond to psychosocial risks in their workplaces. These reforms are responsive to community expectations about preventing all forms of bullying, including workplace sexual assault and occupational violence. This bill is one part of these broader reforms.

I would also like to take this opportunity to acknowledge the work of the Work Safe Commissioner and her fierce advocacy and efforts to deal with the prevalence of workplace sexual assault and psychosocial hazards in the workplace. She and her team have been leading this work here in the territory and at the national level. We will continue to work with her and her team to strengthen our laws to keep people safe at work.

Overall, this legislation is important in protecting the health and safety of workers and the Canberra community. These enhancements will provide a more effective deterrence against poor workplace safety practices. This amendment bill also makes a number of amendments to other legislation within my portfolio. It amends the Workers Compensation Act 1951 to improve worker protections relating to private sector workers compensation. The bill will permit the taking and accrual of annual and long service leave while an injured worker is receiving weekly payments under a workers compensation claim. Such a position is anticipated under the commonwealth’s Fair Work Act 2009. By allowing the taking and accrual of annual and long service leave, this change will align the ACT to the majority of other jurisdictions. Currently only the ACT, the Northern Territory and the commonwealth maintain the default position of not taking and accruing leave entitlements while a worker is receiving workers compensation weekly payments.

The bill will also make minor and technical amendments to the Long Service Leave (Portable Schemes) Act 2009 in relation to a section referencing inconsistencies and

updates to examples throughout the act in order to assist in interpreting the entitlements. The bill continues the long tradition this government has in maintaining our protection of workers and is evidence of our continued commitment to delivering on the parliamentary and governing agreement. I commend the bill to the Assembly.

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

## **Education Amendment Bill 2022**

Debate resumed from 7 April 2022, on motion by **Ms Berry**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (4.52): The Canberra Liberals will be supporting this bill, as well as the government amendments to the bill. It is a significant, technical and complex bill. I will not go through every clause or amendment, but I will touch briefly on the broad areas, especially those that we have been discussing with stakeholders. The bill essentially makes amendments in two main areas under the Education Act 2004. The first area relates to suspensions, transfers, expulsions and exclusions of students. The second relates to the registration and review requirements for non-government schools.

Turning to the first main issue, that of suspension, transfer, expulsion and exclusion, it has caused considerable debate in the school parent community, the profession and amongst governments around the country. The challenge is about finding the balance between the ability of educators to apply sanctions such as suspensions and expulsion to students and the rights and obligations of the school sector—particularly the government sector—to provide education to all.

It is fair to say that, while the bill does not meet every issue of every group, it does make considerable headway in providing consistency and clarity across both government and non-government systems. I will touch briefly on those main issues.

The first is the student movement register. While the current system does track student movements, there is currently no specified time period for when this reporting must occur. This has led to inconsistent and infrequent reporting and is an area where more complete and more frequent monitoring will provide an early warning for children at risk. This risk and failing was identified in the tragic case of Bradyn Dillon. An improved system was a key finding of the coronial inquest.

Another area that needs clarity and consistency is that of suspensions. The proposed provisions relating to suspensions aim to provide clarity for all schools as to the reasons why a suspension can be enacted, and consistency across both government and non-government sectors in when, how and why a suspension may occur. For transfers, it is accepted that if a student encounters problems or is involved in problem instances themselves a transfer to a new government school does provide an opportunity for a fresh start. These amendment provisions provide a clearer path for that to be achieved.

With regard to expulsion or exclusion, for government schools it is a vexed issue. As a human rights jurisdiction, the ACT has a legal obligation to provide free school education to every child in a government school. Therefore, complete exclusion from a government school is only possible for a child who is not of compulsory education age. Amendments to this bill clarify that these are the only circumstances in which exclusion from the government school system can occur.

The amendments further state that exclusion is only possible where a student has engaged in unsafe or non-compliant behaviour, all reasonable alternatives have been exhausted, the best interests of the student are considered and it is reasonable in all the circumstances. One area where this has been particularly problematic is that relating to students with a disability. Advocates claim that suspension and expulsion powers disproportionately impact children with disabilities. Parents and teachers groups state that the inability to address problematic behaviour unfairly impacts all other participants in the classroom. This bill attempts, as much as possible, to make clear guidelines in this area.

The situation for non-government schools is somewhat different, but the bill still provides guidelines. The amendments clarify the requirements and processes for non-government schools, including the circumstances, processes and considerations that must be followed. I understand that some of the amendments have been developed in consultation with the non-government school sectors and, while these groups have some remaining comments, which I will refer to shortly, the sector was involved during the drafting of the bill and these have been responded to in the development of the amendments. As stated, while this bill does not achieve every goal, it does provide clarity and certainty for all students in the ACT.

The second main area—as I said earlier, there are two main areas—relates to the registration and review of the non-government sector. The current five-year system has been seen as a compliance burden in some cases and inflexible in others. The bill seeks to improve that system, and I will briefly touch on the areas that are generally seen as improvements.

The first is the introduction of non-government school registration standards. The bill introduces a set of registration standards for non-government schools. These were, according to the explanatory statement, developed in consultation with the Association of Independent Schools and the Catholic Education Office for the Archdiocese of Canberra and Goulburn, as well as other groups. The key areas of the registration standards include governance, educational courses and educational programs, safety and welfare, and a range of other requirements for operation. This has been largely welcomed by the sector.

The next issue is the establishment of a registration standards advisory board to administer the new standards. The board comprises representatives of the Education Directorate, Catholic Education and the Association of Independent Schools of the ACT, alongside an independent chair and members with appropriate expertise, appointed by the minister. This, too, is seen as an improvement.

Other changes include the following recognition:

... the majority of non-government schools already consistently deliver high quality educational services and are compliant with their legislative requirements and reduce the administrative burden for non-government schools.

Therefore, the proposal is to move away from a five-year registration system, instead moving to ongoing, risk-based review cycles that provide a flexible, responsive ability to monitor and improve as issues arise.

I will move now to the amendments, because my understanding is that they will be moved as a whole, so I am very happy to speak to them in the in-principle stage, in the interests of time. I acknowledge that this is a very technical bill that has directly impacted a range of groups. Both the government and the Canberra Liberals have undertaken wide consultation.

In response to stakeholder feedback, the government intends moving a series of amendments to include comments from stakeholders on the tabled bill. I welcome these amendments. As I said, we will be supporting all of those amendments. There are some remaining concerns from stakeholders. I will quote from a stakeholder group that sums up their position—and, to be honest, ours and, I think it is reasonable to say, that of everybody—and that is from the ACT Council of Parents and Citizens Associations. It states:

Council welcomes the amendments being proposed because of the protections they offer to students, especially those with disabilities or different learning needs.

