



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**3 AUGUST 2022**

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**Wednesday, 3 August 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.

### **Chief Minister Notice of motion of no confidence**

*Ms Lee, having delivered a notice of motion of no confidence in the Chief Minister, the Clerk, pursuant to standing order 103, announced that, in seven days hence, in accordance with standing order 81, Ms Lee shall move:*

That this Assembly no longer has confidence in the Chief Minister, Mr Andrew Barr MLA.

### **Legislative Assembly Sitting pattern 2022**

**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) (10.01): I move:

That the resolution of the Assembly of 11 November 2021 setting the sitting days for 2022 be amended to add a meeting of the Assembly at 9.30 am on 15 August 2022, with the only item of business being the motion moved by Ms Lee in relation to the Chief Minister, and for the Assembly to adjourn after consideration of the motion.

The government will follow precedent and schedule a special sitting day to consider the motion lodged by Ms Lee concerning the Chief Minister. The motion follows precedent of this Assembly; the precedent is clear and we are following that precedent. The notice of motion by Ms Lee must sit on the notice paper for at least seven days. The government is providing more time than this. There is precedent for providing more than seven days, and I would refer members to the *Companion to the Standing Orders* in that regard. We are following practice. My preference would have been to deal with this motion today; but, of course, the practice is the practice.

I look forward to voting down Ms Lee's motion on 15 August. We have every confidence in this Chief Minister. This is clear today, and it will be very clear every day until we deal with this stunt from the opposition leader. The Chief Minister will pass his eleventh appropriation bill and continue to build a better and stronger Canberra into the future.

**MS LEE** (Kurrajong—Leader of the Opposition) (10.04): Given that that this motion has just been circulated, the opposition is considering it right now. Of course, we agree that this notice of motion of no confidence in the Chief Minister, which is the most serious action that an opposition can take in a Chief Minister, deserves the respect of having that seven-day period, which will, of course, adhere to section 19 of the self-government act.

We note that the date that has been proposed in Minister Gentleman's motion calls for a sitting day to be added on 15 August at 9.30 am. As all members of this chamber are aware, that will be in the middle of the estimates hearings process. That is the only thing that we have some concern about. The estimates hearings will be going on at 9.30 am, and that timetable has been set. I note that that is actually the time when the Chief Minister, in his capacity as Treasurer, is scheduled to appear before the estimates committee.

The only concern I have with this is that we will be reducing the time for scrutiny of the budget at a time when it is extremely important to have the full gamut of the schedule. That is the concern that I have here. Ms Lawder may have an amendment that we may circulate for debate. But that is the concern that I flag at this point.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.05): For the benefit of members, I will be overseas next week, so I think it is appropriate that I am in the country and in the chamber for such a serious debate. That is why Monday the 15th has been set.

I give an undertaking to the Assembly that, for the time that this debate takes, we will adjust the appearance time for me at estimates accordingly. It is my view that this matter can be addressed very quickly at 9.30 am on Monday the 15th. In that instance, for however long that debate takes, the time during which I am appearing before the estimates committee will be added to later that day.

**MS LAWDER** (Brindabella) (10.06): I move:

Omit "9.30 am", substitute "8.30 am".

The amendment that members will shortly receive is quite brief. Accepting that Mr Barr will be overseas next week, and having regard to Mr Gentleman's motion, which adds a sitting day on 15 August, we propose to change the start time to 8.30 am rather than 9.30 am. I am not sure that it will be dealt with as quickly as the Chief Minister may hope. Starting at 8.30 am gives us more time to debate the issue with the due consideration and respect that it deserves before the estimates schedule begins on that day.

We are quite willing to accommodate the fact, obviously, that Mr Barr will be overseas, but we feel it is important to allow a reasonable amount of time. It is an important issue to address. It is difficult to proceed with estimates while this question of blocking supply remains before the Assembly. With due respect to the estimates committee, due respect to the Chief Minister's schedule and due respect to every member who may wish to speak on this motion, we feel that a little bit of additional time will be beneficial for all concerned.

**MR RATTENBURY** (Kurrajong) (10.08): I am happy to make some comments while we are waiting for Ms Lawder's amendment to be circulated. Firstly, I indicate our support for the scheduling of the additional sitting day. I think that the only dispute at the moment is with the timing. Certainly, the Greens are supportive of the motion to set down the sitting for the 15th, acknowledging that the Chief Minister is undertaking an important trade mission next week. There are some key markets that the ACT has been working on for some time. Obviously, that is important for the territory, so I think that this is the appropriate way to proceed.

I can indicate that the Greens will not be supporting the motion of no confidence. We have confidence in the Chief Minister. The Liberal Party have drawn an extremely long bow here and have demonstrated a failure to understand the procedures of this place. What we have indicated—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, Ms Lee and Ms Lawder were heard in silence, so give that same regard to Mr Rattenbury.

**MR RATTENBURY:** We have indicated—and this is publicly understood—that there is a line item in the budget that we disagree with. The procedures of the Assembly clearly enable members to move individual amendments to the budget, provided that they do not increase expenditure. It is possible to remove expenditure. That is what the Greens have openly and transparently indicated that we will do. This puts the Liberal Party in the interesting position of having the balance of power; they can see what it is like. They can work out how they want to vote on this matter. That is the opportunity that will be thrust upon them when we debate this in October.

Let me be very clear: the Greens support this budget. We support the work that the Chief Minister and the cabinet have done on this budget. We believe that this is a good budget for the territory that invests in the services that our city needs whilst at the same time beginning the important process of budget repair. We think that the fiscal strategy is correct. We think that there are a range of excellent issues in this budget. I will not speak to it at too great a length because this is not the moment to do so. To be very clear, we will be voting to continue to support the budget, to continue supply—

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

**MADAM SPEAKER:** Resume your seat. A point of order?

**Ms Lee:** The motion that we are debating is Minister Gentleman's motion, which clearly talks about the change to the resolution. I notice that Minister Rattenbury is going to the substance of the no confidence motion, and I ask that you direct him to be relevant to the actual motion that we are debating.

**MADAM SPEAKER:** Thank you, Ms Lee. Mr Rattenbury?

**MR RATTENBURY:** In order to accommodate Ms Lee's discomfort, I think I have made my point very clearly, and I will make it again outside this chamber, as required. We will be supporting this motion. The only issue that I have with Ms Lawder's amendment is that we do strive to have family-friendly times in this Assembly. For those members who have children, with respect to getting them to school and those sorts of things, 8.30 am does seem to be an unnecessarily early start. The Chief Minister has given an undertaking that we can extend estimates later in the day.

**Ms Lee:** What are the public service hours?

**MR RATTENBURY:** I am an early morning person; I will come in at 7 am, if you want to. I could not care less. Let us not have a silly debate; whether it is at 8.30 or 9.30 am really does not matter. But we do have members in this place who have parental responsibilities. I think that 9.30 is a perfectly reasonable starting time, given that the Chief Minister has given an undertaking that he is willing for estimates to go later in the day to accommodate the delayed start.

**Mr Hanson:** Well, that isn't family friendly, is it?

**MR RATTENBURY:** We have to find a way through. But if members of the Liberal Party want to die in a ditch over 8.30, they have really lost perspective.

**MR HANSON (Murrumbidgee) (10.12):** Mr Rattenbury just said 8.30 or 9.30; it does not matter. By that, I would presume that he is comfortable about that. He says it should be family friendly, but in the same sentence he said, "We'll extend at the other end of the day." He has to make up his mind as to what his argument is. Does he want 8.30 or does he want 9.30? Does he want it at the beginning of the day or at the end of the day?

The concern that we have is that this is the most important motion that can be put before this Assembly. It is a very serious matter. The self-government act recognises that. Although Mr Rattenbury started a debate on the substance of the matter, I will not do that today, because this is a serious issue that needs to be dealt with substantively on that day. We do not want to be in a position where members are hesitant to speak and do not want to express themselves because we want to have the time for estimates as well.

No harm will be done by starting the day at 8.30. If the community were to hear us say, "8.30 is too early for us to possibly start," they would wonder what the hell we

are doing in this place, to be frank. So 8.30 is entirely reasonable because we do have other business in estimates; equally, we want to allow this debate to happen without members being constrained.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.13): I will shortly circulate an amendment to Ms Lawder’s amendment, to amend the sitting time to 9 am. We have worked really hard in this Assembly to make it as inclusive and family friendly as we can. That started with Katy Gallagher, and I do not think we need to change that and quibble over the time. We want to have the debate. We want to defend our Chief Minister. With regard to people being concerned about estimates, the estimates committee can recall witnesses at any time.

My suggestion is that we continue the hard work we have done, and change it to 9 o’clock. It does not remove the time or the ability for the opposition to hold the Chief Minister and the government to account. It gives the Labor Party and the Greens party the chance to defend the Chief Minister as well. There is no issue with that. We all agree; we absolutely support the idea that there should be an opportunity for everybody in this place. However, my suggestion is that a 9 o’clock start gives people the chance, if they have children, to get them to school as usual, to continue with the practice of being family friendly and inclusive in this place as much as possible. If the estimates committee require an extended time with any witness, they can recall that witness and ask questions at any time.

There is no issue with estimates, there is no issue with the timing that might be spent on the Canberra Liberals’ motion, and there is no issue with the time that the government will take in defending the Chief Minister. It is a very simple request. It is not game playing; it is continuing what we have done in this place to be inclusive and family friendly. My amendment to Ms Lawder’s amendment has been circulated. I move:

Omit “8.30 am”, substitute “9 am”.

**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) (10.16): I am hoping that this closes the debate, Madam Speaker. The government will be supporting the amendment moved by Ms Berry. I think we have had enough debate about the timing. The government has been very generous in ensuring that we can have the debate on that particular day, so let us go ahead and vote on the amendment.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, you have all said that this is a very important matter, so why do you keep interjecting and being difficult?



**Ms Berry's** amendment to **Ms Lawder's** amendment agreed to.

**Ms Lawder's** amendment, as amended, agreed to.

Original question, as amended, resolved in the affirmative.

## **Petition**

*The following petition was lodged for presentation:*

### **Nurses and midwives—recovery plan—petition 19-22**

By **Mr Davis**, from 2,696 residents:

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

The following residents of the ACT draw to the attention of the Assembly that nursing and midwifery workers continue to be on the frontline of the ongoing COVID-19 pandemic.

They have, and continue to be, confronted with increased workload and additional pressures across the ACT healthcare system. Year on year, demand on the health care system and the nursing and midwifery workforce grows.

Further, significant workplace issues which pre-date the pandemic have only worsened.

These include:

- lack of proper workforce planning;
- chronic staff shortages, skill-mix issues and excess overtime;
- burnout, stress, fatigue and poor psychosocial well-being; and
- worsening workplace culture, including poor morale.

Your petitioners, therefore, request the Assembly to call upon the Government to urgently develop, invest in and facilitate a clear and sustained recovery plan for Nursing and Midwifery workers, with a focus on their health and wellbeing, which includes:

- substantial and beneficial workforce planning;
- improvements to workplace safety including ensuring safe staffing and meeting Mandated Minimum Nurse/Midwife-to-Patient Ratios;
- practical and effective well-being initiatives; and
- real and constructive improvement to workplace culture.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.*

*Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Health and Community Wellbeing.*

## **Motion to take note of petition**

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

That the petition so lodged be noted.

## **Nurses and midwives—recovery plan—petition 19-22**

**MR DAVIS** (Brindabella) (10.18): After that delay, I would like to move to a very important issue—that is, the situation faced by our nurses, our midwives and our AINs here in the ACT. As a proud unionist and a consistent advocate for working people, I am proud to support this petition from the Australian Nursing and Midwifery Federation, which has received the support of 2,697 Canberrans.

Last week I joined comrades from the ANMF—nurses, midwives and AINs—on the lawns of the Calvary hospital. I heard branch secretary Matt Daniel speak. Tongue in cheek, he said how customary it is to give cake and chocolates to nurses, midwives and other frontline health workers. I do not know how to bake, and I do not have a taste for chocolate, so I hope solidarity will do.

Nurses and midwives are such an integral part of our society. They help to protect the community and keep it healthy and strong. They help us when we are sick or just unsure about something regarding our health and our bodies.

The ANMF also represent our professional and passionate midwives, who help people through the incredible experience of childbirth, ensuring that both they and their child have a safe and empowering experience at birth. Midwives also care deeply for those who experience childbirth that involves grief and loss—a testament, too, to the important role of nurses and midwives throughout our lives, in times of joy, loss, life, death, pain and recovery. These strong people have been the bedrock of our society throughout the pandemic, and they continue to support Canberrans, even with their ever-increasing workload and the additional pressures placed upon them by this global pandemic.

The demand on the healthcare system and these workers increases every single year, with limited compensation and increasing pressures of work impacting on their mental health and their physical health.

Throughout COVID, nurses have been on the front line, managing the response to this pandemic, from administering tests at our drive-through clinics to caring for elderly Canberrans in lockdown in aged-care facilities. Nurses have been integral to our swift and comprehensive rollout of vaccinations, and to communicating key public health messages around reducing transmission. Midwives have assisted people to give birth during the heightened pressures of lockdown—a very intense and isolating situation to guide people through.

High rates of infection and transmission at present have placed nurses and midwives under increased strain, not only for those providing care to people in our hospitals but across the workforce, with very high numbers of workers taking leave to quarantine with, and recover from, COVID.

We know that our nurses and midwives are facing pressures to show up for others, day in and day out. Their work is often thankless and incredibly demanding. We know that nurses and midwives face challenging workplace conditions, which lead to low morale, burnout, stress, fatigue and poor mental health.

This petition calls on the government to urgently develop, invest in and facilitate a clear and sustained recovery plan for nursing and midwifery workers, with a focus on their health and wellbeing, including sustained and beneficial workplace planning, improvements to workplace safety, meeting the minimum mandated nurse and midwife to patient ratios, practical and effective wellbeing initiatives, and real and constructive improvements to workplace culture.

The key to keeping our society prosperous and ever growing relies on creating a safe, more comfortable, supportive, caring and compensated workforce environment. To be frank, I am amazed that so many nurses are still hanging in there, given what the workforce has been through during the last 2½ years. While I know that our nurses and midwives deserve more than thanks, I am grateful for the sacrifices they make day in and day out for our community. I say thank you.

The ACT Greens took a detailed policy platform to the ACT election, which included a commitment to mandated nurse and midwife to patient ratios, and we signed on to the Australian Nursing and Midwifery Federation's election pledge. We are keen to continue to work with our Labor colleagues in government to advance that platform.

We need to tackle the massive issue of workforce planning, skill mix issues and excessive overtime. I will continue to work hard, advocating for nurses and midwives to make sure they are being heard. I will continue to push our ministers and government to take action to better improve the workforce of nurses and midwives to make sure their needs are being met.

I want once again to address just how important these workers are for our community, and remind the community that they are humans, too, with feelings, emotions, needs and limitations. Their needs must be met to ensure that they have the mental and physical capacity to be strong and resilient; if they are not, the backbone of our hospitals and community safety is at risk.

I am proud to present this petition to the Assembly, and proud to be an advocate, ally and comrade of hardworking frontline workers through our trade union movement.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.23): I rise to speak briefly on the petition tabled by Mr Davis today. I rise also as a proud union member in solidarity with workers who are standing up for their rights in the workplace. I absolutely appreciate the ANMF ACT branch for bringing this petition to the Assembly and for workers advocating for their needs. It is incredibly important, and I also respect the role that petitions can play in ensuring that community voices are heard in this place.

We know that COVID-19 has been incredibly hard. It has been hard on our community and it has been really hard on our health workforce. It has been hard on our nurses and midwives. Health care is hard work, as you would be very well aware, Madam Speaker. What our nurses and midwives do every day is not something that everyone could do. I have heard that loud and clear during these past 2½ years, and I heard that before the pandemic. I have spoken a number of times in the last week about looking back on the 2019 influenza season, the bushfires and the smoke, leading into the pandemic. It has been an incredibly tough three years and more.

I have heard how difficult it has been to work in personal protective equipment throughout shifts, particularly the PPE required when caring for COVID-19-positive patients. I have heard how distressing it is to work in areas that are short-staffed because colleagues are unable to come to work due to COVID-19 or influenza. All of this pressure makes going to work each day even harder.

Staff are being asked to do more, while our health services leaders have also worked hard to put as much support around them as possible—lots of planning, lots of communication—and, ultimately, they are in a very difficult circumstance that is shared across health systems right across this country, and indeed in other countries.

I am absolutely aware of what is happening. I have been speaking to many staff in the health workforce, to professional associations and of course to unions about what we can do to support the health workforce further. I have been very clear with the leaders of our public health services that workforce wellbeing, safety and planning must be the priority. That is why, building on the work that has previously been undertaken in our health services, the system-wide draft ACT Health Workforce Strategy 2022-32 will be released for formal consultation with stakeholders next week.

Because this work is a priority, we have invested in the Health Workforce Strategy and plan through the 2022-23 ACT budget. The work behind the strategy has already included numerous preliminary discussions with a range of stakeholders through the first part of this year, including tertiary partners, unions and clinical stakeholders. This means that the strategy can be finalised by the end of the year, alongside development of the detailed workforce plan, through collaboration and consultation with our health system stakeholders and our union partners.

The ACT Health Workforce Strategy will set out the overarching priorities and strategies to build a sustainable and skilled health workforce for the ACT. It will outline the essential supports that are needed to guide workforce design and provide the structure to support and build the capacity and capability of our workforce, including leadership and culture. It will build on the work we have been doing to enhance leadership and management training, to make it clear that staff can speak up for safety, and to improve workforce culture.

We have received the draft of the accreditation report for Canberra Health Services, and we have been told that we are allowed to use this. I draw the Assembly's attention to this assessment, which saw 11 assessors spend more than 400 hours across our service. They said that the assessment revealed a workforce culture that is closely aligned to the CHS vision, values, clinical governance framework and exceptional care framework.

Many staff commented on the significant improvement in communications and staff morale since that last onsite organisational-wide accreditation assessment, referring to 2018. All clinical areas, and many clinical and non-clinical support areas, were visited. The report goes on to say:

Assessors noted the passion and enthusiasm in which staff approached the assessment process and the willingness to share their successes, particularly given the constraints and issues that COVID-19 has brought.

Like Mr Davis, I thank them, and I recognise that we need to do more. That is why we have also invested \$7.2 million through this budget to triple the funding for the nurses and midwives safer culture strategy and provide further resources to address occupational violence in our health services. We are committed to working with staff and their unions to address each of the areas that is being asked for through this petition, and I look forward to responding formally.

Question resolved in the affirmative.

## **Assisted reproductive technology—regulation and access Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.28): Thank you Madam Speaker. I rise today to table the ACT government response to the April 2021 ACT Legislative Assembly Resolution regarding regulation and access to assisted reproductive technology, or ART, in the ACT.

I would like to begin by thanking Dr Paterson for bringing this important and substantive motion to the Assembly. Dr Paterson's passion and advocacy in this space will lead to substantial reform here and ensure that people who donate or receive gametes, deliver ART services, or are born as a result of these services, will have far greater confidence because of her work.

ART gives many people the chance to have children that they may not otherwise have had. ART is used for a range of different reasons to help a diversity of people achieve pregnancy.

Historically, ART has primarily been used as an infertility treatment in heterosexual relationships. However it is increasingly being used by people of a range of genders, sexualities and family structures. ART can also be used to help reduce the risk of a genetic disease or abnormality being inherited by a child. For many single people, and people in same-sex or gender diverse couples, ART may be their only option for becoming parents.

The government response tabled today outlines the next steps for the ACT government. We will work to develop a regulatory framework for ART in the ACT including: establishing a register for donor information in consultation with stakeholders; explore options for increasing affordability and accessibility of ART,

including a potential low-cost ART service in the ACT; work with the commonwealth government to explore opportunities to improve access to specialised support or counselling services for donor conceived people and their families; advocate to the commonwealth government to expand the eligibility criteria for accessing Medicare rebates to include people accessing ART treatment due to social infertility; and encourage ART providers to expand availability of counselling appointments and to offer counselling at no cost where it is not already. Counselling and support services should be focused on the wellbeing of the individual and the rights of the donor conceived child rather than the ART process and should be culturally appropriate and inclusive.

The government will encourage all ART clinics to undertake LGBTIQ+ cultural competency training and to use inclusive and gender-neutral language in ART treatment and practice; and encourage ART providers to promote access to peer support networks.

Implementing these next steps will help ensure equity among all cohorts wishing to access ART. It will help ensure that adequate support is provided for all who are involved in an ART process and will be considerate of the needs of donor conceived people.

In the ACT, ART is available through private service providers. While some ART costs are covered through either Medicare rebates or private health insurance, I acknowledge there are still significant out-of-pocket costs associated with accessing ART. Cost was one of the most widely raised issues by consumers as a barrier to accessing ART services and we heard that some people travel to New South Wales to access the low-cost options there. The ACT government will explore options to improve affordability and accessibility of ART so that cost is not such a barrier and people can receive care closer to home.

Eligibility for Medicare rebates was commonly discussed as a barrier to the accessibility and affordability of ART, particularly for LGBTIQ+ Canberrans who seek to access ART services. Although Medicare is the responsibility of the commonwealth government, the ACT government is supportive of equity in access to Medicare rebates for ART and will advocate for this.

For people considering accessing ART services, support services are available to assist in the decision-making process. Counselling is currently mandatory for ART that involves the use of donor gametes. Any person who accesses ART, however, should be offered counselling by an appropriately trained and experienced professional.

We heard that when accessing support and counselling services for ART people had mixed experiences. While many people told us about their positive experiences, there were still individuals who had difficult or negative experiences. Some LGBTIQ+ consumers indicated that some ART providers have a limited understanding of LGBTIQ+ fertility and care needs.

Other people told us of varying experiences with counselling provided by ART clinics, with some finding it helpful, whereas others found it distressing. Some people were

unable to access counselling, due to limited availability. As I have noted, the government's view is that counselling and support services should be focused on the wellbeing of the individual rather than the ART process and should be culturally appropriate and inclusive. For these reasons we will encourage ART providers to expand availability of counselling appointments and to promote access to peer support services.

We also heard that there is limited specialist support or counselling services for donor conceived people and their families. We will work with the commonwealth government to explore opportunities to ensure these services are readily available. These services should centre around the rights and needs of donor conceived people both when they are children and as adults.

Unfortunately, we heard that some clinicians and services appear to be uninformed about the fertility needs of LGBTIQ+ people, although this experience varied across different services. We will encourage all ART clinics to undertake LGBTIQ+ cultural competency training, and to use inclusive and gender-neutral language in their practice.

The regulation and oversight of ART clinics and the extent to which ART is regulated varies throughout Australia and there is currently no commonwealth legislation that directly regulates ART.

The ACT also does not have specific legislation that regulates ART. There have been various government inquiries at the federal and jurisdictional levels that have considered introducing regulation for ART and the merits of establishing registers for donor conceived gametes. Following these inquiries, some state governments have progressively introduced legislation to regulate ART.

Based on our research and feedback from stakeholders there is a real need to include a specific regulatory framework for ART in the ACT. This includes the establishment of a central register of donor gametes. I intend to have legislation introduced in 2023, reflecting the critical need identified in the government's response.

We acknowledge the importance of accessing information and the impact this can have on the sense of identity of donor conceived people. We will explore opportunities to ensure that donor conceived people are appropriately supported to learn about their genetic origins, and access information about siblings and relatives if they choose to.

We value the views of our stakeholders. The development of a regulatory framework will include significant consultation with the community and will have a specific regard to the impacts and needs of donor conceived people, donors and LGBTIQ+ Canberrans.

This response explores how regulation and access to ART services in the ACT can be improved. However, I acknowledge significant further work is required to begin to implement these next steps. Ongoing stakeholder consultation will be a key component to progressing this work.

In closing I would like to thank Women's Health Matters for undertaking a public survey to explore the experiences of Canberrans who have had difficulty getting pregnant or becoming a parent. This work was invaluable in its contribution to the ACT government response. I would also like to thank the stakeholders and consumers who generously shared their stories and perspectives about access to, and regulation of, ART in the ACT.

I want to recognise and thank everyone who has contributed, and will contribute, to this process. In particular, Madam Speaker, I want to thank Donor Conceived Australia and those who came and spoke directly to me about their experiences. Some very difficult but very important stories to hear.

Trying to get pregnant or become a parent via ART can be an immensely challenging but also an immensely rewarding experience for individuals, their families and loved ones. For an adult, learning you have been conceived via ART and having limited or no knowledge of your heritage and siblings can have significant negative impact on wellbeing. I want to recognise again and thank those stakeholders and community members for their generosity in contributing to improve these experiences.

I present the following papers:

Assisted reproductive technology—Regulation and access—ACT Government response, dated August 2022.

Assisted reproductive technology—Regulation and access—ACT Government response—Ministerial statement, 3 August 2022.

I move:

That the Assembly take note of the ministerial statement.

**DR PATERSON** (Murrumbidgee) (10.37): Thank you Madam Speaker. I would first like to thank Minister Stephen-Smith and her team for this response to my resolution regarding the regulatory framework of assisted reproductive technology, or ART, in the ACT. I am incredibly pleased to see indications from the minister that creating an ACT regulatory framework including a donor register is a priority, with hopes of legislation being introduced next year.

Developing this framework requires a substantial amount of work to ensure the concerns of donor conceived people and the needs of donor recipients are addressed. I do stress there is an urgency to this. Until there is a register in the ACT, donor conceived people have very little rights. Shortly after being elected, it came to my attention there was no legislative or regulatory framework for ART. Earlier this year I was contacted by a major group of stakeholders who came into my life, and this was donor conceived people themselves. I was contacted by Donor Conceived Australia, a newly established group that represents donor conceived people.

Listening to these people telling their stories truly opened my eyes. These were stories of immense pain, emotional anguish, and fractured identity. I cannot express my empathy and compassion enough for the people I have been working with. One of



these people was Anastasia, who has given me permission to share her story with you today. This is Anastasia's story and these are her words:

My name is Anastasia. I am in my 30s and I found out I was donor conceived four years ago in 2018. I was born in Canberra in the early nineties. When I was six years old my mother divorced from her husband, the man who I had been told was my father, whom I never saw or heard from him again.

In 2018, I had been speaking with a sibling who had contacted our estranged Dad and had mentioned that I was a donor conceived person. While hearing this story I initially laughed it off because to me, it was a story that sounded so far-fetched and unrealistic.

While relaying this story over the phone to my mum, I found out the truth of how I came to be alive. I was 26 years old. I remember that night so vividly. A memory that is so uncomfortable and four years later still feels impossible to successfully emotionally navigate.

I can still feel the silence over the phone and I still hear the loudness of my mother repeating, "Please don't hate me, please don't hate me, please don't hate me". I still feel empty. I was in shock, and I am still in shock four years on.

I am a donor conceived person. My mother sought out this option when she was made aware that the man she married could not have children. My mother engaged in IVF treatment through a Canberra doctor, who was told at the time to keep it a secret. I would like to highlight that keeping such a secret from a child is wrong. I would give anything to know the origins of my life as a little girl.

Four years later, my relationship with my mother is strained. For long periods of a time I could not speak to her. Personally I have wanted to hear her simply say that she lied to me and this has not happened yet.

Processing this information as an adult has been tremendously hard. I have no psychological support. I do not even know where to turn to. I am scared to tap into the feelings of hurt because they wipe me out emotionally for weeks at a time. I have felt sadness about my existence and my place on this earth. I have felt like a secret experiment and less of a human being. Even though feeling these emotions, I still have so many questions. Who is my father? Was he a good man? Do I look like him? What is his background? Is he healthy? Do I have brothers and sisters? These questions consume my mind every single day.

I contacted the IVF clinic to find my biological father. The clinic took two weeks to find my mother's file, and the only information they would provide was a piece of paper that had details of my donor's blood type, eye colour, hair colour and if the donor had any children. I was told that any other information about my donor was confidential.

My mental health began to suffer, and I felt like there was a lack of support on where to go or who to talk to. I began to join groups on Facebook, and I tried to research on the internet. But all of this became too much to handle. I made the decision to pay for an American DNA Ancestry test, in the off chance that I might connect with a relative, or to find out something about my genetic history. I was matched to a first cousin, who was extremely helpful and put me in contact with his uncle, my donor.

On the night that I had found out I was donor conceived, my mum let out a giggle with a tone of worry when she said, “You have no idea how many times I would pray that you would never have a relationship with a brother”. I felt sick. I wanted to recall every single sexual relationship I have ever had, and the possibly that they could be a brother. I figured that none of my long-term boyfriends were, but the short-term one night stands, I will never know.

In 2020, I received a new message from a person through Ancestry.com. This person wrote to me that they were very confused by our DNA match. It showed that we were closely related, possibly first cousins or siblings. But I was confused. When I had connected with my biological father, he had reached out to the clinic to find out how many children had come from his donation. The clinic had told him that there was just one successful birth of a child, and we assumed that was me. But through this new Ancestry match, it became clear that the clinic had no accurate data at all.

This person and I were, in fact, brother and sister. I was the first person to tell Daniel that he was my brother, and that he was donor conceived. This was a secret that was kept from him for 30 years. When I first met my brother Daniel, we began to connect some very scary dots. I had a sexual relationship with one of his best friends. The degree of separation was concerning. Daniel and I are two years apart. Four years later, I am on edge as I realise that there may be many more brothers or sisters of mine out there.

There are so many gaps in this space, and much support is needed to help with mental health, parental support, rights to access medical history and avoidance of consanguineous relationships. These are concerns I have as a donor conceived person born in the nineties. I hope that no future donor conceived persons will ever have to worry about this in the future.

I would like to thank Anastasia for allowing me to share her story here today. I have heard so many stories like Anastasia’s, all from the ACT and all of which deeply impacted me. They made it clear in my mind that we have so much work to do, and it needs to happen promptly to protect people who are born today from this same pain. Again, I am very glad to see the response, the ministerial statement and report that was delivered today by the minister.

I would like to again thank Donor Conceived Australia, as well as the many donor conceived people and parents and donor recipients who spoke to Minister Stephen-Smith and myself. I am excited to take these next steps with the minister and stakeholders to create some excellent outcomes for the ACT community. Thank you.

Question resolved in the affirmative.

## **Health—maternity services**

### **Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.46): I rise again to table the ACT government response to the—no, that is the wrong speech. I do not rise to do that, because I have already made the other

speech. I rise instead to update members on the ACT government's ambitious plans for public maternity services through our recently released 10-year plan, *Maternity in focus: the ACT public maternity system plan 2022-2032*.

This statement also serves as an update on the ACT government's response to the standing committee report on the inquiry into maternity services in the ACT. Members may recall that in response to recommendation 2 of the report, the government committed to delivering an implementation plan for the *National strategy for maternity services, Women-centred care: strategic directions for Australian maternity services*.

On Friday 22 June 2022, I launched *Maternity in focus* and its corresponding first action plan. This holistic and strategic plan sets the government's ambition and direction for the evolution of our public maternity services over the coming decade.

For members' information, I present the following papers:

Maternity in Focus:

ACT Public Maternity System Plan 2022-2023, dated June 2022.

First Action Plan 2022-2025.

Health, Ageing and Community Services—Standing Committee (Ninth Assembly)—Report 10—*Report on Inquiry into Maternity Services in the ACT*—Update on Government response—Ministerial statement, 3 August 2022.

The plan takes a system-wide approach, with a vision to provide the right maternity care at the right time which meets the needs of the woman or pregnant person and their family, and encompasses their social, emotional, physical, psychological, spiritual and cultural needs and expectations. To meet this vision, the plan identifies four themes of focus: consumers, best practice maternity care, clinical governance and data, and workforce.

The government has taken a strategic and holistic approach to system and service level reforms to the public maternity system. Instead of delivering multiple project and implementation plans, there is a single, comprehensive public maternity system plan. This consolidated plan has been produced through collaboration between the ACT health directorate, Canberra Health Services and Calvary Public Hospital Bruce.

Several national and local strategies have informed this plan including: *Woman-centred care: Strategic directions for Australian maternity services*, the national maternity strategy I mentioned earlier; the National stillbirth action and implementation plan; the Australian national breastfeeding strategy: 2019 and beyond; the evaluation of the publicly funded homebirth trial in the ACT; the Safer baby bundle; and the ACT government response to the inquiry into maternity services in the ACT.

Madam Speaker, both *Maternity in Focus* and the first action plan have been developed based on extensive internal and targeted external consultation across the ACT health directorate, Canberra Health Services, Calvary Public Hospital Bruce, academics, consumers, non-government organisations, tertiary education institutions, unions, other jurisdictions, and professional bodies.

The documents reflect the personal experiences shared through the inquiry process and the opportunities for improvement identified by stakeholders. I would like to take the opportunity to thank all those who shared their personal experiences for the insights that these have provided. I want them to know that they have been heard. The experiences they have shared have helped shape the ongoing reform of our public maternity system as evidenced by *Maternity in Focus* and the first action plan.

While COVID-19 impacted the ability for some stakeholders to participate in this work, the ACT government is committed to continuing stakeholder collaboration through the implementation of *Maternity in focus*. One of the first actions the government is taking is to establish a stakeholder reference group, to help guide implementation and ensure that the government continues to be informed by consumers and experts.

As another first and critical step, the \$12.1 million 2022-23 budget initiative that supports this plan, includes funding to implement a system-wide maternity satisfaction tool to ensure we can measure our progress, understand individual experiences and respond across our system to improve service delivery. The government is also investing to undertake an evaluation of Canberra maternity options to ensure it continues to work for consumers.

