



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**11 October 2022**

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**Tuesday, 11 October 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.

### **Estimates 2022-2023—Select Committee Report**

**MR MILLIGAN** (Yerrabi) (10.01): I present:

Estimates 2022-2023—Select Committee—Report—*Inquiry into the Appropriation Bill 2022-2023 and Appropriation (Office of the Legislative Assembly) Bill 2022-2023*, dated 28 September 2022, together with a copy of the extracts of the relevant minutes of proceedings and a schedule of unanswered questions, dated 11 October 2022.

This report was circulated to members pursuant to standing order 254C. I move:

That the report be noted.

This is the first and final report of the Select Committee on Estimates 2022-2023. The committee commenced on 1 July 2022 and the Assembly referred the Appropriation Bill to the committee on 4 August 2022. The committee received 10 submissions and supplementary submissions and held 11 public hearings.

Witnesses answered 358 questions for the hearings. Pursuant to standing order 253A, I table the schedule, indicating that only one question on notice was not answered. The committee's report had 143 recommendations. The committee looks forwards to its recommendations and findings informing the budget debate. On behalf of the committee, I would like to recognise ministers and ACT government officials for their attendance to the committee over the two weeks of hearings.

We also thank the community groups who took time to write submissions and appear at the community and industry group day. I also want to thank my colleagues on the committee, Dr Paterson and Mr Braddock, and also Committee Support, for their hard work during the enquiry. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Petitions**

*The following petitions were lodged for presentation:*

### **Courts—judicial appointments—petition 23-22**

*By Mr Hanson, from 2194 residents:*

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

##### **Reason for this Petition**

The following residents of the ACT draw the attention of the Assembly concerns at the lack of transparency and current due process undertaken in appointments to the Judiciary with fears of inappropriate representation of unelected groups in consultation and open to political influence. Currently a closed shop/boys club with no transparency.

##### **Requested Actions**

Your petitioners, therefore, request the Assembly to call upon the Government to commission an independent review to investigate concerns of undue influence from non-elected bodies and persons, and political directions and influence in appointments. Recommendation to consider a Board for appointment for inclusion of community expectation - coroners, ACT Policing, DPP, emergency services, first responder, social work and community care and other key community organisations.

### **Courts—judiciary—petition 24-22**

*By Mr Hanson, from 2446 residents:*

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

##### **Reason for this Petition**

The following residents of the ACT draw the attention of the Assembly there are significant public concerns that our judiciary are unable to unwilling to apply the intent of the Crimes (Sentencing) Act 2005 and the Common Law precedence (*Veen v The Queen* 1988, *Muldrock v The Queen* 2011) where equal weighting of the 7 purposes for sentencing need to be considered. Sentencing is not meeting community expectations.

It is considered if this non-application of sentencing practices is due to their own legal and personal bias, prejudices or political persuasions then they should be considered unfit for office and removed from their position by the Attorney-General. There are concerns the sentencing is influenced by lack of capacity and services available with ACT Corrective Services.

If the Attorney-General does not wish for a review of the performance of the judiciary due to his own legal and personal bias, prejudices or political persuasions then he should be considered unfit for office and removed from his position by the Chief Minister.

**Requested Actions**

Your petitioners, therefore, request the Assembly to call upon the Government to, as part of the current budget submissions, propose funding the following reviews:

- independent review of the judgments and decisions of the ACT Judiciary regarding sentencing. This review should be for the last 5 years and in reference to the intent of the purpose of sentencing under the Crimes (Sentencing) Act 2005, where no purpose should be given greater weight than any other purpose;

The review also needs to be cognisant and include the complimentary components of the justice system;

- review of the corrective services framework in treating recidivism;
- review of the current capacity and suitability of correctional facilities, rehabilitation programs (in prison and community including drug and alcohol addiction programs) with the ACT corrective services;
- a commitment to trial of electronic tagging community-based order program and its complementary effect on re-offending.

**Crime—sentencing—petition 25-22**

*By Mr Hanson, from 3093 residents:*

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

**Reason for this Petition**

The following residents of the ACT draw the attention of the Assembly there is clear evidence of repeated motor vehicle crimes and incidents endangering the community (including loss of life) that require minimum sentencing guidelines to be applied to enforce appropriate penalty and deterrent to repeat offenders (recidivists) including re-offending on bail, good behaviour bond, community based order and parole. The community right to safety and to be treated equal in the eyes of the law must be applied.

**Requested Actions**

Your petitioners, therefore, request the Assembly to review and consider implementing “Matthew’s Law” sentencing guidelines to the following motor vehicle crimes:

- purposeful driving on the wrong side of a thoroughfare or public footpath (2-5 years)
- aggravated accumulated sentence
- repeat offence (1-3 years)
- drug/drink driving (1-2 years)
- excessive speed (3 months to 12 months)
- cause collision including injury (1-3 years)
- cause collision resulting in death (3-10 years)

The above sentencing will also apply to 1) furious driving including driving at or near police (2-5 years) and 2) high grade reckless and culpable driving.

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and referred to the appropriate ministers for response pursuant to standing order 100, the petitions were received.*

*Pursuant to standing order 99A, the petitions, having more than 500 signatories, were referred to the Standing Committee on Justice and Community Safety.*

## **Ministerial response**

The following response to a petition has been lodged:

### **Drugs of Dependence (Personal Use) Amendment Bill 2021—oppose—petition 22-22**

By **Ms Stephen-Smith**, Minister for Health, dated 21 September 2022, in response to a petition lodged by Mr Hanson on 2 August 2022, concerning the Drugs of Dependence (Personal Use) Amendment Bill 2022.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 2 August 2022 enclosing petition no 22-22, lodged by Mr Jeremy Hanson MLA, concerning the Drugs of Dependence (Personal Use) Amendment Bill 2021 (the Bill). This letter is my response to the petition in line with Standing Order 100.

The Government supports the Bill, as its premise and intent align with the ACT Government's aim of harm minimisation in relation to the use of alcohol and other drugs (AOD). The Government's proposed amendments will ensure the Bill can achieve its goals – supporting people with health needs to access care and reducing drug-related stigma to facilitate access.

#### Impact on drug use

I note that the Bill and Government amendments propose to reduce, not remove, penalties for personal possession of small amounts of illicit drugs and provide an additional option for diversion away from the criminal justice system. Research indicates that drug use is not strongly linked to legislated levels of punishment for personal possession. Many factors influence levels of drug use including the availability of drugs, their price, perceived likelihood of getting caught, and general trends in drug use.

Diversion options for possession offences have been available in the ACT for many years and drug use has trended downwards over that time. Wastewater testing indicated there was no significant change in cannabis use rates in the ACT after adult penalties for small quantity cannabis possession were completely lifted at the end of January 2020. However, the Government will carefully monitor drug trends following any legislative change, and the impact of the legislation will be reviewed.

### Effect on young people

The Bill follows a recommendation from the 2020 Inquiry into Youth Mental Health in the ACT to investigate the appropriateness of a simple drug offence notice, to increase diversion of young people from the criminal justice system. The inquiry process following the introduction of the Bill, alongside the Government's own policy work and engagement with stakeholders, has enabled consideration of the diversity of views and experiences in the community.

The Bill recognises that in most instances, contact with the criminal justice system for drug possession can do more harm than good, and it will mean fewer people get a criminal record for a minor drug offence. This will limit the damage to the life prospects of Canberrans, particularly our young people, that can occur through a criminal conviction for a minor drug offence. It will also help to reduce drug-related stigma, helping to ensure young Canberrans access health services.

### Alcohol and other drug treatment services

The Government is committed to investing in evidence-based and practice-informed harm minimisation responses to alcohol, tobacco and other drugs. The ACT Government invests more than \$22 million each year in AOD treatment and harm reduction services in the ACT. The Government has invested more than \$32 million in harm minimisation initiatives since the commencement of the ACT Drug Strategy Action Plan 2018-2021.

This includes significant investments in the 2022-23 Budget, with more than \$13 million of additional funding for harm minimisation services. A key component of this investment is more than \$6.4 million of funding over four years to deliver support services and counsellors for families, carers and children of people who use drugs; boost residential alcohol and other drug treatment services; and increase targeted treatment for methamphetamine dependence. The Budget also continues our commitment to redevelop the Watson health precinct, which will allow a significant increase in services for young people and Aboriginal and Torres Strait Islander people when completed.

The ACT Government is currently undertaking a commissioning process to ascertain the current and emerging needs of the community to ensure future services are designed to meet those needs. This process will provide opportunities to consider the appropriate suite of AOD treatment and support services.