The effectiveness of the legislative changes, however, will be reliant upon the policies which flow from the act, and their implementation.

Council looks forward to continuing to have input into the development of policies and procedures which arise from the amendments, along with other stakeholders.

Council recognises the range of parent views in the area of suspensions and exclusions. Parents are keen for measures which reduce classroom disruption, and some see suspensions as an important tool.

Council notes that for all students to be given the support they need, significant investment in specific teacher professional learning is needed. We trust all members of the Legislative Assembly would support the provision of such an investment.

I would also like to put on the record a particular concern from the Association of Independent Schools which remains outstanding. It relates to clause 64, proposed new standard 2.5(2). The association said:

Our strong preference is for the word “consulted” to be changed to “informed”.

How would a school be expected to consult on policies (enrolment, complaints and behaviour management) with parents, students and staff?

It is highly impractical ... and does not reflect an appropriate way a school and the Governing Body would work.

We note that and put it on the record. I will not be amending that today. Certainly, reflecting on those comments, we will see how this bill rolls out and judge its success on its implementation. I hope that it is successful. We received a range of comments from all of the various groups, but, at the end of the day, they support the bill and the amendments. They all agree that it is a matter of how this bill is then implemented that will make the difference. Certainly, we will continue to engage with those stakeholder groups to monitor that.

In conclusion, the bill and the amendments address significant issues that have been developed over some time with broad stakeholder engagement. Initial reaction was mostly positive on the broad aspects of the bill, with some concerns over technical drafting issues, and the government amendments address many of those issues.

I would like to thank the minister and the directorate staff for their work in this area. I think that it is a good piece of legislation that has involved significant engagement with stakeholder groups. I am satisfied that that has been done in a good way. I would like to thank Mel and Rebecca from the minister's office, who provided a full brief to my office on the bill, as well as the government amendments. I thank the minister, her office and the directorate.

I would also like to thank those associations that gave us input—Andrew Wrigley from the Association of Independent Schools, Ross Fox from the Catholic Education Office, Patrick Judge from the Australian Education Union, and Veronica Elliott from the ACT Council of Parents and Citizens Associations. I would like to thank them for their input as well.

This is a significant, large and complex area of government, and it is sometimes difficult to juggle the competing needs of various stakeholders. I think the government has done a reasonable job in this case. We will certainly monitor its implementation. As I said, we will be supporting this bill and all of the amendments being moved to the bill by the minister.

**MR DAVIS (Brindabella) (5.03):** I rise today to speak in support of the Education Amendment Bill 2022. As outlined by the minister, the purpose of these amendments is to clarify and strengthen oversight of student movement, the processes for suspension, expulsion and exclusion, the regulatory roles and obligations of non-government school officials, and a shift to risk-based review and registration for non-government schools. I welcome the provisions to strengthen oversight into student movement between schools, which will be invaluable in identifying students who are at risk. This is one of the tragic lessons learned from the death of Bradyn Stuart Dillon and will hopefully prevent other students from falling between the cracks.

I would also like to acknowledge the whistleblower protections for people raising concerns with the registrar and then on to the registration standards advisory board. As we know from the many high-profile whistleblower cases in Australia in recent years, those who name the problem can often be treated as the problem. These measures will encourage community members to feel safe in coming forward about problems that they see on the ground and in our schools.

We in the ACT Greens want to ensure that all students are supported to develop to their full potential and, of course, that includes students living with a disability. I would like to express my gratitude to the members of the ACT Council of Parents and Citizens Associations for their dedicated work in engagement with government and my office to improve equity and inclusion in schools, as well as the safety and wellbeing of all of Canberra's students.

I would like to echo the sentiments from the ACT Council of Parents and Citizens Associations in welcoming the additional protections the amendments offer to students, especially those with disabilities or differing learning needs. It concerns me greatly to hear from the P&C association that students with disabilities are over-represented in suspensions and exclusions from school. As the P&C wrote in their response to the amendments:

Unfortunately, it is still common for us to hear of experiences where a student's individual learning plan or behavioural management plan is not implemented well, where modifications which are designed to assist that student are not in place. This means that a student may lack the support or environment needed for them to be able to comply with what is expected and possible for that student.

We do know that the implementation of this legislation will require increased resourcing for the Education Directorate, and the ongoing under-resourcing of teachers in our schools is a challenge that the government is continuing to work through.

During the 2020 election the ACT Greens committed to holistically ensuring that we put public education first by properly funding teachers and supporting programs that students need. With the new federal government, I am hoping we may start to see some broader reforms which seek to address the ever-changing environment of our education system nationally. Nonetheless, to strengthen the reporting of under-enrolments, terminations of contracts, transfers, expulsions and exclusions by all schooling sectors is a move towards ensuring that our government has increased oversight towards and support for any issues that arise in our ACT public schools.

In doing this, these amendments bring the ACT more into line with the National Principles for Child Safe Organisations. These principles aim to create a culture that adopts strategies and takes action to promote child wellbeing and prevent harm to children and young people. A child-safe environment, according to these national principles, is to create an environment where children's safety and wellbeing is the centre of thought, values and actions. It places emphasis on genuine engagement with and valuing of children and creates conditions that reduce the likelihood of harm to children and young people, creating conditions that increase the likelihood of



identifying any harm and respond to any concerns, disclosures, allegations or suspicions.

Madam Speaker, this legislation is a fantastic start to implementing these principles in the ACT government's continued oversight over actions in all ACT schools. We in the ACT Greens believe that all students should be given all the supports they need to achieve their very best. This requires significant and ongoing investment from all levels of government, as well as supporting good policies and well-designed programs.

In the end, these amendments will only be as effective as their implementation on the ground, in our schools, with teachers, parents and students. This will include judicious measures in compliance and enforcement and ensuring that adequate resources are dedicated to student and teacher development. It would appear that we have the support of all colleagues in the Assembly. I thank all stakeholders for their engagement with my office and my team to prepare for our deliberations over this bill. Once again, the ACT Greens are pleased to support it.

**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) (5.08), in reply: I table the following paper:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 17—Government response to Scrutiny comments on the Education Amendment Bill 2022.

Madam Speaker, my speech today covers the amendments as well as the bill. I am pleased to have the opportunity to debate the Education Amendment Bill 2022, which I presented in April 2022, which amends the Education Act 2004 and the Education Regulation 2005.