Over the next ten years, the government will continue to work with consumers and stakeholders to transform the public maternity system, looking at opportunities to innovate and evolve the system to meet future demands and expectations. Outlining our priorities over the next ten years, *Maternity in Focus* is designed to inform and prioritise practical steps to create sustainable and meaningful change across the service. The accompanying first action plan outlines the actions to be undertaken over the next four years based on evidence, best practice, consolidated consumer and stakeholder voices from the submissions to the inquiry, and experts across the service.

*Maternity in Focus* will deliver system and service level changes that better support the needs of individuals accessing the public maternity systems and our frontline health workers. The government has already commenced reforming the public maternity system, including: exploring opportunities to expand the homebirth model of care; work to deliver the new Early Pregnancy Assessment Unit at the Centenary Hospital for Women and Children; and a commitment to midwife and nurse to patient ratios in maternity services as part of phase two of ratios implementation and as a priority.

The commencement of work to implement nurse and midwife ratios in maternity is good news for mothers, pregnant people and their babies, and for the dedicated midwives and nurses in our public hospitals. It will also be a first for Australia which is why we need to start working through the detail now to get it right. I look forward to continuing this work with the Australian Nursing and Midwifery Federation ACT and our health services.

Through the inquiry we heard strong advocacy for increased continuity of care for women and pregnant people. In response to this, a focus of reform in the public maternity system is expansion of the continuity of care models. The ACT already has

the highest proportion of births in the public system supported through midwife-led continuity of care. Through the plan the government has committed to more than 50 per cent of women and pregnant people having access to this model of care by 2028.

This is a significant commitment that will deliver better outcomes for Canberrans and require detailed planning with our brilliant midwives over the coming years. The expansion of this model will allow us to work with health professionals to grow a sustainable continuity of care workforce and attract midwives to the ACT.

Work will be undertaken with Aboriginal and Torres Strait Islander people, individuals experiencing vulnerability or disadvantage, and those with medical issues or a disability, to determine how to improve their access to this model of care. We receive great feedback on the all-risk continuity program through Centenary Hospital for Women and Children known as CatCH. We know though there is more demand than can currently be met.

The government understands the importance of connection to culture and country for Aboriginal and Torres Strait Islander women, pregnant people and their families. Our services will actively work with consumers, community organisations, Aboriginal and Torres Strait Islander Elders and other stakeholders to understand what birthing on country means for the ACT region and to develop an ACT specific birthing on country model.

This land is and always will be Aboriginal land. The ACT government wants to ensure the public maternity system offers a culturally safe and appropriate place to support all Aboriginal and Torres Strait Islander peoples. We will also work with culturally and linguistically diverse consumers and appropriate community organisations to ensure our maternity services are culturally sensitive and appropriate.

There is a strong focus on improving access to perinatal mental health services for women, pregnant people and their families. With perinatal depression and anxiety affecting one in five mothers or pregnant people, and one in ten fathers or partners, the impact on both parents and children can be significant. We are committed to increasing perinatal mental health supports for women, pregnant people and their families including improving referral pathways for early mental health supports.

This commitment is bolstered by the investment of more than \$14 million through the 2022-23 budget that will expand access to perinatal mental health services including delivering a dialectical behavioural therapy program for mothers and infants. This is a significant commitment that my colleague, the Minister for Mental Health, will no doubt have more to say about.

In addition, the 2022-23 budget includes funding for a scoping study into residential mental health services for new parents and their babies, with the aim of delivering this service within the next four years.

Unfortunately, we know that pregnancy and birth do not always go to plan. Miscarriage, stillbirth, newborn death and infant loss are tragic and traumatic events for parents, their loved ones and indeed those who care for them during pregnancy

and birth. The shock, disbelief and confusion that come with this loss can have long lasting psychological and social impacts for a parent and their family. For those experiencing perinatal loss, including miscarriage or stillbirth, health professionals will ensure individuals are involved, informed and supported through these experiences.

Rather than resharing their story with each new health professional, continuity through bereavement care will be provided in collaboration with expert perinatal loss care providers. These health professionals will work together to help families experiencing loss navigate through this period and provide warm referral and connection to other services that meet their needs.

I would like to thank and acknowledge the hard-working health professionals who continue to provide high quality care and compassion during the unprecedented and unpredictable challenges of the last few years. The ACT government has an ongoing commitment to support and nurture our public maternity workforce to reach their full potential and feel supported in their roles.

We know that the last two and a half years has been particularly difficult, including as a result of COVID-related visitor restrictions and workforce shortages. There are no simple answers to addressing the ongoing impact of these stressors, but we are committed to finding ways to support the wellbeing of our incredible frontline healthcare workers.

Building capacity and expanding capability is the focus of several actions the government has funded through the 2022-23 budget, including the system-wide maternity workforce planning and establishment of new scholarship opportunities for nurses and midwives. We have committed funding to these initiatives because we have heard from our dedicated midwives that they want scope to innovate and deliver even better and more sustainable outcomes for all Canberrans and their families. We also recognise we need to continue growing the system.

Through the 2021-22 and 2022-23 budgets we have funded an extra 36 full-time equivalent roles across our public maternity services to deliver more services and grow our capacity, delivering two new neonatal intensive care cots at Canberra Hospital, delivering three new special care nursery cots at Calvary Public Hospital Bruce, and establishing a gestational diabetes mellitus service at Calvary for Canberra's north.

In addition, the government is continuing to work to ensure public maternity services provide a safe, supportive and respectful environment for staff, enabling them to thrive and putting them in the best position to support the ACT community. This includes the \$7.2 million investment to support our workforce to embed a safer culture in our healthcare services delivered through the 2022-23 budget.

This investment contributes to key actions outlined in the first action plan, delivering a safer workplace and continuing our work towards delivering the Towards a Safer Culture strategy developed in partnership with the Australian Nursing and Midwifery Federation, for which we have tripled funding in this budget.

Madam Speaker, all of these initiatives will deliver more services with a growing workforce supported to thrive and innovate, reducing pressure and increasing access to care closer to home. Many of the actions in this plan will bring about fundamental and foundational changes to our public maternity system. These actions will be built on, to ensure our services are accessible, accountable and sustainable into the future.

I am proud to share this important work which has been contributed to by so many, including the former members who undertook the inquiry into maternity services. This work will strengthen our public maternity system and its capacity to deliver the right care, in the right place, at the right time.

I move:

That the Assembly take note of the paper.

**MS CLAY** (Ginninderra) (10.59): I was really, really pleased to see the health minister's Maternity in Focus package come out. The Greens put several maternity commitments into our parliamentary and governing agreement with Labor, and it is great to see some of these progress. We took a lot to the election, and I think there is a real need in Canberra to make sure that we are doing this better.

That Maternity in Focus plan is really, really strong on respectful maternity care. It recognises the benefits of a positive birth experience and the importance of healthcare human rights. Respectful maternity care focuses on the factors that support human health and wellbeing—that is, care that does no harm and is culturally sensitive, unbiased and valued by the woman and her community, as explained by our health minister. Respecting women's and pregnant people's choice is central to maternity care, and that is what makes that care culturally safe and appropriate. We can respect women and pregnant people through the use of appropriate language, in manner and in taking the time to engage with them and provide information.

The issue of consent is really important here. What a woman or a pregnant person does with her body is really important. I think in the context of *Roe v Wade* there are a lot of people getting very, very nervous about this notion of bodily autonomy and consent, so it is really, really good that we make it very clear who is in charge of this. Pregnant and labouring people are still people and still have the right to bodily autonomy.

We are really, really pleased about the goal of 50 per cent of continuity of care by 2028. That is a great target. I received this type of care when I had my baby, and it was fantastic to see the midwife each time I pedalled over to the hospital. We made a real connection and it provided such good care. I would love to see a pathway for that kind of care to be expanded to 100 per cent so that everybody who wants it will be able to have it, and to see a date set on that at some stage.

Our research shows that, overwhelmingly, women and pregnant people want to give birth in this model of care and the midwives want to deliver this model of care. It is a win-win. It will make their workplaces better and it will make our outcomes better. It is also effective and cost-effective. It is appropriate for all pregnancy risk levels and it is demonstrated to improve the outcomes for low-risk and high-risk pregnancies.

Continuity of care is the evidence-based gold standard for maternity care. International and national studies have consistently demonstrated that continuity of midwifery care improves satisfaction for both pregnant people and health professionals. It boosts the outcomes. It reduces intervention.

A woman's or pregnant person's perception of their care is also really important. This is an area where the way you feel about it materially changes the actual outcomes. The fact that people want continuity of care is its own reason to deliver it. I would also really love to see the expansion of midwife-led continuity of care into the postnatal period, ideally up to 12 months. That is really important. It is important for maternal and infant wellbeing and it is really important for the establishment of breastfeeding. It is also really important because the peak period when mothers experience postnatal depression is nine months postpartum, so that would really help there.

I would like to see the establishment of an ongoing dignity survey of women and pregnant people post birth, at 12 months. That would really help us to learn from mothers, pregnant people and birth people's experiences during and after their maternity care, and into their first year of parenting. It would help us to work out how to do this even better.

I am absolutely thrilled at the health minister's Maternity in Focus plan. It is looking at birthing on Country models of care, and that is really, really good to see. I am very, very excited to see how that work develops. I am really, really pleased that all of this work is going to develop with strong stakeholder consultation and, hopefully, with frontline midwife consultation as well.

We are also really pleased to see that there is progress towards expanding access to home birth for north-siders. Home birth is as safe as hospital birth for low-risk women. These changes have been a long time coming, so it will be really good to see how that develops over time. It will also be really, really good to see more of that work developing with the stakeholders—with the midwives, with the clients, with the pregnant people, with the women themselves—and for us to set some goals of success to make sure that we know that what we are doing is working.

I have had a lot of really fun conversations in my office lately with midwives. We tend to start each conversation with the mandatory 10-minute exchange of one's birthing story. Our young male adviser generally backs out of the office and comes back in after an appropriate time! It has been really, really fun. It has been really, really good to hear what is going on on the ground.

We have heard from Mr Davis; we have heard from almost 2,700 petitioners this morning. We know that it is a really, really difficult time out there at the moment. The entire health system is under incredible strain. The entire birthing and maternity care system is under exactly that same strain. There are some additional pressures for our midwives and for our clients. A lot of people are reeling from the recent death of Dr Peter Scott. I would just like to offer my condolences. I did not know him, but he sounds like he was really well loved. He was definitely doing some good work. I know that that has affected his staff, colleagues, friends and family really deeply. I am really sorry about that.



This pandemic and these pressures are taking their toll on the people who are on the front line of it. We have heard consistently from midwives that it is a workplace that is under some stress. So it is really great to see the reforms that we know need to be made rolling on. We know that that will actually, long-term, reduce pressures on the system. It will provide better care. It will provide better care outside of hospitals and it will provide better care for everybody. We know that there are a lot of pressures at the moment, and it is really heartening to hear that the health minister is listening to all of those pressures and responding.

I am really pleased to see those reforms. I am really pleased that we understand the need to look after our people along the way. I would just like to encourage anyone to get in touch with our health minister or me. There are quite a lot of us here who are interested in this field. Get in touch and let us know when we are not getting something right or when there is something that we need to know.

Question resolved in the affirmative.

## **Children and young people—mental health services**

### **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) (11.06): The ACT government is committed to supporting children, young people, parents and carers to access mental health services and supports here in the ACT.

In 2019, the Office for Mental Health and Wellbeing undertook a review to understand the challenges and issues facing our younger community members in relation to their mental health and wellbeing. A key recommendation from the community, through this process, was that more services and better support were required for young people experiencing moderate to severe mental health concerns.

We heard that children and young people find it challenging to find the right services for their needs and they are often referred to services to only be referred on again, bouncing between different services. This issue is known nationally and is colloquially referred to as the missing middle. We know this is frustrating for young people, and also for families trying to seek support for the young people in their care.

Following the review in 2019, the Office for Mental Health and Wellbeing partnered with the Youth Coalition of the ACT and the Capital Health Network to seek to better understand why children and young people with moderate to severe mental health issues experience difficulties accessing support. It was important to build on the feedback already provided by the community in relation to this issue, and also crucial to understand the challenges facing our mental health sector to really understand why this is an issue here in the ACT.

This project took a collaborative approach and was undertaken in consultation with a broad range of service providers who offer support to children and young people experiencing moderate to severe mental health concerns. We heard through this

consultation process that defining the missing middle is quite complex and that services will need a multidisciplinary approach to ensure that children and young people can access the right support for their needs.

The process identified heightened risk factors and barriers to receiving treatment and support for children and young people with highly complex needs and/or comorbidities, including alcohol and other drug use, those affected by homelessness or complex family dynamics or conflict, those at risk of perpetrating violence, and children and young people engaged with multiple systems.

Children and young people are also more likely to face barriers to seeking mental health support if they have been impacted by trauma; live with ASD, ADHD or disabilities; or have an emerging or established personality disorder or eating disorder. There are also challenges to accessing services for children and young people who are Aboriginal or Torres Strait Islander or culturally diverse, who identify as LGBTIQ+, who are part of a specific age cohort or who have limited family involvement. As described by one service provider: “Young people don’t come separately from their issues.” We need to acknowledge this and work more collaboratively as a sector to ensure that children and young people can access services and supports for mental health challenges.

We also heard that there are significant service system level challenges and limitations. These included workforce issues and difficulties responding to high levels of demand with current funding models. We also heard of barriers to shared care and difficulties with transitioning children and young people between services as their needs change, leading to disjointed service experiences. We know, from this consultation process and others, that there are challenges in navigating the sector and inaccessible referral pathways which limit young people’s service options.

With the implementation of MindMap, we are working to enhance sector navigation for children and young people and to make it easier for parents and carers to also find suitable mental health supports for their young people. We also know that there are other challenges that prevent young people from seeking support. A key finding through this process was that service providers want to connect with other services and that there is an appetite for sector collaboration to support children and young people here in the ACT.

Following this report, the Office for Mental Health and Wellbeing, in partnership with the Youth Coalition of the ACT and the Capital Health Network, will establish a child and youth mental health and wellbeing services network. The network will progress the development of an action plan, in response to the key findings, building on the co-design process from this project. This will provide a structured, ongoing, formal mechanism for community, government and the private sector to continue working together. By working collaboratively, this will address the complexity associated with the missing middle, including identifying and progressing key sector priorities and shared decision-making, while improving communication, connection and collaboration.

I am pleased to provide a copy of the final report for this important project that outlines in detail the challenges and issues facing children and young people,

along with the service sector challenges that make seeking support for moderate to severe mental health concerns an issue here in the ACT. I am excited at the potential of the child and youth mental health and wellbeing services network for our service system, but also for the community more broadly, to ensure that children and young people are at the heart of decisions being made to support them in their mental health journey.

I present the following papers:

Understanding the ‘Missing Middle’: Children and Young People With Moderate to Severe Mental Health Concerns who experience difficulties accessing services—Final Report.

Understanding the ‘Missing Middle’—Final Report—Ministerial statement, 3 August 2022.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Environment, Climate Change and Biodiversity—Standing Committee**

### **Statement by chair**

**DR PATERSON** (Murrumbidgee) (11.11): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment, Climate Change and Biodiversity. At its private meeting on 2 August 2022, the committee resolved to conduct an inquiry into the waste management of absorbent hygiene products. At that meeting, the committee agreed to the following terms of reference for the inquiry:

Under Standing Order 216, standing committees can self-initiate an inquiry into any subject area it is given responsibility for by the establishing resolution. On 2 August 2022, the ECCB resolved to:

Inquire into and report on matters relating to absorbent hygiene product waste (including nappies) in the Australian Capital Territory, with particular reference to:

- (a) the environmental impacts of absorbent hygiene products across their entire life cycle including single use and reusable nappy types, and to compare these with each other;
- (b) the quantity of absorbent hygiene product waste produced, including the methane gas emissions generated by this waste in landfill;
- (c) the costs associated with managing waste generated by absorbent hygiene products;
- (d) usage of absorbent hygiene products by the community and care sectors, including but not limited to, aged care, disability care, and early childhood settings;

- (e) the opportunities and challenges to boost absorbent hygiene product waste minimisation through incentive programs and other means in the ACT, including the feasibility of community trials for compostable, reusable and cloth nappies;
- (f) identifying social impacts for carers created by a change to low-waste solutions;
- (g) the opportunities and challenges to encourage compostable absorbent hygiene product research, technology development and industries in the ACT;
- (h) identifying short and long-term solutions to the recycling and waste management of absorbent hygiene products, including, but not limited to:
  - (i) single use vs reusable products;
  - (ii) options for managing waste as part of planning for the citywide FOGO service;
  - (iii) impediments to waste management innovation; and
  - (iv) opportunities and challenges in composting options including local processing;
- (i) the strategies to address limitations to collaboration and innovation between absorbent hygiene product management stakeholders;
- (j) the effectiveness of policy and regulatory settings of ACT Government to provide an environmentally responsible approach to absorbent hygiene products waste management;
- (k) the availability of educational material highlighting the benefits of using sustainable and environmentally-friendly types of absorbent hygiene products; and
- (l) any other related matters.

As the Assembly can see, we have a great inquiry planned—very comprehensive. The committee will report to the Assembly on a date to be determined. The committee will call for public submissions today, with a closing date of 26 September 2022. Thank you.

## **Urban Forest Bill 2022**

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

Title read by Clerk.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.15): I move:

That this bill be agreed to in principle.

I am proud to introduce the Urban Forest Bill 2022 in the Assembly today. The bill is the result of a comprehensive review of our tree protection laws over several years and the development of an Urban Forest Strategy which was released, following consultation, in March 2021.

The Urban Forest Strategy sets the vision for an urban forest that is resilient and sustainable and contributes to the wellbeing of the community in a changing climate. The strategy also sets out a range of objectives, each with actions to support this vision, including to protect the urban forest; to grow a resilient forest; to balance and diversify the urban forest; and to take an ecological approach to support biodiversity.

This bill implements the vision, objectives and actions of our Urban Forest Strategy to protect and enhance our urban forest for generations of Canberrans to come. It also supports the implementation of the ACT government's Living Infrastructure Plan and our target to reach 30 per cent canopy cover across urban areas in the ACT by 2045.

Protecting and enhancing our urban forest is an important part of a responsible approach to managing climate change. Trees make our streets and neighbourhoods more resilient to climate change. They promote biodiversity, improve air quality and reduce the urban heat island effect. A healthy and sustainable urban forest provides connected habitat for wildlife, reduces stormwater flows and cools the city, reducing energy costs. The urban forest improves community wellbeing. Connection to nature contributes to the improved mental and physical health of our community, provides calming, comfortable spaces for physical activity, and can assist in reducing sun exposure and heat-related illnesses.

Canberra's trees are part of what makes our city one of the most liveable in Australia. However, as the 2021 census has confirmed, the ACT's population is growing at the fastest rate of any jurisdiction in the country. As Canberra grows, more and more development will take place, and it is important that there is a robust legislative framework in place to protect and enhance our urban forest, to retain its benefits and the character of our city that we love.

This has been addressed through planning policy and legislation, through variation 369, Living Infrastructure, which will apply to new developments and establishes the minimum requirements for tree canopy cover on blocks, providing room for trees to grow. These planning requirements work together with this bill, which will protect mature, private, public and significant trees to ensure that our urban forest continues to grow as our city grows.

The Urban Forest Bill will repeal and replace the Tree Protection Act 2005. This new legislation builds on the previous provisions of the act but makes significant reforms to better protect and enhance the ACT's urban forest. Firstly, the Urban Forest Bill extends protections to trees on public land and leased land, rather than just protecting trees on leased land. Secondly, it protects more trees across Canberra by lowering the threshold for tree canopy and height from 12 metres to eight metres. On leased land, trees will now be regulated if they are greater than eight metres tall, have a canopy eight metres or wider, or their trunk is one metre in circumference at 1.4 metres above the natural ground level. All trees on public land would be protected, regardless of their size or location.

This lower threshold will bring the ACT closer to the settings in other jurisdictions, and it recognises that more trees that are developing towards maturity should be regulated so that future canopy cover is protected. Regulated trees will require

approval before removal or any other tree-damaging activity takes place. Applications will be assessed based on criteria established under a disallowable instrument under the legislation.

Let me be clear that if trees do not meet the approval criteria then they cannot be removed. However, when trees meet the criteria and have to be removed, this has the potential to reduce our canopy cover as the city develops. That is why the Urban Forest Bill will establish a canopy contribution framework.

The canopy contribution framework will ensure that when regulated trees are removed, they are replaced. This will ensure that the benefits lost through the removal of the tree are reclaimed through renewal and enhancement of the urban forest. If a developer designs a building and gets approval for the removal of trees, they will need to plant more trees on the block to make up for lost canopy cover. Where replanting is not possible or only partially possible on site, they will have to pay a financial contribution under a canopy contribution agreement.

The replanting requirement or financial contribution for developers will vary, depending on the size and location of the tree that they are seeking to remove. It will be calculated based on a tree valuation formula, which takes into account the cost of replanting new trees, as well as the number of trees required to restore the tree canopy over a period of 20 years.

As the canopy contribution framework places a value on trees, this will disincentivise property owners and property developers from removing or damaging trees in the first place, encouraging more sustainable building design practices. The financial contribution will also vary, based on the zoning of the block under the Territory Plan from which the tree is being removed. This will recognise the potential commercial gain from tree removal on high value blocks. Higher financial contributions in such areas will encourage tree retention and replanting, reducing the creation of urban heat islands.

It is important to reiterate that the hierarchy established under the framework prioritises the retention of trees, followed by the replacement of trees planted on the site and, finally, a financial contribution when that is not possible.

The canopy contribution framework also applies to home owners, but different replanting requirements or financial contributions apply. For home owners seeking to remove a tree from their primary residence, a fixed replanting requirement will mean two new trees must be planted for every one tree removed. Where there is no suitable space, the applicant will need to make a contribution for the trees that they cannot replant. The bill provides concessions for those that need them.

There will be some exemptions from the requirement to enter a canopy contribution agreement, including for removals approved under urgent circumstances such as dangerous trees, removals approved for group plantings, removals of dead trees and removals approved where replanting requirements exist under the Heritage Act 2004. Trees planted under the canopy contribution framework will be protected for five years to ensure that they have the best chance to grow into mature trees that will contribute to our city's canopy cover.

Funds collected under the canopy contribution framework will be used to enhance and renew the public urban forest. The bill specifies the purposes for which these funds can be used. This includes tree planting, maintenance and tree care, tree removal for renewal, support for ecology, community engagement, and the administration of this framework and tree bonds. The government will be transparent on how these funds are used, and the bill commits government to report on the total amount of contributions collected each year and how they are spent.

Another important feature of this bill is the introduction of tree bonds. Tree bonds also provide a strong financial message to developers that valuable trees close to a construction site must be given a high level of protection as work occurs. Bonds will apply if a tree management plan or a public land permit is submitted and approved. They apply to both public and private trees. A financial value will be placed on trees, held as a bond, to ensure that developers follow through on their agreement to protect the trees on and adjacent to their sites.

The bond amount will be set on a case-by-case basis, following assessment of the tree management plan or permit. Risk factors include the proximity of works to the tree, tree species sensitivity, and whether the applicant has a history of tree protection breaches. Payment of the bond will be provided back to developers once the tree's health has been evaluated.

This bill will better support biodiversity outcomes in our city. This bill recognises the important role of dead trees and the role that they provide as significant habitat for urban wildlife. The abundance and diversity of habitat provided by trees increases significantly with tree size and age. Under the bill, large dead native trees will require an application before they can be removed. Whilst the removal of dead trees is not prohibited, the application will allow for discussions around alternative maintenance options to retain significant habitat trees and promote a suitable landscape for the native animals we share our city with.

The bill will also support biodiversity outcomes by enhancing the protection of the city's most exceptional trees by strengthening the ACT tree registration process. The tree registration process, from the Tree Protection Act, will be carried over to the new bill. However, registration criteria will be extended to recognise and protect trees with significant ecological value as significant habitat element for a threatened native species, including both wildlife corridors and isolated trees.

The bill proposes to automatically recognise cultural trees, including Aboriginal scar trees, on the tree register. These trees are an important link to our past. The process would involve extensive consultation with Aboriginal organisations around the management of these trees, including reinvestment in sites and recognition of Aboriginal culture in the territory.

The bill will also strengthen the enforcement framework for tree-related offences. Current offences from the Tree Protection Act are carried over and updated in the new bill, with the following additions. Tree-damaging application decisions may be deferred if evidence indicates intentional damage to a tree that leads to its death whilst the circumstances are investigated. A strict liability offence will be established

relating to a person caught in the act of damaging a tree or in breach of an approved tree management plan without approval. It will be an offence to not follow a canopy contribution agreement. For registered trees which are damaged, the conservator may declare a no-build zone around the tree protection zone of the tree for a period of time that adequately reflects the significance of the tree that is lost.

The ACT government consulted the local community and industry on a draft version of this bill from April to June 2022. During this period, individuals, groups, and the arboriculture, development and conservation industries engaged with the proposed bill. There was widespread support for a sustainable urban forest. We heard about the importance of protecting significant and cultural trees, of balancing tree protection and safety, and improving tree management whilst ensuring that no-one is disadvantaged by the reforms. A range of views was also received on the financial impacts of the draft bill, including tree valuation.

In response to this feedback, several changes were made to the draft bill that was circulated as part of the public consultation which have now been incorporated into the final bill introduced today. The majority of the changes have been amendments to wording to achieve the original policy intent and support human rights. There have also been some procedural changes to improve our administrative processes.

Clear definitions and appropriate time frames and processes for assessing tree applications will promote understanding of the new requirements and timely, quality decisions. Transitional provisions will assist industry to adjust to the bill. There have also been safeguards added to ensure that we uphold cultural rights and offer fair and reasonable treatment to all. Lastly, clear reporting and review requirements will ensure that we measure our progress towards protecting the urban forest.

We recognise that this bill introduces a number of significant changes. To assist industry and the community to adjust, applications which are submitted prior to 1 July 2023 will be assessed under the law in place at the time of application. New requirements such as the canopy contribution framework and tree bonds will not apply to these applications. This includes tree-damaging activity applications, tree management plans and development applications which include trees.

The ACT community recognises the important role trees play in the community for wellbeing, biodiversity and resilience to climate change. The bill provides a significant step forward to support the government's target to achieve 30 per cent canopy cover or equivalent in urban areas of the ACT by 2045. The bill ensures that, as the ACT grows and develops, we protect, enhance and grow our urban forest so that Canberrans can enjoy the benefits of healthy trees now and for future generations to come. I commend the bill to the Assembly.

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

## **Roads—federal funding**

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.31): I move:



That this Assembly:

(1) notes that the:

- (a) Commonwealth Government currently funds road projects on an 80:20 basis with state and territory governments if the project is in a regional area, while funding for road projects within the defined urban area for each of Australia's capital cities is on a 50:50 basis;
- (b) Commonwealth Government currently considers all roads within the ACT as urban roads regardless of whether they are in an urban area or not;
- (c) ACT is home to a variety of regional roads, some of which are largely unsealed, and are not urban, such as Boboyan Road, Smiths Road, Brindabella Road and others;
- (d) Commonwealth Government considers the same roads, including Boboyan Road and Brindabella Road, on the NSW side of the border, as regional; and
- (e) ACT Government proposed upgrades to Boboyan Road, on the basis of an 80:20 funding arrangement with the Commonwealth, however, this was rejected by the previous Commonwealth Government; and

(2) calls on the Commonwealth Government to:

- (a) reclassify roads in the ACT, which are regional roads and not in Canberra's urban footprint, as regional, thus attracting 80:20 funding for agreed projects;
- (b) work collaboratively with the ACT Government to explore further opportunities for co-investment on the ACT's regional roads; and
- (c) continue support for road safety improvements and upgrades on rural roads in the ACT and the broader south-east NSW region.

I am moving this motion in the Assembly today to seek the Assembly's support for a fairer deal for the ACT's regional roads. The ACT is often called a city-state, but this ignores the fact that a large part of our geography is, in fact, not part of Canberra's urban footprint. We are home to beautiful mountains and nature reserves, including Namadgi National Park, Tidbinbilla Nature Reserve, and part of the Brindabella National Park, as well.

We have rural villages like Uriarra Village and Tharwa, and rural properties from Tennent to Coree. We are connected with the region that surrounds us in New South Wales from Brindabella and Tumut, to Shannon's Flat and Adaminaby. The connections to these destinations are regional roads, often unsealed and often in rural and remote locations in our geography, as they plot a winding path through the landscape connecting villages and towns, communities, properties and residences, farms, dams, rivers and walking tracks.

They provide a lifeline to communities affected by bushfire, and they provide access to remote parts of the ACT for the emergency services that use them to protect us, property, livestock and bushland. Boboyan Road is a really great example. Boboyan Road is a 42 kilometre-long stretch of rural road linking the ACT with the New South Wales Snowy Mountains.

The ACT section starts in Tennent at the intersection of Naas Road, Top Naas Road and Boboyan Road and traverses south through the Namadgi National Park to the southern border of the ACT. Bobeyan Road, with an “e” then continues into New South Wales to Shannons Flat and Adaminaby. It is for all intents and purposes the same road, despite that change in spelling.

Boboyan Road’s current function is to provide for travel between Tharwa and Adaminaby and to provide access to the adjacent farms in Namadgi National Park. In the ACT, the road is classified as a “territorial rural road” and is an Austroads class 3 road.

The use of the surrounding region for recreational activities leads to marked seasonal variations in traffic volumes. On weekdays, the road primarily serves local traffic and Namadgi National Park management traffic. Boboyan Road is most heavily trafficked during weekends for recreational activities, with average weekend traffic approximately twice the frequency of weekday traffic in each direction.

Many of our regional and rural roads require investment over time from government to ensure that they continue to service and connect people in the ACT and our region. Approximately 8.5 kilometres of Boboyan Road within the Namadgi National Park remains unsealed and regularly experiences significant corrugation and pothole issues, especially following the wet weather that we have been experiencing over the past few years.

The ACT government has been investing recently in upgrades to Boboyan Road, which has included road surface resealing, carriageway widening, line of sight improvements and installation of warning signage. All roads require upgrades for maintenance and safety over time. And many of the same issues arise across a variety of regional roads in the ACT, some of which are largely unsealed and patently not urban, such as Boboyan Road, Smiths Road, Naas Road, Brindabella Road and there are others as well.

As the ACT government invests in these roads, we do expect to get a fair deal from the commonwealth—the same share of funding for the same regional roads. When it comes to funding roads, the ACT government works with the Australian government under the national land transport framework to jointly fund upgrades. Parties to the national partnership agreement aspire to deliver a national transport system that is consistent with the objectives of the National Land Transport Act 2014. This includes providing a national transport system that is:

... safer and more secure for users, drives national productivity and economic growth, accommodates Australia’s growing population and supports competitive markets and employment opportunities.

The problem is that the Australian government defines their urban and regional categorisation based on the Australian Bureau of Statistics Greater Capital City Statistical Areas. This would not be the first time that we have been disadvantaged by the ABS approach. What it means is that the urban and regional categorisation identifies that all of the ACT is considered urban.

The guidelines provided through the Australian government's Road Safety Program, which is a co-funded program administered under the national partnership agreement, categorise projects into either urban or regional. Projects within the defined urban area receive 50 per cent of co-funding based on being located within a Greater Capital City Statistical Area.

Projects located outside of a Greater Capital City Statistical Area are defined as regional and attract 80 per cent co-funding from the Australian government. The methodology used to classify the ACT as urban has been applied to road investment component projects within the ACT beyond the Road Safety Program. What this means is that every road, unsealed or not, outside of Canberra, is considered urban and attracts less funding. When the same road crosses into New South Wales, they are all then considered by the Australian government to be regional and attract more funding. It is not fair, and if it continues it means that the ACT's regional roads, and the regional communities that rely on them, will receive less funding than they deserve.

In contrast, the Australian government's investment in New South Wales, which is approximately \$30.48 billion based on the MYEFO 2021-2022, outlines that there are numerous projects within New South Wales that are mostly funded by the commonwealth government—so not fifty-fifty but mostly funded by the commonwealth government. The relative ratio for co-funded projects in New South Wales that are outside of the Sydney Greater Capital City Statistical Area generally includes much greater funding than 50 per cent. Some examples include: the Barton Highway Upgrade Package—relatively close to us—that has a 67 per cent contribution from the commonwealth; the New England Highway Singleton bypass, 80 per cent; the Newell Highway upgrade, 80 per cent; the Milton Ulladulla bypass, 80 per cent; and the Duns Road upgrade, 70 per cent.

Let me make this point: co-funded projects within New South Wales that are within the Sydney Greater Capital City Statistical Area are also co-funded between the Australian government and the New South Wales government, often at a higher amount. In fact, there are a variety of road projects funded in Sydney at the council level that are 100 per cent funded by the Australian government, or at 80 per cent. For example, the Mulgoa Road upgrade with Penrith City Council is funded at 80 per cent.

We are not getting that level of funding from the commonwealth for our regional roads, and I think it is time for things to change. The ACT government has been making this case for the ACT to get our fair share of infrastructure funding for some time—and how the urban and regional categorisation disadvantages not only the ACT but also the surrounding region in New South Wales who also use this infrastructure.