### Education campaigns

The Government does not condone drug use. It remains risky and dangerous to consume illicit drugs, and this Bill does not change that view. However, a "just say no" approach is not effective in preventing or delaying commencement of substance use in young people. The Bill with Government amendments will have a 12-month implementation period, allowing time for messaging so the ACT community can build awareness about what the changes mean for them. This work will also provide an opportunity for targeted communication to reiterate that there is no safe amount of illicit drug consumption, and to highlight relevant helpful resources.

I also note that as part of implementation of the ACT Drug Strategy Action Plan 2018-2021, the Positive Choices website has been publicised to teachers as a key

resource, with a range of alcohol and other drug education materials to support delivery of the Australian curriculum in schools.

Canberra Health Services has also expanded the Prevent Alcohol and Risk Related Trauma in Youth (P.A.R.T.Y) Program for students aged 15-16 years, through outreach to schools.

I trust this information is of assistance.

## **Motion to take note of petitions**

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

That the petitions and response so lodged be noted.

### **Courts—judicial appointments—petition 23-22**

### **Courts—judiciary—petition 24-22**

### **Crime—sentencing—petition 25-22**

**MR HANSON** (Murrumbidgee) (10.05): At the outset, can I recognise some very important people in the chamber today, in the gallery: Tom, Matthew's father, and Amanda, Matthew's mother; Sarah; and other families of victims of Crime; Andrew Corney, Blake's father; Janice Seary, Lachlan's mother. Bill Stefaniak is here, who has also lost his son and is the patron of the Victims of Crime Assistance League. I recognise Jason Taylor, who is here, who was a victim of crime as the serving police sergeant, and Troy Roberts who represents the Australian Federal Police Association and thousands of frontline police officers, and others who join us here today. Thank you for being here.

Madam Speaker, on 19 May this year, a young man with his life in front of him, called Matthew McLuckie, was killed when he was driving home from work from the Canberra Airport, when he was unable to avoid colliding head on with a stolen vehicle driven at high speed on the wrong side of Hindmarsh Drive.

This devastating loss has had a terrible impact on those who loved him, his family and his friends. The indescribable loss of losing a child is a pain that everyone in this chamber can only think of with dread. Matthew's tragic and senseless death, however, has born a campaign to make our roads and our society safer for others.

Led by Matthew's father, Tom, this campaign has put a sharp focus on our road safety laws and on our justice system. Tom has lobbied politicians from all parties, he has run an effective media campaign and a successful social media campaign, and he has these three petitions here today with thousands of signatures.

His campaign has caught the attention of our community and its leaders for three reasons. Firstly, the passion that Tom and those close to him and the other supporters and people here today have brought to this issue. Second is his extensive use of data and evidence to support his case. Third is the fact, Madam Speaker, that there is actually a real problem with our justice system.



These three petitions call for actions to remedy the flaws in our justice system, which Tom has so effectively highlighted. Firstly, an independent review on the performance of the ACT judiciary in regard to sentencing, in line with the common and statutory laws because sentencing is not meeting community expectations.

The petition states:

If the Attorney-General does not wish for a review of the performance of the judiciary due to his own legal and personal bias, prejudices or political persuasions then he should be considered unfit for office and removed from his position by the Chief Minister.

Secondly, Madam Speaker, is a petition to review the process for appointments to the ACT judiciary to allow transparency and for nominees to meet the community expectations because of concerns with the lack of transparency in appointments to the judiciary.

And thirdly, a petition to implement sentencing guidelines for grievous and purposely reckless motor vehicle crimes, and addressing reoffending following evidence of repeated motor vehicle crimes and incidents endangering the community, including loss of life, and to require minimum sentencing guidelines to be applied to enforce appropriate penalty deterrent to repeat offenders, including reoffending on bail, good behaviour bonds, community based orders and parole.

Madam Speaker, these petitions have the support of the Australian Federal Police Association, an organisation representing our frontline police, who have described the sentencing and bail processes in the territory as fundamentally flawed and dangerously inadequate. The AFPA have joined with thousands of members of our community in calling on the Attorney-General to step down.

With our frontline police and so many of our community losing confidence in the justice system and in our Attorney-General, it is imperative that an independent review into that system occur to restore confidence. If the Attorney-General is unwilling to take that action, then he must be replaced by someone who is.

Sadly, if he still refuses by the close of these petitions today to instigate the review into sentencing and bail, then it leaves me with no option but to support the AFPA and our frontline police and to support our victims of crime, those that are here with us today and the many thousands of others in our community, and move a motion of no confidence. I foreshadow that in that case I will be moving no confidence in our Attorney-General.

**DR PATERSON** (Murrumbidgee) (10.10): I would like to speak briefly to Mr McLuckie's petitions. Firstly, I would like to express my sincere condolences to Mr McLuckie and his family for the loss of their son, Matthew. I congratulate you all for the amazing work that you have done and the support that you have garnered for the petitions that you tabled here today. They are a testament to the high level of community concern, which I share, on the level of dangerous driving on our roads.

The community is grieving once again, after the tragedy on the weekend. Following this, there are countless lives and families that have been irreparably impacted and left with a trauma that will never leave them. My sincere condolences go to the families and school communities that are impacted. I also acknowledge Andrew Corney and his wife, Camille, for their tireless advocacy for reform following the death of their son. I also would like to acknowledge the other victims of crime in the room today.

My views on the substance of one of Mr McLuckie's petitions have been heard. However, I believe there is not one single thing that needs to be done that will impact the level of dangerous driving; I believe a multifaceted policy response is needed, which is why I am very committed to working with my ACT Labor and Green colleagues, and it is why I am very committed to the JACS committee's dangerous driving inquiry. I have great hope that the submissions and hearings of that inquiry will draw out some substantial recommendations that the ACT government can work towards to stop people dying on our roads at the hands of reckless dangerous drivers.

Question resolved in the affirmative.

## **Attorney-General**

### **Motion of no confidence**

**MR HANSON** (Murrumbidgee) (10.12), by leave: I move:

That this Assembly has a lack of confidence in Mr Rattenbury as Attorney General.

Madam Speaker, our frontline police have lost confidence in the Attorney-General. Victims of crime and their families and thousands of community members who support them have lost confidence in the Attorney-General, and the opposition has lost confidence in the Attorney-General.

There are deep and longstanding concerns with the administration and application of sentencing and bail in the ACT that have reached a crescendo. Police and the community have lost confidence in justice being applied fairly or in such a way that keeps our community safe. As the police association sees it, as victims see it and as we see it, there is a way to restore confidence—and this is something the opposition has called for over a decade—a full and independent review into sentencing and bail. We would expect that this review would be conducted by a retired judge or a panel of judges from another jurisdiction. It would have the aim of ensuring sentencing and bail meet community expectations and, in doing so, would restore confidence back in our justice system.

The Attorney-General has refused to conduct such an independent review and has asserted that the system is working as it should. I suggest that he tells that to the parents of the young girls who were tragically killed on the weekend. As reported in the *Canberra Times*:

Two girls aged 14 and 15 were killed when the car they were in left the road and smashed into a tree next to the Monaro Highway on Saturday night. They were passengers in the car which was so badly damaged that officers initially couldn't

identify the make of it. Two teenage boys who were in the car, one of them the driver, are thought to have fled the scene but been identified by police later.

I now quote from ACT Policing:

A 16-year-old boy has been charged with two counts of culpable driving causing death following a single vehicle collision yesterday. The boy has also been charged with single counts of breach of bail, breach of good behaviour order, driving as an unaccompanied learner, and failing to stop and render assistance.

Let me say that again for those in this place who say bail is working as it should. This is a quote from ACT Policing: The boy has also been charged with single counts of breach of bail and breach of a good behaviour order.

Sadly, the refusal to commit to a review leaves us with no option but to call for Mr Rattenbury's removal as the Attorney-General. The confidence of our police and our community in their justice system must be restored.

Let me first turn to our frontline police. They are putting themselves in danger every day to keep our community safe and they are being let down. They have lost confidence in Mr Rattenbury and called for him to step down. Let me quote from a *Canberra Times* article from 16 September titled "Australian Federal Police Association calls for ACT Attorney General, Shane Rattenbury, to step down":

The police association has called for ACT Attorney General Shane Rattenbury to step down as a result of his unwillingness to instigate an independent judicial review.

The association, which represents some 4000 police officers including most of the sworn members employed under contract by the Australian Federal Police to the ACT government, asserted that as the most senior member of the Greens, the Attorney-General's political ideology was being placed above the needs of the community.

"... If bail and judicial outcomes were as shipshape as he asserts, then an independent review would demonstrate that. The AFPA knows that he knows there are issues, and that they are beyond his capability to address."

I quote from an earlier article in the *Canberra Times*, dated 9 September:

Mr McLuckie's campaign has the full support of the Australian Federal Police Association which has described the territory's sentencing and bail processes as fundamentally flawed and dangerously inadequate.