The bill continues the government's work in ensuring that all schools in the ACT are providing high quality education, with the appropriate systems in place to ensure that our children and young people are safe and are able to access education, and our hardworking teachers and support staff are safe.

As you know, through the Future of Education Strategy, one of the first actions is to review and amend the act. This bill is the third phase of amendments to the act and includes significant reforms to suspensions, transfers, expulsions and exclusions across all schooling sectors. It enhances the monitoring of student movements across schools and schooling sectors and introduces new, ongoing registration and review processes for non-government schools.

As I have said many times in this place, it is critically important to ensure the safety and wellbeing of all students and staff in our schools. All schools in the ACT should be safe environments in which to learn and work. Various reports, such as the interim report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, highlight that nationally there are reports of disproportionate

use of suspensions and expulsions for students with disability. Through this bill we have revised the sections in the Education Act 2004 relating to suspensions, transfers, expulsions and exclusions to provide clarity about when and why they should be used, with a strengthened focus on safety.

We have separated the four different concepts into discrete sections and provided a meaning of “unsafe or non-compliant behaviour”, which is the rationale for enacting a suspension, transfer, expulsion or exclusion from an ACT school. As part of this definition, we have clarified that this includes when the behaviour of a student reduces the safety or effectiveness of the learning environment at the school, either through persistent or disruptive non-compliance, or by posing an unacceptable risk to the safety or wellbeing of another student, a member of staff or someone else involved in a school’s operation. The bill makes it clear that safety should be at the core of these actions.

The bill outlines the obligations for communicating with parents and students for any of these actions and the requirements to exhaust all reasonable alternatives before deciding to suspend, transfer, expel or exclude a student. The bill clearly outlines the requirements to provide safeguards for all students, including students with disability. Should a student be suspended, to be compliant with section 27A of the Human Rights Act 2004, a requirement has also been added to communicate how the school intends to support the student to continue their education during the suspension.

It has also been mandated that the principal of a school must review the circumstances leading to the suspension and, for students with disability or complex care needs, review the implementation of any reasonable adjustments and make further adjustments that the principal considers would support the student to return to school safely.

The proposed amendments to suspension, transfer, expulsion and exclusion will provide clear parameters in which these actions can be taken, as well as ensuring the safety and wellbeing of staff, the student and other students at the school, alongside the right of the child to an education. These amendments will support school communities and systems to navigate what can, at times, be perceived as a tension.

The bill also strengthens the reporting of un-enrolments, terminations of contract, transfers, expulsions and exclusion by all schooling sectors. Since the coronial inquest into the death of Bradyn Stuart Dillon, there has been a focus on the need to monitor the movement of students between schools to ensure that students stay connected with the education system. This monitoring also enables the identification of known signs of risk and vulnerability, such as multiple movements between schools within a short period of time.

The bill proposes amendments to require the reporting of transfers, expulsions, exclusions, un-enrolments and contract terminations for non-government schools within five days of occurrence, through the student movement register. Oversight and monitoring of the student movement register for all schooling sectors, government and non-government, will be the responsibility of the Education Directorate, including following up on students who have not re-enrolled at a new school or education

provider, or registered for home education. This is a critical expansion of the directorate's role to ensure that all children and young people in the ACT are connected with education and the protective factors that education brings.

The amendments to non-government school registration and review acknowledge that the vast majority of non-government schools already consistently deliver high quality educational services and are compliant with their legislative requirements. Through the bill, we will alleviate the burden of five-yearly non-government school registration renewal by moving to ongoing registration, with regular risk-based reviews. This will ensure that schools can focus on their core business, which is educating children and young people.

The bill introduces non-government school registration standards, which focus on requirements relating to governance, educational courses and educational programs, safety and welfare and other operational requirements. To oversee these new registration standards and review processes, the amendments create a registration standards advisory board, with the day-to-day administrative functions remaining with the Education Directorate, through the registrar.

Should a school be found to be non-compliant with the act, amendments have been made to enable regulatory action to be taken which is proportionate to the instance of non-compliance. These amendments mean that the community can continue to be confident in the education provided by the non-government school sector and know that the oversight of the registration of these schools is supported by a strong set of registration standards and the advice of an advisory board comprised of members with appropriate experience and expertise.

Minor government amendments to the Education Amendment Bill 2022 are also being proposed. These amendments have been developed in consultation with key stakeholder groups, including the Association of Independent Schools of the ACT, Catholic Education, the Archdiocese of Canberra and Goulburn, education unions, parents and citizens associations and relevant statutory authorities, and we continue to work in partnership with them.

The government amendments demonstrate that we have continued to listen to the feedback of our key stakeholders. They provide clarification of provisions and do not change the intent of the bill. They also address comments raised by the Standing Committee on Justice and Community Safety in their legislative scrutiny role. I will now outline the government amendments.

The government's amendments propose to revise the intended commencement date for all aspects of the bill to 20 December 2022. This is to allow adequate time to prepare for the amendments while also providing schools with certainty of legislative requirements that will be in place for the 2023 school year. The amendments further refine the meaning of "unsafe or non-compliant" behaviour by clarifying that while behaviour may be unsafe or non-compliant even if the behaviour does not happen on school premises or during school hours, this is limited to when the behaviour reduces the safety or effectiveness of the learning environment.

For suspensions, transfers, expulsions and exclusions, the government is proposing a number of minor amendments which further clarify these provisions. This includes outlining that the requirement to “exhaust all reasonable alternatives” refers to alternatives that a school can reasonably make. This is to ensure that schools are not expected or required to implement alternatives that they are not able to implement.

The government amendments clarify what a decision-maker needs to consider to be satisfied that a suspension, transfer, expulsion or exclusion is appropriate, and clearly link the provisions relating to suspensions and involving students and parents back to the meaning of “unsafe or non-compliant” behaviour and the requirement to exhaust all reasonable alternatives. This is to provide further clarity to the reader that actions that must be taken are consistent with the earlier provisions in the bill.

When communicating about a suspension, the government amendments clarify the requirement to outline to decision-makers and parents how reasonable alternatives to suspending, transferring, expelling or excluding a student have been exhausted. These amendments respond to feedback from stakeholders that the current wording was difficult to understand.

The government amendments clarify the behaviours that would be grounds for enacting a suspension before giving the student’s parents or carers written notice. In this case, suspending a student before giving a parent or carer written notice can occur if the student’s behaviour presents an immediate or imminent risk of harm. The previous wording of “exceptionally serious” was considered subjective and open to interpretation, and therefore the proposed amended wording of “presents an immediate or imminent risk of harm” provides more clarity.