During consideration of the Australian government's Mid-Year Economic and Fiscal Outlook, under the previous government, the ACT government proposed that the ACT's regional roads should be considered for 80:20 funding. I wrote to the then Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, Barnaby Joyce, specifically putting forward upgrades to Boboyan Road on the basis of 80:20 funding, asking for the same treatment for the same road that goes into New South Wales and gets higher funding.

The proposal included the feasibility, design and construction works for upgrades to priority unsealed sections totalling approximately four to eight kilometres of the remaining unsealed sections of Boboyan Road, which could include, following the feasibility study, construction of sealed road surfaces; gravel re-sheeting; grading; road widening to meet minimum carriageway standards; trimming of vegetation to improve line of sight issues; and improved signage and road delineation.

But in March this year, Minister Joyce rejected the proposal, agreeing to only 50:50 funding on the basis that they classify these patently regional and rural roads as urban roads. I raised the funding shortfall with the then Senator for the ACT, Zed Seselja, but nothing changed. He was happy to take credit for any funding, even if it was less than our community deserves.

The ACT's regional roads deserve their fair share of funding just like every other regional road in the country. The ACT government has put forward further funding for regional roads in the budget yesterday, including Boboyan Road on the basis of 80:20 funding. We have also agreed to fund upgrades to Brindabella Road to improve safety under the Road Safety Program.

I am very pleased to say that since 21 May we have a different federal government, one that is prepared to work collaboratively, and a Minister for Regional Development, Local Government and Territories, the Hon Kristy McBain, who understands the important role these roads play for her community and the ACT's regional community. We are already engaging with her. I am meeting her at Parliament House tonight, and we are already engaging with the new government very well on how we can work together to improve transport outcomes. I will be raising this issue of regional roads.

The new government has made a substantial commitment to upgrade Brindabella Road in the New South Wales section of the electorate of Eden-Monaro. They did that at the election. And we have offered to work collaboratively with the Australian government to explore further opportunities to co-invest in upgrading our end of regional roads—the same roads—to improve safety and provide connectivity and economic benefits for our whole region.

As we continue to make the case to the commonwealth, I call on the Assembly to back our call for fair funding for our regional roads in this motion today. I have seen an amendment that has been circulated by Mr Parton; and, rather than speaking again, I will indicate that the ACT government will not be supporting this amendment. That is because we have already made a decision yesterday in the budget to fund Boboyan Road on the basis of 80:20 funding. We deserve the same fair share of funding as what every other jurisdiction gets for the same roads that go into New South Wales that are classified as regional and attract a higher funding level. To support this amendment would be to take the same approach as former Senator Seselja, which is to accept a diminished level of funding and celebrate it. We simply do not accept that our communities—our regional communities—should have to have less funding for the roads. When we get less funding, it means we do less.

We want to make this argument as strongly as possible to the commonwealth: we will fund Boboyan Road upgrades, but we want to do so on the basis that they will make their fair share of contribution to the upgrades to that road. I am very confident that if

this motion is passed, and we can demonstrate to the commonwealth that we support fair funding based on a regional classification and not an urban classification, we will be able to achieve that. I am looking forward to the discussions ahead.

**MR PARTON** (Brindabella) (11.44): I wish to amend this motion; therefore, I move:

- (3) calls on the ACT Government, should they be unable to secure an 80:20 funding arrangement with the Commonwealth Government within three months, to upgrade Boboyan Road and other rural roads to an acceptable standard.

I have got to wonder what is actually going on here today, because we have got the Transport and City Services Minister moving a motion in this chamber pushing to do something in the roads maintenance space that he has indicated we are already doing, and we should be doing. Even more puzzling is that we have had a change of government federally—as has been noted already in this debate, we now have a federal Labor government—and this motion calls upon us, a Labor-dominated parliament, to push the government up on the hill, or to push the government here, to engage with the government of the same colour on a matter that I would have thought was central to the operations of this government and this minister.

Even more puzzling is that Minister Steel has indicated he has a meeting tonight. He has already got a meeting tonight to do exactly what the call here is, and that is to push the government to go with this 80:20 funding model. So, I can only assume that if this motion is defeated, he will be cancelling that meeting. I do not understand why we are running a motion to call upon the minister to do what he is already doing tonight.

I do not really get it. Why are we debating this? Of course the Liberals are going to support the gist of this motion. How could we not support it? Surely, we will all support it; but, then again, there are six Greens in this chamber, and you never know, as Mr Barr would say, what the Greens are going to do, do you? Maybe this motion will not have their support because it does involve, potentially, redoing a road.

I have never seen a Tesla on Smiths Road. I have never seen one. There is not much active travel that is going on. There is very little active travel that is going on between Tharwa and Adaminaby, and given that most car journeys on these roads are made by massive petrol guzzling and diesel guzzling four-wheel drives, and given that we are facing a climate emergency, I just wonder—maybe the Greens position is to shut down this road and make it a big bike path. Mr Rattenbury is giggling away—it would be a cracker of a ride, wouldn't it! Obviously, there would be some climbing in it.

I have been out on Boboyan Road—I think there are four different pronunciations—on dozens of occasions. I know that at various points it has been accessible only to four-wheel drive vehicles. I have been out talking to the people on Smiths Road. I have had many conversations with the people of Tharwa and the surrounding hinterland. I have spoken to ministers in the previous Morrison government, and I am well aware of the issues here around definitions of roads; and of course we support the change to those definitions, because at the moment it does not make sense. I think it is pretty clear that we do get the raw end of the deal. I just do not understand why it

requires a motion in here to do it. Is this not the sort of thing that we would expect the minister and the government to be doing?

This seems to be one of the first times that the government has given any consideration to those living in the rural and regional areas of the ACT. In the budget that came out yesterday, nearly \$300,000 of funding for Tharwa's firefighting supply went underspent in 2021-22 and was moved to 2022-23. I think we can all agree that Tharwa is somewhere in the ACT that desperately needs such funding and needs that funding now.

I think that gets to the heart of how the government thinks about the people in the ACT's far south. The Boboyan Road Upgrade Project, which is essential for safety for all those who use the road, especially in a fire season, is estimated to cost \$10 million. Under the current funding arrangement, the federal government is committing \$5 million, with the ACT expected to provide the other five. This motion is pretty much telling the people down south in Tharwa that upgrades to these roads that could save their lives during another bushfire season are not worth that money to the government.

We support the motion, but, as foreshadowed by Minister Steel, we would like to add a little something, and as such I move the amendment circulated in my name. In short, the Canberra Liberals support the motion, but we would like to add that if the push to reclassify those roads from a commonwealth perspective is not successful, it is the duty of the government and this minister to provide the necessary upgrades to these rural roads to bring them up to the required standard for the many thousands of people who use them.

Mr Steel has pointed out that there are lines in the budget that are attributed to this work. But I would also point out that there were promises made by this government in 2012 to redo the Canberra Hospital. It is now 2022. There are countless examples of budget funding being allocated to myriad items that have not been fulfilled.

So, in moving the amendment, we want to re-emphasise the importance of the spending on this particular area, because it is important to the safety and the livelihoods of many, many people in the south of the territory.

**MS CLAY** (Ginninderra) (11.50): I will speak briefly. The ACT Greens are happy to support the minister's motion in its original form. I have spoken about roads in here a few times. The Greens are very supportive of maintaining roads. That is really important for road safety and public services.

The Greens are also really supportive of roads connecting people with active travel and recreation, such as the roads that are going to connect people with the trails in the national park. I think that is also really important. I am pleased to see the minister fighting so hard for resources. I think one of the key jobs of any minister is to fight for resources and then to implement and deliver. It is really pleasing to see how much he has taken that on board in transport and infrastructure in particular. It is good to see that progress. It is good to see that with a change of government there are new opportunities and we are following that through.

I think Mr Parton is doing a good job for local constituents, but I think coming up with arbitrary time lines on negotiations is not a great idea, particularly when we have all just been through a very considered budget process. We understand how these decisions are made, and they are not made on the fly, so it would be unfortunate to unpick a rational budget position that has been made.

We are pleased to support this. We are looking forward to having better maintenance as a result, and we are really looking forward to a fair share of commonwealth funding for the ACT.

**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) (11.51): I thank Mr Steel for the motion today, and I advise Mr Parton that the government will not be supporting his amendment. It would hardly give us a bargaining chip or a lever, if you like, in engagement with the commonwealth if the commonwealth knew that an amended motion meant that we were going to fund the upgrade anyway as the local government.

I am pleased that Mr Steel has been able to announce support for maintaining these particular roads. I have been involved in this particular part of our Brindabella electorate for quite some time, and it is great to see the ACT government embracing the opportunity to work proactively with the commonwealth to ensure that the needs of our community are met. The lack of funding for regional roads located in my electorate has been a long-term issue for our community, and I welcome the improvements that can be made.

Some of the particular examples of Boboyan Road and Brindabella Road demonstrate the issue. As you have heard, on the New South Wales side of the border these roads are classified as regional and therefore attract a much greater proportion of funding from the commonwealth; however, the same roads on the ACT side of the border are classified as urban. This approach is unequal, and it has disadvantaged our community for far too long.

I welcome Minister Steel's motion and look forward to further engagement with the commonwealth to ensure that those regional areas of the ACT are not disadvantaged any more.

Amendment negatived.

Question resolved in the affirmative.

## **Family Violence Legislation Amendment Bill 2022**

Debate resumed from 10 February 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.53): The Canberra Liberals agree with most of the changes proposed in this bill. They deal primarily with extending sensible and much needed updates to family violence legislation in the ACT that hope to improve access to justice and minimise trauma for victims involved in court proceedings and ensure that domestic and family violence offenders are held to account.

The Canberra Liberals believe that the first objective for improved access to justice and reducing trauma for victims when involved in court proceedings may well be advanced by the changes proposed. Our concerns lie in the Labor-Greens government's attempts to achieve their second objective, to ensure that domestic and family violence offenders are held to account.

In the development of the bill, the Canberra Liberals have also been concerned by the following: the quality of consultation with the Aboriginal and Torres Strait Islander communities and other culturally diverse communities in the ACT, especially where family preservation and restoration are particularly significant priorities.

In my opinion, there is a lack of evidence-based research showing the effectiveness of an aggravated offence scheme for the prevention or reduction of domestic violence crimes. The objectives of the bill do not include prioritising the prevention or reduction of family violence-related crimes, which is an integral form of resolution to this difficult problem; and there is a severe lack of education or rehabilitation support in prisons, restorative justice practices and community corrections orders. In fact, this was raised by ACTCOSS as a concern in relation to the effectiveness of the bill's implementation. The Canberra Liberals also fear that this lack of support would have a detrimental impact on offenders with longer sentences.

Finally, there also appears to be a lack of rigour around testing, metrics and reviews that are being proposed around the review time frame, and the review requirement for the Attorney-General to provide an update to the Assembly on the impact of the legislation.

I would like to also echo some thoughts passed on to me by the Shadow Minister for Aboriginal and Torres Strait Islander Affairs, Mrs Kikkert. Though she does support the intentions of the bill—that is, to ensure that domestic and family violence offenders are held to account, and to improve access to justice and minimise trauma for victims involved in court proceedings—Mrs Kikkert has stated that we need more than the legislative reform provided for in this bill; we need support and services that will promote successful rehabilitation and reduce recidivism. Mrs Kikkert has received expressions of concern from various community organisations about the effect of increasing maximum penalties when there are limited rehabilitation programs at the Alexander Maconochie Centre. As Shadow Minister for Aboriginal and Torres Strait Islander Affairs, she acknowledges the over-representation of our Aboriginal and Torres Strait Islander communities in the justice system.

While I do support the policy embedded in this bill, as members are aware, some amendments have been circulated in my name to address, in part, the recommendation passed on to the government by the justice and community safety inquiry.



On 14 February this year, the Standing Committee on Justice and Community Safety decided to have an inquiry into this bill and issued its report on 14 April. In the government's response on 2 June, the government said it agreed with recommendation 5, which I quote:

The Committee recommends that in two years from the commencement of the Act, the Attorney-General provide an update to the Assembly on the impact of the legislation.

The government's response, as I said, was to agree with this recommendation but to note that there is a three year statutory review in the bill itself. In particular, I refer to clause 94 of the bill that proposes a new section 156, "Review of the Act". It states:

- (1) The Minister must—
  - (a) review the operation and effectiveness of this Act as soon as practicable after the end of 3 years after this section commences ...

I do note that in spirit the government has agreed to the JACS committee recommendation 5 and states in its response:

... the Government will also provide an update to the Assembly, two years after the legislation commences, focussed on any data readily available from criminal justice system agencies.

The purpose of my amendment is to take this recommendation a little bit further, and for good reasons. There were concerns expressed during the hearing that the minister could not directly answer the question of whether he expected that the sentencing of such offenders, as envisaged by this bill, would be higher. That was not really answered directly at all, so there seemed to be some uncertainty as to the impact in the government's own mind as to what this bill will do. So, rather than wait for three years, given the government's commitment to do an update on available data, let us make it a little bit more thorough and rigorous than that. Rather than have an update in two years and a statutory review in three, let us bring that statutory review forward by one year to two years from the commencement of the act.

I do not think this should be considered by the government as being particularly onerous. They have committed to doing an update, whatever that may mean, so how about, for the reasons I have stated earlier in my speech and also echoed by Mrs Kikkert, the government commit to a statutory review within two years, as opposed to the proposed three years. I am speaking to my amendments, of course, at the same time as giving my response in debate.

My proposal is simply to amend clause 94—and the members have a copy of my proposed amendments—so that the operation and effectiveness of this act must be reviewed by the minister as soon as practical after the end of two years. And there are obviously some subsequent flow-ons with other time periods in that proposed section 156 so that this statutory review must be presented back to the Assembly before the end of three years, rather than four as currently stated, and the section expires in four years rather than five.

The key point is that given the government's commitment to provide an update after two years, let us make it a thorough review and update after two years of the commencement of the Act. I commend my amendments to the Assembly.

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

**Sitting suspended from 12.02 to 2.00 pm.**

**Questions without notice  
Canberra Institute of Technology—board**

**MS LEE:** My question is to the Minister for Skills. Minister, on 1 April 2020 you appointed former Labor Senator Kate Lundy as deputy chair of the CIT board. After that date, CIT engaged a contractor for CEO mentoring services to the value of \$7.2 million, which you described as “seriously damaging” to CIT’s reputation. Despite years of questionable contracting on her watch as deputy, you went ahead with the appointment of Kate Lundy as chair on 1 July this year. Minister, is this an appropriate appointment?

**MR STEEL:** I thank Ms Lee for her question. I have every confidence that Kate Lundy is doing a fantastic job. She only took over the chair role from 1 July this year, and she is doing a range of different things to improve the governance and financial management of CIT since she started in that role.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, can I point out that the minister was on his feet for 15 seconds before the interjections and the commentary started. How about toning all of that down a tad?

**MS LEE:** Minister, you have also appointed a former board member to the deputy position, who was on the board while \$1.5 million worth of contracts were signed with the same CIT contractor. Do you think this is an appropriate appointment for good governance?

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, you are warned. That is enough. You are serially a pest.

*Mr Hanson interjecting—*

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

**MR STEEL:** Ms Natalie Howson has been appointed as deputy chair, and she is a new appointment to the CIT. She is joining the board for the first time. She provides considerable experience to the board, particularly in governance, and in government policy, understanding of financial management and the Financial Management Act.

She will bring considerable experience. Yes, there will be some change on the board, because she is a new member, as well as some continuity, with the former deputy chair having taken over as the chair, to manage CIT's governing board during a particularly challenging time. I have a lot of confidence that they are doing that, with the actions that they have already taken to date.

**MR MILLIGAN:** Minister, when will you take action to address the CIT board's role in \$8.7 million of questionable contracts?

**MR STEEL:** I thank the member for his question. As he well knows, there is an independent investigation underway by the Integrity Commissioner, and also involving the Auditor-General. We look forward to seeing the outcomes of that investigation, and the findings from that investigation. I will not be passing judgement. I will not be having a discussion in this place while that important investigation happens. I will not be interfering in that process while that investigation is happening.

### **Rental properties—minimum energy standards**

**MS LEE:** My question is to the Attorney-General. Attorney-General, last week you flagged changes to minimum energy standards in rental properties, and other changes to residential tenancies. The consultation done on this showed that 59 per cent of landlords would increase the rent and 21 per cent would exit the rental market. Did you give any consideration to that feedback when developing this policy?

**MR RATTENBURY:** Firstly, let me clarify what the government put out for consultation last week. What is proposed in the bill is four particular areas of reform. The one Ms Lee is referring to talks about minimum standards for rental properties, and it creates a regulation-making power for that. The proposal for minimum energy performance standards is a subsequent proposal that the government has been consulting on. The current legislative proposal does not do what Ms Lee has just described. I was disappointed to see the Real Estate Institute of the ACT make a similar observation in their email campaign, where they have unfortunately conflated the two things. We will seek to clarify that with them.

In terms of the legislation that is out for consultation at the moment, it does seek to create that power. In terms of minimum energy performance standards, the government has also undertaken a consultation process on that. We have received considerable feedback. We are currently analysing that feedback and looking at what details we need to put in place to ensure that that standard will work effectively and fairly.

Let's be really clear on what we are trying to achieve here at the moment. There are Canberrans who are living in houses that are not fit for them to live in, in freezing cold Canberra winters, in boiling hot summers, so that is why we believe—and certainly the research shows this—that the most cost-effective way to improve those performance standards, to help tenants have better quality of life and reduce their energy bills, is to look at some sort of minimum energy performance standard. That is what we are currently looking at. I look forward to sharing the details of that proposed scheme with the Assembly when the public service has finished analysing the feedback that we got, and when the cabinet has taken a final decision.

**MS LEE:** Minister, did you or your directorate undertake any economic analysis of the effect it would have on the rental market and, if so, will you table that?

**MR RATTENBURY:** There has been a regulatory impact statement on that, as part of the consultation package.

**MR PARTON:** Minister, how do you think this policy will affect rental affordability? Will it make it more or less affordable to rent in the ACT?

**MR RATTENBURY:** That is a definitional question. What we do know is that right now, with the low vacancy rates, landlords are basically setting their prices to the market. That is, I think, a fair observation—that they are seeking to extract the best possible rent they can. I do not think that is necessarily being shaped by cost-side factors; it is being shaped by demand-side factors. That is a fair observation when you think about the way that market works. In terms of Mr Parton’s question about whether this will make it more or less affordable for tenants, which I think is what he was going to, what we looked at is that for tenants this will reduce their energy bills. That is a very significant component of household costs. If a house is better insulated, the tenants will have not only better quality of life but probably better health outcomes. They will also have reduced energy bills.

We face the problem here, the classic problem, where landlords are not motivated to upgrade their properties, because they do not derive the direct benefits. The reduced energy bills will be to the benefit of the tenants. There is not a precise answer to Mr Parton’s question, but they are certainly the considerations that the government is taking into account.

### **Hospitals—staffing**

**MS CASTLEY:** My question is to the Minister for Health. I refer to the *Canberra Times* article on 31 July, where a nurse said:

Every time I walk down a corridor I'm terrified I'm going to find someone dead in a bed.

Minister, how long have you been aware that patients are left unattended in corridors of the Canberra Hospital?

**MS STEPHEN-SMITH:** I have had a number of conversations with Canberra Health Services about the management of the emergency department and how it is looking. Members in this place would be aware that, in the ACT we do not ramp ambulances outside of our emergency departments, and so you do not see the frontpage splash about the massive amount of ambulance ramping that you see in other jurisdictions. Patients are dropped off inside the emergency department and are supported and monitored inside the emergency department. I have been assured by Canberra Health Services that having in corridors patients who have not already been medically assessed is not that common, but it does sometimes happen that patients are being cared for in corridors.

I am not going to agree with Ms Castley's assertion. I recognise the comments that have been made by the nurse that were reported in the *Canberra Times*, but I am not going to support or agree with Ms Castley's assertion that people in corridors are not being monitored.

**MS CASTLEY:** Minister, have any patients died in the hospital corridors and, if so, how many?

**MS STEPHEN-SMITH:** I think this really speaks to Ms Castley's growing reputation as the 'member for fearmongering'. This is an absolutely outrageous thing to ask in this place—to make that assertion with no evidence whatsoever.

**Ms Castley:** Madam Speaker, I wish to raise a point of order. There was no assertion; I asked if any patients had died and, if so, how many. It was just a clarifying question.

**MADAM SPEAKER:** I am going to let the minister continue with her response.

**MS STEPHEN-SMITH:** The insinuation in that question is absolutely reprehensible.

**Ms Castley:** What insinuation?

**MS STEPHEN-SMITH:** It goes to Ms Castley's fearmongering approach to this portfolio.

**Mr Hanson:** Madam Speaker, I raise a point of order on relevance. It is a pretty straightforward question. There is no assertion being made. It is a direct quote from a nurse who said that she is afraid of "finding someone dead in a bed". It is a very reasonable question, and the minister should answer it: how many patients have died in a hospital corridor? It is a straightforward question. Rather, what she is doing is attacking the member who asked the question. It is a reasonable question to ask.

**MADAM SPEAKER:** The minister is in order. It is a supplementary question also around ramping and patients in corridors, and the minister—

**Ms Castley:** No-one said anything about ramping.

**MADAM SPEAKER:** There was not a question on ramping. I accept that, but it was included in the response.

**Mr Hanson:** Madam Speaker, on relevance: she is not actually answering the question; she is spending her time attacking the shadow minister.

**MADAM SPEAKER:** She has 30-odd seconds left and half of her time has been used in points or order.

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. I have been assured by Canberra Health Services that that is not the case. But I will take the question on notice in order to get further information for Ms Castley about how patients are managed in corridors.

**MR COCKS:** Minister, how do you expect to attract and retain your workforce when nurses are terrified that they will find patients dead in corridors?

**MS STEPHEN-SMITH:** I thank Mr Cocks for the supplementary question. I feel very honoured to have received his first question in his time in this place, though I hope he comes up with better questions in the future.

This is a key question that was addressed at the wellbeing symposium that was hosted by Canberra Health Services Monday afternoon and evening. I listened to almost the whole of the symposium—multi-tasking of course—and there was a real conversation around how you talk about the distress that our healthcare workers are experiencing. On the one hand, we absolutely need to recognise the distress that people are experiencing with the level of short-staffing and the concerns that they are expressing. On the other hand, if you ramp it up and you keep talking about it and you keep telling people how terrible it is, it is actually not good for them. It is not good for the culture to do that.

This is a really difficult balance, and it is a conversation that we have often. I have regularly been on radio and been in this place recognising the distress that our staff have experienced and the very high workload that they have been under—as has every health workforce, every hospital and every healthcare system across the country. But using the type of terminology that Ms Castley regularly uses, and Mr Cocks used in his question, about nurses regularly being terrified is not actually helpful.

**Mr Hanson:** Madam Speaker, I raise a point of order. The minister is having a debate about what sort of language the opposition should use. That is hardly relevant to the debate. All of the language that the opposition has used is a direct quote from a nurse that has been in the media. It is not made-up stuff. I would ask that the minister be relevant to the supplementary question.

**MADAM SPEAKER:** Mr Hanson, she is being relevant.

**Mr Hanson:** No; debate on the opposition's style of asking a question—

**MADAM SPEAKER:** The question was around how to recruit and retain, and she has referenced the symposium on the issue of staff support—and the time has expired.

### **Canberra Hospital—Fetal Medicine Unit accreditation**

**MS CASTLEY:** My question is to the Minister for Health. Minister, we have received representations regarding the status of the Fetal Medicine Unit at Canberra Hospital. Those reports have indicated that the Fetal Medicine Unit has not currently passed its accreditation for training, and that medical staff are leaving because they cannot complete accredited training in Canberra. Minister, will you provide the Assembly with confirmation of the current status of accreditation for training at the Fetal Medicine Unit in the Canberra Hospital?

**MS STEPHEN-SMITH:** Thank you Madam Speaker. I will take that question on notice and I will try to get the information before the end of question time.

**MS CASTLEY:** Thank you Madam Speaker. Minister, can you confirm whether any staff either have left, or will be leaving soon, due to the training accreditation issues?

**MS STEPHEN-SMITH:** Again Madam Speaker, I will take the question on notice and try to get back by the end of question time.

**MR COCKS:** Minister, are there any other units that have had difficulty with training accreditation?

**MS STEPHEN-SMITH:** Thank you Madam Speaker. Again, I will take the question on notice.

### **Budget—ACT population**

**MR PETTERSSON:** My question is for the Chief Minister and Treasurer. Chief Minister, what does the recent ABS population data mean for the ACT government's capacity to fund more services and infrastructure through the budget?

**MR BARR:** I thank Mr Pettersson for the question. It is an important boost and, indeed, recognition of a lived experience in our city over the last decade—we have been the fastest growing state or territory in the nation. The ABS rebased the size of the ACT population when they took the 2021 census and found that there were 22,000 more people than they had projected. That is about a five per cent increase in the territory's population. That had not been accounted for in the Federal Financial Relations system, so the impact over the last several years has been that the ACT has missed out on a greater share of our single largest revenue source. We have not been receiving our fair share of national funding. That now changes, and the actual ACT population will be reflected in the distribution of the GST into the future.

I have met with the ABS and their minister, Andrew Leigh, and offered ACT government assistance by way of our datasets to verify what I understand will be work on a changed methodology for the ABS in calculating population between the five-yearly census. We want to see that methodology change put in place because it does directly impact on revenues available to the territory government to deliver the services our growing population needs.

**MR PETTERSSON:** Chief Minister, how does this more accurate rebasing of our population affect our future planning.

**MR BARR:** As we have grown from 370,000 to 455,000 people over the last decade, we have obviously experienced some growing pains. It reinforces the need for the data to be more accurate that will inform our share of national revenue. The GST is one element, but it also includes national partnership agreements that are population based—housing and homelessness, and skills, are a couple of examples in that category.

What the government is planning for is an increase in the city's housing stock from around 180,000 dwellings to 210,000 dwellings over the next five years. That population growth will obviously need and demand more housing but, of course, also broadens the territory's revenue base. More rate paying households contribute to more revenue together with the GST and the other sources of funds. This provides a stronger resource base and a more diverse resource base to meet the service demands of that increased population.

We also need to continue our focus on infrastructure investment. We need to continue to invest in apprenticeships, traineeships and vocational education. We need to continue to invest in public education. That is why we are undertaking a very ambitious program of both school and TAFE infrastructure investment.

**MS ORR:** Chief Minister, what would cuts to this important service funding mean for such a rapidly growing population?

**MR BARR:** At a time when our population is rapidly growing, and when there is demand for more services and a need to invest in infrastructure, it is quite extraordinary that the alternative government is proposing a series of budget cuts and a reduction and scrapping of a range of important infrastructure projects. They are seeking to advance that agenda through a commission of audit—like Campbell Newman, like Joe Hockey and Tony Abbott. What the Opposition Leader owes to the Canberra Community is to outline what their alternative budget is.

*Opposition members interjecting—*

**MR BARR:** You cannot come into this place and argue that we have a budget deficit and debt is too high and then not outline how you would propose to address that—by reducing expenditure and cutting programs and projects.

What we saw yesterday was an attempt by the Liberal Party to outsource their policymaking to an independent auditor. What they need to do is the hard work and identify the areas they wish to cut—because that is the Liberal Party playbook.

*Ms Lee interjecting—*

**MR BARR:** If you are concerned about debt and deficit, Leader of the Opposition, it is on you now—in your speech tomorrow—to outline what you will cut.

*Ms Lee interjecting—*

**MADAM SPEAKER:** Ms Lee!

**MR BARR:** What will you cut, Ms Lee? That is the question that Canberran's want to know and the question that will be asked of you every day you remain Leader of the Opposition and Shadow Treasurer. What do you want to cut? Which programs and which infrastructure projects, and why do you want to cut when our population is growing rapidly?

*Opposition members interjecting—*



**MR BARR:** Why do you want to do that? The Opposition Leader must front up to the people of Canberra in her speech tomorrow.

*Ms Lee interjecting—*

**MADAM SPEAKER:** Ms Lee, you are warned!

### **Budget—community legal centres**

**MR DAVIS:** My question is to the Attorney-General. Attorney, I was pleased to see a substantial increase in long-term funding for Canberra's not-for-profit legal community in the 2022-23 budget. How, specifically, will this funding be used; and, directly, how will this new funding help some of Canberra's most marginalised and vulnerable residents?

**MR RATTENBURY:** I am particularly pleased that we have been able to support Canberra's very important community legal centres in this budget. As Mr Davis touched on in his question, one of the important features of this funding is the securing of long-term funding. Historically, we have seen year-to-year funding for these centres. Through this budget, we have been able to provide three-year funding. It is very important because the staff who work in the community legal centres now get some improved security in terms of knowing that funding will continue for the positions in which they operate.

These services perform incredibly important work in our community in supporting some of the most vulnerable Canberrans. There is funding in this budget for Canberra Community Law. In particular, there is funding over two years to the Aboriginal Legal Service of New South Wales and the ACT to establish a new, dedicated care and protection legal advocacy service to provide culturally appropriate legal and advocacy services for Aboriginal and Torres Strait Islander people in the ACT's care and protection system.

I have worked with Minister Stephen-Smith on this because this is a recommendation that came from the *Our Booris, Our Way* review to assist families to understand their rights and child protection processes. The clear feedback has been that the system can be intimidating. We need to support families so that they can engage in an informed and secure way, to reduce trauma and help to keep families together.

This is the sort of really important investment that sits in this budget, and it follows through from recommendations from key people in our community who thought very carefully about this work and undertook a really important review. I was pleased to work with Minister Stephen-Smith to fund this recommendation and continue the important implementation work that has arisen from the *Our Booris, Our Way* report.

**MR DAVIS:** Minister, what are you doing to ensure that these community legal centres are secure and sustainable into the long term?

**MR RATTENBURY:** The first part of that question goes to providing multiyear funding—being clear that, for these centres, we will fund them over a number of budget years; they can then have that security to think about investment, staff training,

infrastructure and all of these very important things that perhaps are common in other workplaces but tend not to be as common in some of the community sector organisations, just because of the nature of their funding.

The other area where I do have some hope is that, with the change of federal government, we will see these services more highly valued by our new federal government, who are also funding partners for these community legal centres. Last year we saw some increase around funding for women's legal centres from the previous government; I think that was very welcome. But, generally, this has not been highly valued by the previous federal government.

The combination of more secure ACT government funding and a change in federal government can give those organisations some real confidence going forward. Certainly, when the attorneys-general meet in the near future, I will be continuing to raise the importance of the community legal centres.

**MR BRADDOCK:** Minister, can you also please explain about the new care and protection law and advocacy services for Aboriginal and Torres Strait Islander people?

**MR RATTENBURY:** As I spoke about before, the government has provided \$743,000 over two years to fund this care and protection advice service for Aboriginal and Torres Strait Islander communities, following on from that recommendation in *Our Booris, Our Way*. The government is also providing \$470,000 over three years to the Aboriginal Legal Service of New South Wales and ACT to continue the trial advocate position, which provides legal assistance to Aboriginal and Torres Strait Islander Canberrans. Through these couple of particular measures, we have supported what is commonly known as ALS to ensure that Aboriginal and Torres Strait Islander people interacting with the justice system have better support.

In this budget we saw a series of measures designed to reduce the over-representation of Aboriginal and Torres Strait Islander people in our justice system. We know it is no secret, and it is something we must work on with greater vigilance, that Aboriginal and Torres Strait Islander people are over-represented in the justice system; most commonly in the criminal justice system, but also in some of the other spaces—particularly, again, in care and protection.

I am proud of the fact that in this budget the government has put our money where our mouth is. We have invested in these areas, and we are working hard to reduce that over-representation in a number of different areas in the justice system.

### **Budget—Women's Budget Statement 2022-23**

**MS LAWDER:** My question is to the Minister for Women. Minister, I refer to the Women's Budget Statement released yesterday. Minister, exactly how many of these statements will you preside over before you release a proper Women's Budget Statement that analyses how each budget initiative impacts Canberra women?

**MS BERRY:** As members will know, the ACT government is working on ensuring that there is an appropriate gender lens cast over our budgets. This is new—a gender

lens over a budget is a relatively new thing in Australia. A lot of countries have provided examples that the government can consider implementing here in the ACT. I am looking forward to working with the federal Minister for Women, as they proceed with applying a gender lens to their budgets into the future, so that we are not needing to reinvent the wheel. An appropriate budget statement that is used federally can also be one that the ACT can utilise, leading on from some of the examples that might be possible for use here in the ACT, and of course working very closely with the women's services sector in the ACT to make sure that we get an appropriate process in place that meets the needs of our community.

**MS LAWDER:** How can we get that information on how the initiatives in the budget will affect women differently, as we would see in a proper Women's Budget Statement, such as the one used in Canada on gender diversity and equality?

**MS BERRY:** I am pleased that the women in this place are keen to ensure that we do have an appropriate gender lens process across our budget here in the ACT. I think members will agree that in my time as Minister for Women in this place that process has evolved and that Women's Budget Statements have grown and are continuing to grow and better inform our community about the impact for women across the ACT.

In the Office for Women, and through our work with Treasury considering the process in Canada, the UK and New Zealand, we have to consider a process that is appropriate for our community here in the ACT. Once we have completed that work and we are able to put something in place that is suitable for us, using those examples that Ms Lawder has identified in Canada, then we can start working on that process here in the ACT. As I said, it is relatively new to have the gender lens across a budget, so we want to make sure that it meets the needs of our community and is appropriate for the ACT.

**MS CASTLEY:** Minister, why won't you move the women's portfolio into the CMTEDD directorate so that this sort of proper analysis can be executed?