From the *Canberra Times* of 16 August, in an article titled "The police union has taken aim at Attorney General Shane Rattenbury after its officers were nearly run down by a recidivist offender":

The police association has delivered its most stinging rebuke yet of ACT Attorney General Shane Rattenbury, calling on him to "stop pursuing political ideologies" and describing the territory's sentencing and bail processes as "fundamentally flawed and dangerously inadequate".

... The AFPA said the Attorney-General should put the “welfare of the ACT community and ACT Policing members above that of serial criminals”.

“ACT Policing are doing their job in trying conditions, and clearly without the support of the judiciary and the Attorney-General,” he said.

“Policing is risky enough without having recidivist offenders on bail, intensive correction orders, or suspended sentences trying to mow them down while they commit further offences,” Mr Caruana said.

Madam Speaker, let me also speak to an article from the *Canberra Weekly*, titled “Reform of bail and sentencing in ACT needed, AFPA says”:

Operation Toric may have arrested 19 people – most of them recidivists – since it was set up at the start of the month; but will they face the full penalty of the law? “[Police] are being demoralised by the fact that they’re locking up crooks, and those crooks are then being released on bail for them to lock up and do their job over and over and over again,” Alex Caruana, president of the Australian Federal Police Association (AFPA), said.

... The AFPA is demanding a reform of the ACT’s bail and sentencing, appalled by a court decision to grant bail to a recidivist offender who allegedly attacked a policeman in the company of two other recidivist offenders ...

“No police officer goes out on their job, puts their life on the line, and anticipates not going home being injured or in any other way. Unfortunately, in the ACT, an inordinate number of police officers have been injured on the job because criminals don’t respect the police officers. And that’s because the message from the ACT Attorney-General is: We don’t respect police officers either, because we don’t care about them enough to change the legislation to protect the police officers, nor the community.”

Madam Speaker, let me now turn to calls by Tom McLuckie and the many thousands who signed his petitions for Mr Rattenbury to stand down or be removed from office. One of the three petitions called for an independent review on the performance of the ACT judiciary in regard to sentencing in line with common and statutory laws because sentencing is not meeting community expectations. The petition states:

If the Attorney-General does not wish for a review of the performance of the judiciary due to his own legal and personal bias, prejudices, or political persuasions, then he should be considered unfit for office, and removed from his position by the Chief Minister.

Let me quote from Tom McLuckie’s Facebook post of 19 September. It is titled “Inconvenient truth for Attorney-General and Chief Minister”:

It is 4 months since my son died in the crash in the photo. Since then I have researched in detail the justice system approach in regards to its bail processes, sentencing and use of community based orders. Shane Rattenbury MLA is adamant that a review of the Judiciary is not warranted.

He also said:

“One terrible incident in your life is a terrible incident; we can never take that away ... But we also have to think of the system response is and whether it’s a system problem.” I was advised by the police and Matthew’s death was “an accident waiting to happen”. We miss him every day.

The Attorney-General is still in denial we have systemic problems in the Justice System. I have been focussed on Road traffic Offences as per my campaign.

Of the 69 reported offences since my son’s death through ACT Policing media, (there may have been many more as I’m aware in the first 6 weeks 33 offenders were arrested under Operation Toric) we have the following:

Many of them involved in purposeful and deliberate driving at police, or driving up the wrong way of a major thoroughfare. Of the 69 offences reported, we have 17 bail breaches and 13 breaches of good behaviour, parole or intensive correction orders - in some cases we are dealing with orders being breached up to 10 times. That is 43% of offenders reoffending despite these conditions.

But Chief Minister Barr (who it appears his staff have blocked me tagging him in Facebook) and the AG don’t think there is anything to see here. Shane wants an “evidence based approach” to Justice. So do I. The truth and facts are inconvenient, but need to be addressed.

Madam Speaker, Tom McLuckie and the AFPA have relied heavily on evidence to make their case, as have we. It has been an enormous frustration to me for years that this government has not made the effort to collect and analyse the data so that it might understand the extent of the problem.

This has been a particular issue when it comes to bail, which has become a revolving door. So many serious offences are committed by perpetrators who are on bail or some other court order. It is almost a surprise to hear when that is not the case. It seems every time there is a serious crime the perpetrator is a recidivous offender who is on bail and also often on drugs, Madam Speaker.

I have moved several motions in this place, as I am sure the Attorney-General would acknowledge, and raised it annually during estimates and annual reports hearings for a decade. Let me quote from a couple of recent articles to highlight the problem.

From the *Canberra Times*, of 9 September this year, “The ACT is on target to report its highest ever number of arrests for breaches of bail conditions”:

The latest outcry comes as police-generated data has revealed over 940 breaches of bail by offenders in the ACT for the first half of the year, placing the territory on target to record the highest number of breaches ever ...

... According to police data extracted from its secure PROMIS system, the highest 12-month tally of bail breaches was 1379, recorded back in 2019-20.

At the current rate of bail breach arrests and charges by police - running at an average of more than two a day - that previous high mark will be exceeded by almost 30 per cent by the end of the year.

And from another article, “Persistent bail breaches”:

Many of these Toric POIs are regulars on the ACT court lists, persistent bail breach offenders, and with a list of priors which would fill a police notebook. It’s little surprise that breach of bail offences year to date in the ACT are running at an all-time high.

Madam Speaker, the evidence of a real problem with sentencing and bail is compelling. There is a lack of confidence in our justice system. That lack of confidence comes from our police and from victims. It is not just the police and victims and the opposition calling for an independent review, it includes the government backbenches.

In response to a post by Tom McLuckie, on his Facebook page, Dr Paterson posted the following on 26 September:

Congratulations Tom and Sarah on the petitions. I do also support your call for a review of sentencing in the ACT. I think we should always strive to improve outcomes for the community (which should include a rehabilitation focus and may very well include community correction orders, good behaviour orders etc) but the community should feel confidence in these decisions - particularly around judgments for serious criminal offences. There is work to be done.

Madam Speaker, I agree with Dr Paterson, there is work to be done. But the Attorney-General is refusing to do that work. What has been his response? It is to deny the need for an independent review but to rush out last Friday what appears to be a half-baked proposal for an advisory committee. Now the committee has no detail with it. It will have no powers. Sadly it will achieve nothing because it is going to be stacked with current stakeholders who argue that there is no problem with the current system.

The Bar Association is to be represented on the committee. Their response is to reject the need for systemic reform because the appeal process, in their view, is already doing what is required. This is the same appeals process that has a record number of successful appeals and would no doubt have had many, many, more if the resources were available. I remind you that an appeal is meant to be rare and is usually when a sentence does not meet community standards. Appeals are not the systemic review. They are simply an individual point in an individual case.

Now the Law Society do not even believe that Mr Rattenbury’s committee is necessary, let alone an independent review! They, and the Attorney-General, argue an independent review is only going to look at a point in time. That is wrong. A proper systemic review can look at sentencing and bail trends over the last five years or over the last decade. If there is anything that is a point in real time review, it is an individual appeal that is limited to certain aspects of a specific case. Nothing will emanate from this committee. Everyone knows it is whitewash. It is a sham.

Now the Attorney-General and groups who represent the lawyers and the criminals, and accused criminals they represent, do not want change. They are happy with the status quo. But our community, victims and police do want change. I am on the side of the police, and I am on the side of victims.

Tom McLuckie said in response to the Attorney-General's committee that only an independent review of our judiciary can address the community concerns. The AFPA has said in response:

The AFPA is again calling on the ACT Attorney-General to implement an independent review of bail and sentencing in the ACT.

Maintaining confidence in our justice system, making sure our community is safe, and our police are supported, is what we need. It is clear the Attorney-General is not prepared to do that. Madam Speaker, sadly his refusal to conduct that review means that there will be no change. It means that more innocents will die—more lives will be destroyed. Madam Speaker, I move a loss of confidence in the Attorney-General.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.27): Every single death on our roads is a tragedy. None of them are acceptable, and my heart goes out to every family who has lost someone on our roads.

It is worth starting this discussion by reflecting on the things that I believe members in this place do agree on. Firstly, that dangerous driving and violent behaviour are unacceptable, and that safety on the roads is the responsibility of every person behind the wheel. I imagine we agree that governments should take a range of measures to improve road safety, and that reducing offending needs to be a priority for the government. Each of these are ideas that I would imagine all members in this place support and that our community does too. These are also matters which have been priorities of mine within government for some time.

Previously, I have held a portfolio as Minister for Road Safety. This was an issue for which I have a genuine commitment and interest. I have spent time engaging, researching and discussing with experts, and seeking to understand how we can continuously improve road safety in the territory, as well as in Australia more broadly.