Government amendments are also proposed to clarify that the review of reasonable adjustments following suspensions includes a review of the adjustments themselves, as well as their implementation. This is to ensure that schools are appropriately implementing reasonable adjustments to support a student to learn safely and effectively at school.

As the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability has education hearings this week, we can be confident that these provisions take steps towards addressing the national issues facing students with disability in our community, while also addressing broader safety issues for students and staff in ACT schools.

For non-government schools, the government amendments clarify that the registrar must make guidelines about how a registered school is to comply with the registration standards rather than that the registrar “may” make guidelines. This amendment is intended to provide clarity in the responsibilities of the registrar, as these guidelines are required to support schools in ensuring that they are compliant with the registration standards.

A government amendment is also proposed to section 110 of the bill to outline the requirement that the registrar must inform the registration standards advisory board if

a concern has been raised in relation to a non-government school's compliance with the act. This is intended to ensure that the registration standards advisory board has visibility of concerns raised and reviewed in relation to non-government schools' compliance with the act. This visibility is important, as the registration standards advisory board has a role in assessing potential regulatory action that can be as a result of the concern raised.

A government amendment is proposed to replace the word "standards" with "review" in reference to registration review guidelines. This is to correct a mistake in the original drafting which referred to "registration standards guidelines". A government amendment is also proposed to remove section 117 from the bill. This amendment is required to remove duplicative provisions that require proprietors and other people involved in managing non-government schools to participate in registration reviews. These requirements are already outlined at sections 125T and 125U.

For the registrar's action on completing the registration review, there needs to be closure for participants, which is why the government's amendments clarify that the registrar "must" take action under this section rather than "may" take action. This also provides more clarity to the responsibilities of the registrar.

Non-government schools which are currently registered under the pre-amendment act require clarity around their registration status. Therefore, a government amendment is proposed to amend the transitional provisions relating to the registration to state that all non-government schools which have been registered prior to the commencement of the bill will transition to ongoing registration and continue to be registered once the bill commences.

Government amendments are proposed to the dictionary definitions in the bill related to the levels of the education provided by a school and the definition of "school" itself. For the purposes of the act, "school" does not currently include preschool, as this is regulated under the commonwealth Education and Care Services National Law Act 2010. This has been clarified in the government amendments. (*Extension of time granted.*)

In schedule 2 of the Education Regulation 2005, a government amendment clarifies that non-government schools are only required to consult students, parents and staff on school policies and procedures outlined in schedule 2. The current wording requires all policies to be developed in consultation with students, parents and staff. However, not all operational policies impact on and therefore require consultation with all of these stakeholders.

A government amendment is also proposed to the example accompanying 2.6 of schedule 2 to state that the proprietor of a registered school must ensure that a written statement is prepared annually, describing how the school has complied with the registration standards during the year. This example has been updated to state that this can be done either through publication on the school's website or in their annual report.

The Education Amendment Bill 2022, in conjunction with the proposed government amendments that I have outlined today, takes important steps towards ensuring that children and young people have access to education, by providing clarity as to when a suspension, transfer, expulsion or exclusion can be enacted and outlining the steps that must be taken when taking these actions. It also ensures oversight of student movement through the reporting of un-enrolments, terminations of contract, transfers, expulsions and exclusions by all schooling sectors, as recommended by a coronial inquest into the tragic death of a child in our community.

The bill also reduces the administrative burden and streamlines the non-government school registration and review process, outlines clear registration standards and introduces the registration standards advisory board to support the oversight of non-government schools. These changes will ensure that the community can continue to be confident in the high quality education provided by non-government schools and that these schools can get on with the core business of educating children and young people.

Madam Speaker, this government is committed to ensuring the protection of children and young people, as well as their access to high quality education. This government is also committed to the safety of all people in our schools, including students and staff. This bill makes our commitment clear. Our stakeholders are key partners in delivering the reforms proposed by the bill and they, like this government, are committed to ensuring that children have access to high quality education, and to ensuring that students stay connected in the education system.

Finally, I would like to take a moment to thank all of our stakeholders who participated through the consultation process for this legislation. Feedback provided from unions, school representatives, parent representatives and community groups has been critical in developing this legislation, and I am very grateful for your honest and thoughtful engagement. I would also like to thank education officials who have made this legislation happen: Deb Efthymiades, Dr Nicole Moore, Rebecca Travers, Isabel Hartley and Duncan Grey. Some of you are here in the gallery and some of you are watching online. I have really appreciated how consultative you have been through this entire process. Well done, and thank you. I commend the bill to the Assembly.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**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) (5.27), by leave: I move amendments Nos 1 to 46 circulated in my name together [*see schedule 1 at page 1889*]. I table a supplementary explanatory statement to the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

### **Mental health services—Multicultural Association of Canberra**

**MR CAIN** (Ginninderra) (5.28): I rise to speak briefly about a very interesting and encouraging gathering that I attended in the middle of last month, and this was at the invitation of the President of the Multicultural Association of Canberra, Nishi Puri. The event was a mental health workshop sponsored jointly by the Multicultural Association of Canberra, Wellways and Feros Care. I will speak very briefly on each of these organisations.

Over the years, the Multicultural Association of Canberra has made tremendous contributions in promoting an understanding of the diverse cultures within the ACT. This organisation has helped migrants coming into the territory to settle quickly and receive community support. It has helped to establish stronger bonds and fellowship within each of their communities and within the broader ACT community.

The Wellways organisation offers a wide range of services to support individuals with disabilities or experiencing mental health issues, as well as individuals' families, friends and carers, particularly support for those who have had a family member experience a suicide event or attempt. Feros Care is an NDIS provider and also works towards supporting people with a disability to live healthy, fulfilling and connected lives. Together, these three organisations hosted a wonderful afternoon event, over lunch, with a combined vision of raising awareness of and offering mental health support to our migrant and multicultural community.

As I said earlier, it was my pleasure to address this event on behalf of the Canberra Liberals and as acting shadow minister for multicultural affairs. In that role, I certainly do enjoy meeting with the many multicultural communities of Canberra to learn about the challenges they face in, for many, a new cultural, social, economic and legal system. I would like to thank the president, Nishi Puri, of the Multicultural Association of Canberra, and Wellways and Feros Care, for their efforts in contributing to support our thriving multicultural community, to support them with mental health issues and to help them find the support they need in times of drama and stress. Thank you, Madam Speaker.