**MADAM SPEAKER:** Mr Barr, you will respond to that?

**MR BARR:** I will, thank you. The administrative arrangements within government are a matter under my responsibility. There are often calls for various areas of government to be moved into the Chief Minister's directorate. If I said yes to every single one, there would almost be no other directorates.

*Ms Lee interjecting—*

**MR BARR:** The joke from the Leader of the Opposition is that it is already too big, yet her colleague is calling for more to be added to the Chief Minister's directorate.

**Ms Lee:** Don't verbal me!

**MADAM SPEAKER:** Ms Lee, I remind you that you have been warned.

**MR BARR:** I think that says it all.

**Ms Lee:** Madam Speaker, a point of order: the Chief Minister is misrepresenting me and I ask him to withdraw.

**MADAM SPEAKER:** If you didn't interject, there would be no confusion. There is no point of order. Mr Barr.

**MR BARR:** Thank you, Madam Speaker, but I will take the question Ms Castley asked as a genuine question. We do examine the administrative arrangements from time to time, but not every area of government can be brought into the central department. In light of the theme of the questions, which largely relate to budgeting and Treasury, as distinct from the Chief Minister's directorate, the way the Chief Minister, Treasury and Economic Development Directorate works is as three distinct streams. If the issue is in relation to budget reporting and the wellbeing indicators, and applying a gender lens through that work, then in fact most of that policy work occurs in Treasury. The Chief Minister's area does assist, from a policy perspective, but in terms of the budget papers that is largely work undertaken in Treasury. At this point, I am not proposing to change the administrative arrangements, but I don't rule out doing so in the future. This is one of a number of areas that have been raised with me in that regard. *(Time expired.)*

### **Budget—infrastructure**

**MS ORR:** My question is to the Chief Minister and Treasurer. Chief Minister, in the budget you announced funding for an infrastructure plan refresh. What is the purpose of this work and what does the government aim to achieve?

**MR BARR:** I thank Ms Orr for the question. Representing the Yerrabi electorate, she is certainly aware of the very big infrastructure program that has occurred in Yerrabi and what will be needed as the population continues to grow.

The history here is that the government released a 10-year infrastructure plan in 2019. It was a comprehensive plan spanning the decade, from that time forward through this decade, detailing around \$14 billion worth of key infrastructure investments across every possible asset type that the ACT government would be responsible for delivering. It includes new schools in suburbs, the expansion of the Canberra Hospital and renewal of existing infrastructure, as it is not just what you build new but also a program of infrastructure renewal and improvement.

The plan provides a framework for how the government will renew established infrastructure to cater for Canberra with 500,000 people. That is now only a matter of years away, when a lot of previous demographic projections suggested it would not happen until the mid-2030s. But so popular is our city, and such a wonderful place to live, that we are going to get to 500,000 people this decade, and possibly as soon as the next four or five years. That is why we had in the budget yesterday a \$7 billion infrastructure plan over the next five years. It is a sequenced program with small-, medium- and large-scale projects, building the infrastructure that the growing city needs and supporting jobs.

What we are also doing now, though—and I highlighted this in the budget papers and in my speech yesterday—is looking at a mid-term refresh of that infrastructure plan.

It is essential given the population growth and it is essential given the change of federal government and the potential to get an outcome on a range of projects that have been stalled. *(Time expired.)*

**MS ORR:** Chief Minister, what does this mean for existing infrastructure projects?

**MR BARR:** What I want to be clear about is that, unlike some calls that we have received from other political parties in this place and indeed in the media around the need to be very, very worried about debt and all these zeros and trying to create fear in the community around the government borrowing for infrastructure, which has largely been the response to the budget to date from the opposition leader, what we are saying is that we are committed to these projects. We are not going to down tools on the projects that are underway. For any infrastructure plan refresh—

*Ms Lee interjecting—*

**MR BARR:** For any infrastructure plan refresh, we will have a look at what should populate the infrastructure pipeline in the second half of this decade. But we are committed, and the projects are funded. They are projects that are contributing to the increase in net debt. The question has been asked: why has net debt increased? Well, it is funding our infrastructure program, because it is building assets that Canberrans will enjoy for decades to come. Just as we borrow for our housing and we do not save up the total cost of our house and then not buy something until we have saved every single dollar, we do need to borrow in order to invest in long-lived infrastructure that will be shared by generations of Canberrans. So, to the intergenerational argument that is put forward of, “Oh, the debt that our children will have,” they will have assets. The territory’s net worth has increased because the debt is delivering an asset.

**Ms Lee:** You literally said ‘intergenerational equity’ in your inaugural speech.

**MR BARR:** The debt is delivering an asset that—

**Mr Gentleman:** Madam Speaker, I raise a point of order. Madam Speaker, you have warned the Leader of the Opposition. She has interjected twice again during this answer from the Chief Minister, and I would ask that she be expelled from the chamber.

**MADAM SPEAKER:** I am not going to take that step, and there were other voices, including Mr Parton’s. I know we are not a church and we do not have to remain silent, as in a church or a library, but the interjections are serial and should be toned down.

**DR PATERSON:** Chief Minister, what would cuts to the ACT’s infrastructure pipeline mean for the growing Canberra community?

**MR BARR:** As I was saying before the interjections, the borrowing that we are undertaking is financing these infrastructure projects. The only way to address the concerns that have been expressed about government borrowing for infrastructure is to not go ahead with those infrastructure projects. One way of reducing net debt would be to cancel all future infrastructure spending. That would be a policy option.

If you are very, very concerned about debt, and that is your No. 1 priority, then that is a policy direction that can be pursued. It is open to the Leader of the Opposition in her address in reply tomorrow to outline a net debt reduction path, and one way to achieve it—I will offer this policy advice—is to say, “No new infrastructure.” But I do not think that is the position that the Leader of the Opposition will pursue.

I put the challenge out today that it is open to the Leader of the Opposition in her address in reply to identify any project across the territory’s forward infrastructure spend that is financed by our borrowings that she would not go ahead with. What would you not go ahead with, Ms Lee? That is the opportunity that is there for you. If you are concerned about debt, and apparently it is something that requires you to hyperventilate on the television news.

**Ms Lee:** Hyperventilate on the television news!

**MADAM SPEAKER:** Members, enough!

**MR BARR:** I am comfortable that the government can borrow for infrastructure, as I have explained in my response to the earlier question. I am comfortable with that, because I think it is important to invest in the infrastructure that this growing community needs. Yes, government will need to borrow to do so, but we borrowed prudently at low interest rates. We borrowed when interest rates were the lowest in the history of the Federation, and it is locked in at that low interest rate for a decade. *(Time expired.)*

### **Budget—environment**

**MS CLAY:** My question is to the Minister for the Environment. Minister, I am really pleased to see we have a lot of policies and programs to support our environment, like the \$10 million to support nature conservation and long term funding for our volunteer groups looking after the land and the wildlife. But the latest *State of the Environment Report* shows we are in a critical way. Minister, have you increased funding for our environment in this budget?

**MS VASSAROTTI:** Thank you Madam Speaker. Thank you Ms Clay for the question.

I think anyone who read the *State of the Environment Report*, finally released a couple of weeks ago, has been very sobered by it. While it does reflect some of the findings of the *ACT 2019 Report*, it is still very stark and very concerning. Certainly, it has made me more determined than ever to make sure this government is doing more. I am really pleased to say, as Minister for the Environment, we are doing more.

In comparison to health and education, the spend on environment is pretty small. It is a pretty small piece of the budget pie. I am happy to state that the slice for the environment under my new portfolio has increased since I have become Minister.

So, when we look at the EPSDD budget, the investment into environment in this area has increased from nine per cent in 2019-20 to 15 per cent in 2022-23. If we look beyond my own patch of the environment, at the investment into water, parks and

conservation, we certainly see this government and the budget priorities have more than a tinge of green in them, with investment growing from 36 per cent in 2019-20 to 49 per cent in 2022-23.

Ms Clay correctly mentioned that in last year's budget I delivered long term funding for our catchment management groups, Landcare, ParkCare, frogcare, and ACT Wildlife.

I was really pleased to also provide a significant boost of the amount of funding for environmental grants, increasing their total value by one third. The first funding increase for 15 years. Last year's budget also saw an additional \$3 million over four years for invasive species management. One of the biggest threats—

**MADAM SPEAKER:** Time has expired Ms Vassarotti. Do you have a supplementary Ms Clay?

**MS CLAY:** Minister, what tools are we missing to make sure we are making systemic decisions to protect our environment?

**MS VASSAROTTI:** Thank you very much for the question. I think it is a really important one when we look at environment. Quite often when we think about environment, we are really focused on looking at a specific threatened species or specific piece of threatened or remanent grasslands, so it is really important that we do take a systemic approach.

One of the key tools I am really pleased to oversee the development of as Minister, is the mapping of connectivity of our natural eco-systems and critical habitat across the ACT. This mapping is a vital tool to inform land-use decisions in the future and to make sure that it is integrated into the new planning system. It is going to show us not only what we have and what we must protect. It will also show where the gaps are and what we need to do to ensure that our natural environment is connected and the plants and animals can flourish in their natural ranges. This mapping has informed the identification of the 20 sites we will now look to restore and celebrate across the city that was part of the budget announcement yesterday.

Another key tool is obviously the power of citizen science. We are deeply blessed with many people who have the passion and knowledge to help the government to identify key habitat and the location of our wildlife and important plants. In this budget, we are investing in an enhancement of the Canberra nature map so that we can better harness the power and the value of citizen science observations into our understanding of where our most important natural areas are.

**MR DAVIS:** Thank you Madam Speaker. Minister, what work do you believe the government must do next to ensure that all of our budget decisions and all of our policy decisions take into account the protection of our environment?

**MS VASSAROTTI:** Thank you very much for the question. As the Chief Minister mentioned in answer to a question earlier today, I think the wellbeing framework is an important new tool. While it is new, it is showing it has promise to better inform our budget decisions. The Greens have long championed the concept of a wellbeing

budget approach. We are already seeing this new framework strengthening government decision making; assuring we are assessing and delivering against the areas of wellbeing and measuring our progress.

One of the important things within the environment is we know that it has benefits not just for the natural environment but also for our own wellbeing as well. Tools like the wellbeing framework are ensuring that we are capturing the benefits of our budget decisions, in terms of our own personal wellbeing, the health of the environment, and also our community wellbeing.

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

**MR CAIN:** My question is to the Attorney-General. In the 2019-20 ACT budget, the government promised a \$35 million injection for the Alexander Maconochie Reintegration Centre, as a centrepiece of the justice reinvestment program. Yet, in yesterday's budget there was no mention of it. Why have you abandoned the reintegration centre?

**MADAM SPEAKER:** I think that question goes to Mr Gentleman as Minister for Corrections.

**MR GENTLEMAN:** Yes, that's right, thank you Madam Speaker. Thank you, Mr Cain, for the question. Of course we continue to work on reintegration programs within the AMC, so those funds will continue to work through as we go forward and provide those supports for those people who are leaving AMC that want to move into those integration models—the TRC, for example—and assist them as they go back into the community.

**MR CAIN:** Minister, have you then abandoned the reintegration centre as a part of the justice reinvestment program, and where, in particular, is this \$35 million going?

**MR GENTLEMAN:** No, we have not abandoned it at all. We are certainly working through—

**Mr Cain:** Then why wasn't it in the budget?

**MR GENTLEMAN:** It was funded in the budget a couple of years ago.

**MR HANSON:** Minister, when will the reintegration centre be completed?

**MR GENTLEMAN:** I thank Mr Hanson for the question. We have been working on the reintegration centre. We note that the program itself has been underused the last couple of years, but we want to make sure that it is available. There are 20 spots in the TRC, and I have mentioned that the integration program itself does not have a limit on participants. The centre itself will continue to be worked on until it is complete.

### **Public housing—waiting list**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, there are currently 3,060 applications for public housing as of 4 July 2022,



with the average wait times across all categories averaging 1,045 days, which is almost three years to be placed. The \$30 million budget announcement is for delivery of an additional 400 public housing dwellings by 2025. Minister, what do you say to the over 2½ thousand applicants who will not receive a home until after 2025?

**MS BERRY:** I will take this question, although, for clarification, Minister Vassarotti is the Minister for Homelessness and Housing Services, so her responsibility is with the allocation of housing for people who have applied. However, my responsibilities are with the building and the infrastructure, on which I will focus my response to Mr Parton today.

I think we are all concerned about the place we are in regarding housing provision in this country, including here in the ACT. But we have not ever stepped back from our responsibility for people in the ACT. It is the reason why I am here. I grew up in public housing; Mr Parton is passionate about it as well. I think he grew up in public housing, as well as the Chief Minister. We all want to make sure that everybody in our community has the same chance and opportunities in life, and the chance to broaden their horizons.

We are in a particularly challenging place at the moment in this country. We have a perfect storm, if you like, with regard to housing affordability, and it is particularly affecting those people in our community that can least afford it, who are on no or low incomes. But I remind members in this place that the last time that the Canberra Liberals were in government over a thousand properties were sold off in the ACT. So there would be a thousand less in the situation that we are in now. There would be even less if the properties had not been built that I continued to make sure were built, on land that the Canberra Liberals opposed for housing to be built on.

I can assure members of the community that the Labor Party will be steadfast in its approach to delivering public housing across the ACT. It is something that I know Mr Parton is also very keen to ensure. I have been able to work on this and advise him of our progress in that place, and I will continue to do that if he is interested. *(Time expired.)*

**MR PARTON:** Minister, do we have more or less public housing dwellings today than we did in August 2021?

**MS BERRY:** Mr Parton will know, and members in this place will know—and I have responded to this question yesterday and in other places—that, as we move through this housing renewal and growth program, there will be changes in housing supply as we replace houses, as people are moved into new houses, and indeed as we deal with protests regarding housing being built across the community. So yes—

**Mr Parton:** On a point of order, Madam Speaker, the question is very specific, in terms of whether we have more or less public housing dwellings today than we did in August 2021. I would ask the minister to be relevant to the question.

**MADAM SPEAKER:** I understand that, as you were standing, the minister actually made reference to and determined the answer to that.

**MS BERRY:** There will be changes in the supply and provision of public housing as we move through this program. Yes, at the moment there will be less public housing available. However, that number will grow, with our commitment to deliver 400, and with the potential of another 600 to be provided by the federal government, if they provide 600 on a per capita basis to the ACT, under their 30,000 additional social and public housing provision, which they have promised. That was never, ever committed to under the previous government. We did not even have a national housing plan.

I am very pleased that we will have a national housing plan. We have a Prime Minister who is committed to having skin in the game and playing their role as part of the supply of public housing across the country, because the ACT government has been doing the heavy lifting in this place for a number of years, and we will continue to do that. We will continue to do that because we are absolutely committed to making sure that people have the same chance as the rest of us to broaden their horizons and have a happy life that comes from having a decent roof over their heads.

**MS LEE:** Minister, when will your government provide enough homes for people on the waiting list?

**MS BERRY:** We will certainly be providing more than the Canberra Liberals ever did. Our commitment has been clear; it is our intention to supply public housing across the ACT—social housing, community housing and affordable rentals. That has been very clear in the announcements that the ACT government has made this week. Combined with the efforts of the federal Labor government, and under the new Labor Prime Minister, Anthony Albanese, we will be able to make an impact across the ACT, and indeed across the country, with an additional 400 houses—

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

**MADAM SPEAKER:** Resume your seat. A point of order, Ms Lee?

**Ms Lee:** The question was pretty straightforward and very clear: when will the government provide enough housing? Can I ask that you ask the minister to be direct?

**MADAM SPEAKER:** She has been direct to the answer, as much as she can be.

**MS BERRY:** We have committed to, and we will deliver, more public housing in the ACT. We will grow and renew our housing, ensuring that people who do live in public housing live in housing that better suits their needs, that is sustainable now and well into the future.

### **Eating disorders residential centre—update**

**MR BRADDOCK:** My question is to the Minister for Mental Health. Minister, can you please provide an update on work done to date on establishing a eating disorders residential clinic here in the ACT?

**MS DAVIDSON:** I thank the member for the question. I can provide an update. As I have previously talked about, a model of care for the eating disorders residential centre was endorsed in March 2021. A preferred site in Coombs was announced in

November 2021 and we have now started on the early due diligence for that block. We have done a concept design for what the eating disorders residential centre might look like on that block. The detailed design will be the next step, as we continue to go through the due diligence process.

The consultations for this have been really good. They have involved people with lived experience, to better understand how this might fit into other services that we have for eating disorders in the ACT. I recently went up to Queensland to visit the only other centre like this in Australia that already exists, so that we could better understand what their experience has been in establishing their eating disorders residential centre. I was really impressed by the non-clinical feel that their centre has and the amount of peer support and the group programs that they are running, which are really very helpful. We had the opportunity to listen to people with lived experience who were going through treatment, and they really emphasised how important all of that is.

The outdoor spaces around their building are also very important, as part of the model of care and the programs that they are running there. The site that we are looking at in Coombs, being a site that is facing onto the river and bushland, really looks like it will be very helpful for people in their treatment. The integration with other eating disorder services that is happening on the Queensland site is also really important and something that I would like to see us do well in Canberra.

**MR BRADDOCK:** Minister, what is next in the delivery of the eating disorders residential centre site?

**MS DAVIDSON:** The next steps for this: we have done the concept design and we will be working on the detailed design, again consulting with people with lived experience, as well as clinical experts, making sure that it really does have that non-clinical feel that we want this residential centre to have.

It is also really important that we look at how this integrates with the other eating disorder services we have in the ACT. We have an early intervention service for eating disorders that will be going to tender soon, thanks to some increased funding that we received in the bilateral agreement with the commonwealth in March of this year.

A clinical hub was launched on 25 January this year that really helps us with intake triage and referring people to the right services for where they are on their mental health journey. We have a number of services in the ACT. It depends on whether you are at an early intervention stage, whether you need an inpatient stay or whether you need some additional support through things like parenting groups. There is also the outpatient eating disorder program that continues to be available to people in the ACT. We want to make sure that all those elements fit together well so that there is a service for everyone, no matter where they are at on their journey.

**MR COCKS:** Minister, can you please confirm the date of completion for the eating disorder residential facility and whether it has been delayed once again?

**MS DAVIDSON:** The plan for exactly how long it will take to build the eating disorder residential centre will be determined in the process of going through that detailed design stage and going out to tender, which has not been completed yet. We are on track to deliver that piece of work within the original time line that was agreed with the commonwealth. I look forward to that service being open when that work is completed.

A number of construction projects have experienced delays as a result of supply issues during the pandemic. What we are building here is a residential centre that is non-clinical. We are not building an entirely new hospital; we are building something that is a little bit like the step up, step down centres, which we delivered one of last year, again during that period of the pandemic. I am not expecting any major delays.

### **Tharwa—potable water**

**MR MILLIGAN:** My question is to the Minister for Planning. Minister, yesterday you said that the people of Tharwa would need to continue to live without potable or piped water because they are in a rural village. Tharwa residents pay over \$2,000 in rates to the ACT government, equivalent to Banks, Dunlop, Jacka and Uriarra Village; yet yesterday in the budget the government promised the people of Uriarra Village piped potable water. They are approximately seven kilometres from the Cotter pumping station and 20 kilometres from the nearest Canberra suburb, but they pay the same rates. Minister, why not pipe water, for fire and water security, to Tharwa, which is only five kilometres from Banks?

**MR GENTLEMAN:** I thank Mr Milligan for the question. When I answered the question yesterday, I went into some detail about the location of Tharwa as a village and its history of using water from rainfall. I did not mention at the time, but I should have, that it has also continuously been using water from the Murrumbidgee River—pumping up to its supply system for the town. The work that was done back in 2020 by the Standing Committee on Environment and Transport and City Services in its inquiry into the water supply for the Tharwa community, in advising the government response, talked about the emergency response, which was what they were mostly concerned about, that is water to fight fires. My advice to this time is that there is sufficient water and sufficient appliances from Fire and Rescue and the Rural Fire Service. In fact, there is a fire shed at Tharwa that is well supported.

With regard to potable water, that would have to be a government decision. It has been discussed before—with former Minister Hargreaves—and my understanding is that at the time the cost to transport potable water for the small number of people who lived at the village would be quite expensive. So there was no decision to provide that at that time.

**MR MILLIGAN:** Minister, why are Tharwa residents, who pay the same rates as many other suburbs in the ACT, including Uriarra Village, not entitled to piped water?

**MR GENTLEMAN:** I think I have been through the history of it. There has been no decision from government to supply potable water to that rural village. I do not know whether the government would consider revisiting that, but we would be happy to

learn—as we have from discussions with Tharwa residents—what their needs are. They were very comfortable at the time to receive the support that was being provided by the government, particularly in the construction of new tanks to support firefighting and water supplies for the village.

**MS LAWDER:** Minister, why can't you allow piped water to Tharwa, as you have for Uriarra Village, for firefighting purposes—especially during a drought where it may be harder to pump water from the river—as well as providing other potable water for the village at Tharwa?

**MR GENTLEMAN:** I have gone through the detail of the needs of the village, particularly in relation to firefighting, and commented that the services provided to the village are quite sufficient at the moment. In fact, the village itself commented on the support from the ACT government for firefighting services for the village. So we have not revisited the question on whether potable water is required.

### **Budget—health**

**DR PATERSON:** Thank you Madam Speaker. My question is to the Minister for Health. Minister, how is the 2022-23 ACT budget supporting the health workforce now and into the future?

**MS STEPHEN-SMITH:** Thank you Madam Speaker, and I thank Dr Paterson for her question. I again recognise that the past two and a half, or really three years, have been incredibly tough. This is one of the reasons why the 2022-23 budget has a significant focus on our health workforce in the ACT.

Through this budget Madam Speaker, we are delivering on our commitment to recruit 400 more health professionals ahead of schedule. We know reducing pressure on our front-line workforce with more people will lighten the load. More nurses, more midwives, more doctors, more allied health professionals, and more support staff.

In this budget we are making a very significant investment, particularly in the allied health workforce. More than \$16 million to massively expand the allied health workforce of Canberra Health Services. Importantly, Madam Speaker, this will support our multi-disciplinary teams and deliver better outcomes for our community. It is about thinking holistically and looking at what we can do to take pressure off.

The 2022-23 budget includes investment in system-wide workforce planning as well. This is part of a package of initiatives to address workforce planning now, and to ensure our health workforce is sustainable into the future. This builds on the dedicated maternity workforce plan that is part of a \$12 million investment in maternity.

The ACT government is also investing more than \$7 million to embed a safer culture, focus on wellbeing, and support our dedicated nurses and midwives. We are expanding occupational violence resources across the hospitals. We are tripling our investment in the *Nurses and Midwives: towards a safer culture strategy*, developed with the union, and continues the partnership with the ANMF.

Through this budget we are investing across the system to support the health workforce in delivering key initiatives such as the digital health record, to support their training. We are also modernising rostering systems at Canberra Health Services to support their experience.

**DR PATERSON:** Minister, how has the government delivered on its commitment to invest in an additional 400 health professionals in this parliamentary term?

**MS STEPHEN-SMITH:** Thank you Madam Speaker, and I thank Dr Paterson for the supplementary. From the 2020-21 budget through to the 2022-23 budget, the ACT government will have permanently increased our workforce with a total of 266 more FTE nurses and midwives, 103 more allied health professionals and 31 more doctors. The total investment through the 2022-23 budget will see an additional 102 full-time equivalent permanent employees this year, growing to 170 FTE in 2023-24. These numbers will only continue to grow into the outyears to deliver well above our commitment from the last election.

Madam Speaker, this builds on our investments in the previous budget, including the 90 full-time equivalent nursing staff recruited to implement the first phase of ratios. They have all been recruited to our health services.

Our funding and our commitments have also included more emergency department staff, more neonatology staff, more ICU staff, and many others. This builds, Madam Speaker, on a ten per cent increase in our full-time equivalent staffing for Canberra Health Services over three years for 2021-22, including an almost 14 per cent increase in nursing and midwifery full-time equivalent staffing, with a head count increase of more than 14 per cent over that three year period. This reflects that we have been able to recruit new staff.

Through the 2022-23 budget, as I said Madam Speaker, more than \$16 million will go towards recruiting new allied health staff, meaning a further 42 full-time equivalent allied health professionals will be funded. This represents one of the largest investments in allied health in Canberra Health Services history. This substantial investment will increase access to specialised assessment and treatment at Canberra Hospital and Centenary Hospital; more physiotherapists, occupational therapists, social workers, psychologists, speech pathologists, exercise physiologists, Aboriginal and Torres Strait Islander liaison officers and dieticians.

**MR PETTERSSON:** Thank you Madam Speaker. Minister, how will these investments address health workforce planning and wellbeing?

**MS STEPHEN-SMITH:** Thank you Madam Speaker. Over the short term, allied health will increase its capacity to provide services seven days a week and increase the number of therapy sessions. This will support more rapid improvements in patient health and discharges on weekends.

There are more nurse practitioners coming onboard; more midwives and nurses through our investment in expanded services. More health professionals to support recovery and exceptional care and care closer to home.

Broader workforce planning is also a priority for the government and that is why we have invested in a system-wide health workforce strategy and plan through the 2022-23 budget. The investment will improve planning for our health system and improve performance including resources to support system wide workforce planning and strategy development. Workforce planning has of course continued across our system, and our work will focus on recruiting and retaining staff now, and to grow our own right here in the ACT into the future. I really value the partnerships we have with our universities, particularly Australian National University, University of Canberra and Australian Catholic University, here in the ACT.

This plan will be a plan to address workforce priorities of culture, wellbeing, and safety as well, now and into the future. It will look at the whole system, as well as individual workforce groups that are distinct in nature, while also being deeply interconnected as multidisciplinary teams. It will be evidence based, informed by the workforce, by consumers, by the community and by carers. It will target recruitment and retention, alongside health and wellbeing.

This is along with our budget investment to continue addressing workforce safety and culture that I talked about earlier, and our efforts to continue supporting the wellbeing of our workforce. We have indicated to the workforce that there will be ongoing and developing, through codesign with the workforce and unions, a multi-year, multimillion dollar initiative to support workforce wellbeing and recovery. This will be adapted for individual areas and it will be practical and it will be guided by them.

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

### **Supplementary answers to questions without notice Canberra Institute of Technology—board**

**MS LEE:** Earlier in question time, in answer to a question that I asked the Minister for Skills, Mr Steel, he mentioned that the new deputy chair is a new member of the board. I ask him to clarify this, given what I have here from page 18 of the CIT Annual Report of 2018—and this is just one example—which specifically states that there are 11 members of the board and says, and I quote: “CIT board members as at 31 December 2018 were,” and does include, the current deputy chair. I ask that the minister clarify whether he has misled the Assembly or whether the report is inaccurate.

**MR STEEL:** On the matter that Ms Lee has raised, Natalie Howson was formally an official with a range of responsibilities in the ACT government, and I think in that capacity was involved in the board at a previous time. She has come back onto the board as a new deputy chair.

**MS LEE:** Madam Speaker, I ask that the minister then withdraw, because he did specifically say that the deputy chair was a new member, and he has now just clarified that he got that wrong.

**MR STEEL:** I said that she was the new deputy chair.

**MS LEE:** No, you said a ‘new member’. You said she was a new member on the board.

**MR STEEL:** I also said that we welcomed her to the board. In any case, the continuity of time is different, I think, to what Ms Lee believes. I have clarified that she is being welcomed to the board as the new deputy chair.

**MS LEE (by leave):** I table the following paper:

Canberra Institute of Technology Board—Canberra Institute of Technology  
Annual Report 2018—Copy of page 18.

### **Tharwa—water**

**MR GENTLEMAN:** Further to my answer to Mr Milligan and Ms Lawder regarding Tharwa Village, it is important that budget papers are reflected accurately. I have checked the initiative in the budget for Uriarra Village, and it is very clear that the funding is to replace the existing pipeline, and the pipeline is for non-potable water. The replacement will also be for non-potable water.

As I noted, the government works with all our communities to support their needs, including the great work from ESA to prepare for and respond to bushfires. I would ask both members to consider correcting the error in their questions.

### **Canberra Hospital—Fetal Medicine Unit accreditation**

**MS STEPHEN-SMITH:** I can confirm that the emergency department at Canberra Hospital has advised that they are not aware of any patient who has died whilst in the emergency department corridor.

In relation to the question that Ms Castley asked around the Fetal Medicine Unit, I can advise that the Fetal Medicine Unit is currently accredited for training until 31 August 2022; so until the end of this month. Training accreditation will then be suspended until recruitment is finalised for a second maternal fetal medicine staff specialist.

The current staffing is affected by the fact that two senior staff specialists are currently on long-service leave and one senior staff specialist is on return to work following an injury. There are three other consultants in the unit, one of whom is a maternal fetal medicine subspecialist. However, training and accreditation requires two maternal fetal medicine subspecialists to provide appropriate supervision and training. Canberra Health Services is actively recruiting for a second maternal fetal medicine subspecialist. In the meantime, however, Canberra Health Services advises that no staff have left the unit due to the training accreditation issue.

## **Papers**

**Madam Speaker** presented the following papers:

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of  
a Review of a Critical Incident by the ACT Inspector of Correctional Services—



Death in custody at the Alexander Maconochie Centre on 1 February 2022 (CIR 03/22), dated August 2022.

Commissioner for Standards, pursuant to Continuing Resolution 5AA of the Assembly of 31 October 2013, as amended—Annual report 2021/2022, dated 1 July 2022.

**Mr Gentleman** presented the following papers:

*Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act 2020*, pursuant to section 258A—Statutory Review, dated August 2022, together with a statement dated August 2022.

Language challenges facing Canberra's multicultural community—Government response to the resolution of the Assembly of 4 August 2021, dated August 2022.

Towards our Vision:—

Mental Health Portfolio Action Plan—2022.

Taking a Strategic Approach to Mental Health in the ACT.

Statement.

### **Multicultural communities—language barriers**

**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) (3.14): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Language challenges facing Canberra's multicultural community—Government response to the resolution of the Assembly.

**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) (3.14): Today we are tabling the ACT government response to the Assembly's resolution in August of last year on language challenges facing Canberra's multicultural community.

The ACT government is committed to ensuring that Canberra continues to be a proudly welcoming and multicultural city, where everybody can access government services and programs and fully participate in civic life. According to the recently released 2021 census results, 28.7 per cent of people living in Canberra were born overseas and a similar percentage speak a language other than English at home.

We know that some people from culturally and linguistically diverse backgrounds experience difficulties in accessing grants and appropriate support due to limited or a lack of English language skills, institutional and social barriers and lack of familiarity with government processes and systems. The ways in which government is currently addressing these issues is outlined in the response to each part of the resolution that Minister Gentleman has tabled, but I will summarise some of them now.

Parts 3(a) (i), (ii) and (iii) of the resolution called on the ACT government to table the *Independent Review of Investment in ACT Community Language Schools* report and the ACT government response. Members will be aware that the report and ACT government response were tabled in the ACT Legislative Assembly on 2 December 2021, and work to progress the recommendations is continuing.

The Community Services Directorate; the ACT Community Language Schools Association; the Education Directorate; CIT; and Libraries ACT are working together to develop a new funding model to explore ongoing access to venues and to establish professional development support for community language schoolteachers.

I am pleased to share today that the 2022-23 budget has committed an additional \$513,000 over four years to support our ACT Community Language Schools. This means that, in 2022-23, we will start work on a new model of funding for Community Language Schools. That will include a Community Language School grant fund, a teacher professional development program, and a new school and teaching resources development fund.

Part 3(b) of the resolution is to ensure that the ACT, via both government and community services, meets National Settlement Outcomes Standards published by the Settlement Council of Australia. The terms of reference for the National Senior Officials Settlement Outcomes Group, of which the ACT is a member, reflects the National Settlement Outcomes Standards. The standards, in turn, inform and guide the settlement planning and program delivery at national and local levels. The ACT government, with community organisations, through the Refugee Asylum Seeker and Humanitarian Coordination Committee, has developed a fact sheet of services for asylum seekers and humanitarian migrants. This is based on the standards and is available on the Community Services Directorate website.

Part 3(c) (i) and (ii) of the resolution called on the ACT government to commit to increasing the accessibility of grants to multicultural community groups through increasing the ability for peak bodies to auspice small grants programs and by running sector specific information and training sessions for grant applications.

The Community Services Directorate grants programs and CMTEDD's Capital of Equality Grants Program allow, and have funded, small groups through auspice arrangements with larger organisations and peak bodies. The Community Services Directorate and CMTEDD also run information sessions for individuals and organisations on how to apply for a grant. I acknowledge the officials involved last night in the National Multicultural Forum grants information session. They also run information sessions on how to use the SmartyGrants management system and feedback sessions for unsuccessful applications. Support is also available where there are difficulties applying for grants by phone and in person.

Additionally, CSD grants processes are continuously being streamlined to enhance accessibility. An example of this is a single application process for different National Multicultural Festival grant programs and the ability for organisations to apply for grant extensions to enable grant activities to be completed while applying for another grant at the same time.

To enhance accessibility, the Community Services Directorate employs targeted communication efforts to promote grants to specific cohorts—for example, the fortnightly multicultural e-newsletter, established community partnered databases and networks, including ministerial advisory councils. The directorate also supports grants teams in other directorates by promoting their grant programs in the same way.