During my time as minister, I significantly strengthened the graduated licensing scheme for learner drivers in the territory, recognising that young drivers are at the most risk of being involved in deadly collisions. These changes were designed to give new drivers the best training to navigate their way through this most risky period. This was one of a range of measures. Some of the other reforms included: revamping the ACT's speed camera regime, strengthening protections and offences against distracted driving, programs to improve motorcycle safety, interventions to reduce tailgating and millions of dollars committed to dozens of community projects to improve road safety.

Members who have been here for a while will recall that some of these key measures were opposed by the Canberra Liberals. I remember constant questioning and criticism about the speed camera regime, for example, and the Liberal Party actively campaigned against graduated licensing reforms. According to those arguments, I was pushing too hard on the side of road safety.

The package ultimately was adopted, and good improvements were made to the learner driver program, but the reality is that there were even stronger measures, measures recommended by experts that were designed to improve the safety of

younger drivers, that my colleagues could not see fit to support. I reflect on those views not to make a political point, but, rather, to reflect that when it comes to these matters there are different views on how best to make our roads safer. There are contested ideas. That is democracy.

Last term, I was also justice minister, and in that role I introduced the government's reducing recidivism strategy. This recognises that reoffending is a problem in the ACT, and we need to drive those numbers down if we are going to continue to make improvements in public safety. I am pleased to say that we have made some progress. Recidivism is down nine per cent over the first two years of the strategy.

It is unclear how much of this may be due to COVID lockdown restrictions, but the ACT's crime rates have not returned to normal as quickly and completely as most other jurisdictions. What I think this initial data indicates is that, by setting targets in these areas and making the investments that back them up, we can make tangible improvements that make our community safer. I say all of this in recognition of the importance of these issues. We need to keep road safety and reoffending front of mind as we continue to pursue new evidence-based approaches to improving public safety.

Over the course of the past months, we have heard the voices of families who have lost loved ones in horrific circumstances. It is heartbreaking to hear how it feels to go through what is undoubtedly the worst thing that will ever happen to them. Those families have raised issues that have spurred further work across the ACT government.

There have also been meetings with the police union that have resulted in suggestions for further reform. That work is underway in various portfolios, and let me highlight a few of them, because Mr Hanson's premise, which I reject, is that government does not care is not working on these issues. The reality is quite different.

Transport Canberra and City Services, under Minister Steel, is undertaking a detailed review of road traffic offences and penalties, including, for example, the question of whether vehicle seizure should be applied to a wider range of offences, an idea that I think has merit. Justice and Community Safety Directorate is reviewing the way prior offending is taken into account in bail and sentencing to make sure that, when judicial officers are making their decisions, the legislature has been crystal clear in our expectation that prior conduct is relevant in that decision making.

Justice and Community Safety is also working with ACT Policing to develop new laws to address evidentiary issues relating to motor vehicle theft that have been raised with us by ACT Policing for the difficulties they have making the case under current definitions of offences.

We are developing new more transparent and inclusive ways of approaching judicial appointments. As I announced last week, we will be establishing a new Law and Sentencing Advisory Council. All these matters touched on in these positions have been raised directly by the people Mr Hanson is speaking of and for which the government has got on with the work. The Law and Sentencing Advisory Council will fulfil a particularly important role. Not only will it re-establish a law reform body in the territory, which we have been without for some years, but it will enable us to examine and address sentencing issues as they arise.



Sentencing is an inherently delicate issue. Very few of us have sat through the whole process and are aware of all the issues. It involves the judicial decision-maker weighing many, often competing, issues and synthesising them into a single result that is designed to meet the objectives of sentencing set out in the act and to meet community expectations.

Mr Hanson has talked about the Bar and the Law Society being represented on this group. Well, yes, I think it is important we have legal stakeholders on that group. But, contrary to Mr Hanson's comments, I have also made it very clear that ACT Policing will be invited to be represented, we will be looking at having victims of crime represented and we will be looking to have general members of the community who have an interest in this space represented on the group. So Mr Hanson's characterisation that this is simply a collection of legal stakeholders with a particular view is wrong. He knows it. It is in the press release, but he chose not to be clear about that in his comments, to make the case that he wanted to make.

I have also been very clear it will have independence. It has got to have a line of reporting, and that will be to the government, and the government will commission the work. This is about having a sustained capability to examine important issues of sentencing and law reform.

When it comes to sentencing, it is worth thinking about the purposes of sentencing that are set out in the Crimes (Sentencing) Act 2005. Let me read them out. These are the factors the judge has to weigh up:

- (a) to ensure that the offender is adequately punished for the offence in a way that is just and appropriate;
- (b) to prevent crime by deterring the offender and other people from committing the same or similar offences;
- (c) to protect the community from the offender;
- (d) to promote the rehabilitation of the offender;
- (e) to make the offender accountable for his or her actions;
- (f) to denounce the conduct of the offender;
- (g) to recognise the harm done to the victim of the crime and the community ...

This is what the judge is trying to weigh up and come to in a sentencing decision. The principles of sentencing are detailed through part 4.1 of the act and include consideration of the consequences for victims and whether the offender has sought to make reparations. The act also includes, as is the case across Australia, that a sentence of full-time imprisonment is only to be made when no other sentence is appropriate.

I would like to make a point about bail. Mr Hanson is vociferously criticising the fact that the young person accused of driving the vehicle in the weekend's tragic incident on the Monaro Highway was supposedly in the community on bail. What Mr Hanson does not know is what the offence that young person is accused of previously for which they were given bail. Nor does he know the circumstances of that person's life: what connections and support they have in the community; and what programs they may be attending to improve their life or rehabilitate if that is what is needed.

Those are all the details that the courts have—the judges and magistrates, who try to make balanced bail decisions to get good outcomes for the community. I, as a politician and the Attorney-General, do not pretend to be able to superimpose bail decisions over the top of the independent judges and magistrates. I do not have all the information, and I agree with the system we have that trusts this great burden of decision-making to our experienced judiciary. This is even recognised by the police, with the Chief Police Officer stating during the recent estimates hearing that he does not envy having to make those decisions.

In the absence of this knowledge, what I hear Mr Hanson essentially arguing is that no-one should be awarded bail, as anyone accused of an offence poses an intolerable risk. It does not matter who they are, or what they are accused of, or how old or young they are, they should not be in the community on bail. That is an extreme position and one that this government cannot support.

What would be the repercussions of never giving bail? Everyone put on remand, into the AMC or Bimberi, and the overcrowding and institutionalisation that would ensue. I would encourage Mr Hanson to reflect upon the words of the Victorian Court of Appeal, when they said:

... imprisonment is often seriously detrimental for the prisoner, and hence for the community. The regimented institutional setting induces habits of dependency, which lead over time to institutionalisation and to behaviours which render the prisoner unfit for life in the outside world. Worse still, the forced cohabitation of convicted criminals operates as a catalyst for renewed criminal activity upon release. Self-evidently, such consequences are greatly to the community's disadvantage.

This is the essential point of what we are trying to achieve in the ACT: to reduce ongoing offending.

We have heard some colourful comments from commentators about ideology. I reject those analyses. What we are trying to do is make the community safer. We are trying to use the learned experience, over the many years and decades of the development of criminal justice systems in Australia, that understands that the way we are going to make a difference and the way we are going to improve community safety is to invest in breaking the cycle of criminality amongst those we see flowing through our justice system, as the court outlined in those comments.

That is why we have committed to the reducing recidivism strategy. We talk to the police and they will say, "Yes there is a group of people who are regularly involved in the criminal justice system." We are seeking to intervene and change their lives to make our community safer.

The recent evaluation of the Drug and Alcohol Sentencing List—and that is a group who are recognised recidivist offenders who have been in the criminal justice system for a long time—and what that work is showing is that, by taking a different approach to criminal justice, we are actually reducing their reoffending. The evidence was very clear. The numbers in that program remain small, but it is consistent with the advice we have and the approach we are seeking to take, which is to make our community safer we cannot keep doing it the way we have always done it.

Our jails will just fill up. We will have to build more jails, and when those people are released, because ultimately they will be, they will come back out and they will start reoffending. We can keep doing it that way, or we can try and do something different, and that is what the government is trying to achieve through a commitment to justice reinvestment and to putting resources in place that are going to make a difference.

There is a lot more I would like to say, because there has been a lot of commentary made, and I am going to run out of time. It is worth noting, Mr Hanson spoke of the comments of the Director of Public Prosecutions and the statistics. It is also worth noting that the Director of Public Prosecutions was so concerned by the way his data was being twisted that he felt the need to come back to the press and clarify why they were having more success in appeals because of the additional resources they have put into it and the building of expertise in their own agency. He expressed his explicit concern that his statements were being used to falsely erode confidence in the justice system. He could not have been clearer.