### **Assisted reproductive technology—children's rights**

**DR PATERSON** (Murrumbidgee) (5.31): This is my next story in a series of adjournment speeches about donor-conceived people, but this story is a little different.

This story is from Gail, a recipient parent who utilised donor sperm to start a family. This is Gail's story and these are her words:

My 11-year-old daughter Lola has 103 siblings and they are just the ones we know about.

When I found myself in my early 40s and suddenly single, I decided I would use a sperm donor to start a family. I decided to go ahead with a reputable fertility clinic in Canberra. This, I thought, was the responsible way to do things.

In 2010, I underwent IVF at a Canberra fertility clinic and began the process with compulsory counselling. I recognised later that this was a completely parent-centric process—how would I cope if I didn't get pregnant? Did I have support processes in place? There was not a single mention of the child; not one suggestion about the unique needs of donor-conceived people.

One failed cycle, one miscarriage and one successful cycle later, I birthed my beautiful daughter. The clinic advised me at the time that the U.S. sperm donor I chose could be used by a maximum of 5 families.

When Lola was a toddler, I decided to investigate whether she had any siblings. I called the fertility clinic and they were able to tell me the age and sex of a handful of siblings in Canberra, but there was no possibility of connecting with them. After conducting some research, I discovered an international website where interested families who had used the same donor could reach out after paying an annual fee.

At first glance, it appeared there was only one family that matched with Lola, however before too long, other families started appearing. Multiple siblings popped up in Canada, even more in the U.S. and several others in Australia.

I decided to do some further sleuthing in an attempt to establish just how many Australian siblings existed. After some assertive verbal exchanges with various fertility clinics in other states of Australia who had used the same U.S. sperm bank, I established a rough estimate of 23 Australian siblings. We've since connected with 7 of them, but what of the others? Where do they live? How old are the children? Do the children even know they're donor-conceived? And the most disturbing question of all: when Lola becomes sexually active, how will she know she is not having sex with a sibling?

Recently my family discovered an inherited heart condition on my mother's side. This led me to reflect on whether Lola's biological father, the sperm donor, might discover an inherited family condition, and if so, would he inform the sperm bank? What I have since learned is cause for significant concern. It appears that U.S. sperm banks are particularly reticent about sharing any such information.

When Lola was about 5 years old, I rang the fertility clinic to inform them of my discovery that the sperm bank actually had a worldwide family limit that went above and beyond Canberra's family limit of 5. The clinic confirmed that yes, this limit was 20 families. I told them that in fact, the limit was 40 families now, and the donor coordinator at the clinic didn't know. She didn't know that the



sperm bank with whom the clinic had a service agreement had changed their guidelines ...

When Lola was 7 years old, she informed me that she would never use a donor. When she was 8 years old, she told me she would look for all of her siblings until she dies. That's a significant chunk of her adult life I've appropriated. I decided Lola needed some counselling. Given my experience with the fertility clinic's counsellor, I knew no one would understand what it is like being donor-conceived. It took me a long time to find a specialised counsellor.

The reality is that Lola's sibling count is probably something closer to 200. We'll never know the truth, and neither will the Australian fertility clinic, or the sperm bank that helped me create her.

It is stories like Gail'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. Thank you.

### **Children and young people—out of home care**

**MRS KIKKERT** (Ginninderra) (5.36): I wish to briefly respond to Minister Stephen-Smith's statement, tabled earlier today, regarding the new out of home care strategy. In it, the minister speaks about embedding family-led decision-making. This sounds great. Across the world, genuine reform of child protection systems has required a fundamental shift in how decisions are made. Placing the family at the centre of the process and empowering the family to construct solutions is essential.

At the same time, the minister, in her statement, stated that fundamentally child protection is "a system that involves one group of people making decisions about the lives of other people—children and young people, their families and carers". This exact same line can be found in the executive summary of Next Steps for Our Kids. To be blunt, Madam Speaker, these two things do not go together. Either this Labor-Greens government is serious about embedding family-led decision-making in child protection matters or it believes that child protection is fundamentally about government continuing to make those decisions.

After having carefully read the updated strategy, earlier this week I sought the opinion of some academic experts who focus on child protection reform. Their response was:

This document reflects a fundamental lack of understanding about power sharing and suggests a government that wants to appear reform-minded even as it doubles down on precisely what needs changing.

Needless to say, I share their concern. Those whom I consulted also pointed out that Next Steps includes commitments to implement recommendations that are, in many cases, six or even more years old. "It appears they are sitting still," one commented. Indeed, this Labor-Greens government seems to have no appetite for reform that goes beyond the edges of the system.

On this point, I note that at the end of her statement the minister provides an update on what has been done so far in relation to my motion from May last year regarding

extending post-care support to age 21 and improving data collection on young people who exit care. An apt summary of that update is essentially: “Watch this space.” But we are tired of watching. People who have been involved in this space have been watching for more than five years. How long must they continue watching? How long will this Labor-Greens government continue to sit and then come back in a year’s time with the same thing: “Watch this space”? It is time to stop sitting and be brave and act. The people involved with child protection deserve better attention, better service and better support. Thank you.

### **Mr Robert Lovett—retirement**

**MR PARTON** (Brindabella) (5.39): The Parton office will change forever at the end of this month, because at the end of this month we lose the great Robert Lovett, who has been a long-time staffer of mine. It is the third time that he has been set to retire, but this time he said, “Gayle, I am going to do it,” and he is.

I still recall the week that I was preselected for the Liberals to contest Brindabella in 2016. I think that that decision was made on a Thursday night and on the Saturday morning I had breakfast in Manuka with some interesting characters: John Barilaro, George Lemon and Rowan Carter. I said to them, “How do I do this?” Barra says to me, “Do you have a campaign manager?” I said no. We wondered who would be left because we were only 12 weeks out from polling day. George says to me, “Do you know Rob Lovett?” and I said, “Yeah, I think I met him one day in Brendan Smyth’s office. Do you have his number?” So we caught up later that weekend and the bromance had commenced.

Rob Lovett has been the most amazing addition, initially to the Parton campaign and then to the Parton office. He is like the human version of one of my kelpies because he is—no, he is, and I say that with the greatest of respect—perennially eager to please, absurdly loyal and he will just work for you all day and all night. Rob Lovett is a genuine Canberra Liberals legend. I am here to tell you that I am a little frightened about what lies ahead without Rob by my side because he has been such an integral part of what Mark Parton MLA has become. The beauty of our working relationship is that he is really good at the stuff that I suck at. He is so methodical, so military, and I am not.