I am also pleased to share that Arts ACT has undertaken a range of improvements over recent years, including the introduction of SmartyGrants as a simple and easy-to-use platform for applicants. Arts ACT is also available to discuss applications with applicants either in person or via phone or Webex. And, like the Community Services Directorate, it facilitates a public information session for the opening of each funding round for community members to seek information and ask questions and to assist applicants with their application.

To ensure that all ACT small businesses could access the CMTEDD business support grants and Small Business Hardship Scheme, CMTEDD translated information about these grants and promoted them widely. In addition, their Adult Community Education Grants Program refers people to a phone number for translating and interpreting services and runs information sessions to support grant applicants to submit quality applications.

Part 3(d) of the resolution focuses on support that is available to increase civic participation. Many ACT government directorates have committed to increasing the civic participation of multicultural communities by translating information about their programs into other languages and through other approaches. For example, EPSDD identifies the needs and interests of culturally and linguistically diverse residents in new estates in the ACT through their Mingle program.

TCCS assists people to complete applications for their ACT Road Safety Grants and works with the Office for Multicultural Affairs to reach and engage with multicultural stakeholders. Major Projects Canberra has created new diversity and inclusion procurement guidelines to attract, recruit and retain people from culturally diverse backgrounds and target under-represented groups, such as recently arrived migrants and people on temporary visas. Twelve per cent of people on the YourSay Panel identify as being from culturally and linguistically diverse backgrounds and speak a language other than English at home. Through this panel, participants can regularly share their views on community issues.

Part 3(e) of the resolution seeks information about the uptake of English classes and conversation groups and provision of auxiliary childcare. This was an amendment that had been moved by Mrs Jones, which was supported. The Commonwealth government has overarching responsibility for providing English language classes to newly arrived migrants in Australia. Through the Department of Home Affairs, it funds the Adult Migrant English Program. This is a free service, helping eligible migrants and humanitarian entrants to improve their English language skills and settle into Australia. It is delivered by Navitas in the ACT. The program also offers digital skills training and serves as a pathway to careers and further education. Free childcare is provided.

Unfortunately, this is only available to eligible permanent or temporary visa holders. The ACT government fills this gap in need by funding equivalent English language programs for temporary visa holders in the ACT who are not eligible for the federal government's program. These are delivered by the Migrant and Refugee Settlement Services, MARSS, and CIT. MARSS is funded \$40,000 per year to deliver English language programs for refugees, asylum seekers and ACT Services Access card holders. MARSS offers three English language programs—English for Employment, English for Living and the Home Tutor Program—and refers participants to support services in employment, health, accommodation and grants. The program does not currently support childcare options. Two financial years ago, there were 17 students enrolled in the MARSS English for Employment classes, 79 clients in English for Living, and 33 in the Home Tutor Program.

CIT is funded \$10,000 per year by the ACT government to deliver English courses to ACT Services Access Card asylum seekers who are not eligible for AMEP classes. Eligible participants are entitled to two free full-time semesters, or part-time equivalent, of English. Since 2015 CIT has provided this service to more than 115 ACT Access Card holders. Through this program, CIT works with other service providers to support ACT Access Card holders access other services, including employment assistance. In addition, Libraries ACT currently hosts nine English conversation classes across five libraries and online. While there are no childcare options for participants in library-hosted classes, access to online classes assists some parents with caring responsibilities.

Finally, there are a wide range of other English classes and conversation groups available across Canberra, including free English learning in all ACT public schools; commercial English language programs for different purposes, including diplomatic visa holders, international students and people in specific professions and vocations; and community groups and networks who support the learning of English through social English programs, including parent, volunteer and youth groups, clubs and employers.

Given that I am out of time, I will table the rest of my statement:

Language challenges facing Canberra's multicultural community—Government response to the resolution of the Assembly—Tabling statement, dated August 2022.

Thank you.

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

### **Justice—confiscation of criminal assets review**

**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) (3.25): Pursuant to standing order 211, I move:

That the Assembly take note of the following papers:

*Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act 2020*, pursuant to section 258A—Statutory Review, together with a statement.

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

### **Mental health in the ACT**

**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) (3.25): Pursuant to standing order 211, I move:

That the Assembly take note of the following papers:

Towards our Vision:—

Mental Health Portfolio Action Plan—2022.

Taking a Strategic Approach to Mental Health in the ACT.

Statement.

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

### **Leave of absence**

Motion (by **Ms Lawder**) agreed to:

That leave of absence be granted to Mrs Kikkert for this sitting for personal reasons.

### **Budget—health Correction to the record**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.26), by leave: In question time I indicated that the 2022-23 budget would see an additional 102 full-time equivalent permanent employees this year across our health services. I understand the more accurate figure is 100.

### **Drugs of Dependence (Personal Use) Amendment Bill 2021**

Debate resumed from 11 February 2011, on motion by **Mr Pettersson**:

That this bill be agreed to in principle.

**MR DAVIS** (Brindabella) (3.27): In my inaugural speech to this Assembly 22 months ago, I warned you and other members that it was likely that you would hear expressions that I have learned from my old man over the years, and I get to bust out one of them today: if you are going to do a job, do it properly. That is the fundamental principle behind the ACT Greens position on the decriminalisation of drugs here in

the ACT. The proper evidence-based implementation of decriminalisation will enable a health-based response to drug use by reducing the stigmatisation of people who use drugs and ending the fear that these people experience when accessing health services.

Over the past 18 months I have had the benefit of listening to and learning from local and national experts in the field of drug harm reduction. The inquiry that was initiated as a result of this bill heard from over 80 individuals and organisations. On the first day of hearings we heard from families and carers of people who have used drugs, including people whose children had passed away from overdoses that would have likely been prevented if the reforms we are discussing today were not decades overdue.

Later in these same hearings we heard from doctors in the emergency department, people who run therapy for people experiencing substance dependencies, academics and legal experts. These people wrote passionate, detailed and evidence-based submissions before they appeared in person before the committee to answer questions on drug harm reduction and the experiences of caring for people with a problematic relationship with substance abuse.

Since the tabling of the select committee inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021, my office and I have been working closely with local and national experts to advocate for the government's response to Mr Pettersson's bill to be effective and impact those who need it the most. This group includes people with lived experience of drug use and their families and their friends, researchers, alcohol and other drugs support workers, lawyers and doctors. This group is calling for an evidence-based approach to possession limits and an assurance that people who are found in possession of drugs for personal use will not be criminalised. We know that this reform should be done correctly from the beginning or we risk spending several more decades with a system that continues to penalise people for a health problem.

I would like to begin today by giving thanks to the researchers, advocates, carers and workers who have contributed to this bill and to the Greens amendments. Your voices too often go unheard, and I am really proud to be here today knowing that you stand behind me and behind the ACT Greens in our desire to get this reform right.

In April I met with Dr Devin Bowles, from the Alcohol Tobacco and Other Drug Association, and Chris Gough, from CAHMA, the local drug user advocacy league. At this meeting we discussed a broad range of policy concerns facing the drug and alcohol sector. I was particularly struck by a diagram that Devin had created to help visualise the impact of drug law reform and harm reduction in our community. This diagram had overlapping circles indicating communities of people experiencing homelessness, people with mental health issues, people living in poverty and people caught up in the child protection system. Devin pointed to the centre of this diagram and said to me:

While they try very hard the ACT government rarely gets to, in one policy shift, materially improve the lives of people at this intersection. It can be incredibly challenging to reach people at this intersection—people who have spent their life marginalised, derided and discriminated against. Preventing people from entering the criminal justice system and increasing the likelihood of people accessing

support for problematic drug use by decriminalising possession will materially improve the lives of people at this intersection.

This is an opportunity that cannot be missed. The last thing people at this intersection need is a criminal record. The last thing people at this intersection need are fines that they cannot pay. The last thing that people at this intersection need is increased engagement of law enforcement that decreases the likelihood of them reaching out for support from health services. The amendments that I am proposing, which will be tabled later today and discussed in detail in September, seek to ensure that the health and wellbeing of people living at this intersection is improved by this important reform process.

I am incredibly grateful to Mr Pettersson for tabling legislation on this issue. By doing so, Mr Pettersson has furthered the conversation about how we care for people in our city with substance dependencies. While the bill that Mr Pettersson has tabled requires amendment to ensure that it meets the objectives of decriminalisation, it marks a turning point towards sensible drug policy in the ACT.

We know that the vast majority of Canberrans support decriminalisation and want us to get this policy right. In June the Uniting Church's Fair Treatment campaign ran polling in my electorate of Brindabella, as well as Kurrajong and Yerrabi, which resoundingly demonstrated that the vast majority of Canberrans support a health-based and non-punitive approach to drug possession. I am immensely proud of my Tuggeranong community and of the broader Canberra community for backing this incredibly important nation-leading reform.

Canberrans, too, have good reason to be proud of the work that this Assembly has undertaken to ensure that government policy reflects the community's progressive position on social issues such as this. It is time for us to fully realise the trust that we have been given by the Canberra community and ensure that this reform is evidence based, that it reduces harm and that it improves the outcomes for people experiencing the harms of drug use. Given the keenness of local and national experts from our universities and from the drug support and treatment sector to work with the government to get this right, I am confident that we can do this right from the start. I am grateful, too, to the minister and to her health directorate for their considered work on this policy to date. While there is more work to do before we debate the detail stage of this legislation, we are absolutely heading in the right direction.

Unfortunately, Mr Pettersson's proposed legislation and the minister's proposed amendments continue a punitive response to drug possession. Functionally, they do so by introducing fines and compulsory diversion programs and by creating a third category of personal possession, the consequence for which could be up to an \$8,000 fine or a six-month custodial sentence.

This is problematic on two fronts. First and foremost, under the minister's amendments, the mere possession of drugs in the ACT could land someone in prison for six months; secondly, by retaining a punitive response to drug possession, we maintain a system that stigmatises people who use drugs. This stigma is incredibly damaging. This stigma drives people away from support, causing harm to themselves and to those who care for them.

While the Chief Minister and the health minister have continuously stated that they support a health response to drug use, the proposed legislation before the Assembly is unlikely to realise that vision. While the proposed legislation softens our response to drug possession, it does not actually decriminalise this act. Retaining fines and custodial sentences for personal possession does not reflect an evidence-based approach to drug use or the position of our Canberra community.

While today we are debating Mr Pettersson's bill in principle, I note that I have just tabled amendments to the bill that will ensure the proper enactment of decriminalisation in the ACT. These amendments have arisen from the close consultation that I have undertaken—

*Mr Hanson interjecting—*

**MR DAVIS:** Mr Hanson, can you hold it back? These amendments have arisen from the close consultation I have undertaken with stakeholders. These amendments are designed to ensure that people who possess drugs are not criminalised for possession, retain current evidence-based personal possession thresholds, set clear terms for a two-year legislative review and, in closing, ensure that the drug diversion programs that arise out of this legislation are accessible and non-punitive. These amendments retain the existing possession quantities which are based on the best available evidence and ensure that there is no pathway into the criminal justice system for someone found in possession of drugs.

These amendments have been developed in close consultation with a range of local and national experts in the field of drug harm reduction. They arise out of my close and detailed analysis of the written and verbal evidence before the select committee inquiry.

Given that the debate on the detail stage of this bill will occur in September, it is my belief that the government still has an opportunity to enact meaningful change by entering into a discussion with the ACT Greens about these amendments. I look forward to ongoing engagement with the minister to get these amendments right.

I welcome all members in this space with an interest in reducing the harm of drugs to work with my office on these amendments. I also welcome people with expertise and lived experience of substance use to contact my office to learn more about our proposal and to talk to us about how our work can support them. This nation-leading reform is essential to reduce the stigma and criminalisation of people who use drugs.

The Greens have had a long and successful commitment to reducing the harms that arise from the unnecessary and counterproductive criminalisation of drugs. Since being elected in October 2020, my office and I have been working closely with the community to reduce the harms of the criminalisation of drugs. This work reflects a longstanding commitment of the ACT Greens to drug law reform. A fortnight ago we warmly welcomed the opening of CanTEST, Australia's first permanent drug-checking site, just a block from the Assembly. The ACT Greens have advocated for pill testing in the ACT for many years, including initiating two trials which occurred at the Groovin the Moo music festival in 2018 and 2019.



Again, I thank the minister, the Health Directorate, Pill Testing Australia, Directions Health Services and CAHMA for their incredibly diligent implementation of this lifesaving service, and I will do all that I can to support its success.

We were thrilled when, in 2020, Labor agreed to support our calls for this service to be made permanent. You will remember that the summer which preceded 2020, Madam Speaker, was one of many horrors, including a series of avoidable drug-related deaths of young people, such as Alex Ross-King, who overdosed on MDMA while she preloaded to avoid police detection before entering a music festival in New South Wales.

A review of drug overdose deaths undertaken by the National Drug and Alcohol Research Centre later that year revealed that overdosing on party drugs at music festivals accounts for only four per cent of drug-related deaths. The vast majority of deaths by overdose, according to NDARC, occur in private places—people’s homes, mostly. They occur because people who need support, people who need access to treatment for problematic substance use, cannot access that support for fear of punitive responses.

People in these situations are often ashamed of circumstances they find themselves in, and they are fearful, rightly or wrongly, of the police and of the criminal justice system more broadly. While it is important to provide a service to check drugs for lethal and harmful substances before they are consumed, we need to build a social and political environment around this service which enables its use. Proper evidence-based decriminalisation will do just that.

According to the Canberra Alliance for Harm Minimisation and Advocacy, by every measurement applied, there has been no increase in cannabis use in the ACT since the decriminalisation of cannabis in 2020. This must be repeated, particularly for those on my right: by every measurement applied, there has been no increase in cannabis use in the ACT since the decriminalisation of cannabis in 2020.

However, CAHMA’s preliminary data from its national minimum dataset shows that in the first year after this legal change there was a fourfold increase in the number of people presenting for help with cannabis use as their primary drug of concern—a fourfold increase.

The data indicates that legality is not a major contributing factor to an individual’s choice as to whether or not to take illicit substances. Therefore legal condemnation of any substance will not decrease its usage. That is proven. It only serves to impose punishment, impose discrimination and impose stigma. However, it also shows that decriminalisation creates an environment in which the people who need support are more willing to access it. It is as simple and as bold as that.

I came to this policy position sceptical about whether decriminalisation was the right path for dealing with the harms of drug use. But through this process, by listening to people, by asking questions and by undertaking deep personal reflection of my own life’s experience, I have come to strongly believe that harm reduction, including decriminalisation, will not only be effective in reducing the damage caused by drugs

but it will build a more compassionate society that cares for those who need our care the most.

I am grateful to all of those that have supported our work on this policy to date over the decades, years, months and weeks which have led to this point. That includes—it is by no means an extensive list—the Australian Drug Foundation, ATODA, ACTCOSS, CAHMA, the ANU Drug Research Network, the Drug Policy Modelling Program at the University of New South Wales, Families and Friends for Drug Law Reform, Unharm, the Uniting Church, the Ted Noffs Foundation, Directions Health Services, the ACT Justice Reform Group, and Canberra Community Law.

I encourage the sceptics in this place to pick up the phone and educate themselves. There are incredibly bright, diligent, hardworking people in our community who know what they are talking about in this space. If your intent is to reduce harm rather than use some of our most vulnerable in the intersecting diagram that I mentioned before as your cheap political football, you will make an effort to educate yourself and come to a more enlightened view.

We have seven weeks from today to synthesise this work down to the detail of the bill that is before us. Now is the time, in keeping with my old man's expression, that we should do the job, and do it properly.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.43): I rise in support of the Drugs of Dependence (Personal Use) Amendment Bill in this in-principle debate. This bill is a private member's bill, originally introduced by my colleague Mr Petterson into the Assembly on 11 February 2021. As you will recall, Madam Speaker, the bill was referred to a select committee, which tabled its recommendations at the end of November 2021, and the government responded to these in June this year.

The government is supporting the private member's bill, but I have circulated significant government amendments to help it to better meet Mr Petterson's intent when he introduced this nation-leading proposal to ensure a health-focused response to illicit drug possession and increase diversion away from the criminal justice system. The proposed accompanying changes to the Drugs of Dependence Regulation 2009 that have now been circulated will support these changes.

The bill seeks to reduce the penalties for personal possession of some of the more commonly used illicit drugs in Canberra, in line with modern community expectations—and we know that because we have asked people. The government is proposing considered, progressive, evidence-based amendments to ensure that the bill can best be implemented to achieve its goals—supporting people who have health needs to access the care they need while at the same time reducing the stigma associated with illicit drug use, to facilitate that access.

The government do not condone drug use. We acknowledge and we say regularly that the use of illicit drugs remains risky, and it is dangerous to consume illicit drugs. However, we know that people do it, and we know that threatening people with

punishment has not worked in deterring drug use, nor the harmful impacts that can occur.

I will quote from *Hansard* of 20 August 2020, when we were discussing this subject in relation to a motion that Mr Pettersson had brought to the Assembly on the potential for introduction of a simple drug offence notice, which had been a universal recommendation of a committee looking at youth mental health. It was supported by the member of the committee from the Canberra Liberals, who I recall was Mrs Kikkert.

**Mr Pettersson:** Yes, and Ms Lee.

**MS STEPHEN-SMITH:** Mrs Kikkert and Ms Lee were members of that committee that recommended that the government should look into a simple drug offence notice for a broader range of illicit drugs. In that debate Mr Hanson said:

We should all resist the temptation—as we proceed with this debate in the lead-up to an election and the temptation is there—for my side of politics to say that Mr Pettersson wants to legalise all drugs and for the Labor Party to say that the Liberals want to roll out Philippines-style drug policy I do not think that would be helpful.

Of course, in the end Mr Hanson did not vote for that motion, because the Greens had moved an amendment to it in support of pill testing. Just the other week, of course, he came out publicly supporting pill testing and opposing the simple drug offence notice. So it may come as a surprise to those opposite that this was Mr Hanson's contribution at the time to the consideration of a motion regarding the introduction of a simple drug offence notice. Unfortunately, Mr Hanson has not been able to resist the temptation. I guess he is demonstrating his bona fides to the conservative local Canberra Liberal Party membership, and that is more important to him than evidence-based health policy.

However, we on this side have taken the time to work methodically through the details. Mr Davis, I can assure you that I have spoken to many people and heard the evidence—as have our officials. We have considered the detailed work of the select committee and its range of written submissions and public hearings, and worked closely with ACT Policing, the ACT Government Analytical Laboratory, the Canberra Health Services alcohol and drug service and community experts to ensure that we balance all sides of this debate.

I believe that the bill, with the government's amendments, strikes the right balance in reducing harm from the use of illicit drugs. Canberrans will have much less need to fear being sent to prison as the result of what is ultimately a health condition. They will no longer fear becoming financially crippled by a heavy fine or facing a prison sentence for personal possession of small amounts of drugs. This will support people to engage with health services and consider diversion to obtain access to the support they need through drug counselling or support. At the very least it will provide people with more options for seeking that support without fear.

The bill, as proposed to be amended, strikes the right balance to avoid the risks of inadvertently creating loopholes for drug dealers, enabling police to focus on the real

criminals—those that cause so much harm to our community and families, those people who deal in or traffic drugs in our community.

The government's amendments change the nomenclature and introduce small quantity possession amounts for eight drugs in addition to the existing threshold for cannabis. The maximum sentence that will be able to be imposed by a court for possession at or below these small quantities would be one penalty unit. Currently, that amounts to a \$160 fine. People apprehended by police with small quantity amounts will no longer be at risk of being imprisoned. They will also be eligible for diversion as an alternative to going to court, using a \$100 simple drug offence notice or through diversion to assessment, drug education and treatment via the Illicit Drug Diversion Program.

Drug diversion is a more efficient use of public money than taking people to court to prosecute them for a minor drug offence. While it happens rarely, it does happen, for people with larger personal possession amounts. I hesitate to use that term because I want to be really clear—there is no such existing concept in law of personal possession amounts. The existing concept in law is of trafficable quantities. There is possession and there are trafficable quantities. It was Mr Pettersson's bill that introduced that concept of personal possession limits.

The government's amendments also reduce the maximum prison sentence for that amount between the small quantity and the trafficable amount from two years to six months. Two years is a disproportionate sentence by modern standards. Again, we know because we have asked people what they think.

As I said before, our central guiding principle is that drug use is fundamentally a health issue and that, in most instances, contact with the criminal justice system for drug possession can do more harm than good. This bill will mean fewer people will get a criminal record for a minor drug offence. It will limit the damage to the life prospects of Canberrans that can occur through criminal conviction for a minor drug offence. It is vital for equality before the law that the bill provides equivalent diversion options for drugs likely to be taken by people who experience disadvantage, such as methamphetamine and heroin, as well as drugs likely to be consumed by more advantaged users, such as ecstasy and cocaine. This bill increases the human rights of people who use drugs within the context of international law that make certain high-risk substances illegal.

The government are not being reckless with this bill. We have listened to opinions from all sides of the debate and considered all relevant factors. We have rightly taken our time on this, ensuring that we consider the best evidence available to us from international experience, listening to national interest groups and local on-the-ground experts, our dedicated frontline police, our specialist experts at Canberra Health Services, the ACT Government Analytical Laboratory, and the significant contributions made through the select committee inquiry.

What we are proposing is based on science, expert advice and painstaking, detailed work on how we best achieve the aims set out by Mr Pettersson in his private member's bill. We have considered evidence of drug consumption patterns and have proposed changes to the bill to make the equivalent number of doses across different

drugs more consistent. We are proposing introducing discrete dose units for some drugs to make the law easier to understand for consumers, as well as clarifying where mixed and pure weights are being referred to.

We have listened to scientific advice that applying a catch-all clause to small quantity amounts for analogue and new drugs would pose a significant risk. But we have also designed our amendments to ensure that, over time, we can adjust as necessary, building on our progress and new knowledge.

The government has listened to feedback from police that very large reductions in penalties up to the ACT trafficable quantities, as proposed by Mr Davis, could inadvertently facilitate drug dealing. We have therefore retained the concept in Mr Pettersson's bill of, effectively, two tiers of possession offences. We are proposing an amendment to close a potential drug dealing loophole by limiting the number of simple drug offence notices that a person can get if they have multiple drugs in their possession at one time.

As a result of media coverage and community commentary on this bill, it is important for me to clarify what it does not do, with or without the government amendments. This bill does not change the penalties for producing illicit drugs or dealing in them. It does not change the trafficable quantities for illicit drugs in the ACT. It does not change laws about drug-driving nor in any way reduce penalties for drug-driving. It does not affect police powers to charge people with offences committed at the same time as drug possession offences, or while they are under the influence of drugs. What it will do is reduce stigma. It will reduce harm. It will improve lives and outcomes for Canberrans who experience drug dependence issues, and their families and carers.

Drug use and harms do not inevitably increase after penalties are reduced, as Mr Hanson will no doubt claim. There are many other factors in play. If we think of the ACT's experience with removing adult penalties for cannabis in January 2020, wastewater analysis did not show an increase in February 2020, and there were no more emergency department attendances in the following 12 months than there previously had been.

However, we are not complacent about the outcomes. We will monitor and review the implementation of the legislation. For this purpose we are proposing a review two years after the implementation of the changes. We are also proposing a 12-month implementation period to ensure that we get this right.

We will work with ACT Policing and stakeholders to make sure this legislation is well understood by both the community and police officers. We have proposed that the list of drugs eligible for reduced penalties and increased diversion is included in regulation so that it is more flexible, but it will still be disallowable and open to debate in this place. The government will take a staged approach to bringing further drugs into the scope of this regulation in future.

I also acknowledge and appreciate the thorough consideration that the scrutiny committee provided on the government amendments. I will take the opportunity now to make a few brief comments about that. I have formally responded to the issues

raised and I have made minor amendments to the supplementary explanatory statement that I circulated on Monday—actually, it may have been yesterday.

The committee has raised concerns about the proposal to include the list and amounts of drugs that would be eligible for a simple drug offence notice and a maximum penalty of one penalty unit in regulation rather than in the act. However, it is common for lists of this nature to appear in regulations rather than in primary legislation. For example, the Criminal Code Regulation 2005 sets out quantities of controlled drugs relevant to serious drug offences.

I also note that the list of drugs is limited at this time, reflecting the level of evidence available on the harms associated with each drug, but it does reflect the drugs that are most commonly seized. It may be appropriate in the future to add further drugs to the list as further evidence becomes available, in line with the government's harm minimisation and health-based approach to illicit drug use. Including the list of drugs in regulation will facilitate any necessary changes, while still providing an appropriate level of oversight, as regulations are subject to disallowance or amendment by the Assembly.

I note that the version of the amendments and supplementary explanatory statement considered by the committee did not include details relating to the list of drugs. The revised supplementary explanatory statement for the amendments provides a detailed explanation of the process for determining the drugs and amounts. I have included some further text in response to the committee's concerns, noting that similar factors would be relevant to any consideration of changes to the list in the future and adding further detail on the reasoning for including the list of drugs in regulation.

This bill is a big step forward for drug law reform both in Canberra and in Australia more generally. I know that this does not go as far as some would like. However, it reflects the complicated interplay between the commonwealth Criminal Code Act 1995 and the ACT's Drugs of Dependence Act 1989, and our requirement to ensure that the community has confidence that we are not decriminalising wholesale drug dealing, and drug users can have confidence that they will not be exposed to far more serious punishment through commonwealth laws.

The government's position has required careful consideration and engagement with ACT Policing to ensure that our model, based on science and evidence, accurately captures what a heavy user would self-report over five sessions days. This is based on the self-reported survey data from ACT drug users themselves, prepared in the National Drug and Alcohol Research Centre drug trends report.

The ACT government has designed our amendments with the close engagement of ACT Policing because, ultimately, they will enforce these laws. The government has taken the time to ensure that we did not take the short-term political approach; instead we designed a reform that is sustainable and achieves the outcomes that Mr Pettersson set out to achieve.

Ignoring the presence and reality of commonwealth law—as some are proposing, Mr Davis—could expose people with drug dependence to far more serious consequences—consequences that could potentially be eight years in prison and/or

\$440,000 in fines. I want to take the time to step through why this would be the case. (*Extension of time granted.*)

The trafficking threshold for some drugs in the ACT Criminal Code Regulation 2005 is significantly higher than the equivalent commonwealth levels in the Commonwealth Criminal Code. I acknowledge that some in the community would like to see the thresholds of this bill set at the ACT trafficking threshold, and that is what Mr Davis is proposing.

I will use methylamphetamine as an example of the real-world implications of this, using the most recent drug trends data from the University of New South Wales. Setting the threshold for methylamphetamine at the ACT trafficking threshold, which is six grams—three times the commonwealth level—equates to between 30 and 60 days of average crystal use, as reported by ACT drug users themselves. It would be somewhere between \$2,100 and \$3,000 worth of methylamphetamine.

Regarding heroin, it would equate to 17 days and somewhere between \$1,600 and \$4,000. I should at this point say that ACT Policing would estimate it is far higher than the information reported in *The ecstasy and related drugs reporting system* and the *Illicit drugs reporting system* reports from the University of New South Wales.

The ACT government is not supportive of setting limits at multiple weeks of self-reported average use by ACT drug users. To be frank, it is beyond reality that a person dependent on drugs would be carrying \$3,000 worth of methylamphetamine or \$4,000 worth of heroin. Two other impacts could occur through any change along these lines. It would make our stated goal of supply reduction more difficult by removing the ability to charge drug dealers with possession for levels three times the commonwealth trafficking level. It also does not reflect what the government and the private member's bill set out to do; that is, divert drug users towards healthcare interventions and away from the justice system.

Counterintuitively, the alternative position advocated by some interstate organisations, and potentially some within this chamber—we know there are—would lead to a situation where ACT Policing could defer to charging individuals under commonwealth law. The government's position has been to use self-reported data and set our thresholds at what a heavy user would use over three to five sessions. This is sensible, evidence based, supported by ACT Policing and will achieve real decriminalisation for people who have drug dependence issues.

We have also listened to those in the community who have raised the need for continued investment in our alcohol and other drug services. The 2022-23 budget included over \$13 million in investment to significantly boost our alcohol and other drug sector, building on the almost \$20 million in new investments in the preceding three budgets. This will mean more residential rehabilitation services, new methylamphetamine treatment services and new supports for families and carers of people with drug dependence issues.

In short, this reform is part of the ACT government's consistent, coherent approach over many years to treat drug dependence as a health issue, and to deliver harm reduction and treatment supports to realise this vision—and to couple those also with

supply reduction and demand reduction, which are the two other pillars of harm minimisation. We have also committed to active monitoring to ensure that our real decriminalisation will achieve our aims, and we will undertake an independent evaluation after two years of operation to ensure we are making the difference we hope to achieve.

On that note, I would like to take this opportunity to thank: Mr Pettersson for proposing the bill, the select committee for its inquiry report and all of those who provided submissions to the inquiry. Mr Pettersson has truly been a leader in drug law reform in the ACT, doing the long-term, painstaking policy work, stakeholder engagement and advocacy. I commend him for his commitment to improving the lives of Canberrans and his achievement to date.

The government is again in the position of proposing sensible, evidence-based reform that will deliver nation-leading change and build a platform for reducing drug harm into the future. Again, I want to thank all of those involved in the alcohol and other drug and related policy and programs in the ACT for their substantial, ongoing contributions to the ACT's overarching harm minimisation approach.

Mr Pettersson's bill, with the government amendments, will help to reduce the stigma experienced by people who use illicit drugs, encouraging more people to come forward and receive support. I am proud to support the passage of this bill in principle in the Assembly today, and look forward to debating the amendments to ensure that its intent is achieved in the best possible way.

**MR HANSON** (Murrumbidgee) (4.03): The Canberra Liberals will be opposing this legislation. This bill is bad policy, it is bad legislation and, to be frank, it has been put forward without an electoral mandate. Indeed it has turned into a grandstanding exercise between Mr Davis and Mr Pettersson—and now the whole Labor Party and the Greens—in terms of who is the most progressive on drug law reform.

They are playing games on this issue, and it is ridiculous that we are being asked to sign off on a bill today when we do not even know what the amendments will be. We have warring amendments between the Greens and the Labor Party. In fact, the Greens amendments have only just circulated. We are being asked to sign off in principle today, to write a blank cheque for what are radical law reforms in the drug space, without actually having the amendments before us to debate and agree to.

It is grandstanding. The reality is that this is ideological grandstanding that will lead to real-world implications. It will lead to more drug use, it will lead to more addiction, it will lead to more crime and it will lead to more harm. In the real world—outside Labor Party and Greens party meetings, where I am sure there is wholesale agreement with what is being putting forward—the reality is that more people will die on our streets.

I would like to acknowledge Tom McLuckie, who is in the gallery today, for whom this is not some sort of distant, ideological debate; it is not a grandstanding exercise. For Tom and his family, and those affected by Matthew's death, this is all too real. It was real for Alison Ryan, who sat in the gallery 12 years ago and listened to Labor members argue against random roadside drug testing—those laws were eventually



passed—after her daughter had been killed by a drug-affected driver. I thank Tom and, before him, Alison, who are a reminder to me, and should be a reminder to all of us, that the laws we make in this place have real-world consequences.

The whole sad saga of this bill has a history; it is one where the government broke a commitment that it made before the election. I will go to that, because on the eve of the 2020 election, as Minister Rachel Stephen-Smith indicated, there was a motion brought forward by Mr Pettersson that called on the government “to investigate the feasibility of a simple offence notice for other drugs of dependence, to ascertain the legal, social and health impacts”. The motion also called on the government to: “report to the Assembly no later than November 2021 on progress”.

In good faith we agreed to that, because it called for an investigation into these matters and the tabling of a report on that investigation by November 2021. We engaged in that debate in good faith. Indeed I did say that it was worth looking at. But I made the point that we were open to looking at these issues, and particularly when it came, perhaps, to small amounts of MDMA at a festival. I said, “Let’s look at that.”

I have been selectively quoted—you would not be surprised to hear this, Mr Deputy Speaker—by Minister Stephen-Smith, because I also made it clear in that debate that the Canberra Liberals would never support going to a simple offence notice for certain drugs like meth and heroin, and that is what is before us today.

Before the election we were promised an investigation by the government. That is what they took to the election. So that promise was broken. The investigation never happened. In fact what happened was that, at the first sitting after the Christmas break, Mr Pettersson came in with this bill—a bill that ignored any sort of investigation. I do not suppose any investigation even started. He came straight in here with a bill to decriminalise heroin and meth. The good people of the ACT, including me, thought that some sort of investigation would occur, to look at this substantively and in a genuine way. Instead we got Mr Pettersson’s bill, which we have before us today, that decriminalises heroin and meth.

The Canberra Liberals referred the bill to a select committee, and that inquiry was conducted. Of course, it was one-sided. There is a dissenting report that Mr Cain, who chaired the committee, put forward. I encourage members to look at that. Following the inquiry, amendments have been put forward by Ms Stephen-Smith, and there are competing amendments that have just been circulated by Mr Davis. We are meant to support what is probably the most flawed process in terms of bill-making that I have seen in this place. We were deceived about an investigation. Now, behind the scenes, there is squabbling and grandstanding between Mr Pettersson and Mr Davis.

The government amendments support the position of decriminalising drugs but do not say what those quantities are. What will the quantities be? They can be set by the minister. They will not be determined in this place; they will be determined by the minister alone. The Assembly will be asked to pass a bill to decriminalise drugs without having the quantities attached.