I believe a sentencing council, as we have talked about, and that exists in several other Australian jurisdictions—despite Mr Hanson calling it a sham, it is a recognised mechanism in this country—can make a real difference. It is an effective and accountable way to make sure that the rules by which people are sentenced are appropriate. It will also enable us to have holistic, informed, and evidence-based approaches to these issues.

We could have a one-off review, but I do not think that will make the difference. I think having sustained commitment to working through these areas as they arise is a far better approach.

Clearly, I will not be supporting this motion today. The premise of the motion suggests that I and the government do not take matters of community safety seriously, simply because we do not agree with the idea that there should be a review of the judiciary and sentencing in the terms that Mr Hanson and the petitions have outlined. He suggests we are not considering the issues that have been raised by the community as points of concern. Nothing could be further from the truth.

While I do not support the specific proposal, I have never said there is no work to be done here. As I have outlined in my remarks today, other ministers and I are undertaking a series of steps designed to improve road safety, reduce crime and recidivism and make our community safer.

I will continue to work with my directorate on the way reoffending is treated in bail and sentencing decisions, and I will be setting up a council to provide sustained analysis and development on sentencing matters. These are the kinds of reforms to the justice system that our community expects us to take, and it will keep the community safer now and in the future.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.42): I will be brief: the government will not be supporting the no-confidence motion. We have

heard a lot so far this morning about the alleged character failings of the minister and questions of ideology getting in the way of the administration of the Attorney-General portfolio.

I think what we have just heard from the Attorney-General pretty conclusively rebuts that allegation and that suggestion that Minister Rattenbury is not up to the job or prepared to address the substantive policy issues that are before him, this Assembly and the broader community. From the outset, I need to be crystal clear on this matter that that allegation or series of allegations that have been made against the minister are unfair, unwarranted and do not pass even the most basic test.

What I can say clearly, having worked with Minister Rattenbury for more than a decade, is that he is a considered and thoughtful ministerial colleague. He is someone who is willing to collaborate to achieve results and someone who is willing to look at particular issues from a variety of perspectives. His first instinct is not to jump in and politicise matters in the way that we witness consistently, and I have observed over more than a decade, being in the same parliament as Mr Hanson.

Everyone brings their own style and approach to politics, and that is fine. We all represent diverse communities in this place. It is okay that we disagree on matters of policy, but the motion before the Assembly this morning is one of no confidence in Minister Rattenbury to perform the important role of Attorney-General. I need to be clear that we do not support that. We do not support that motion, and we do not support the arguments that lie behind it.

There are policy matters to debate. That is absolutely acknowledged. We will be having that debate this afternoon in another motion moved by Mr Hanson that goes to the substantive policy issues. That is fair and reasonable and a very good use of private member's time—to bring a substantive policy issue into this place so that all 25 of us can consider those matters and take a step forward.

That the no-confidence motion has been brought on ahead of that debate tells you that this is all about politics and all about seeking to maximise media coverage of this particular issue. The substance of the policy matters will be debated this afternoon, and if this no-confidence motion had waited until after there might have been a degree of more credibility in relation to it.

This is a pattern of behaviour that we see all the time. A no-confidence motion is the most serious motion that can be moved in this place, and it appears that there is a pattern emerging that is devaluing the most serious motion that can be moved in this place.

*Mrs Kikkert interjecting—*

**MADAM SPEAKER:** Mrs Kikkert, please!

**MR BARR:** This debate this morning has been, remarkably so far with a few interjections aside, conducted in a respectful manner, as it should, because it is the most serious thing that can be brought before this chamber.

What is at stake here, what is essentially being alleged, is that the minister is unfit to be Attorney-General. I disagree. I disagree and so do my colleagues, and the minister retains the confidence of the overwhelming majority of members in this place. Clearly, no minister has the confidence of the opposition: that is politics. But let's be clear that bringing this most serious motion this morning, ahead of the substantive policy debate this afternoon, is all about parliamentary tactics and maximising media exposure.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, please! This is a serious matter, so no interjections—

*Opposition members interjecting—*

**MADAM SPEAKER:** That includes you Mrs Kikkert and Mr Hanson.

**MR BARR:** We can and we will have a substantive policy debate this afternoon and set a pathway forward, following this chamber's thoughtful consideration of the policy matters. If you profess to care about those issues, then you would focus more of your time and effort on those questions, rather than personal attacks on the minister or efforts to maximise media exposure.

I have been around a long time. I have seen this debate more than once. These issues are canvassed in every state and territory parliament in this country, and issues of mandatory sentencing and bail conditions and all of those policy questions are considered in every democracy around the world. That is as it should be. This is a very legitimate debate to have, but let's focus on the policy issues and the substantive response that the Attorney-General has just put forward, rather than an attack on his integrity or his ability to perform the role.

To be clear again: I have confidence in the Attorney-General. I also have confidence, with 16 years of experience, that this place has the maturity to be able to deal with these issues. Maybe I am still a little naive in thinking that it is possible that all three parties in this place might be able to work together and find agreement in certain areas. I hope that is the case, but that requires good will, setting down your weapons and your political focus and endeavouring to work towards an outcome. The Attorney-General has been very clear in his remarks, not just today but throughout this debate, that he is willing to do that. The offer is there for this to occur. It would be your choice as to whether you take it up.

Mr Hanson, in his contribution, did not reflect the fact that there might be alternative views on these substantive policy issues. This is not an area of unanimous agreement across the community, across the legal profession or in this place, so let's not try and pretend otherwise. A solution will most likely involve compromise. It will involve thought—potentially, innovation in putting together a response that addresses the issues, the legitimate issues, that have been put forward.

**Mr Hanson:** A review would assist that.

**MADAM SPEAKER:** Mr Hanson, please!

**MR BARR:** What we have just witnessed perhaps means that I am being a little naive in hoping there might be the possibility of three parties in this place being able to work together on these issues. I hold out that hope and I know the Attorney-General, together with other ministers in the government who are pursuing particular areas of response within their portfolio responsibilities, remains willing to engage with the opposition in order to achieve an outcome for the community. It will not be helped by snide interjections. On this issue, Mr Hanson, lay down your weapons and try and find a solution.

**Mr Hanson:** The solution is ready to use.

**MADAM SPEAKER:** Mr Hanson, I have said it a number of times—no more!

**MR BARR:** We try, Madam Speaker, but you see what we are up against.

**MS LEE** (Kurrajong—Leader of the Opposition) (10.52): The Attorney-General has failed the Canberra community and must resign. If he does not, the Chief Minister must put the Canberra community first and sack him. Earlier this year, the McLuckie family lost their son Matthew in a tragedy that shocked our city. Tom, Sarah and Amanda: my heart goes out to you.

The loss of a child is every parent's gravest nightmare, and to lose a child in such a way is utterly devastating. Matthew's family described him as kind-hearted and generous, caring, funny, witty, clever, humble:

His best friend was his younger brother Joseph, who he just adored and he was so proud of him. He loved his family, doing workouts in the home gym, and was a hardworking student ... He preferred to stay in the background and listen to people, rather than being front and centre. He grew into a big man who gave the best hugs. He was well-liked by just about everyone that met him ... Our family are absolutely heartbroken with Matthew's death. We cannot describe in words the pain of losing our son in such a senseless and absolutely avoidable accident. He was a young man, coming home from work, to a home where he was loved, with his dinner waiting for him in the fridge. Everyone who knew our lovely young man has been devastated by his loss, his future being robbed from him so needlessly. He had so much more to give, so much love to share.

This is an unbelievably devastating loss for Matthew's family, his friends and for the community, who will never know the promise of his life. I extend my sincerest condolences to Matthew McLuckie's family and friends, and to so many of the families of our victims who are with us this morning.

The Canberra community was deeply shocked and devastated at the death of Matthew. Many in the community vowed it must never again happen and that no other Canberra family should experience such a tragedy. Yet, heartbreakingly, only over the weekend we heard the news of the death of two teenage girls, only 14 and 15, as a result of another motor vehicle accident, a vehicle driven by a 16-year-old boy. This has

renewed the calls from the Australian Federal Police Association to plead with the Attorney-General to take seriously the community's concerns about safety.

The families that are suffering as a result of the Attorney-General's inaction cannot be silenced. Many of the families are represented here today. Our hearts go out to you, and whilst we know that nothing will replace what you have lost, we thank you for the tireless work that you do to ensure that no other family experiences the same tragedy.

The Attorney-General has utterly and completely failed Canberrans. The AFPA could not have put it more plainly than when they said that the police are:

... angry and frustrated at the tokenism and gaslighting being employed by the Attorney-General as a shield from any oversight of his role.