Rob Lovett’s contribution to policy development, constituent engagement, hard-core campaigning and pretty much everything else that we do up here has been immense. I write most of my own speeches, but you could always tell when I got a Rob speech because Rob does not communicate in quite the way that I do. I have actually brought one of the old ones up here. I always felt almost compelled to read them in Rob’s voice, because he would write things to me like: “In regard to the transport appropriation, if you were going to engender a sense of excitement and lift performance in the public transport space, I would have thought this would be an area to look at, but I am not sure of schedule conformance.” I would say, “What does this even mean?!” Anyway, that is one of Rob’s.

Rob Lovett, I do not think I would have got elected in the first place without you. I do not believe that I would have been re-elected either. My development as an elected

member has been enormously enhanced by your wonderful input over the last six years, as has the development of quite a number of staff who have joined us in the gallery today. I acknowledge the presence of all those who have come to help us acknowledge the great Robert Lovett. Just about everyone that has worked in my office is here; there are a couple missing.

Rob will continue to play a role in the party. We will be trying to convince him to come back and assist us on things when it is required, but it is time he got that big four-wheel drive on the road and got out into the wide open spaces of this country. He knows the country so well. Whenever you mention any town, it does not matter. You could be having a conversation and say, “I was in South Australia last week and we went through Coffin Bay,” and Rob would say, “Coffin Bay? Did you go to the Imperial Hotel? Best pub for miles around there and they serve Reschs.” Yes, that is what he would say. His knowledge of what goes on in the big brown land of Australia is just amazing.

We treat our people with the importance that they deserve. Rob has been an exceptionally important part of my office and, I know, prior to that, Brendan’s. Brendan was almost coming tonight. We are going to go and have a couple of celebratory ales at King O’Malley’s after adjournment tonight, but I just wanted to acknowledge my good friend and wonderful Canberra Liberals legend Rob Lovett tonight. Thank you.

**MADAM SPEAKER:** I am waiting for him to actually leave as well. He has been here for a very long time—in a positive way, Mr Lovett!

### **Sport—Accessible Sports and Recreation Expo**

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (5.44): I would like to say a few words today about sports in my electorate of Murrumbidgee. Last Friday, 3 June, I attended the Accessible Sports and Recreation Expo at the Woden School, which was organised by Woden Community Service and Northside Community Service. This expo included over 15 organisations and groups and had a number of programs that were specifically tailored to children who are living with additional needs. The aim of the expo was to provide information for people on groups and organisations that offer accessible sports and recreation activities, including for young people.

I had a great time there, seeing groups like the Xtreme Stars dance group, who I have seen perform at a number of Alderson Awards events for the Down Syndrome Association in the ACT. They are supported by the Tuggeranong Arts Centre, who were also there with their arts program. They were doing things like painting colourful garden pots with young people.

Also there were Abilities Australia Unlimited, who provide cycling and exercise programs, including skateboarding, with their Shredabilities program. I was very pleased to hear the Chief Minister’s comments in question time today that he is partial to a good skate park upgrade. I look forward to talking with him about that soon. They

are also the recent beneficiaries of Daana restaurant in Curtin's Karma Kitchen, thanks to the Rotary Club of Woden Daybreak.

Also at the expo were Sense Rugby—this is a club that is working with people with all types of additional needs, including sensory issues, to be able to participate in team sports like rugby—and the Disability Trust, an NDIS provider who runs in-home support, social groups and support work. There were many more organisations there who were also learning about inclusive programming to help break down the barriers to accessible sports and recreation for children in Canberra.

I would like to recognise the work of Grace West from Woden Community Service as a key member of the expo planning team and the project manager for Molonglo Movers, who you may have read about recently in Riotact. They are an inclusively led sports and arts program for children and young people. Thank you also to Katie, Lynton and everyone at Woden Community Service and Northside Community Service, and to the Woden School for creating an opportunity for people of all abilities to find the right sports and recreation group for them, where they can be creative and active and have fun together.

### **Ms Fay Skyring—tribute**

**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) (5.47): On the weekend I was delighted but also particularly honoured to be part of the Canberra Spinners and Weavers' launch of their annual members exhibition, called "Warped and Twisted". But, more than that, Madam Speaker, it was also a very significant occasion in that the exhibition gallery there was named for Ms Fay Skyring OAM. I would like to share a little bit about Fay today and why that is so important, as well as to talk briefly about the exhibition, which continues this week.

Fay was a weaver, a teacher, a mentor, a collaborator and an inspirer. She played a significant role in arts and crafts, weaving, textiles and visual arts in Canberra and, indeed, the nation. She was an incredible artist. She had an incredible artistic talent but was also incredibly gifted. It was not only her gifts in what she created but also her gifts in what she shared with others, which is absolutely her enduring legacy to this day.

Members might know that her works feature throughout galleries, churches, art centres and, most notably, Parliament House. She was quite specifically commissioned back in the mid-1980s to produce handwoven fabrics to adorn the settings of the major parliamentary suites in the new Parliament House, including the Prime Minister's office, the Leader of the Opposition's office and the Speaker's suite. She did so with imagination, expertise and incredible finesse, in collaboration with Di Lansdown. This work was so successful that she was commissioned three more times to reproduce it, which is 650 metres in total.

This is all documented in a documentary that was commissioned by the Canberra Museum and Gallery about a decade ago called *The Warp and the Weft*. It is available

on YouTube. I highly encourage people to check out those 20 minutes, because it is truly fascinating and I think shows what a creative force but also a sharing force Fay was.

On Saturday afternoon, while we launched the annual members' exhibition, we were also joined by Fay's family—her husband, Graham, as well as her daughters, Fiona, Sally and Melissa. It was just beautiful and, as I mentioned, a real honour for me to help name the Fay Skyring gallery but also to hear directly from Graham about Fay's love for everything to do with spinning and weaving. That naturally led into the opening of the exhibition, which I have to encourage everyone to get along to. I acknowledge that Minister Davidson made some time to be there.

The talent on display was really quite something. It left quite an impression on me, through the expression of the different art forms that were there. There were works on display from members who were at their highest ability, as well as people who were just starting out. I have to say that the ones from people just starting out almost blew my mind when I saw the skill and the deftness on display. I thoroughly encourage them. I also think that it really underlines what a successful organisation Canberra Spinners and Weavers is. It has grown, and it continues to grow and welcome new members who develop a love for such a skilled craft.