The drugs to be included and the amounts go to the very heart of this legislation. It has been noted by the scrutiny committee—and the minister tried to defend her

position—that that is an inappropriate delegation of power. I have not had a chance to go through the Greens amendments in detail, but they seem to take this approach even further, in terms of the limits, than what the minister describes as trafficable quantities. Even the minister wants some quantities. I think Mr Pettersson wanted it to be 15 hits of heroin. With respect to the minister, we do not know what will be proposed, because that will be done by regulation, and the Greens want even more.

Moving to the principle of the debate, as we have said, we are opposed to these laws. To be clear, we are not talking here about cannabis and pill testing. We have had that debate. I retain my concerns. This is a very different debate. We are not talking about cannabis or small amounts of MDMA and testing. We are talking about decriminalising heroin and meth. They are a very different category. We are talking about some of the most insidious, soul-destroying substances ever to be pushed on our children or to have blighted our communities across the globe!

Make no mistake; these drugs destroy lives—not just those of the users, their families and friends but the entire community. The personal toll that these drugs take on users is obvious. It is deadly and it is utterly destructive, and I think that is acknowledged. But the harm that they cause to society can be equally appalling. Whether it is through domestic violence, violent public rampages or drug-driving, the use of these drugs often takes a terrible toll on other people, and those others are often the frontline workers such as police, ambulance officers, those in Eds, nurses, and innocent road users. In fact, the Australian Federal Police Commissioner has warned of narco-tourism, as has been seen in other jurisdictions across the world—jurisdictions that are now reversing their policies in many cases.

But the evidence is chilling. In a report for the National Library of Medicine, author Joseph Califano, from the National Centre on Addiction and Substance Abuse at Columbia University, spoke of these international results. These are often quoted, with respect to what is happening overseas. Switzerland's needle park, touted as a way to restrict a few hundred heroin users to a small area, turned into a grotesque tourist attraction of 20,000 addicts and had to be closed before it infected the entire city of Zurich. Italy, where personal possession of a few doses of drugs like heroin has generally been exempt from criminal sanction, has one of the highest rates of heroin addiction in Europe, with more than 60 per cent of AIDS cases there attributable to intravenous drug use. The Netherlands introduced laws for coffee shops and other laws, which are now being wound back. By contrast, Sweden offers an example of a successful restrictive drug policy. Faced with rising drug use in the 90s, the government tightened drug control, stepped up police action, mounted a national action plan and created a national drug coordinator. The result is that drug use is a third of the European average.

We hear much about the Portuguese model, but what is not often talked about is how much Portugal has wound back those reforms. In 2008 the Supreme Court of Justice re-established the crime of drug use. In 2014 the Constitutional Court validated it. According to the report *20 years of Portuguese drug policy—developments, challenges and the quest for human rights*, this has meant—and I quote:

Despite having decriminalized the use of all illegal drugs, Portugal has an

increasing number of people criminally sanctioned—some with prison terms—for drug use.

In 2019, among the convictions under the Drug Law ... drug use was the second most common ... behind drug dealing ...

In short, Portugal, members, does not prove what you think it does.

These laws that are before us today will result in problems arriving in Canberra that are not dissimilar to those we have seen in America. In the last two years, in San Francisco, we have seen more than 1,360 drug overdose fatalities—more than double the number of COVID-19 deaths for the same period. As one commentator states:

San Francisco will remain only as a lesson to policymakers on what to not do.

That is certainly not the Canberra that I want to see. As I have said before, and repeatedly, of course, there is a significant health aspect to what we are talking about today with regard to drug policy, but there are also social and criminal aspects to this. In the words of the AFP Commissioner, these laws will make for “a far more dangerous environment” for police and lead to “a more dangerous society” in Canberra.

The Australian Federal Police Association, who represent those on the front line of dealing with this as an issue, have said they are “dismayed” by the continual push to decriminalise hard drugs. They said:

The government may as well write a cheque for organised crime and roll out the welcome mat.

That is what the Federal Police Association have said. I repeat:

The government may as well write a cheque for organised crime and roll out the welcome mat.

It is true that drug dealers across Australia will be licking their lips, particularly if they get the Greens version of this legislation. Meth and heroin addicts across Australia, many of whom fund their habit from crime, will be booking bus tickets to Canberra if these laws are passed. When it comes to heroin and meth, the reality is that availability is the mother of usage. This legislation, by doing what it does, will see more drugs and more addicts on our streets; and, consequently, more crime and more road deaths.

Therefore, what you will actually see, Mr Deputy Speaker, is more people with addictions, more drug users, facing courts, not fewer people. That is one of the baseless arguments that has been used for these laws to change, but the evidence to the committee inquiry showed that people caught with small amounts of illicit drugs currently are not jailed. They do not face prosecution. They only face prosecution for drug offences when they are arrested and charged for crimes such as armed robbery. But the current suite of laws allow police effectively to divert people to treatment. It is working, and the police have said that. I heard the Chief Police Officer talk about the 192 people that have been referred by police to treatment in recent times because the

current suite of laws, including the criminal sanction, have been working effectively, with 192 people referred.

The ACT Law Society said:

The bill will have minimal effect on driving drug users from the criminal justice system.

It is not just me saying it; it is the police and the legal fraternity. The people that are actually on the front line are saying, “This will not actually do what you think it will do.” It will not take those drug users from the criminal justice system. The Law Society said:

The bill will have minimal effect on driving drug users from the criminal justice system.

But what it will do, when you listen to police, is roll out the welcome mat for organised crime. The bill is trying to solve a problem that currently does not exist. In doing so, it will create other significant problems. That is what the Law Society is saying; that is what the police are saying.

If you take away the potential for prosecution and jail, how many addicted heroin and meth addicts will now voluntarily access those drug treatment services? It is quite clear that that part of the suite of legislation, the criminal aspect, is important. As the Assembly committee inquiry showed, in the first page or so, drug use is actually on the decline in Canberra, so the suite of current policies is proving to be effective. The gaps in the system that were identified, again, in the committee inquiry, are not actually in drug enforcement; they are in the drug treatment services, which are woefully and inadequately resourced and staffed. Waiting times are long, and only about half of the people seeking treatment can access services. That came out in the committee inquiry.

With respect to decriminalisation, if it does what you think it will do, and if we see people coming from interstate, and availability of drugs going up—availability is the mother of usage—it will put even greater strain on already overstretched drug treatment services by making those drugs more available. This will be compounded by the large amount of drugs that are currently being proposed by Mr Pettersson, and certainly in Mr Davis’s amendments. If it is put into regulation, I will wait to see the regulation from the minister.

The impact on road safety has also been highlighted. The Australian Federal Police Association made the point that if there are more people affected by drugs, they will be driving on our roads. When people are driving, and are affected by drugs like heroin or MDMA, you need only to look at today’s paper, to media reports, to see the tragic consequences that can have. Tom, I am sure, can attest to that, if any of you want to speak to him about his terribly tragic personal story. Of course, that would stretch our police, who are already stretched, even further. It puts increased pressure on them.

People on the front line of health services have also raised their objections to decriminalising hard drugs. In their submission to the inquiry, the Pharmacy Guild of Australia, ACT branch, observed:

Decriminalisation of dangerous drugs may increase use—

I repeat: “may increase use”. This is the Pharmacy Guild, which is on the front line of delivering health services. It said:

... may increase use and therefore increase the presentation of people at treatment centres and pharmacies, and increase the burden on the Territory’s resources over time.

That is why they did not support this legislation. They suggested instead that the ACT government continue to focus on current treatment and harm minimisation programs and increase focus on early intervention and education programs. I support that.

As I said at the outset, this is a bad bill and it was done in bad faith. The government said they would do an investigation; they did not. Instead this bill was tabled, decriminalising heroin and meth, without an investigation being done.

Bringing on these laws will not mean less harm. It will actually mean there will be more addicts, more pain and more death. If you decriminalise these drugs, the red carpet will be rolled out, as has been said, for organised crime. We will see people who are addicted to these substances in regional areas, or elsewhere in Australia, coming to Canberra. I agree with the police that these laws will make Canberra a more dangerous and damaging place.

We will not support this bill. It is a flawed piece of legislation. I am not sure whether it is well intentioned or whether it is just more grandstanding by Mr Pettersson and Mr Davis. The reality is that, regardless of its intent, it will not do what you think it will do.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (4.23): I am pleased to rise in support of Mr Pettersson’s bill, in this, the in-principle debate. As is clear, the bill is about implementing a new approach to get people who are using drugs the help they need to end their addiction. By removing the criminal stigma of low-level drug possession whilst also boosting rehabilitation and medical support, we seek to act to break the drug abuse cycle. That means less crime and it means reduced harm to the individual, their family and friends and the broader community. What it means is that police investigation and prosecution resources are freed up to focus on the dealers and the traffickers.

The criminal war on personal drug use has failed, over many decades, in Australia and around the world. Milton Friedman was banging on about this in the 1970s. I suggest to any conservative who has doubts about this that one of the greatest right-wing economic thinkers of the last century, a Nobel Prize winner, Milton Friedman, wrote about this and it is worth spending some time reading what he had to say during his life, his long life, on this issue. I would not put myself in the Milton Friedman camp

on many things, but on this issue his observations are very accurate and stand the test of time. I do know that he made them over the course of his lifetime and was particularly active in this debate in the United States in the 1970s, 80s and 90s.

I note that through the history of this Assembly, ACT governments of both political persuasions have tended to apply a progressive harm reduction policy towards illicit drug use in this jurisdiction. Back in the day when the Liberals were liberals, Kate Carnell, as a predecessor of mine in this role, did seek to progress drug law reform during her chief ministership. I acknowledge that. But the Liberal Party of 2022 is no longer a liberal party.

We know that the Canberra community supports a harm reduction approach to minor drug possession offences. We know that. It is very clear in all of the public research and even in the push polling that I regularly received from former senator Zed Seselja about all the terrible things that I was apparently responsible for in the lead-up to the most recent federal election, when he was running that, presumably on behalf of the Liberal Party, and these sorts of questions were asked. It is pretty clear what the result of that polling was.

**Mr Hanson:** Is it?

**MR BARR:** Yes, very. Because—

**Mr Hanson:** Is it?

**MR BARR:** we have got research as well, Mr Hanson.

**Mr Hanson:** Have you?

**MR BARR:** So we know what the Canberra community thinks and that is why—

**Mr Hanson:** Do you? What is your research?

**MR BARR:** Indeed, and that is why we are pursuing this policy agenda. We know that the Canberra community overwhelmingly supports a harm reduction approach, including fines and diversion to drug education and treatment services, as opposed to criminal conviction and prison sentences.

This legislation is about changing the focus of law enforcement and further reducing the harm caused by illicit drug use. The proposed introduction of a simple drug offence notice will enable police to issue a \$100 fine to anyone found in possession of small amounts of nine illicit drugs. Individuals issued with this notice will have a choice between paying the fine or diversion to an assessment, drug education and drug treatment referral by the illicit drug diversion program. Prison sentences will no longer be an option for individuals possessing small quantities of these most commonly used illicit drugs. The maximum penalty a court could impose would be one penalty unit.

The proposed legislation and amendments do not undermine the ongoing efforts of the government, of police and of prosecutors to fight drug trafficking and organised crime.

They do not make any changes to the penalties for these serious offences. The bill is proposed to be amended by the government, the detail of which Minister Stephen-Smith has spoken to today and circulated—apparently, Mr Hanson missed that. This will ensure the application of lower penalties for small quantity personal possession offences whilst closing any possible loopholes for drug dealers carrying higher quantities.

Our commonwealth law allows for state and territory governments to make their own laws in relation to the decriminalisation of illicit drugs and diversion. The interaction between commonwealth and territory legislation has been an important consideration as the government has developed its amendments to the bill. Importantly, the amendments to be put forward by Minister Stephen-Smith will, as she has outlined in great detail, make sure that our laws can be applied in conjunction, not in conflict, with commonwealth law. But they also allow for the framework to adapt over the longer term. A legislated review of the law after two years will allow this place to understand the impact of these changes and to respond as needed.

The ACT government invests more than \$22 million each year in alcohol and drug treatment services, provided by Canberra Health Services and non-government providers. This includes almost \$20 million in additional funding for new alcohol and other drug treatment and harm reduction services since the commencement of the 2018-21 ACT Drug Strategy Action Plan, including an extra \$2.93 million to Canberra Health Services over four years, and ongoing in their base funding, to expand early intervention and diversion programs for people in contact or at risk of contact with the criminal justice system.

Yesterday's budget included more than \$13 million in additional funding for alcohol and other drug treatment and support services in Canberra, including: supporting the delivery of residential treatment services; increasing targeted treatment for methamphetamine addiction; new support services; counsellors for families, carers and children of individuals who use drugs; the continued redevelopment of the Watson health precinct; the commencement of a residential program at the Ngunnawal Bush Healing Farm; and improving the real-time prescription monitoring service, Canberra Script. As a government, we are backing up our principles of harm minimisation with the funding and support required to make a genuine difference in people's lives. The development of the next ACT Drug Strategy Action Plan is underway, and it is expected to be finalised later this year.

I am supporting this change because it is genuine, progressive reform, when implemented sensibly and in full consultation with the community. I recognise that not everyone agrees; there are very few issues in this life, in this world, that everyone agrees with. But what I am confident of is that a significant majority of the Canberra community will support this shift in our legal and health focus. I respect the right of others to hold a different view and to advocate for it in this place, but I respectfully disagree. I have outlined why I support the change and why I believe this parliament should vote on it, but not today.

Most Canberrans understand that, whether it is a 20-year-old caught with a pill in their pocket on a night out or someone grappling with a debilitating and harmful meth addiction, a criminal conviction is not going to positively change their behaviour.

In many cases, it is going to make their lives worse. But I recognise that this is a significant cultural shift in how we deal with illicit drugs and for some it will feel very confronting. So it is a good debate to have; it is a debate that we will have over time and in a measured and considered way. I am very conscious that every MLA should have the opportunity to have their say on this bill, preferably in the in-principle stage, of course, but there is the opportunity to speak on the government amendments. So I commend the bill in principle. I look forward to the resumption of the debate on the bill in principle and, subsequently, on the government amendments in future sitting weeks.

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

## **Gaming—point of consumption tax**

**MR PARTON** (Brindabella) (4.34): I move:

That this Assembly:

(1) notes:

- (a) a point of consumption tax (POCT) is imposed on online gambling in all Australian jurisdictions;
- (b) the POCT generated \$17 million in the last financial year in the ACT;
- (c) the POCT rate in the ACT was recently retrospectively increased from 15 percent to 20 percent on 1 July which should increase the revenue to government to approximately \$23 million;
- (d) all Australian states return a portion of POCT to racing codes in their jurisdiction, with legislation proposed by the Queensland Labor Government set to return 80 percent of revenue to the racing industry which equates to approximately \$80 million per year;
- (e) Tasmania also returns 80 percent of POCT to racing codes;
- (f) racing clubs in Canberra will receive \$7.5 million each year over the next five years under the memorandum of understanding (MOU) with the ACT Government;
- (g) the ACT is now the highest taxing jurisdiction of racing in Australia but returns the least back to the racing codes;
- (h) thoroughbred racing in Canberra contributes \$55 million per year to the ACT economy and supports more than 400 full-time jobs; and
- (i) the ACT Government collected \$69 million in total gambling taxes in 2020-21 and is forecast to collect more than \$77 million in 2024-25; and

(2) calls on the Government to:

- (a) return a reasonable portion of POCT revenue to racing codes still legal in the ACT; and
- (b) continue supporting Canberra's racing clubs beyond the current MOU.

I grew up in real Australia—out in the sticks, in the wheat belt of Western Australia. I grew up around farms and bonfires and sheep dogs and horseracing. As a kid, I spent many an hour helping out old Jerry Randle, who always stabled a couple of



standard-breds in his backyard. His place was about a kilometre's walk from mine, and he trained his horses up at the local harness racing track. I would spend hours down there. He taught me so much about horses.

I can still remember losing control of a yearling standard-bred up at the York track. I think I would have been about 12 years old. He swung around and lashed out with both back feet and kicked me in the knees, and I do not know how I did not break anything. I hit the deck in immense pain. I can tell you, I did not let go of the lead; he dragged me a little way, but he did not get away.

Jerry Randle was the gardener at the local primary school. He was an occasional bus driver. He was as bogan as bogan could be. And, like most of the people in this country that are involved in either greyhound racing, harness racing or thoroughbred racing, he was a genuine battler. He was the sort of guy who should have been a bread-and-butter Labor voter. I do not know if he was, because we never talked politics; we just did not discuss it. All we talked about was horses. It was all we talked about.

Like everyone I have ever known in the horseracing circles, Jerry absolutely loved his horses. If it had been physically possible for them to sleep in the house with him at night-time, he would have welcomed them in each night. He was ridiculous; he was just absurd. Old Jerry Randle is no longer with us, but I can promise you that the pain that is being felt as a consequence of this government's failure to distribute fair funding to our remaining racing codes—that pain is being felt by the Jerry Randles of this region.

The Greens have this ridiculous perception that racing is the sport of kings and that its ranks are populated by suit-wearing toffs. They also have this unfounded perception that every person involved in horseracing is an animal abuser. They could not be more wrong. The vast majority of those involved in the racing industry in this town are minimum-wage battlers. They are salt of the earth people who are often working a number of jobs to try to pay the rent, to try to put food on the table. These are the people who have been the most hurt by the current insufficient funding and these are the people who have already lost jobs—they have already lost jobs—because trainers are leaving the ACT.

That is not just anecdotal. It is real. It has been reported on by the *Canberra Times*. I am not going to name those trainers in here, because I know a couple of them are embarrassed at leaving behind this battle. For years, the Canberra Racing Club has been telling the government that their current funding is not sustainable, that it does not allow them to keep pace with the surrounding region. For years, they have been telling you that unless something changes then trainers will leave the ACT. And now everything that they have said is happening.

When Mr Rattenbury, as a minister of this government, puts out a statement to say that he does not support the distribution of a single cent of money for the support of the racing codes, what he is actually saying to those minimum wage, hardworking battlers is that he does not care about their jobs. That is the aspect that is never discussed in this funding debate, when the Greens are talking—the jobs. They say, “Oh, we are going to retrain them.” Seriously, that is not a real-world answer!

Jobs have already been lost because of the virtue signalling that has gone on in this space, and the jobs of fair dinkum battlers will continue to be lost simply because the Greens have a vision of Australia which is entirely based around inner-city apartment living, riding bikes, saying virtuous things and, based on previous discussions in here, taking drugs. That is what their vision of the world is.

I have heard people in the racing game say, “All power to Labor for standing up to the Greens over the MOU. All power to Labor for standing up to them and signing that MOU.” But I just do not buy that position. Labor have signed this funding agreement knowing that at this level of funding there is no long-term future for the racing code here. They know it is not sufficient. And so, when it comes to the two progressive parties here, in terms of outcomes for the racing codes, you have got two choices: execution from the Greens or starvation from Labor. That is it. They are your two choices.

*Members interjecting—*

You can laugh all you want, Mr Barr, but those struggling battlers on a minimum wage who are dragging themselves out of bed at four in the morning to get to the race track, to do something that they love, for not much money, they are the ones who are suffering. Thoroughbred racing and harness racing are in diabolical strife here in the ACT. They are in strife because this government is starving both of them to death. The funding offerings through the MOU process are not sufficient to provide sustainability for these big employing, big economic-producing pursuits.

We will hear some grand statements from Mr Steel. Mr Steel is a smart man; he knows what is going on. I have seen his proposed amendments, which I will speak to in closing, but he knows that what I am saying is absolutely what is happening in this space. Every other jurisdiction in Australia recognises the value of their thoroughbred racing, their harness racing and their greyhound racing industries. In every other jurisdiction, the powers that be have gone out of their way to creatively provide a sustainable income for these sports—or, rather, they have set up a scenario under which those racing codes can fund themselves in the way that they always used to, and that is through funds that comes from people who are betting on those codes.

The history of this space is really important. I can see that Ms Clay does not quite have a full understanding of the history of the funding. In the good old days, funding for horseracing was pretty simple. A percentage of the betting turnover on those pursuits was funnelled back to the racing codes. This was made much easier by the fact that the various state governments owned the betting agencies and that online gaming simply did not exist. So it was very, very simple.

Things changed as we got into the thick of the century. Online betting became an actual thing as, one by one, the various states and territories offloaded their betting agencies. We sold ACTTAB in 2014 to Tabcorp. There was a big, multimillion-dollar price tag, an ongoing licence fee of a million dollars indexed to CPI. At the time, there was a little fellow by the name of Brendan Smyth who was the gaming and racing spokesman for the Canberra Liberals. Brendan stood in this place, and in the media, and said, “Hang on, hang on, hang on! Whoa!” He said, “Hang on just a moment.

If this is all going to be by MOU, what's to say that one day you won't just cease funding?"

The government just laughed. They said: "Oh Brendan!" They said, "What are you talking about, Smythy? As if we would do that! We will never do that." They made it very, very clear. They made a steadfast promise that racing was an important industry and that it would continue to be funded by government. They guaranteed long-term funding. Many big money decisions were made on the basis of that very clear agreement. There are those in this government who wish to renege on that.

As the years progressed, more and more betting shifted to online sources. Racing began to miss out on a lot of revenue. The online betting agencies only paid tax based on their geographic location and, as such, the percentage of that turnover that would normally be funnelled back to the various codes could not be, because it was stuck in the Northern Territory or wherever they were. That all changed in recent years, as the various jurisdictions put in place a point of consumption online gaming tax so that tax was paid at the geographic location of the punter rather than the betting agency.

That tax raised \$17 million last year, and then there was the sudden increase to 20 per cent as the rate in the ACT. I saw the one-line email that went to the betting agencies—I think it was on 12 or 14 July—and it said, "Just letting you know that the rate of point of consumption tax rose to 20 per cent as of two weeks ago. Thank you." That was great consultation there. That tax raised \$17 million last year and, with the sudden increase to 20 per cent, it is forecast to increase to \$26 million in the current financial year. So we are talking about well over \$100 million across the forward estimates.

In every other part of Australia, each of the somewhat-more-sensible governments has rightly chosen to redirect a portion of the point of consumption tax back to whence it came, back to the racing codes. They have done so because historically this would have been the case and because the racing industry is a massive economic driver and a huge employer. They have done so because—even in strong Labor jurisdictions, probably even more so in strong Labor states—there is an acceptance that horseracing is a part of the fabric of Australia. That is the acceptance that they have arrived at.

I am not expecting any support from the Greens on, this because the Greens are off in fairyland. I would expect the Labor Party to consider it very, very carefully. Can you imagine if Mary Porter were here or people like Ian De Landelles the discussions that they would have with you on this? You have trodden lightly in the MOU space in the hope that if you spent a piddlingly small amount on racing the Greens would just nod and let it go through. But they have not, have they? They have not done that at all, have they? We are about to see the extraordinary scenario whereby, if the press statements are correct, a minister of the government is set to vote against a line of spending in his own government's own budget! What is that about? I cannot see a scenario where that has ever happened before.

What I guess I am saying to Labor is this: you have nothing to lose. At the moment, you are sitting in no-man's-land; nobody is your friend. The Greens hate you because you are going to spend more than a dollar on racing; the racing industry hates you because you are strangling it. So you have no friends here. I do not know how many

friends Mr Steel had at school, but you have no friends here. Why not pick one side or the other? Either swing with the Greens and say, “We are with you,” or come around to the racing codes and support them.

The Greens have made it abundantly clear they will not support a cent being spent in this space. I would suggest that, as Labor MLAs, you do the right thing by the minimum-wage battlers. Do the right thing by this very important economic sector, understanding that 80 per cent of the point of consumption tax in Queensland goes back to the racing codes—80 per cent—as opposed to zero here. It is 80 per cent in Tasmania. Accept that you are the highest-taxing jurisdiction in regard to wagering on racing anywhere in Australia. I think this makes Labor and the Greens the biggest bookmakers in town by a country mile. Do the right thing and return a portion of this money back from whence it came. Thank you.

**DR PATERSON** (Murrumbidgee) (4.47): In speaking today, I do not support Mr Parton’s motion specifically calling on the government to return a reasonable proportion of the point of consumption revenue to racing codes. I have worked intensively in the gambling field for 16 years now. The industry, governments, the media, the services, the researchers, those people that enjoy a punt or a play on a poker machine, and those people and families impacted by the harms of gambling have been my job. These are the people and experiences I have lived and breathed for all of my adult working life.

What I have learnt and what I understand very clearly is that people need to be put first. All these debates that swirl around in parliaments and in the media are about different ideological and political positions, but none of them put the people who were harmed first. This debate today is about money from betting. It is people who bet. It is about the harm that is caused by this betting. I think this narrative has been so distorted.

I moved a motion in this Assembly to address online gambling harm a couple of months ago, calling on the ACT government to explore options for funding to address the harm, such as the betting operations tax. However, my motion was completely hijacked by Mr Parton and Mr Braddock for their own political purposes. It makes me extremely frustrated that I cannot get support for a motion, the first motion in this place that seeks specifically to support people harmed by online gambling.

What I would like to remind colleagues in the Assembly is that, when the headlines come out, when the debate ensues, the conversations that I have, for example, are with a mother who describes her 24-year-old son as a shell of his former self. Assembly colleagues: a young man who is a shell of his former self. Do we accept that, as a community? He has lost everything through online gambling, and his poor mother is at her absolute wits’ end to support him.

I speak to a man in his 40s who has survived two suicide attempts and has lost his family, livelihood and assets as a result of his online gambling in the ACT. He now lives in basic poverty, a broken man. I also speak to the partner of a gambler, a young woman in her 20s with two very little children, who cries every time she speaks to me, desperate for help for her husband, another young man, who has systemically eroded her trust and their finances over the past two years. These are the people that I

talk to, the people to whom I have to say, “Sorry, the motion wasn’t passed. Politics got in the way.”

I have been advocating strongly for an increase to the betting operations tax because I believe that the online wagering providers have exploited the community through COVID. I believe that, similar to the ACT clubs that are taxed to ameliorate the harm they cause, some of the revenue from the betting operations tax should be allocated towards harm reduction. In 2019 nearly 10 per cent of the ACT’s adult population bet on sports and special events. Of those people, nearly 40 per cent were classified as at-risk gamblers. Further, 14 per cent of the ACT population bet on a horse or a greyhound race, and 21 per cent are classified as at-risk gamblers.

The harm caused by sports betting is approaching double that of the harm caused by horseracing betting. Eighty per cent of people who bet on sports in the ACT bet online. However, only 50 per cent of people who bet on horse races bet online. Revenue from the betting operations tax in the ACT would predominantly come from online sports betting, and significantly more harm comes from sports betting than horseracing. This is why I do not support Mr Parton’s motion. I believe that any “reasonable proportion” of the betting operations tax should go to online gambling harm minimisation.

We continue to live in an environment where gambling advertising floods our TVs, social media and sportsgrounds, which I strongly believe needs to be addressed. But while we live in that environment, there needs to be education and an antidote to that advertising. We know the advertising works, which is why we have a major public health problem in the ACT of online gambling harm in 18- to 45-year-old males.

Again, to try to put this in perspective: compared to Victoria we have much higher sports betting participation rates. However, what is really stark is that in Victoria 48 per cent of people who gamble on sports are under 44, but in the ACT that is 80 per cent and it is very starkly skewed towards men. I have said this before, but if you are a male under the age of 45 and do not have a tertiary education in the ACT you have a one in five probability that you will experience gambling harm. I cannot say it enough: we have a major public health problem of gambling harm in young men in the ACT.

As I said in my original motion a couple of months ago, I strongly believe that the ACT government needs to consider evidence-based ways to raise community awareness around the risks of online gambling, and very urgently and proactively explore options to fund this from an increase in the betting operations tax to ameliorate the harm caused by online gambling. I just hope that into the future we can all reflect on the harm that comes to our community when we speak on this issue. Thank you.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.53): I am very pleased to rise to speak on Mr Parton’s motion today. The government recognises the role of our local racing industry in providing employment and other economic benefits. The memorandum of understanding reflects our acknowledgement of, and support for continuing, those jobs. Fundamentally, it also represents a judgement about the level of support among

competing priorities. In the ACT, rather than diverting a percentage of tax, the government makes an informed decision about support and contributes a set amount. That amount is not gifted. Government assistance for the industry comes with requirements.

The amendments that I will be moving today provide some much-needed clarity in this motion. There is clarity about how the point of consumption tax applies to more than just the horseracing and harness racing clubs. There is also clarity about what those taxes currently go to pay for. Mostly importantly, the amendments focus on the public obligations of the industry and point to the government's vision for an industry that is sustainable in the future. I understand that the Greens have a different position on funding for the industry. The government has made a deliberate judgement about support and the public benefits that come from it, and I will speak to the reasons for that now.

The memorandum of understanding provides support for the racing industry but at the same time represents a very small component of the total ACT budget. It is important to highlight that the ACT provides funding from an MOU and not, as in other jurisdictions where there is a tax, as a proportion. The MOU provides approximately \$8 million per year, over five years, to the industry. The level of funding chosen provides consistency with previous support amounts, with CPI indexation. That certainty of funding will allow the government and the industry to work collaboratively over the next five years to develop options for the future. The certainty protects local jobs from the uncertainties of the market in the short term.

A really important component of the MOU is that over the next five years it provides a very clear framework for the racing industry and the government to work together and deliver clear outcomes. These obligations ensure that public funds come with obligations to meet public expectations around transparency and also to improve animal welfare.

Key performance indicators are included in the MOU. Any member of the public can read them on the Justice and Community Safety Directorate's website. The racing clubs have agreed to meet a range of expectations under a performance framework regarding industry management, including animal welfare obligations, integrity, ongoing viability, governance, accountability and efficiency of the industry. This includes adherence to the Australian rules of racing and the local rules of racing, which contain provisions about rehoming and retraining retired racehorses to ensure the ongoing welfare of those animals.

To oversee these new KPIs, the clubs are required to report to a joint racing industry and governance committee. The terms of reference and the details of that committee are currently being developed with a focus on ensuring that there is continuous oversight of the MOU. I expect that the first meeting of the committee will occur in September. I look forward to receiving regular updates on all of the industry's key performance indicators.

The framework established by the MOU represents a direct contract to the approach suggested by the Canberra Liberals in this motion. A decision to support the racing industry is about making a sound judgement to protect employment and preserve an

industry. At the moment, the point of consumption tax goes to general revenue, and decisions about support for the racing industry are made in the budget process. The Canberra Liberals today are simply proposing that a percentage cut of taxpayer money be given, with no clear expectations in return and no time frame for review. That is not something that the government can agree with, and our measured approach is laid out directly in the MOU.

More relevant than the total income from gambling taxes is information about the economic benefits—in particular, local jobs supported by the local industry. That is really important for future decision-making and that is why the MOU requires each supported club to fund two economic impact reports in the first year, and then again in the fourth year of the MOU. Each club will be required to report on a wide range of indicators, including crowd attendance—including the proportion of ACT residents, interstate and international visitors who visited and stayed in Canberra to attend race meets; hours worked and wages paid annually by the industry; and estimates of the value of services provided and the value of goods purchased in connection with the industry. The ongoing reporting against KPIs and the economic benefits of the industry that will be developed are an important part of the MOU.

The amendment that I will be moving suggests that we will work with the industry over the medium term to look at how we can ensure the ongoing sustainability of the racing clubs. Assisting the racing clubs in Canberra to develop a diversified and sustainable revenue stream is a priority. By working together, we can identify options in the future for transitioning the industry to be fully self-sustaining while offering even greater benefits to the community. The funding provided to the racing clubs contributes to the development of a well-managed, well-regulated and sustainable racing industry that works to ensure the ongoing welfare of its horses. Decisions about funding are always a balance, and we need to make those decisions in the context of our overall budget priorities.

A decision to fund the MOU represents a judgement that there are local jobs in this industry and benefits to Canberra that are worth protecting, but that does not mean that boosting funding well beyond historic levels or tying it to whether or not there is a bigger share of gambling taxes is sensible. Nor does it mean that withdrawing funding entirely for other budget priorities, as the ACT Greens are calling on the government to do, is the right choice.

The government will continue to take a measured approach to this issue. Our MOU reflects a practical, transparent way to protect local jobs while ensuring that public money provides tangible benefits, including for the animals who are involved in the industry. We will continue to engage with the racing industry and make balanced decisions about the support that our government offers to secure benefits for the whole community. I move the amendment circulated in my name:

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

“(1) notes:

- (a) a point of consumption tax (POCT) is imposed on online gambling in all Australian jurisdictions except the Northern Territory;
- (b) the POCT generated \$17 million in the last financial year in the ACT;

- (c) the POCT rate in the ACT was recently increased from 15 percent to 20 percent on 1 July which should increase the revenue to government to approximately \$23 million;
  - (d) the ACT POCT is levied on ‘race and other sport betting taxes’ via online bets placed by a person located in the ACT on many sports and other events, including golf, rugby, motorcross and horseracing, and it is levied on those sports all around Australia, which means that the ACT POCT is not primarily levied on bets placed on ACT horseracing and, in fact, ACT horseracing comprises a relatively small proportion of overall wagering;
  - (e) unlike other Australian states and territories, the ACT does not return a portion of POCT to racing codes in their jurisdiction, determining instead to support the racing clubs through direct Budget funding arrangements via a clearly articulated Memorandum of Understanding (MOU) setting out requirements for humane treatment of horses, and workplace health and safety for industry workers;
  - (f) racing clubs in Canberra will receive \$8 million each year, indexed over the next five years under an MOU with the ACT Government;
  - (g) the ACT has increased the POCT rate broadly in line with NSW and Queensland, with other jurisdictions considering their own increases; and
  - (h) the ACT Government collected \$69 million in total gambling taxes in 2020-21 across lotteries, gambling machines, casino taxes, race and other sports betting and other gambling taxes and is forecast to collect more than \$77 million in 2024-25, which is transferred to General Revenue and then used by Government to help fund the expansion of health services, construction of schools, new ambulances and hiring of additional paramedics among other essential Government services funded in the 2022-23 Budget; and
- (2) calls on the Government to:
- (a) oversee compliance with the newly-agreed five-year MOU by the racing clubs to ensure a safe, humane and sustainable racing industry in the ACT;
  - (b) publicly report on the economic impact of the racing industry and the breakdown of POCT revenue; and
  - (c) continue to work with the Canberra Racing Club to appropriately facilitate a diversified and sustainable revenue stream over the medium term.”.