This speaks volumes about the loss of faith and confidence in this Attorney-General that has resulted within our police force. So disappointingly, we see on full display, just this morning, the gaslighting. Today, the Attorney-General characterised Mr Hanson's call for an independent review into sentencing and bail laws as a call that we think no-one should get bail.

It is utterly wrong. It is dangerous, and it absolutely deflects from what Mr Hanson, what the AFPA and what the victims' families are calling for. Once again, it confirms, utterly confirms, why he is not fit to continue as Attorney-General. His ongoing charade of wilful ignorance can no longer be tolerated, and it must no longer be tolerated.

The Attorney-General is failing the Canberra community. He has lost the confidence of our police force, and at least one member of his backbench, and must resign. If he refuses to do so, the Chief Minister must step up and stand with the community and put the community's needs and calls above his political alliance with his Greens colleague and ask for his resignation.

As we saw from the performance from the Chief Minister this morning, it is crystal clear to anyone who listened to the Chief Minister's contribution to this debate that his priority is his Greens political ally over the pleas from the community. I am actually gobsmacked at the utter disregard that the Chief Minister has shown the families of these victims, who have suffered the most tragic and the most devastating circumstance they will probably ever face in their lives. I am genuinely shocked at the utter disregard.

Perhaps, whilst the Chief Minister is on his high horse about debating the policy first and dismissing the Canberra Liberals call for the Attorney-General to step down, he may be reminded, as Mr Hanson pointed out, that a review of bail and sentencing is something we have been calling for, for a decade.

It is all good for the Chief Minister to say, "put down your weapons, let's work together," but he utterly fails to take into consideration the long-term campaign that the Canberra Liberals have fought on behalf of the community, and on behalf of the police, for many, many years. That has fallen on the deaf ears of this government.

I commend Mr Hanson for his tireless advocacy to make our community safer. Most importantly, I commend the families, and I say to them that the Canberra Liberals will stand by you and the Canberra Liberals will stand up for you. I commend Mr Hanson's motion to the Assembly.

**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) (11.00): Every loss of life on our roads is felt deeply throughout our community, and what happened this weekend is tragic. Our hearts are with the families, who need support.

We all want a safe community where people engaging in risky behaviour can be redirected to more positive, healthy behaviours. As minister responsible for youth justice, I have the responsibility and the privilege of working with the Attorney-General on community safety issues. That is why I am speaking today, just to say a few words about why I do not support this motion.

When we want a safe community where people can engage in positive and healthy behaviours, we know that simply locking people up is not rehabilitative. Once someone has been in that system, they are more likely to return. It does not change behaviour, it does not make the community safer, and it is not justice. Cornel West said that 'justice is what love looks like in public'. It requires listening and it requires a thoughtful response.

We have in Minister Rattenbury an Attorney-General who listens, even when it is hard. I have seen him demonstrate this in his work on the sexual assault reform program, and I expect, and I know that he will take that same approach, of listening carefully and working with those people who are affected, to his work with the Law and Sentencing Advisory Council. If we throw out every minister who takes a moment to think before they act, who will be left to listen?

We can do better than this and our community deserves better than this. A justice reinvestment approach means providing mental health services, alcohol and other drug services, family support, behaviour change, restorative justice programs, community connection programs and support for the victims of criminal offending.

I am a parent with children around the same age as the young people involved in the tragic accident on the weekend. I know what it is like to watch them go out with their friends on the weekend, to feel like your heart is walking out the door with them and to be constantly thinking about their safety and whether they are okay. Those young people had connections everywhere in our community, through their schools, through football clubs or dance or music groups, or through volunteering. Our young people mean a lot to all of us, and it is incredibly important that, when we are thinking about these big issues—about sentencing, about bail, about justice—that we are thinking about the whole of someone's life and all of those connections in our community. That requires listening and it requires a thoughtful response, and that is what I know our Attorney-General always delivers for us.

**MR HANSON** (Murrumbidgee) (11.04), in reply: I thank everybody for their contributions. Ms Davidson just said that these are complex issues and they require a



thoughtful response, and the opposition agrees. What more thoughtful response is there than to get an eminent retired judge or a panel of judges to look at our entire justice system, review it and make sure that it is operating as effectively as it can? What is there that could be a more thoughtful and considered response than that?

If you look at every courthouse, in front of it will be a statue of Lady Justice. She is blindfolded, she has a sword, which represents the decisions she makes, and she has scales, which represent the balance. In every case there is balance. In every case there are decisions that need to be weighed. The problem is that, in that statue, those scales are balanced, but in the ACT they have become out of balance.

As much as the Chief Minister and Mr Rattenbury are trying to assert that this is some sort of political game playing—it is the only prism, it seems, through which Mr Barr views the world—this is the assertion of the frontline police. At the back, there is Troy and Jason. They have lived this and they understand this. They represent 4,000 sworn officers who are out there right now putting their lives at risk. They have spoken of their frustration that the justice system is not being applied fairly—that those scales of justice are not balanced.

We have with us today victims and families representing victims, and they assert the same. They and the AFP are not calling for people not to be bailed, and nor is the opposition. I agree with Ms Lee that that assertion from the Attorney-General—that to call for a review suggests that the opposition thinks that no-one should be bailed—is an outrageous comment. It is disingenuous. He knows it to be untrue. To think that someone like Tom McLuckie is saying that no-one should ever be given bail is disgraceful. To suggest that the police, who are out there putting their lives at risk, think that no-one should ever be given bail is ridiculous. For the Attorney-General to play that card I think speaks somewhat of the desperation of his position, which has become indefensible.

The Chief Minister talked of compromise, of balance. Well, we see no compromise. What we are asking for is not beyond the wit of men. Mr Rattenbury said, “We could do a review,” but they are not going to. Why not? I genuinely do not get it. I really do not get it. Your police have lost confidence in you. The police have lost confidence in the Chief Minister, the Attorney-General and the justice system. You have victims of crime and thousands of signatories saying, “We have lost confidence.” They are not calling for much here; they are calling for an independent review. Is that so outrageous? They are not saying, “Never bail anyone ever again.” They are not saying that, as much as Mr Rattenbury asserts that. They are asking for a review.

The Chief Minister stands up in this place and says, “We are all about compromise.” He ignored the calls of the police. He did not even mention them when he spoke. He ignored the calls of victims. He did not even mention them when he spoke. He tried to paint this as some outrageous political game playing. It is calling for a review—an independent review. How hard is that? We are going to have motions this afternoon in the Assembly asking for the government to do a review into swimming. We are all going to agree to that, but you will not call for an independent review into the justice system, which your own police say is desperately needed and when your own police have said they have lost confidence in you. Why? Can someone explain why?

Mr Rattenbury has said, “We are doing a bunch of other things. So do not worry about it.” Is the justice system working so well that a review would not help? Some of the things that he mentioned today are good initiatives and they have had our support. We have had lots of debate in here. I do not say that a review is a silver bullet and I do not say there is not work being done. But is everything Mr Rattenbury is doing so good that a review is not necessary and would not help the debate? Of course it would.

If you have an advisory committee, surely a review could be done by some eminent ex-judge, who could look at sentencing over a period of time, look at bail, examine the data, look at the evidence and provide that report, that review, to government, to the Attorney-General and to that committee. What? That would not help? Of course it would. What is your obstruction to this? I genuinely do not understand. I do not understand.

You have listened to Tom McLuckie, you have read his petitions and you have listened to the AFPA. Do you think they are going to stop? Do you think they are going to stop today? Do you think we are going to stop today? We are not. But we can put a stop to it. Why not? You could stand up here and seek leave to speak again and say, “Okay, you have made some good points. I accept it. We will instigate an independent review. I will adjourn this afternoon’s motion.” What harm would it do? And you say, “We do have the resources to do that.” How much is the budget—\$8 billion? When you look at the money that is being spent on a whole range of things, it is ridiculous and disingenuous to say, “Oh, we cannot afford it.”

If it will help restore confidence in our justice system and provide advice and a path forward for the Attorney-General and his committee that he has established, why not? Give me a substantive reason? Go on; give me a substantive reason and I will stop. But if you think I am going to stop—yes, there will be a motion this afternoon, and there will be more motions. Do you think Tom McLuckie is going to give up? No, he will not. Do you think the other victims of crime here are going to give up? Do you think the Federal Police Association representative members are going to give up?

Why not stop this debate right now? Stop it. Just stand up and say, “Okay; let’s end this debate. Let’s do that review.” Do it in a genuine way by appointing someone eminent and someone independent and give them the resources to do it—and this debate will satisfy what we need. It will restore confidence in the justice system and to our frontline police. They deserve it. It will restore confidence to the victims of crime, and they deserve it.