Indeed, Madam Speaker, I was very fortunate to enjoy their shop afterwards. I know there has been a bit of attention to the shawl that I have been wearing this week, and it was purchased there. I encourage members to check out the exhibition. The shop is open regularly and the exhibition continues this week.

### **Dr Karen Macpherson—tribute**

**MR HANSON** (Murrumbidgee) (5.52): I rise tonight to say a few words about Dr Karen Macpherson. Dr Macpherson has been supporting me in developing education policy for a while now but will be leaving at the end of the financial year, when her contract expires.

When I first got the portfolio, I did what I think many of us do: read widely, researched my portfolio of education. I came across an article written in *CityNews* by a Dr Karen Macpherson and I thought, "This is very interesting. This is well written. This person obviously has a deep understanding of education broadly but also the ACT education system." I reached out to Karen. She came in for a meeting. We had a great chat and it was clear that this was someone that I really could benefit from, if she was able to support me in working on policy. I was delighted that Karen did so. She joined the Hanson team.

She is not a politically affiliated staffer at all. She is an education expert and enthusiast and is deeply committed to seeing an improvement in education in the ACT. Karen worked with me on the paper that I released last year. I tabled that in the Assembly and it was the subject of a speech that I gave in here—"Bringing out the best in every child", which is an education strategy for the ACT. I am very proud of that document.

I think that from opposition it is difficult to put together the sort of detailed analysis that governments can do. From my perspective, it is the most comprehensive policy document that I have seen from pretty much any opposition. And it is not credit to me. It is credit to Dr Macpherson, who was the principal author of that document. I think it really has assisted the debate, not just for me but also across the ACT. If you have not read it, it is available in my office and I have tabled it in the Assembly. It has a short bio of Dr Macpherson there, which I will not repeat here, but it, I think, explains why she is such an asset in terms of providing advice to me.

I would like to simply thank Dr Macpherson for her input to my office and the contribution that she has made here to the Assembly, to me, but more broadly to education in the ACT. She is the sort of person that we need out there advocating on behalf of our teachers and on behalf of the kids. Her passion has certainly been something that I have cherished. I will miss her, but I have got my value for money. There is no doubt about it. She was not on a big contract, but the amount of work that she provided to me in that report and her other ongoing policy support has been immense. I would like to thank her personally, and on behalf of the Canberra Liberals.

Question resolved in the affirmative.

**The Assembly adjourned at 5.56 pm.**

## Schedule of amendments

### Schedule 1

#### Education Amendment Bill 2022

##### Amendments moved by the Minister for Education and Youth Affairs

1

Clause 2

Page 2, line 4—

*omit clause 2, substitute*

### 2 Commencement

This Act commences on 20 December 2022.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 8

Proposed new section 17B (1)

Page 6, line 9—

*omit proposed new section 17B (1), substitute*

- (1) For this chapter, the behaviour of a student at a school is ***unsafe or noncompliant*** if the behaviour reduces the safety or effectiveness of the learning environment at the school because it—
- (a) is persistently or disruptively noncompliant; or
  - (b) poses an unacceptable risk to the safety or wellbeing of—
    - (i) another student at the school; or
    - (ii) a member of staff of the school; or
    - (iii) someone else involved in the school's operation.

3

Clause 8

Proposed new section 17B (2), example

Page 6, line 22—

*omit the example, substitute*

#### **Example**

using social media outside school hours to encourage violence against a student at school the next day

4

Clause 8

Proposed new section 17C, proposed new definition of ***reasonable alternative***

Page 7, line 19—

*insert*

***reasonable alternative*** means an alternative that a person is reasonably able to take considering all relevant matters.

5

Clause 8

Proposed new section 17D (b)

Page 8, line 8—

*before*  
 alternative  
*insert*  
 reasonable

6

**Clause 8****Proposed new section 17H (1) (c)****Page 10, line 3—**

*omit*  
 , proportionate and justifiable

7

**Clause 8****Proposed new section 17H (1) (c), proposed new note****Page 10, line 5—**

*insert*  
 Note ***Unsafe or noncompliant behaviour—see s 17B.***  
***Reasonable alternatives—see s 17C.***

8

**Clause 8****Proposed new section 17H (3)****Page 10, line 20—**

*omit*  
 , proportionate and justifiable

9

**Clause 8****Proposed new section 17K (4) (a) (ii)****Page 12, line 9—**

*omit proposed new section 17K (4) (a) (ii), substitute*  
 (ii) how they have exhausted reasonable alternatives to suspending the student;  
 Note ***Unsafe or noncompliant behaviour—see s 17B.***  
***Reasonable alternatives—see s 17C.***

10

**Clause 8****Proposed new section 17L (2) (a) (ii)****Page 13, line 8—**

*omit proposed new section 17L (2) (a) (ii), substitute*  
 (ii) how they have exhausted reasonable alternatives to suspending the student; and  
 Note ***Unsafe or noncompliant behaviour—see s 17B.***  
***Reasonable alternatives—see s 17C.***

11

**Clause 8****Proposed new section 17L (3) (a) and example****Page 13, line 18—**

*omit proposed new section 17L (3) (a) and example, substitute*



- (a) the student's unsafe or noncompliant behaviour presents an immediate or imminent risk of harm to a person; and

**Examples—behaviour that presents an immediate or imminent risk of harm to a person**

- the student was physically violent to another student
- the student threatened to be physically violent to a staff member

12

**Clause 8**

**Proposed new section 17L (5)**

**Page 14, line 9—**

*omit*

, proportionate and justifiable

13

**Clause 8**

**Proposed new section 17N (1) (a) and (b)**

**Page 14, line 25—**

*omit proposed new section 17N (1) (a) and (b), substitute*

- (a) review any reasonable adjustments in place for the student, including reviewing the way an adjustment is implemented; and
- (b) make any reasonable adjustments the principle considers would support the student, including changing the way an adjustment is implemented.