**MS CLAY** (Ginninderra) (5.00): The ACT Greens oppose public funding for the horseracing industry, and we will be supporting Minister Steel’s amendment. We are talking today about Mr Parton’s motion on the point of consumption tax, and there is a lot of confusion about how that tax works. I am pleased that Minister Steel’s amendment has corrected some of that confusion.

That point of consumption tax is levied on race and other sports betting. That is not just ACT horseracing; it is golf, rugby, motocross and other sports. It is also levied on



next year, is not coming from ACT horseracing; most of it is coming from other activities.

We heard from Dr Paterson about the harm caused by online sports betting; she has spoken really well and passionately about that. We understand—common sense tells us—that online sports betting is up. A glance at Sportsbet’s home page today shows that. They have horseracing there. Most of it is interstate. Very little of it is here. They also have greyhounds, AFL, NRL, EPL, MLB, FIFA battle cup, and *Beauty and the Geek!*

What a business puts on their website is what they know sells, and it is what they think they have to offer the world. That website shows us that what is on offer is not ACT horseracing. Today, people in the ACT will bet on all of those events. They will pay their point of consumption tax, and that money is not primarily coming from ACT horseracing.

How much is coming from ACT horseracing? It is hard to find out. The industry have spoken about the point of consumption tax revenue, which is expected to be, in total, \$23 million next year. They told ABC that “the bulk of that funding would be coming from the racing industry”. I was surprised to read that quote. Previous investigation from the Independent Competition and Regulatory Commission found that racing taxes are a minor and diminishing component of ACT gambling tax.

The commission’s view has been confirmed by several people I have spoken to who are working in this area. I checked the Australian gambling statistics recently. Those statistics show that bookmakers on course and on-course totalisator expenditure for the ACT was less than \$250,000 in 2018-19, so it looks to me like ACT horseracing betting might be under \$250,000. It is hard to read those figures. I do not wish to contribute to any more confusion in this area, so I will put that question to the Treasurer for confirmation. But we know from multiple sources, including independent public sources, that ACT horseracing tax is a very small component of ACT gambling tax.

In any case, you do not get your taxes back. That is not how tax works. GST on an industry is not sent straight back to that industry. Income tax is not delivered straight back into your bank account. The government collects tax and spends it on services that are in the public interest, like health, education, housing and the climate crisis. You will get the benefits of those services, but you and your industry do not simply get your tax back.

How much does the ACT horseracing industry contribute to the ACT economy? This is also really unclear. The industry has cited a figure of \$55 million and over 400 jobs, and those figures were echoed in Mr Parton’s motion. I have never seen those figures verified independently. Thoroughbred Park’s annual report last year said that they spend \$1.68 million on wages and salaries. That looks to me like 20 or 30 full-time jobs. The ACT government is giving them five times more public funding than they are putting into jobs.

The amount of taxpayer money that we give to the horseracing industry is around the same as the amount they give out in prize money, so to me it looks an awful lot like we are publicly funding prize money for horseracing, but it does not look like we are funding jobs. We will soon know how much ACT horseracing actually contributes. The MOU requires an independent economic impact report, and I will be really interested to see the results of this.

In any case public funding from government always makes jobs and always contributes to the economy. We could spend money on nurses, midwives, teachers and artists. That would make jobs, and it would deliver services to Canberra that Canberrans want and need. It would contribute to our economy, because everyone buys coffee, everyone buys groceries, everyone pays the rent, and everyone buys whatever supplies they need for their workplace and their livelihoods. The return on investment in the arts is actually one of the highest. For every million dollars in turnover that we spend on arts and entertainment, we produce nine jobs. If we want to make jobs, there are lots of ways to do it.

How much money is coming from ACT government to ACT horseracing is a really clear figure, and I am glad about that. It is \$41.144 million across the five-year MOU that has just been signed. It is around \$8 million each year. The Thoroughbred Park annual report shows that last year the Canberra Racing Club received \$6.6 million of their total revenue of \$13.2 million from the ACT government. They are half-funded by ACT government! What other private sector business is half-funded by ACT government?

What service do the people of Canberra get for this public service that they are paying for? Do they get health, education, housing or a safe and stable climate for their children? No. They get a horseracing industry with narrow appeal for some people which is clearly not a public service by any test that I can think of.

This funding is also out of step with sports funding. The Brumbies will get around \$1.8 million this year, the Raiders around \$2.6 million, and community sport and recreation grant recipients get up to \$10,000 each. The Canberra horseracing industry gets four times as much as other professional sports and 800 times as much as community sports.

I want to pause here and reflect on all of the good things in this MOU, and there actually are some. I do not think it should have been signed, but it is a massive improvement on what we have seen in the past. Minister Steel has been open, transparent and diligent. He has acted with integrity throughout the negotiations and in the final MOU itself. I am sure he has had some very difficult conversations with the horseracing industry about this, and I know my colleague Mr Parton was joking about that. I actually think that is the job of a minister—to do a hard job and to do it well.

He has delivered a clear and enforceable MOU which is miles better than the previous two—not that I can see the previous two, because they are not public documents. This MOU is a public document. It is the first time that it has been public. It is on the website. You can read it; I have read it. I would encourage you to have a look at it. It has set clear KPIs for the industry.

It already puts a lot of information in the public domain that is currently not clear, and it will release more, including the economic impact of the ACT horseracing industry. It has clear and enforceable standards about animal welfare. It goes nowhere near as far as the Greens would like, but it is a massive improvement, and it will make a material difference to the lives of those animals.

Before the last election, all three parties publicly stated their position on public funding for the horseracing industry. ACT Labor said they would maintain MOU funding and consider extending it for up to 10 years. That would mean the industry got fixed funding for 20 years—more than any other sports group, outside any ordinary procurement and grant process, without consideration of other pressures on our public purse.

The Canberra Liberals went further. They said they would renew and extend the MOU and increase public funding. That is what we are seeing today. We are seeing a call for even more money than the \$41 million that has already been committed. Yesterday the Canberra Liberals were worried about debt for their children. Yesterday they wanted an audit into spending. Today they want to give more money to one industry, outside any procurement, for no public interest reason that I have heard today. I am really confused about their position on fiscal management, and I would like to know how they think money should be spent for the people of Canberra.

The ACT Greens have been clear and consistent throughout all of this. Ahead of the last election, we said we would consult with stakeholders and consider public funding in the context of the public health emergency and other budget impacts and pressures, and that is exactly what we are doing and what we have done. We have been out to Thoroughbred Park and the Canberra Harness Club. We have spoken to the industry several times. We see that Canberra has multiple crises to deal with, and we see that Canberra needs this money to spend on health, education, housing and the climate. In 2020 it looked absurd to us to give this much money to one sports industry; it still looks absurd to us and we continue to oppose it.

I understand that the ACT horseracing industry is in distress. That is clear. There are headlines this week about trainers and liability insurance, and I have spoken to the industry. I hear the trouble they have in attracting new people to their industry, both as workers and as audiences, particularly young people. They are competing with Groovin the Moo and an increasingly vibrant arts and entertainment scene. They are competing with many other sports, like skateboarding and roller derby. They are competing with online sports betting. I have run businesses before and this looks a lot to me like a transition period.

The Independent Competition and Regulatory Commission considered the end of the ACT horseracing industry when they investigated this 10 years ago. They contemplated what would happen if the ACT horseracing industry collapsed. They said:

If the ACT racing industry were to cease operations there would not be a noticeable diminution in the viability of ACT wagering providers as only around 2% of wagering in the ACT is on races held within the ACT.

Ten years ago the commission said that if the industry collapsed, there would not be any noticeable drop in wagering in the ACT and revenue. The industry is in a worse position now than when that report was released.

I do not know whether this industry is viable without being half-funded by the ACT government, but the collapse of any industry is a serious and significant thing. I am really sorry for the people and the animals that this affects. That is why the ACT Greens did not call, and are not calling, for a sudden end to funding, but for a transition plan that looks after the workers and the animals while we phase out public funds. I think this is a more responsible plan. We are hearing how much distress there is from this industry. It is a good idea to have a chat with them about transitioning.

Do Canberrans support ACT horseracing? This is interesting. A recent RiotACT poll on whether the ACT taxpayer should support the horseracing industry found 74 per cent said, “No, the social licence has run out for racing.” That is not a Greens poll; that was a RiotACT poll. I was surprised to read how high that figure was. When should a government bail out an industry? When it is in the public interest for that industry to continue.

The ACT Greens oppose public funding to the horseracing industry. We are clear, measured and predictable on this. I have been consistently speaking against this public funding arrangement since my first sitting in December 2020, when I tabled a petition calling on the ACT government to withdraw public funding.

Last night our leader, Shane Rattenbury, issued a media release urging a more progressive budgeting decision that will create budgets that reflect what we value as a community and the future that we want to build together. He noted that, of course, we support the budget, and of course we support the government, but we object to this one line item, and we will continue to object to it.

It is the sign of any mature relationship to be able to disagree. Our government partnership is mature, and we sometimes disagree. We have been working with our colleagues on this new MOU, and it has been a really good example of that. We were opposed from the outset, and we made that clear. We dealt with our Labor counterparts, and they dealt with us, with honesty and good faith throughout.

The MOU is undoubtedly better than it would have been, and I am certain that it is much better than previous MOUs. Often—almost always—we Greens reach a compromise position where we do not speak out publicly against something that is not done in the way that we would like because both parties have made compromises and it is clearly in the public interest to back the end result. But in this one case, we just have not quite got to that point.

We fundamentally object to providing ongoing public funding to the horseracing industry, so it is not remarkable that we have spoken out. It is just remarkable that we do this so rarely. It is because our parties deal well with one another, and it is because we deal honestly and in a straightforward manner.

We will continue to work on all of the issues that are important to Canberrans. We will continue to deliver services to Canberrans. We have every intention of following

through on our principles and our very clear public position here. We have every intention of voting against a single line item in the budget, and we have every intention of supporting the budget and supporting the government. Of course, this government has our confidence. We are this government.

If our colleagues in Labor or the Liberals have seen enough information revealed about why this public funding should be redirected, perhaps they will join with us and agree that that line item should be changed; or perhaps they will decide that it is actually in the public interest to provide \$41 million of public taxpayer funding to the ACT horseracing industry.

I am pleased that the end result of what we have from this MOU is transparency. I am pleased that we will have economic impact reports. I am pleased to see Minister Steel's amendment, saying that those will be released. It is important that we get good, clear information into the public domain on the point of consumption tax and on the economic impact on the industry. I am happy to talk to anybody at any time about how we can move forward from this point. To be continuing to propagate pieces of information that simply are not held up by the facts is just not assisting our public debate at this time. We will be supporting Minister Steel's amendment.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (5.14): I would like to speak in support of Minister Steel's amendment to Mr Parton's motion. As the amendment to the motion outlines, the government does indeed collect a point of consumption tax. It is an excellent tax.

**Mr Hanson:** He loves a tax!

**MR BARR:** Not every tax is an excellent—

**Mr Hanson:** He knows a good tax, doesn't he?

**MR BARR:** Not every tax is an excellent tax.

**Mr Hanson:** Some taxes are better than others, but he loves them all.

**MR BARR:** Some taxes are indeed better than others, Mr Hanson. But this one is an excellent tax because it is a tax on all online sporting bets made by residents in the jurisdiction in which the bet is made, regardless, of course, of where the bets are placed or where the event takes place. So it does not just apply to horse racing; it applies to bets placed online for all sporting and other events.

The ACT, of course, is not alone in operating a point of consumption tax. Indeed, even governments run by your mob, Mr Hanson, have a point of consumption tax. So it is an excellent tax; everyone agrees that it is a very good tax. That is good to hear. All jurisdictions, except the Northern Territory, have indeed introduced a point of consumption tax to ensure that bets made online—

**Mr Hanson:** It's not as good as rates, though, is it? That's your favourite one, isn't it?

**MR BARR:** Jeremy, can you shut up for 20 seconds? No, evidently not.

**MADAM SPEAKER:** How about—

**MR BARR:** Madam Speaker, I apologise.

**MADAM SPEAKER:** That is all right. But we should not have interjections.

**MR BARR:** All jurisdictions, except the Northern Territory, have introduced a point of consumption tax to ensure that bets made via online betting operators are subject to the same taxation as other betting operators. It is a very sound public policy principle that underpins this. It is one of the few taxes that you get industry lobbying to increase. And I have had that, I have to say. As has been observed, I have been Treasurer for a little while. Generally, in a budget process, we will get submissions to spend five times the amount of revenue that the territory could possibly raise. Rarely do I get submissions indicating areas where revenue could be increased, but this is one tax where I will say I have had such submissions, and I acknowledge that.

It is a good tax. The implementation of it was reasonable and it was responsible. It was an important change in an era of jurisdictions effectively using their tax arrangements in this area to undercut each other in an attempt to attract online bookies to move their corporate headquarters.

That is the basis for it. It is a good tax. I do acknowledge that Mr Parton's motion contains an accurate statement. There is one of them!

**Mr Parton:** One of them?

**MR BARR:** Indeed. Other jurisdictions which have this tax do direct a proportion to their racing industries based on their performance. But the ACT has a different funding model, and Mr Parton touched on the history of that in his remarks. Nearly a decade ago, the ACT divested of its betting agency. We were one of the last states and territories to do so, but its performance was declining, and it was unable to compete in this new environment—in transition, Ms Clay, as you have identified.

What did we seek to do? We sought to put in place an alternative funding arrangement. If we had not done that then the racing industry would have experienced an ongoing decline in its funding. We put in place a five-year memorandum of understanding. We did so because at the time the industry was recognising what was happening to their revenue streams and was demanding funding certainty. The MOU provided that certainty, whilst maintaining close oversight of the racing club's performance across a whole range of important indicators.

The racing clubs' obligations have been strengthened under the MOU that Minister Steel has negotiated, including maintaining a higher standard of animal welfare, and supporting the workplace health and welfare of the workers in the industry that Mr Parton talked about. Whether they are trainers, strappers or jockeys; it is acknowledged that it is a tough industry to work in and that it can be dangerous.

The MOU also enables us, as we have heard, to capture information, data, about the racing industry's broader contribution to the territory economy across jobs and goods and services. That can help the government to make further informed decisions about appropriate funding arrangements into the future.

I want to share an anecdote because I thought it was pretty funny at the time. In a previous submission to government on the benefits of the racing industry to the territory, when I had portfolio responsibility, I was asked to consider—and I am not kidding you here—the contribution that the racing industry makes to fashion in the territory, as one of the reasons why it should receive government funding. I acknowledge the creativity of submissions that often come forward to government. The racing industry makes many contributions across our community, but I would not have put forward fashion in that context. That was an earlier era; things are a little more sophisticated in terms of data and engagement with government. I want to acknowledge that the MOU that Minister Steel has negotiated has moved beyond debates about a contribution to the fashion industry.

As Minister Steel's amendment outlines, Canberra's racing clubs will receive around \$8 million a year, indexed over five years under the current MOU, which represents about \$41 million across the MOU period, as has been indicated by other speakers. In the context of the budget debate that we will have in October, in the detail stage of the appropriation of the government directorate that provides the payment to the racing industry, the Greens party have indicated they will seek to move an amendment, as you can do under the self-government act, to reduce the appropriation. That would be by a one-year amount, because we do not appropriate for five years; we appropriate for one year, so it would be a modest reduction in that appropriation.

It will then be for the Assembly to vote yes or no to that Greens amendment. We are clear on the public record as saying we will not support that amendment, so the decision ultimately on whether the appropriation is reduced will lie in the hands of the opposition.

I have come to what I think to be the logical conclusion—that all of the statements that have been made would indicate that the Liberal Party would not support the Greens amendment in that regard.

As I have indicated, the amount in this MOU period is \$41 million. It is worth pointing out that the industry also receives income generated through race field information charges paid by wagering operators, a framework that was established by the government, and further revenue through their own sponsorship arrangements, and, of course, at the racecourse, the race day food and beverage sales.

Minister Steel's amendment also clarifies that the rate of the betting operations tax increased from 1 July from 15 to 20 per cent for online gaming operator betting revenue above the \$150,000 threshold. This is expected to result in total tax revenue of around \$23.7 million in the 2022-23 financial year—of course, that is from that multitude of sources. That is not racing's share of the point of consumption tax. Racing's share is considerably lower than that. I note that the increase in the point of consumption tax is broadly in line with New South Wales and Queensland.

Indeed, I know, as I chair the Board of Treasurers, the state and territory body, that other jurisdictions are also considering their own increases.

In the context of the debate that we have been having around the budget, and the apparent concern of the opposition about the level of expenditure and debt, that \$41 million over five years is expenditure, and some of it will be debt funded. Again it is open to the opposition, if they are particularly concerned about debt and deficit, to support the Greens amendment in that regard. I will credit the Greens party with being prepared to identify areas of public expenditure that they do not support. But what we are intending to do through the increase is to use that extra tax revenue in general revenue. I commend Mr Steel's amendment to the Assembly.

**MR PARTON** (Brindabella) (5.24): As we have been having this debate today, earlier in the day Racing NSW made an announcement that they are adding a further \$30 million in prize money, along with record investment in infrastructure and an additional share of prize money for both equine welfare and stable staff. Their prize money for so-called country TAB races, which would be equivalent to here in Canberra, rises to \$27,000. There is no possible way that the ACT can keep up with that.

I do not have the data with me; certainly, based on my discussions with online betting operators, I would reject the assertion made by Dr Paterson regarding the percentage of online betting on the racing codes, and assertions that were made similarly by Ms Clay based on what is on the front page of the app. Certainly, in the most recent discussions that I have had with one of those online bookmakers, the suggestion to me was that three-quarters of that turnover was indeed on the traditional racing codes. Although sports betting is increasing, three-quarters was on the traditional racing codes. I will get that specific data, but I do not place much stock in the assessment made by Dr Paterson.

In terms of assessing jobs based entirely on the wages bill of the race club, I wonder where Ms Clay thinks that the prize money goes! Very clearly, there are a bunch of people that are employed around horse racing that do not derive their income from the race club. The prize money makes the merry-go-round go around.

When I came into this place, I was hounded by the government over the fact that I had a five per cent share in a very slow racehorse; somehow that was a conflict of interest and it would end democracy or something! I want to report that the racehorse in which I had a five per cent share, Agrionius, was relatively handy; he won seven races and \$65,000-odd in prize money. We finished behind. As owners, we finished behind in terms of not getting a return on that. That money did not go to us; that money ended up going to cover all of the costs and all of the battlers that work in the industry, the farriers, the vets and all of that other stuff. That is what happens to prize money.

I wanted to talk about Mr Steel's amendment. Mr Steel in his amendment points out that the percentage of turnover on ACT horseracing specifically is actually quite small. There is this suggestion from him and Ms Clay that somehow we should base this entirely on just what is bet on ACT racing. That would be absurd, because it would mean that New South Wales would seek the turnover that was on their races in Perth;



then they would seek the turnover on their races in Queensland; and they would seek their turnover on the races in Tasmania.

Traditionally, of course, it just has not functioned in that way. There has been, over many decades, an acceptance that a percentage of the turnover on thoroughbred racing would go back to that code in that particular state. Is there really an expectation that each jurisdiction would specifically track the turnover on their individual state's racing and chase it down from other states? It is absurd.

Mr Steel's amendment calls upon the government to oversee a newly agreed and flawed MOU between the government and the racing codes. This is despite the fact that there are some aspects of the MOU which are actually unworkable; they are just not workable at all.

In the consultation with the two racing codes, both harness racing and thoroughbred racing made it abundantly clear to government that they are not able to comply with some of the things in the MOU, in particular in regard to whip-free racing. In the consultation it was explained very clearly that both codes are run under the umbrella of either Harness Racing New South Wales or Thoroughbred Racing New South Wales, and that the meetings are run under the rules of those organisations; so they have no ability to change those aspects of their operation.

I note the reference to public reporting of the economic impact of the racing industry and the breakdown of POCT revenue. I also note that it is pretty clear, certainly based on the media reports and all of the information that we are getting, that the economic impact of the racing industry will be declining because it is not being sufficiently funded. The figures that were given in that previous assessment that I quoted will be lower because more trainers have left. They are going, because it is unsustainable.

I also note that Mr Steel talks about the medium term in regard to a sustainable revenue stream. I wonder whether that is an indication that the minister is of the belief that the funding stream will cease at the end of this MOU. Ms Clay, in her speech, suggested that she was speaking of a "transition" for the racing industry. That is what she said today, yet we understand that, in a number of weeks, the Greens will vote against the funding in this particular calendar year.

Mr Barr has outlined that that is all they can vote on; they cannot go to forward estimates. They can only go to funding in this particular year. Although Ms Clay speaks about a transition, the Greens will come into this chamber in a month and vote against that funding that is in this budget now. They will be going with execution immediately. That does not sound to me like a "transition" at all.

The only other thing I would point out in closing is that the Greens have indicated they are supporting this amendment from Mr Steel. I want the Greens to think very carefully about this, because although they have indicated publicly that they are not supporting the race funding, in terms of that line in the budget, in a month's time, in supporting this amendment, are you not actually supporting the race funding? Although it is not mentioned in the "calls on", the text of this amendment from Mr Steel is all about how the MOU operates. You want to oversee the compliance

with the newly agreed five-year MOU by the racing clubs and make sure that it is rolled out, yet you are about to vote against that item of spending in the budget.

I would ask the Greens to think very carefully about whether they are about to go on the record as endorsing the MOU that they are about to vote against in the budget debate. That is all I have to say, Madam Speaker.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Noes 6

Mr Braddock  
Ms Burch  
Ms Cheyne  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Gentleman

Dr Paterson  
Mr Pettersson  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith  
Ms Vassarotti

Mr Cain  
Ms Castley  
Mr Cocks  
Mr Hanson  
Ms Lawder  
Mr Parton

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

## Family Violence Legislation Amendment Bill 2022

Debate resumed from 10 February 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.36), in reply: I am following on from Mr Cain’s earlier remarks and closing the debate. The Family Violence Legislation Amendment Bill 2022 contributes to the ACT government’s commitment to build safer communities in Canberra. The bill makes significant reforms to ACT legislation and continues the ACT government’s ongoing work to strengthen our response to domestic and family violence.

Domestic and family violence is an inherently gendered crime. Around four in five domestic and family violence offenders are male. It is estimated that one woman is killed by her current or former intimate partner per week in Australia. Violence against women and children has long-lasting impacts on all aspects of life. Forty-eight per cent of women who have experienced violence have reported that it has reduced their attendance at work. It is also a leading cause of homelessness for women and children.

It is essential that we, as a government and an Assembly, take action to deter violence against women and children and to strengthen the responses available when this type of violence does occur. The reforms in this bill are one aspect of that work and will strengthen the legal frameworks to better protect victim-survivors.

In that vein, I note Mr Cain's earlier remarks, where he talked about the fact that this bill does not address issues such as prevention. Minister Berry might be here to speak to those matters. The government has been very clear that we have a range of responses. Minister Berry's work in leading other aspects of this is important, and we are working together as a government. My responsibility as the Attorney is to deal with some of the legislative reforms; whereas Minister Berry will take the lead on service reforms. I agree with Mr Cain that we need all of those elements, but I think he is wrong in observing that this bill does not address those other elements, because it cannot and it is not the forum to do it.

I do note, however, that he referenced restorative justice. A couple of years ago now, the restorative justice system was extended to include both family and domestic violence matters and also sexual offence matters. The feedback I have had from the restorative justice team is that that reform has been very well received. Some people who have been affected by those crimes have gone through that system and the responses have been very positive. I thought it was worth reflecting on that broader response. We agree that a broader response is required. This bill is probably not the forum for some of those other matters.

The Standing Committee on Justice and Community Safety recently conducted a public inquiry into the bill. I welcome their recommendation that the Assembly pass the bill. As I said, when speaking on the government response, we also welcome the public discourse about domestic and family violence that the inquiry encouraged. In particular, we acknowledge the finding by the committee of the value of these reforms.

I will now discuss each of the amendments in the bill in more detail as we move through this debate. The bill amends the Crimes Act to introduce an aggravated family violence offence scheme. This is phase 2 of the ACT government's commitment to address the 2020 Court of Appeal decision in *R v UG*. In that case the court found that, absent a statutory provision, there is no place for a separate sentencing regime that applies to offenders who commit family violence offences, whether it be a more lenient or a more severe sentencing regime.

New sections 48C, 72AA, 72EA and 116 of the Crimes Act are the operative provisions which establish the aggravated offence scheme. The scheme applies to select offences. The offences which have been included are those which are most commonly committed in a family violence context, recognising the wide-ranging nature of domestic and family violence. These include physical offences such as common assault, sexual offences such as sexual intercourse without consent, and non-physical offences such as non-consensual distribution of intimate images and stalking.

An offence will be an aggravated offence and will attract a higher maximum penalty if it involves family violence. The definition of "family violence" for this purpose is broad and includes behaviour such as physical, sexual, emotional, psychological or

economic abuse, threatening behaviour or coercion, where that behaviour is done by a person against a domestic or intimate partner, a former domestic or intimate partner or a relative.

The maximum penalty for each new aggravated offence is set out in the provision for each relevant offence, ensuring that there is transparency in relation to the alleged offence and the maximum penalty at the charge stage. The higher maximum penalties will provide guidance to the courts about the Assembly's assessment of the seriousness of family violence offences, compared to other types of offences.

I do emphasise that the courts will retain full sentencing discretion in determining the appropriate sentence for an offender in each individual case. The maximum penalty is not a form of mandatory sentencing or an attempt to increase incarceration rates but is intended to provide a yardstick for the courts to assess a case against the worst possible case.

This scheme aims to address the behaviour of family violence offenders more adequately and to minimise the risk of further physical, emotional and psychological harm to victim-survivors. The scheme will also provide public recognition of the significant harm that is done to individuals and to the community as a result of domestic and family violence offending.

The bill also amends the Crimes (Sentencing) Act and the Evidence (Miscellaneous Provisions) Act to introduce two new protections in relation to victim impact statements. These measures are general in nature and are not limited to victims of domestic and family violence offences.

New section 51A of the Crimes (Sentencing) Act provides that if the prosecution, in a sentencing proceeding for an offence that is punishable by imprisonment for longer than five years, requests an adjournment for a victim impact statement, the court must grant an adjournment for a reasonable period. However, the court has a discretion to not adjourn the proceedings if satisfied that special circumstances apply. This amendment will help to improve access to justice and reduce trauma for victims involved in the criminal justice process. It ensures that, even where a matter unexpectedly progresses to sentencing, a victim will still be able to access their right to provide a victim impact statement to the court.

New section 96 of the Evidence (Miscellaneous Provisions) Act provides that a court must not allow the defence to cross-examine the maker of a victim impact statement about its contents before a finding of guilt has been made unless the court is satisfied that the statement has substantial probative value to justify the cross-examination. After a finding of guilt has been made, the court must not allow the defence to cross-examine the maker about the contents of a victim impact statement unless the court is satisfied that the cross-examination would materially affect the likely sentence to be imposed on an offender and gives the defence leave.

New section 97 of the Evidence (Miscellaneous Provisions) Act provides that a victim impact statement may not be used in other proceedings unless a finding of guilt has been made in the principal proceeding or the court hearing the principal proceeding is satisfied that the statement has substantial probative value and grants leave.

Victim-survivors have expressed concerns that cross-examination is a daunting experience and possibly represents a form of institutional abuse, which is not conducive to healing. Where victim-survivors are faced with the prospect of cross-examination on their victim impact statement, they are less likely to proceed with preparing one. As a result, they are left with no voice in the criminal proceedings to express how the offending has impacted them. This reform will provide protections to victims of all types of crime and will reflect that the primary purpose of a victim impact statement is to assist the court in the sentencing process.

Furthermore, the bill amends division 4.4.3 of the Evidence (Miscellaneous Provisions) Act, which sets out special requirements for the protection of counselling communications in sexual offence proceedings. The amendments extend these existing protections to apply to family violence offence proceedings, in addition to sexual offence proceedings. A counselling communication made by, to or about a person against whom a family violence offence was, or is alleged to have been, committed will be considered to be a protected confidence.

A protected confidence must not be disclosed in, or for the purposes of, a preliminary proceeding and must not be disclosed in a criminal or civil proceeding unless the court grants leave for the disclosure. The court must refuse leave if not satisfied that there is a legitimate forensic purpose. If the court is satisfied that there is a legitimate forensic purpose, the court must then consider whether it is satisfied that the public interest in fairness outweighs the public interest in preserving the confidentiality of the protected confidence.

The reform in this bill to extend these protections will promote access to justice for victim-survivors of domestic and family violence. Stakeholders have highlighted that counselling sessions are a therapeutic process, and to allow these sessions to also be an evidence-gathering process deters victim-survivors from seeking professional support and limits their ability to talk freely and honestly with their counsellor.

This bill also amends section 8(2) of the Family Violence Act to provide that the definition of family violence includes the harmful use of, or interference with, technology. Technology-facilitated abuse has emerged as a common form of domestic and family violence that can occur while a relationship is ongoing but that also frequently occurs after a relationship has ended, as a method of maintaining control despite physical distance.

Technology-facilitated abuse can involve a range of controlling and coercive behaviours such as the non-consensual distribution of intimate images, threatening phone calls or messages, harassment on social media sites and location tracking. The reform highlights that this type of behaviour has a serious impact on victim-survivors and must be treated as seriously as other types of violence, such as physical or sexual abuse.

The amendment will allow the court to make a family violence order where it is satisfied that the affected person has reasonable grounds to fear family violence involving technology-facilitated abuse or the respondent has used family violence that involved technology-facilitated abuse. The court may also include a condition in a family violence order that the respondent not engage in any form of family violence,

and this will include technology-facilitated abuse. The contravention of a condition of a family violence order is an offence attracting a maximum penalty of five years imprisonment.

Members will recall from the introduction stage that this bill also amends section 56 of the Crimes Act to change the name of the offence from “sexual relationship with a child or young person under special care” to “persistent sexual abuse of a child or young person under special care”. As I said to the Assembly when I introduced the bill, this reform has been included as a direct result of the advocacy of former Australian of the Year Grace Tame. The amendment will also implement one of the law reform recommendations of the Sexual Assault Prevention and Response Steering Committee in its recent report *Listen. Take Action to Prevent, Believe and Heal*.

This is an important reform that removes the term “relationship”, which implies consent, and replaces it with “persistent sexual abuse”, which recognises the true gravity of the offending behaviour. This amendment will ensure that the language in our legislation does not in any way minimise or sanitise sexual violence. The elements of the offence that the prosecution must prove will not, however, be affected by this amendment.

In addition, as a consequence of the new aggravated family violence offence scheme, the bill also amends the Working with Vulnerable People (Background Checking) Act to insert relevant offences into the schedule of disqualifying offences for the background checking scheme.

Disqualifying offences are relevant to the assessment of whether a person can be given registration to engage in a regulated activity that involves contact with a vulnerable person. The background checking scheme is essential to the protection of vulnerable people, such as children, as it prevents individuals who are assessed as posing a high risk from working in the sector. The offences which have been added to the schedule of disqualifying offences are consistent with those which are already included in the background checking scheme and this will ensure that there are no gaps or inconsistencies.

Lastly, the bill introduces a statutory requirement for the Family Violence Act that the amendments introduced by this bill are reviewed three years after the commencement of the bill. I note that Mr Cain has moved an amendment on this, and I will come back to discuss this when we get to the detail stage. In conclusion, this bill creates a number of important protections and measures directed to prevent domestic and family violence in our community. I welcome members’ support for the bill and I commend it to the Assembly.

**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) (5.50), by leave: I rise today to speak in support of the Family Violence Legislation Amendment Bill 2022, which is part of the ACT government’s important work to address domestic and family violence in the ACT.

This bill adds to the significant work that the ACT government has been implementing for a number of years now, particularly in the prevention and response space, to address occurrences of domestic and family violence. It is a complex area to work in, so our response needs to be broad to overcome these complexities. This amendment bill will not on its own end domestic and family violence. If only it were that simple. We cannot simply expect to be able to arrest our way out of this issue. However, it is important and it reflects on and acts on the feedback that the government has received from victim-survivors, advocates and specialist service provider experts in this space.

Data gathered from the Australian Bureau of Statistics reports that approximately one in four women and one in 14 men have experienced violence by an intimate partner. We also know that intimate partner violence contributes to more death, disability and illness in women aged 15 to 44 years than any other preventable risk factor. To successfully address domestic and family violence in our community, we must ensure that the ACT government implements an integrated system response. Perpetrators of domestic and family violence must be held accountable and we must ensure that their behaviour is not minimised. Victim-survivors must be supported by providing appropriate support services and protections and by improving access to justice.