I am just gobsmacked, to be frank, at the refusal to do this. I thank Dr Paterson. I thank you for your comments and I know that you are deeply frustrated as well, as I imagine a number of your other colleagues are deeply frustrated. The community is frustrated. Our police are frustrated. This is not the end of it. Please. I implore you, Attorney-General, to get that review done. Get an independent judge, an ex-judge or a panel of judges to do that review. Let us restore confidence. Do not do it for me; look into the gallery there and think about those frontline officers, think about those families, and think about the families out there who have had their lives wrecked. Do it for them.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 9

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

Noes 16

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

Question resolved in the negative.

## **Government—services**

### **Ministerial statement**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.14): As we reach the halfway point of this Assembly term, the government is getting on with building Canberra's future.

We are delivering the infrastructure and services to ensure our city continues to be one of the most liveable in the world. Two years ago, Canberrans voted decisively for an experienced and progressive government. The election showed Canberrans wanted a government that was willing to tackle big challenges, and one they could trust to deliver the infrastructure and services a growing city needs.

In 2020, in the midst of the global pandemic and economic crisis, we outlined our priorities of keeping Canberra healthy and safe, protecting and creating jobs, and building for the future. And that is exactly what we have been doing. We deliberately used our balance sheet to stimulate the economy and avoid a local recession, including delivering \$500 million in direct grants to keep our businesses open.

These two years of work have paid off. Canberra has emerged from the pandemic by extending its 32-year run of consecutive economic growth. The ACT has the strongest labour market and lowest unemployment rate in the country. With around 240,000 jobs in the economy currently, we are well on track to reach our 2025 target of 250,000 jobs in the territory economy.

We said we would deliver healthcare when and where Canberrans need it. The Canberra Hospital expansion is well underway and on track for completion in 2024. Earlier this year, we opened the Molonglo Valley Medical Centre, expanding our existing health centre network to some of our newest suburbs.

We said we would build new schools and upgrade existing facilities to ensure every child has access to a great education. The senior campus of the Evelyn Scott School in Denman Prospect is ready to open for the 2023 school year. Construction of a new high school in Taylor is underway and on track for completion in 2024, and a new school in Strathnairn is due to open its doors the year after that.

We said we would keep working to extend Canberra's light rail network to ensure Canberrans have more sustainable transport options. Work is underway on London Circuit as we extend the light rail network through the western and southern parts of the CBD to Commonwealth Park. Just yesterday, Minister Steel and I turned the first sod of the first section of this project to connect London Circuit to Commonwealth Avenue.

We said we would take real and nation-leading action on climate change to reduce emissions and lower the cost of living. To date, the Sustainable Household Scheme has delivered nearly \$100 million in loans and thousands of sustainable upgrades to Canberra households, including rooftop solar, electric heating and cooling, and electric vehicle chargers. Around five per cent of eligible households in Canberra have now accessed the scheme. We are delivering the Big Canberra Battery so that the renewable energy that we generate can be stored locally.

We said we would continue to foster an inclusive and connected community, where Canberrans enjoy a stronger sense of belonging. Today, Canberra is Australia's most welcoming and socially inclusive city, with a range of grants, initiatives and services to support migrants and refugees, people with disability, LGBTIQ+ Canberrans and many others who make our diverse community stronger. We have delivered on our commitment to ensure Canberrans can access essential health care, including free and safe abortion, no matter their Medicare status.

As in any democracy, some in the community will not agree with every policy or every decision. That is understood. But, to be clear, we are doing what we said we would do, and there are no surprises in that regard.

The government reflects that Canberra is Australia's most progressive jurisdiction. We continue to punch above our weight on both the national and international stage. We are recognised as one of the world's most liveable cities. During the thick of the pandemic, we were also one of the most vaccinated, protecting ourselves and our community.

We continue to lead the nation on tax reform, climate action, social justice and human rights. We were the first state or territory to reach 100 per cent renewable electricity; we are the first to tackle phasing out stamp duty; we had the highest 'yes' vote in the marriage equality vote; and we are an official "welcoming city" and "refugee welcome zone".

Over the next two years we will be the first jurisdiction to raise the criminal age of responsibility and to decriminalise small-scale possession of drugs—fundamental social justice measures that will make our community stronger. We will also aim to

achieve the highest ‘yes’ vote in the nation when the Voice to Parliament referendum is held.

In summary, Canberra is a city that is not afraid to lead. We are a city-state that does not shy away from complex challenges.

Today, the ACT government is getting on with building our city’s future, delivering the infrastructure and services to ensure that we continue to be one of the most liveable cities in the world. Our actions are part of an ambitious vision that we have for our city’s future.

We understand that the decisions and investments that we are making now are not just about making Canberra a great place to live today or tomorrow or even at the next election; we are working to build a better Canberra for the decades ahead.

Before the end of this decade, our city will be a city of more than half a million people. For the past 10 years we have grown faster than any other state or territory. People are voting with their feet and moving to Canberra. These new Canberrans, as well as longer-term residents, will need the ongoing jobs, housing, transport, health care and social justice framework that sets our city apart from other jurisdictions. We will be employing, training and educating more people than ever before. By the end of this decade, we have an ambitious aspiration for our jobs market to grow to reach 300,000 jobs.

But it is not just Canberra that is growing. Our city will be servicing a growing capital region, with residents from nearby areas of New South Wales relying on our services, our hospitals, other specialist services provided in this city and, indeed, the business and amenity that Canberra offers. This is why we are working constructively with the new commonwealth government to secure a fairer share of federal funding and of the goods and services tax distribution.

Our city is acknowledged as a leader in Australia’s response to climate change. We expect the ACT to have reduced emissions by 65 per cent to 75 per cent from 1990 levels, and we are on our path to net zero emissions by 2045. The Big Battery project that I referred to earlier, once complete, will be storing at least 250 megawatts of renewable energy.

More Canberrans, as each year goes by, will be enjoying the benefits of zero-emissions transport in private vehicles and public transport. Through the implementation of the ACT’s electric vehicle strategy, we will be home to a thriving zero-emissions vehicle sector, including sales, servicing, research and innovation, with the target of 80 per cent to 90 per cent of new car sales being zero-emission vehicles in the future.

Significant infrastructure projects will help shape the fabric of the territory, from an expanded Canberra Hospital; light rail spanning north to the south; the new CIT campus being constructed now in Woden; and, not far from where we are today, the renewal of the Canberra Theatre precinct. These are city-defining projects. They are essential to ensuring the infrastructure and services that our community relies on can meet an increasing population and demand attract world-class events and entertainment to Canberra.

Over the next two years, the government will be progressively updating the territory's infrastructure plan. The updated plan will outline the government's approach to delivering projects, big and small, to support Canberra with over half a million people.

The first part of the updated plan will be released next year, focusing on arts, entertainment and sporting infrastructure. This includes the delivery of a new Lyric Theatre as part of the renewed Canberra Theatre precinct.

But, as foreshadowed in the 2019 infrastructure plan, it will also include scoping and design work for a new indoor entertainment venue for our city, with a capacity of at least 7,500. This pavilion-style venue will be designed to host a diverse range of touring artists, exhibitions, events and performances similar to those appearing in places like the Hordern Pavilion in Sydney.

The ACT government will also seek to partner with the Australian government on the renewal and reinvigoration of the Australian Institute of Sport to once again have a nation-leading sports precinct here in Canberra, in Bruce. We will also invest in new community facilities to support grassroots participation in sport, recreation and the arts.

The infrastructure plan will also include an update for the territory's health infrastructure pipeline. Our objective is that every Canberran has access to good quality health care when they need it and where they need it. This demand for services is only increasing as our population both grows and ages.

This is why we are continuing to invest in the health infrastructure and services our city needs and also reflecting Canberra's role as providing health services for surrounding New South Wales. A significant proportion of New South Wales residents rely on ACT health services.

As members in this place know, the government is investing over \$600 million to expand the Canberra Hospital. This is the single-largest investment in healthcare infrastructure since self-government. The project is delivering more operating rooms, more treatment spaces and more intensive care beds, allowing our biggest hospital to care for more patients and employ more specialists. The government is already planning for a new north side hospital, which will be required in the medium term.

This year's budget includes \$390 million in new investment across the health portfolio, including funding for our public hospitals to deliver 60,000 elective surgeries during this term and an additional 900 endoscopies each year over the next two years.

Of course, alongside our hospitals is an important and growing network of primary health care, with nurse-led walk-in centres and community health centres ensuring Canberrans can access free health care closer to where they live while also taking pressure off our emergency departments. These investments will ensure our health system can meet increasing demand for good quality health care now and into the future.

The infrastructure plan update will also outline the government's future investments in new and better schools. From pre-school through to tertiary education, this government will prioritise investment in quality public education.