14

**Clause 8**

**Proposed new section 17P (1) (d)**

**Page 16, line 1—**

*omit*

, proportionate and justifiable

15

**Clause 8**

**Proposed new section 17P (3)**

**Page 16, line 8—**

*omit*

, proportionate and justifiable

16

**Clause 8**

**Proposed new section 17R (3) (a) (ii)**

**Page 17, line 13—**

*omit proposed new section 17R (3) (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to transferring the student;

*Note*      **Unsafe or noncompliant behaviour—see s 17B.**

**Reasonable alternatives—see s 17C.**

17

**Clause 8**

**Proposed new section 17U (1) (d)**

**Page 19, line 8—**

*omit*  
, proportionate and justifiable

18

Clause 8

Proposed new section 17U (3)

Page 19, line 20—

*omit*  
, proportionate and justifiable

19

Clause 8

Proposed new section 17S (a) (ii)

Page 18, line 7—

*omit proposed new section 17S (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to transferring the student; and

*Note*      **Unsafe or noncompliant behaviour—see s 17B.**  
**Reasonable alternatives—see s 17C.**

20

Clause 8

Proposed new section 17W (3) (a) (ii)

Page 20, line 25—

*omit proposed new section 17W (3) (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to expelling the student;

*Note*      **Unsafe or noncompliant behaviour—see s 17B.**  
**Reasonable alternatives—see s 17C.**

21

Clause 8

Proposed new section 17X (2) (a) (ii)

Page 21, line 17—

*omit proposed new section 17X (2) (a) (ii), substitute*

- (ii) how they have exhausted reasonable alternatives to expelling the student; and

*Note*      **Unsafe or noncompliant behaviour—see s 17B.**  
**Reasonable alternatives—see s 17C.**

22

Clause 8

Proposed new section 17ZA (1) (d)

Page 22, line 20—

*omit*  
, proportionate and justifiable

23

Clause 8

Proposed new section 17ZA (3)

Page 23, line 3—

*omit*  
, proportionate and justifiable

24

Clause 8

Proposed new section 17ZC (3) (a) (ii)

Page 24, line 3—

*omit proposed new section 17ZC (3) (a) (ii), substitute*

(ii) how they have exhausted reasonable alternatives to excluding the student;

25

Clause 8

Proposed new section 17ZC (3) (a), proposed new note

Page 24, line 6—

*insert*

*Note*      *Unsafe or noncompliant behaviour—see s 17B.  
Reasonable alternatives—see s 17C.*

26

Clause 8

Proposed new section 17ZD (a) (ii)

Page 24, line 23—

*omit proposed new section 17ZD (a) (ii), substitute*

(ii) how they have exhausted reasonable alternatives to excluding the student;

*Note*      *Unsafe or noncompliant behaviour—see s 17B.  
Reasonable alternatives—see s 17C.*

27

Clause 8

Proposed new section 17ZF (1) (d)

Page 26, line 2—

*omit*

, proportionate and justifiable

28

Clause 8

Proposed new section 17ZF (3)

Page 26, line 8—

*omit*

, proportionate and justifiable

29

Clause 8

Proposed new section 17ZH (3) (a) (ii)

Page 27, line 14—

*omit proposed new section 17ZH (3) (a) (ii), substitute*

(ii) how they have exhausted reasonable alternatives to excluding the student;

30

Clause 8

Proposed new section 17ZH (3) (a), proposed new note

Page 27, line 17—

*insert*

*Note*      **Unsafe or noncompliant behaviour—see s 17B.**  
**Reasonable alternatives—see s 17C.**

**31**

**Clause 8**

**Proposed new section 17ZI (a) (ii)**

**Page 28, line 9—**

*omit proposed new section 17ZI (a) (ii), substitute*

(ii) how they have exhausted reasonable alternatives to excluding the student;

*Note*      **Unsafe or noncompliant behaviour—see s 17B.**  
**Reasonable alternatives—see s 17C.**

**32**

**Clause 33**

**Proposed new section 85 (1)**

**Page 46, line 17—**

*omit*

may

*substitute*

must

**33**

**Clause 33**

**Proposed new section 110A**

**Page 65, line 5—**

*insert*

**110A      Registrar to report concerns to registration standards advisory board**

- (1) As soon as practicable after the end of each quarter the registrar must give the registration standards advisory board a report about concerns raised under section 110.
- (2) The report must not, without the written consent of the person who raised the concern, include information that—
  - (a) identifies the person as the person who raised the concern; or
  - (b) would allow the identity of the person to be worked out.
- (3) The report must comply with any requirements prescribed by regulation.

**34**

**Clause 33**

**Proposed new section 116 (3)**

**Page 68, line 14—**

*omit*

standards

*substitute*

review

**35**

**Clause 33**

**Proposed new section 117**

**Page 68, line 15—**

*omit*

36

**Clause 33****Proposed new section 119 (1)**

Page 69, line 21—

*omit*

may

*substitute*

must

37

**Clause 39****Proposed new section 311M (1)**

Page 97, line 5—

*omit proposed new section 311M (1), substitute*

- (1) This section applies if, immediately before the commencement day, a non-government school was registered under the pre-amendment Act, section 88 (including registration renewed under the pre amendment Act, section 97).

38

**Clause 39****Proposed new section 311M (3A)**

Page 97, line 15—

*insert*

- (3A) However, no action under this Act may be taken against the school for failing to comply with the conditions mentioned in section 93 (a) and (b) during the first 9 months following the commencement day.

39

**Clause 47****Proposed new dictionary definition of levels of education, examples**

Page 103, line 26—

*omit*

preschool,

40

**Clause 58****Proposed new dictionary definition of school**

Page 106, line 22—

*omit the definition, substitute*

**school** means an institution providing 1 or more levels of education from kindergarten to year 12.

*Note 1* A school may also deliver a preschool program (see *Education and Care Services National Law (ACT)*, s 5 (1), def **education and care service**).

*Note 2* The *Education and Care Services National Law (ACT) Act 2011* s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010 (Vic)*, schedule as if it were an ACT law called the *Education and Care National Law (ACT)*.

41

**Clause 64****Proposed new standard 2.5 (1), note**

Page 116, line 18—

*omit*

42

**Clause 64****Proposed new standard 2.5 (2)****Page 116, line 23—***omit*

the operation of the school's policies and procedures.

*substitute*

the following policies for the school—

- (a) the enrolment policy under standard 2.8;
- (b) the complaints policy under standard 2.9;
- (c) the behaviour management policy under standard 2.18.

43

**Clause 64****Proposed new standard 2.6 (2), example****Page 117, line 13—***omit the example, substitute***Examples—made available to the public**

- included in a publicly available annual report
- published on the school's website

44

**Clause 64****Proposed new standard 2.8 (3), note****Page 118, line 20—***omit*

policies and procedures and ensure they are

*substitute*

the school's enrolment policy and ensure it is

45

**Clause 64****Proposed new standard 2.9 (2), note****Page 119, line 13—***omit*

policies and procedures and ensure they are

*substitute*

the school's complaints policy and ensure it is

46

**Clause 64****Proposed new standard 2.18 (2), note****Page 124, line 6—***omit*

policies and procedures and ensure they are

*substitute*

the school's behaviour policy and ensure it is