The ACT government will continue to look at innovative ways that we can reduce domestic and family violence in our community. The amendments in this bill implement the second phase of the ACT government's commitment to address sentencing in family violence matters to ensure the accountability of perpetrators and to implement a number of recommendations of the 2020 Family Violence Act review.

The Family Violence Act review heard from victim-survivors as well as stakeholders who work in the service sector. These reforms have been developed in consultation with those key justice stakeholders.

The bill introduces six key reforms to the Crimes Act, the Working with Vulnerable People (Background Checking) Act, the Crimes (Sentencing) Act, the Evidence (Miscellaneous Provisions) Act and the Family Violence Act. First, the bill introduces an aggravated family violence offence scheme in the Crimes Act. Offences included in the scheme will be considered aggravated offences if they involve family violence. An aggravated offence attracts a high maximum penalty to reflect the seriousness of domestic and family violence offending. This will allow the courts to impose harsher sentences where appropriate.

Analysis of the domestic and family violence behaviours used by perpetrators demonstrates the range of physical and non-physical violence used by abusers to dominate and control their partner. The data suggests that any relationship that exhibits domestic or family violence—whether physical, sexual, emotional, social or economic—is embedded with a risk of fatality. The scheme recognises the broad-ranging nature of domestic and family violence by including both physical and non-physical offences. The scheme will help to ensure that this behaviour is publicly denounced by specifically acknowledging that family violence is an aggravating factor.

The bill also makes amendments to the Working with Vulnerable People (Background Checking) Act to include, where appropriate, some of the new aggravated family violence offences in the schedule of disqualifying offences. The worker background screening scheme prevents individuals who have convictions for disqualifying offences from engaging in occupations that require a working with vulnerable people check. As a result of the amendment, some aggravated family violence offences will be a disqualifying offence in worker background screening. This will assist with the protection of vulnerable people through the early identification and exclusion of those who pose a risk. This scheme forms part of a national approach to assess the risk of potential workers and strives to lead a reduction in the incidence of abuse, violence and exploitation over time.

The bill also introduces a requirement in the Crimes (Sentencing) Act that the court can adjourn sentencing proceedings upon application for the preparation of a victim impact statement. This requirement will only apply where the relevant offence is punishable by a maximum penalty of more than five years imprisonment. The courts will retain a discretion to refuse the adjournment under special circumstances. A victim impact statement is a statement made to the court by or for a victim that contains details of the harm suffered by a victim because of the offence. It is provided to the court after a person is convicted or pleads guilty to an offence and is used by the court as part of the sentencing process.

It is at the victim's discretion whether they would like to make a statement within the court proceedings. For some victims it is an opportunity to tell the court and their alleged offender how the offences impacted their life. While there is no suggestion that courts are operating to impede victims who wish to make a victim impact statement, this reform is important as it reinforces the importance of access to justice for victims and supports the Charter of Rights for Victims of Crime that was passed on 23 July 2020. The amendments will ensure that victims have the opportunity to be heard even if a matter progresses to sentencing more quickly than anticipated.

Further, the bill amends the Evidence (Miscellaneous Provisions) Act to introduce limitations on the ability for the defence to cross-examine a person on the contents of their victim impact statement. In determining whether to grant leave to allow cross-examination on a victim impact statement, the court must be satisfied that either the victim impact statement has substantial probative value or the cross-examination would materially affect the likely sentence.

The use of victim impact statements in other proceedings, such as related family law matters, will also be restricted to after a finding of guilt in the principal criminal proceedings or where the court hearing the principal proceedings is satisfied that the victim impact statement has substantial probative value in other proceedings. As with the previous reform to require an adjournment for the preparation of a victim impact statement, this measure is aimed at increasing the uptake of victims preparing victim impact statements and ensuring that victim-survivors have a voice in the criminal justice process.

The bill will also amend the definition of the Family Violence Act to specifically recognise technology-facilitated abuse. The existing definition already incorporates a broad range of behaviours, including physical, sexual, emotional, psychological and



economic abuse. The inclusion of technology-facilitated abuse will ensure that the definition of family violence is modernised and more accurately reflects the scope of potential domestic and family violence behaviours.

Technology-facilitated abuse is an increasingly common part of domestic and family violence. The eSafety Commissioner reports that more than 99 per cent of Australian victim survivors of domestic and family violence have experienced technology-facilitated abuse. This reform highlights that technology-facilitated abuse can be harmful and, just like other types of abuse, can, in particular, negatively impact on mental health.

Finally, the bill amends the name of the offence in section 56 of the Crimes Act to “persistent sexual abuse of a child or young person”. The existing language of this crime as “maintaining a sexual relationship with a child or young person” suggests a level of consent or complicity by the victim-survivor. The rewording of this offence by the bill is intended to reflect better the true nature of this offence as predatory and exploitative and is a move towards greater national consistency. Advocates such as Grace Tame, Nina Funnell and others have been calling for changes to this language for some time, and I am proud that the ACT is now able to make this change a reality.

The bill also includes a provision that requires a review of the operation and effectiveness of the Family Violence Act and the amendments in this bill after three years. I support that a review must be tabled in the Assembly. The three-year time frame has been selected to allow sufficient time for the provisions to be used and for data to be collected and analysed. This review safeguard has been included to ensure that there are no unintended consequences of the reforms and to allow the government to be made aware of any gaps or issues that need to be addressed.

In closing, I would like to acknowledge the important part that this reform plays in the ACT government’s commitment to addressing domestic and family violence in the ACT community. This work reflects the ACT government’s commitment to listen to the voices of victim-survivors and to ensure that we have a justice system that holds the perpetrators of domestic and family violence to account.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR CAIN** (Ginninderra) (6.01), by leave: I move amendments Nos 1 to 3 circulated in my name together and table a supplementary explanatory statement to the amendments [*see schedule 1 at page 2341*].

I will not labour this. I made my point this morning. But I will, just for clarity, say that the purpose of my amendments is to address the time frame proposed in clause 94 of the bill, which would be section 156 of the primary act. Subsection (1) says:

(1) The Minister must—

- (a) review the operation and effectiveness of this Act as soon as practicable after the end of 3 years after this section commences ...

I note that the section and the act itself will commence the seventh day after notification of this act.

My amendment, very simply, is to reduce that three-year waiting time to two years. I base that submission on the fact that, as I mentioned this morning, the JACS inquiry, in its report of 14 April, in recommendation No 5, stated:

The Committee recommends that in two years from the commencement of the Act, the Attorney-General provide an update to the Assembly on the impact of the legislation.

The government's response on 2 June agreed to provide an update on available evidence but committed to the three-year statutory review. So what I am proposing is within the spirit of what the government has actually agreed to do, and that is to review the operation of the act within two years rather than three years. I would prefer, and I think the community deserves, to have the certainty of that review within two years enshrined in the legislation.

Again, we have some uncertainties that may arise as a result of these heightened sentencing approaches. I think the community deserves to see a more timely review than is currently proposed. I raise it partly because the government itself has agreed to that. The JACS committee, after a full inquiry into this bill, recommended that to the government. So I am simply asking for this two-year time frame to be something that is mandated in the legislation. I think the community would expect that to be put in place.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (6.04): We are discussing the review of the legislation, and this is an important safeguard to ensure that the amendments are operating as intended. This will also assist the government to identify any further areas of improvements. So I think we all agree that this is worthwhile.

We acknowledge that there is ongoing work to be done to prevent and respond to domestic and family violence. I think that, through the passage of time, people understand better what is needed in the law. These amendments reflect that at this point in time. We will need to continue to monitor them. So I do not think there is any disagreement that we want to come back and have a look at this.

However, the government does not intend to support the amendments proposed by Mr Cain. I have two reasons for that. Firstly, my view, the government's view and also the advice that we have received is that three years is a much more appropriate period to gather information on use, experience and data about how the Family Violence Act is functioning. Legal processes, of course, are not instantaneous.

We will not suddenly see everything change the day after these amendments commence and then spend two years analysing those results.

The processes will take time—whether it be the time needed to engage in criminal investigations, proceedings, sentencing and rehabilitation or the time taken for cultural shifts stemming from the legislation to take place. If the review is undertaken after only two years, it does seem pretty likely that the information to inform the review will be insufficiently developed. I do acknowledge that the Assembly, rightly, regards domestic and family violence laws as something needing continual attention. That is why we will be providing an update to the Assembly after two years.

This leads me to the second reason why we will not be supporting the amendments. The Justice and Community Safety Standing Committee, when they undertook their inquiry, specifically noted that a three-year review is appropriate but recommended that any early information should be brought, in a two-year update, to the Assembly. The government agreed to this recommendation from the committee. If I could quote from the committee's report, paragraph 4.38 stated:

The Committee agreed with the three-year review but noted that there should be monitoring of data to support it, particularly noting the concerns in respect of Aboriginal and Torres Strait Islander people.

At recommendation 5 the committee said:

The Committee recommends that in two years from the commencement of the Act, the Attorney-General provide an update to the Assembly on the impact of the legislation.

And at recommendation 6 it stated:

The Committee recommends that the ACT Government, as part of the review of the legislation after three years, assess the impact on offender rehabilitation of longer sentencing under the aggravated offence scheme.

Therefore, it has come as somewhat of a surprise to me that Mr Cain, who is the chair of the JACS committee that made these recommendations, has now come in with a different amendment. He comes to the place saying that the review said be after two years. Fair enough. I guess we all change our mind at times. But the only effect of this would be that the review—in my view and on the advice that we have received—would be hampered by a shortage of information. I think the quality of the findings of that review would therefore suffer.

Mr Cain, this morning, said that he wanted to take the recommendation a little bit further. I suppose that is what his amendment does. But we have actually agreed with the committee recommendations. I think that is quite a good way to proceed. I am comfortable to come back and give an update after two years with whatever data and community feedback we have got. But I would prefer, and I think it is a better approach, to take the three years of data that we will have received and have the review at that point. So I appreciate the sentiment, but the government will not be supporting Mr Cain's amendments.

**MR CAIN** (Ginninderra) (6.08): Mr Rattenbury has pointed out that the JACS committee went to a certain degree of requiring a fresher update than three years. Of course, I agree with that. But I am not here as the chair of the JACS committee. I am here as someone who has had an opportunity to reflect and review, post this inquiry, as well. And, really, I do not see what would be problematic with the government committing to a shorter statutory review—an update—as a commitment from the government.

Who knows what the government will be in a position to do in two years time, without the compulsion of a legislative review? Given the concerns that have been expressed from some parts of our community—and, again, this was during the inquiry—I think the community deserve an earlier review of these higher sanctions on these offences committed within a domestic situation.

I am trying not to take the Attorney-General’s comments about me and my view as a criticism, but I certainly am following on. To me, it is simply extrapolating to another degree what the JACS committee has supported. I am adding to that. I think that the two-year statutory review period is more appropriate for such a change in the legislation. Obviously, I support my amendments.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 6

Noes 13

Mr Cain  
Ms Castley  
Mr Cocks  
Mr Hanson  
Ms Lawder  
Mr Parton

Mr Braddock  
Ms Burch  
Ms Cheyne  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Gentleman

Dr Paterson  
Mr Pettersson  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith  
Ms Vassarotti

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

## **Statute Law Amendment Bill 2022**

Debate resumed from 2 June 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (6.15): I will be brief. I note that this bill, the so-called “SLAB”, the Statute Law Amendment Bill 2022, is intended to make technical

amendments to the language used in almost 40 pieces of legislation, which I will not name, in the ACT statute book so that, where an individual is the subject of a provision and it matters not what gender that individual is, a generic pronoun or noun will be used—for example, “individual” or “person”. I note that, for the grammar nerds amongst us—I think I used to be that, strictly, but less so now—sometimes the plural pronoun “they” will be used. We will just have to get over that.

I note that this bill was produced by the Parliamentary Counsel’s Office as part of their general editorial and supervisory role, to ensure that ACT legislation is concise and clear in language while avoiding redundancies and complexities. I note as well that there is a minor amendment to the Territory Records Act, on a different theme, to remove the requirement for the minister to approve leave for the Director of Territory Records.

As always, I appreciated the briefing from the Attorney-General’s officers on 25 July, which included parliamentary counsel. The Canberra Liberals will be supporting this bill.

**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) (6.17): As has been mentioned, of particular note in this bill are the amendments to remove gendered language from almost 40 acts and regulations. Consistent with the recognition of gender diverse people, the use of personal pronouns in the masculine or feminine is no longer appropriate drafting practice in the ACT. Gender neutrality in our legislation is important to reflect and foster an accepting, inclusive and progressive Canberra community.

The use of gender-neutral language is also supported by reports such as the ACT Law Reform Commission’s *Beyond the binary* and the ACT government commissioned *ACT LGBTIQ+ legal audit: reforms for an inclusive ACT*. Indeed a gender-neutral drafting practice has been adopted in most other Australian jurisdictions and in countries around the world.

Gender-neutral drafting involves avoiding gender-specific pronouns and adjectives and avoiding nouns that might appear to assume that a person of a particular gender will do a particular job or perform a particular role—for example, “chairman”. Gender-neutral language is important because it makes legislation accessible and it makes it relevant to everyone.

Our Parliamentary Counsel’s Office has already been adapting its drafting practice over many years to incorporate gender-neutral language. The adoption of gender-neutral drafting practices means that, for at least the past two decades, legislation drafted by the office has primarily used gender-neutral language to refer to people or positions. This includes new bills and regulations, as well as amending bills and regulations.

Multiple amendments in schedule 3 update the statute book with gender-neutral language, avoiding bias towards a particular sex or social gender. References to gendered personal pronouns such as “he” or “she”, “his” or “her”, “him” or “her” and

“himself” or “herself” are removed and replaced by either the noun that is the subject of the sentence—for example, “the chairperson”—or by using “they”, “their”, “them” or “themselves”.

The pronouns “they” or “their” are used to refer to a singular subject in everyday speech; this has been adopted in writing for many centuries. This language has become increasingly more common in drafting practice across Australia and internationally. Indeed, since 2016, “they” or “their” have been used to refer to a singular subject in legislation drafted by the Parliamentary Counsel’s Office.

Following passage of this bill, some legislation in the ACT statute book will still contain gendered language. These references are being removed incrementally, in part through statute law amendment bills such as the one that is before the Assembly for debate today.

For legislation that still contains gendered language, section 145, paragraph (a) of the Legislation Act ensures that a reference to a gender includes a reference to every other gender.

The use of gender-neutral language is an important part of creating an accepting and inclusive Canberra. Language, as I think we are all aware in this place, is important and powerful. Canberra is home to many gender diverse people, and we are inclusive and welcoming. It is only right that our statute book reflects that. I commend the bill to the Assembly.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (6.20), in reply: As has been touched on, the Statute Law Amendment Bill 2022 carries on the technical amendments program that continues to develop a simpler, more coherent and accessible statute book for the territory through minor legislation changes. It is an efficient mechanism to take care of non-controversial, minor and technical amendments to a range of territory legislation, while conserving resources that would otherwise be needed if the amendments were dealt with individually.

The technical amendments program is managed by the Parliamentary Counsel’s Office. The guidelines and practice note are publicly available on their website. I thank the Parliamentary Counsel’s Office for their ongoing work.

Although each individual amendment is minor, when viewed collectively the amendments are a significant contribution to improving the operation of the affected legislation and the statute book generally. Much like taking your car for a service, these amendments may seem minor, but neglecting to do them will, over a period of time, substantially impair the accessibility and usability of our statute book.

Schedule 1 of the bill will make a minor amendment to the Territory Records Act—section 36, paragraph (e). The paragraph provides that the minister may end the appointment of the Director of Territory Records if the director is absent from duty for 14 consecutive days, or 28 days in any 12 months, except on leave given by the minister. The words “except on leave given by the minister” create a requirement for

the minister to approve the director's leave, if the director intends to be on leave for longer than 14 consecutive days, or for 28 days in any 12-month period.

While the director's appointment to the position of Director of Territory Records is made under the Territory Records Act, part 4, the director is employed as an SES member under the Public Sector Management Act. The words "except on leave given by the minister" are replaced by the words "other than on approved leave", removing the requirement created for the minister to approve the director's leave.

Schedule 2 contains amendments proposed by the parliamentary counsel to ensure that the overall structure of the statute book is developed to reflect best practice. This bill does not provide for such amendments, but the schedule heading is retained to preserve the usual numbering of schedule 3.

Schedule 3 contains technical amendments proposed by the parliamentary counsel. The amendments made correct minor typographical or clerical errors, improve grammar or syntax, omit redundant provisions, remove gender-specific references, or otherwise update or improve the form of the legislation. Amendments are included in this schedule only if they are technical; that is, they do not change the effect of the law in significant respects and, again, are not controversial.

Schedule 3 of this bill includes amendments to correct minor errors, including to correct typographical errors, update cross-references, update language, update endnotes, omit redundant provisions, and renumber paragraphs. As has been identified—and Minister Cheyne gave a good summary—schedule 3 also includes amendments to remove gender-specific language from multiple acts and regulations.

Finally, a schedule 4 is included if the bill is to include repeals of obsolete or unnecessary legislation, but there is no schedule 4 in this bill.

I would like to express my appreciation for members' support for the technical amendments program. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

## Canberra Montessori School—gang-gang cockatoos

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (6.24): As I start this, I would like to acknowledge that we have a few guests in the gallery who have been waiting some time because we have gone so late. I just wanted to say hello.

A few months ago I received a postcard in the mail from Adelaide, in Karri class at the Canberra Montessori School. It said:

Gang-gang numbers and habitat have declined greatly. They need help NOW!  
Can you come to our school and see what we are doing?

It was a pleasure to accept Adelaide's invitation.

At the end of July, I visited the school with my colleague local MLA Emma Davidson to help plant habitat for gang-gangs with the class. The weather was overcast, but nothing could have dampened our spirits or those of the students. With Indigenous plant expert Aaron Chatfield and Michael Mulvaney from Birdlife Australia's "Gaga for Gang-Gangs" project for schools, which inspired the class's efforts, we all got stuck in.

I learnt how enthusiastically the students have embraced the project. They have researched gang-gang numbers around eastern Australia and the ACT. They have looked at the issues associated with the decline of gang-gang populations and habitats. They looked at bird and tree surveys to work out whether the area was suitable to be planted with gang-gang friendly trees. Having completed their research, they planted over 20 trees from Birdlife Australia to increase local gang-gang habitat on the school grounds. On top of that, they also saved their pocket money to raise over \$400 for the purchase and installation of birdbaths. It was a fantastic effort.

The area we planted was next to the school's Indigenous bush food garden, which they are creating as part of their reconciliation food garden. It includes a yarning circle and vegetable and berry planters. After an incredibly sobering *State of the Environment Report*, getting my hands dirty alongside our younger generation reminded me again of why it is so important to protect our endangered species and our planet.

The efforts of Karri class, and many others across our territory, make a real difference to our future. They are inspiring and they fill me with so much hope. So my concluding words are from some of the students themselves about their experience. Augie said:

It's been hard work shovelling soil and mulch, but it was worth it because it is going to help gang-gangs and other birds and animals. It is a very nice path to walk along. I'm looking forward to having classes in the yarning circle and working in the veggie beds.



Elliot said:

That was fun and maybe other people should try it at their homes and schools. I leave here at the end of the year and maybe I will come back and see how the trees are growing.

George said:

Kids helped me make this garden. Small things can make a difference. It will be even more important in the future. Hopefully gang-gangs are going to benefit and live in the garden.

I could not agree more.

### **Federal government—territory rights**

**MR PETTERSSON** (Yerrabi) (6.28): I rise this evening to thank and congratulate the House of Representatives for passing the Restoring Territory Rights Bill. Today 99 members of the House of Representatives voted for territory rights. Unfortunately, 37 opposed it. This is an issue on which deeply held views exist.

I would like to commend all of the territory members who advocated so fiercely for this change. I particularly want to mention Alicia Payne MP, as well as Luke Gosling MP, who brought forward this bill. It is because of them that it was debated in the House of Representatives. As this bill moves forward, I urge all members of the Senate to vote for territory rights. Residents of the territories deserve the exact same democratic rights that our counterparts in the states currently enjoy.

This Assembly is ready to debate this issue. We are a mature and well-developed parliament. In 30 years of self-government we have shown that we can handle tough debates. I believe that self-government means self-government. If you believe that we are able to sit at national cabinet, if you believe that we can run a health system and an education system, if you believe that we can legislate when it comes to criminal law then we are mature enough to consider this issue as well.

I ask the members of the Senate who are still considering this issue and have not yet made up their minds to understand that voting for territory rights, even if you do not agree with voluntary assisted dying, shows true grace to empower those that you may or may not agree with to make decisions—not because you may or may not agree with them but to showcase that you respect their ability to make those decisions. It is a very powerful thing. I urge all of those senators to make that choice, because I believe that our nation's democracy is not well-served by the current state of the self-government acts of the territories; I look forward to their amendment very soon.

### **Canberra Montessori School—gang-gang cockatoos**

**MS DAVIDSON** (Murrumbidgee) (6.30): Recently I had the pleasure of visiting Canberra Montessori School in Holder with Minister Vassarotti to see the garden that the students have planted to support gang-gang habitat. The students have been working with their teachers and local Aboriginal community members to create a

garden of native plants, an Indigenous bush tucker garden and a yarnning circle, which will also be used by the school's neighbours Menslink.

I would like to quote to you from Bail Organa, who is the adoptive father of Princess Leia. He said, "There are many ways to lead; you just have to find yours," and they are showing leadership by example in protecting biodiversity.

Greta said:

I feel connected to the trees I planted. I named them Sir Bob-a-Lot and Beckfast. It's nice to know that they will grow big and house gang-gangs. The trees are in the middle of an Indigenous food garden, which will be great to walk through. I will keep checking on my trees even when I leave.

Mahli said that she likes the community garden and how everyone will be able to grow food there:

The Indigenous garden is great too because the walk goes through all the native trees and plants and the gang-gang trees.

Merrily, who I planted a tree with, said:

I like that all the plants are native and all have a use. It helps us recognise how the Ngunnawal people did things before us, and we can learn and acknowledge their customs and traditions. I'm looking forward to using the yarnning circle and to see the trees grown up. I hope the gang-gangs move in too. I also like that it will be there for the future, to help people.

It brings me great joy to share with you that Merrily named the tree that we planted "Minister Rainbow".

The 2021 Mission Australia youth survey tells us that more than 16 per cent of young people in the ACT volunteer in protecting our environment and caring for country. The Montessori School garden is great for biodiversity, and for building strong relationships with their community sector neighbours and our First Nations community. It is also great for the mental wellbeing of every student who has helped to create it and has the benefit of spending time there. So thank you to the Canberra Montessori School community for creating such a beautiful and useful place.

### **Birthday greeting**

**MS CLAY** (Ginninderra) (6.32): I will be brief. I feel the need to make an unusually personal statement today. It is my partner's birthday and I forgot. I forgot this morning, when I woke him up at 5 am to start the day's work at home. I forgot at 7.30, when he brought in my breakfast while I was busy on my computer, doing my work. I forgot when he sent me texts all day, giving me sweet little messages about all the weird parliamentary business that we had to get done today. I forgot when he watched my speeches and told me that they went really well. I forgot when he sent me a text to tell me where the dinner is tonight, and I did wonder why we were going out to dinner in the middle of the week. I am really late. I forgot, and I have just remembered.

Rob, you are a wonderful man. I am really sorry I forgot your birthday! Happy birthday!

### **Federal government—territory rights**

**DR PATERSON** (Murrumbidgee) (6.33): This is a great week for Canberrans and for residents of the Northern Territory. Finally, we are seeing the correction of a historical wrong that was inflicted on us back in 1997. The Andrews bill took advantage of a power that the commonwealth uniquely holds over the territories, and that it does not have over the states, to deprive us of rights that all other Australians have enjoyed. The Andrews bill removed our right here in this Assembly on behalf of the community who have elected us to represent them to debate and legislate on laws that apply to them—a right that every other state has.

Since the Andrews bill, we have been gagged on the right to debate and legislate for voluntary assisted dying for terminally ill people in our community. Every Australian state has passed voluntary assisted dying laws. I know this matter is important to my constituents. I have heard from too many people in the community about their frustration that the right of terminally ill adults to choose how to end their life is not afforded to them and that they are forced to suffer, to live in pain, and that other members of our community are forced to watch them suffer.

Canberrans are denied the dignity that is afforded to our interstate counterparts. We are denied a basic human right and we are at odds with the rest of the country. I have had people in tears approaching me outside shopping centres, begging for this change. I am overjoyed that this is hopefully set to change. We are halfway there. Despite numerous previous attempts to introduce similar legislation over the last 25 years, I am confident that we now have a progressive federal government, with the right numbers of members of parliament in both houses, who will vote with the best interests of our citizens at heart.

I would like to commend Mr Barr's and Ms Cheyne's efforts, as Chief Minister and Minister for Human Rights, for their continued advocacy on this important matter. I would also like to thank all our federal Labor members for their ongoing advocacy and particularly commend Alicia Payne and Luke Gosling for their commitment to this bill and seeing it through the House of Representatives.

Similarly to my colleague Mr Pettersson, as the bill progresses to the Senate, I implore senators from all over Australia to vote for territory rights, to do the right thing. I encourage all members of our community to continue to lobby and advocate for this bill to be passed in the federal parliament, and I thank again those who have taken the time to express their views on this matter to me previously. Thank you.

### **Budget—Ginninderra electorate**

**MR CAIN** (Ginninderra) (6.36): I am loath to delay birthday celebrations for Ms Clay! I do hope she's able to get some time to prepare for that.

I want to speak about a budget-related issue and, in particular, the funding with respect to my electorate of Ginninderra. Another year, another budget has come and

gone, with few substantive contributions to my electorate. I am an MLA for a growing electorate, with a diverse range of people at different ages and stages, with different requirements, and I would like to highlight that the budget that was handed down yesterday does not, in my opinion, address the needs of this growing community. Do not even get me started on how basic services are delivered! My daily drive from home to work and back to home in the evening is a “dodge the potholes” approach.

I do note and welcome a contribution of \$9.43 million for the new Gungahlin tennis centre. I am pleased for the residents of Gungahlin and the surrounding area about this investment. But I had the opportunity within the last couple of weeks to visit what is called the Hawker tennis centre. I would encourage every Ginninderra member to go and visit that location, because what looked to be a very well built and popular tennis centre is now a derelict site and almost a dumping ground. It is a disgrace to see in my electorate of Ginninderra a purpose-built centre that has been allowed to degrade and to waste away, particularly surrounded by such a professionally maintained sporting precinct like the softball centre and the soccer grounds. The Hawker tennis centre is in a derelict state, it is dangerous and it resembles a dump site. Shame on this government’s lack of consideration for the electorate of Ginninderra!

I mention as well the need that has been brought to this Assembly for an upgrade of the infrastructure of the Evatt shops. I have mentioned many times the dry ovals in Ginninderra, particularly Holt, Macgregor and Florey ovals. Again, they are signs of neglect of this electorate. I was at Charnwood shopping centre just a week and a half ago and noticed some spot repairs for paving. But how long has it taken for that derelict and dangerous area outside the shopping precinct to be at least looked at to some small degree? I note as well that another sapling had been removed; I am not quite sure by whom. But, again, it is a very popular shopping precinct in west Belconnen that is being neglected.

Frankly, it is shameful that this Labor-Greens government continues to neglect Ginninderra residents to a degree that I think they do not deserve. So it is my hope that the government listens to me—and perhaps to other Ginninderra members’ voices, who should be saying similar things, I believe. The investment needed for this electorate is not up to scratch and it should be doing better.

### **Hospitals—staffing**

**MS CASTLEY (Yerrabi) (6.40):** I rise today to acknowledge the nurses, midwives and AINs who came out in the rain and rallied outside the Assembly today. This group of people are hardworking and they deserve a safe work environment—just like the rest of us do, but we do not have to rally for that. Unfortunately, things are so bad that they are taking drastic action to get answers from the government, and what they are asking for is not unreasonable. It is a safe work environment, a healthy work culture, ratios that the government have promised and appropriate workforce planning.

I hear that they are feeling invisible. They want more than empty words. It is also a disappointment to me that a member of the government has so little faith in his government that he has raised his own petition to get action and answers for our nurses, midwives and AINs.

On the workforce plan, my understanding—it is anecdotal, and I will confirm it—is that a workforce plan was set in motion and has been subsequently put aside. When I asked what had gone on, I was told that it is now a principles-based approach that they are using for workforce planning. When I asked what that meant, I was told that they did not know. This is confusing messaging for our nurses, midwives and AINs.

So when will our nurses have a safe workplace? When will our nurses and midwives get the workforce that they need? How many more CHS staff need to come to the media anonymously and tell their horrific stories before things are going to get better for them? Nobody knows. But the Canberra Liberals hear you. You are not invisible to us, and we will continue to do what we can, from opposition, to fight for the workplace that our nurses, midwives and AINs deserve—a safe workplace.

### **Santa Speedo Shuffle—final event**

**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) (6.42): This past Sunday, 31 July, marked the tenth and final Santa Speedo Shuffle, an event created by Andy and Heidi Prowse to raise funds for people with cystic fibrosis. Cystic fibrosis does mean a shortened life expectancy, and it is bad. This is because the genetic condition impacts multiple organs throughout a person's body. The funds provide essential medical equipment, nutritional supplements and exercise grants to help keep families healthy.

The Santa Speedo Shuffle was created because Andy and Heidi wanted to turn heads. They wanted to pick a very cold day. So it has always been held in the middle of winter. People strip down to various stages of undress but are generally spotted wearing speedos, and often just speedos, as they do the five-kilometre bridge-to-bridge walk around Lake Burley Griffin.

Given that this was the last, it was fitting that this was the biggest turnout ever, with more than 300 participants. I understand that the previous biggest turnout was 150 participants. I can confirm that it was extremely cold, making it even more of a spectacle. I want to acknowledge just how many MLAs were there on the day, participating and making it an event to remember.

It was a particular honour for me to spend most of the walk in wave D, the slow walkers—I believe I might have come dead last, actually—but to do so by Heidi's side. Heidi has been a great friend to me. It was very special for me, particularly acknowledging that Andy died last year. I spoke about him in this place after his death last year. It is certainly on the record. But I miss him; I really do. It was a very fitting occasion to send off the Santa Speedo Shuffle one last time. I thank Heidi for spending that time with me as we walked around the lake.

The goal is to raise \$200,000 this year. Checking just now, I see that they are at \$186,864, so there is little bit of a way to go. It is not too late to donate. This is an extraordinary achievement in and of itself. I would encourage members in this place

to send out to their networks again and encourage people to spare a few dollars in honour of quite a spectacle that has turned heads around Lake Burley Griffin year on year and also in honour of Andy, our friend.

### **Federal government—territory rights**

**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) (6.46): My comments tonight are about territory rights. Granting the ACT the right to legislate on voluntary assisted dying is a fundamental issue of equity and democracy. For too long, Canberrans have been treated as second-class citizens. We live in one of the most progressive jurisdictions in the country. Overwhelmingly, Canberrans support our right to die with dignity and our right to legislate on the issue.

I am pleased to see today that the private member's bill introduced in the federal parliament that would repeal the Andrews bill has been passed by the House of Representatives with overwhelming support. Repealing the Andrews bill will restore our right to legislate on voluntary assisted dying. This is about granting territories the same democratic rights as every other state in this country. All six states have now passed voluntary assisted dying legislation and yet we in the ACT Legislative Assembly are still prevented from even considering the issue.

This is about the democratic rights of Territorians, but it is also about dignity. Overwhelmingly, Canberrans want to be able to die with dignity. Polls have repeatedly shown that over three-quarters of Canberrans support voluntary assisted dying. However, a part of this debate that I have not heard discussed enough is the impact that the out-of-date Andrews bill has on our frontline workers. Our nurses, paramedics and police officers often have to deal with the consequences of our inability to legislate on the issue. I have heard from our officers that they often attend suicides in the ACT, which can be traumatic for both family members and police officers.

The AFPA yesterday came out in support of the legislation tabled in the federal parliament this week which will restore our rights to legislate on the issue. I thank the AFPA for their support. Anecdotal evidence from police officers shows that people with terminal illness are committing suicide due to their deteriorating health or diagnosis. These people have made a choice to end their suffering and die on their own terms. Those who make this choice should be afforded the same dignity and respect as other Australians. In certain situations, Canberrans should be able to make the choice to die safely and without negative consequences for their family and loved ones. If we can assist people in making this choice safely and prevent these suicides from becoming police investigations, then we should do so.

I am proud to live in one of the most progressive jurisdictions in the country and in a community where we respect each other and our right to make our own decisions regarding our health. I am proud to be part of a party that is prioritising this issue in

the federal parliament. I look forward to seeing this issue debated in the Senate. I sincerely hope that we will soon be able to enshrine the rights of Canberrans to die with dignity.

Question resolved in the affirmative.

**The Assembly adjourned at 6.50 pm.**

## Schedule of amendments

### Schedule 1

#### Family Violence Legislation Amendment Bill 2022

##### Amendments moved by Mr Cain

###### 1

###### Clause 94

###### Proposed new section 156 (1) (a)

###### Page 53, line 23—

*omit*

3 years

*substitute*

2 years

###### 2

###### Clause 94

###### Proposed new section 156 (1) (b)

###### Page 53, line 26—

*omit*

4 years

*substitute*

3 years

###### 3

###### Clause 94

###### Proposed new section 156 (2)

###### Page 53, line 27—

*omit*

5 years

*substitute*

4 years