The government is also delivering its vision for a more a connected Canberra, where residents can easily access more transport options, whether that is through active travel, walking and cycling, or through public transport, buses and light rail, or through private car usage. As our city continues to grow, it is important that our transport infrastructure keeps up with that growth. The updated infrastructure plan will outline how the government is planning to support Canberra with more than half a million people through a more sustainable transport network.

As has been amply considered through many elections, light rail is part of the government's transport infrastructure agenda. We promised, and we delivered, light rail from Gungahlin to the city. Now we are getting on with extending the network south.

Alongside light rail, though, we are also increasing our fleet of electric buses. It is possible to do both. We are also incentivising the take-up of electric vehicles, and we are rolling out more EV charging stations across the city.

Enlivening our local group and town centres is just one way that the government is planning for Canberra's future in a smart and sustainable way. As our population continues to increase, we will need to ensure that our planning system supports the pathway of gentle urbanism to meet that population growth. That is why Minister Gentleman has introduced a comprehensive new planning bill, and we will soon be consulting on a new territory plan and district strategies.

We understand that housing affordability is a challenge across Australia, including here in the territory. Tackling these issues are a national responsibility, requiring broad reform. However, we are taking steps to deliver more diverse and affordable housing options across the territory so Canberrans can find a home that suits their life stage and their circumstance.

To put some numbers on this, we are preparing for an increase of 30,000 dwellings in the territory over the next five years. So we will go from around 180,000 dwellings in Canberra to 210,000. Noting the existing housing stock, what is already built and then what is in this forward pipeline, around two-thirds of those 210,000 dwellings will be detached houses on single blocks. A mix of housing options is the only way to address the needs of a diverse community and support a growing population.

This year's budget invests further in the growing and renewing public housing program, to expand that program by a further 140 dwellings as well as an additional investment in public housing maintenance and repairs. We are also supporting more build-to-rent projects and will be pursuing institutional investment over the coming years with the release of our build-to-rent investment prospectus.

The government is also focused on ensuring that Canberra continues to be a city where everyone in the community feels safe and accepted and can thrive. We cannot, and we should not, take this for granted. Embedding a culture of inclusiveness takes

sustained leadership and education. That is why, over the remainder of this parliamentary term, we are committed to delivering our Capital of Equality Strategy, including the release of the second action plan earlier this year, to ensure that we continue to be the most inclusive city in Australia and a place where all LGBTIQ+ people feel visible, valued and respected.

This year's budget also includes funding to enhance actions under the Capital of Equality Strategy, including the grants program. We are progressing protections for people born with variations in sex characteristics, in consultation with the people who matter most: members of the intersex community, their loved ones and the clinicians who care for them.

As we all know, Canberra is a diverse city with a rich multicultural heritage and community. Today the government will introduce the Multiculturalism Act to establish a multicultural charter, setting out clear principles for supporting diversity and inclusion to guide the development and delivery of policies, programs and services, and to formalise the Multicultural Advisory Council.

We went to the 2020 election with a progressive vision for our city, a city where residents can find the good jobs that they need, have access to the health care and housing they deserve, and be able to contribute to and benefit from a clear path to a zero-emissions future—a city where people feel safe and valued.

We have faced challenges as a community over the past two years. There will be more obstacles ahead and in the remainder of this Legislative Assembly term. But the government will remain focussed on delivering the things that matter for this city and its residents, so that our community continues to be a great place to live, to work, to study, to invest and to visit.

We understand that the decisions and investments that are made in this parliament, in this parliamentary term, will shape Canberra for decades to come. Our job is to make the right decisions at the right time to deliver a better future for Canberra. It is what we promised, and it is what we are delivering. I present the following paper:

Delivering the infrastructure and services for a liveable Canberra—Ministerial statement, dated 11 October 2022.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Multiculturalism Bill 2022**

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

Title read by Clerk.



**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) (11.35): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Multiculturalism Bill 2022, and I acknowledge the presence in the chamber of members of the Ministerial Advisory Council on Multiculturalism and Multicultural Affairs, including the chair, John Kalokerinos, and Ms Shobha Varkey. I extend a very warm welcome to you and thank you for all of your contributions in bring us to where we are today.

How incredibly fortunate we are to be a part of this rapidly growing and changing ACT community, from the privilege of sharing the lands of the ACT's First Peoples and the importance of their heritage and ongoing custodianship to the diversity of cultures, languages, faiths and religions of all of us who have made Canberra our home.

Canberra's growth over the past few years has meant we are now more diverse than ever before, and our diversity continues to increase with every new Canberran who makes this city their home. People have come here from other parts of Australia and all over the world to study, to work, to seek refuge or to build a new life.

Recently released data from the 2021 census identified the ACT as having the fastest-growing population in Australia, largely due to overseas migration. Indeed, 28.7 per cent of people living in Canberra were born overseas and a similar percentage speak a language other than English at home. A further 30 per cent have a parent born overseas. This increasing diversity and pace of change brings with it many opportunities as well as some important challenges.

Diversity benefits us with new ideas, skills, knowledge and experiences, which have been integral in shaping Canberra's identity. Interactions between people from different backgrounds can lead to greater understanding and respect for one another. However, we cannot ignore existing inequities in society which occur on the basis of skin colour, culture, language, migration status, religion, gender, sexual orientation or ability.

Regardless of our background and experiences, we all share common aspirations. We want to live in a safe and secure environment where there are opportunities to participate, thrive and be recognised for our contributions. The benefits and rewards of a culturally and linguistically diverse ACT will only come through conscious and continuous efforts to accept and embrace diversity by government and the wider community.

Addressing racism, encouraging genuine connection, acceptance and inclusion, and ensuring equitable access to opportunities and services requires the explicit recognition and statement of our values as a jurisdiction. It also requires tangible accountability measures for government and non-government entities to ensure that these values are upheld.

Multiculturalism is a conscious political and social choice made by the government and society in response to diversity. In the ACT, our vision is for a welcoming, harmonious, inclusive and respectful community where people of all cultures, languages and faiths have equal opportunity and responsibility to belong, contribute, achieve and succeed.

The Multiculturalism Bill embraces and celebrates the contributions of Canberrans from all backgrounds to the contemporary identity as well as the heritage of this city. It lays the foundation and vision for a society which upholds, respects and protects the inherent dignity and worth of each person regardless of their migration status, cultural background, physical appearance or ability or expressions of gender, sexuality and/or religion.

The act acknowledges everyone's personal sense of identity is complex and can change over time and between generations. The act embraces the multiple and intersectional forms of belonging we each value to advance a society where everyone feels safe, supported and valued to be themselves. This bill brings the ACT in line with New South Wales, Victoria, Queensland and South Australia.

I would now like to highlight the key features of this bill. The charter of principles for multiculturalism is the centrepiece of this legislation. It is a rights-based values statement for an ACT we want to live in and the norms we want to live by. The charter affirms what we expect of ourselves, of each other, of our community and our government. It places a positive obligation on all Canberrans to understand biases and be open, respectful and to understand and embrace diversity in all its forms.

Foundational to the charter are the principles and responsibilities which recognise the right of all Canberrans to participate fully and on equal terms in society; to freely and safely express their culture, language, religious and spiritual beliefs; and to be protected from racism and discrimination. These principles and responsibilities will guide the development and implementation of more inclusive government policies, programs and services.

The bill also establishes the Ministerial Advisory Council for Multiculturalism as a statutory body. The council has existed as a non-statutory body since 2017 and has made a significant contribution to multicultural policy development, including this bill. The bill formalises the council's important function as a source of advice and expertise on the evolving needs and concerns of our multicultural community. The council will consult broadly to support the exchange of information and ideas between the minister and the members of the ACT community, and it will play a role in ensuring the principles in the charter are upheld. It will include a diverse membership which is representative of the community, and members will be appointed for terms of up to three years.

The draft bill also provides strong mechanisms for accountability and transparency. All ACT government directorates and the ACT Minister for Multicultural Affairs will be required to report publicly every year on their progress in promoting multiculturalism. In addition, the Minister for Multicultural Affairs must also prepare a multicultural policy statement which details government strategies and priorities in promoting multiculturalism for the next year. Annual reporting enables public

scrutiny of the outcomes-based actions each agency adopts and implements. In addition, the bill requires the Multicultural Advisory Council to prepare and publish an annual report.

This bill complements existing reporting mechanisms in the Human Rights Act 2004 and the Discrimination Act 1991 which address racism and discrimination. This bill is a vital part of the ACT government's broader work to ensure Canberra remains the most welcoming and inclusive city in Australia, and it also fulfills a commitment made under the Parliamentary and Governing Agreement of the 10th ACT Legislative Assembly.

The success of this legislation will be measured by the way we as a community recognise, value and embrace the growing diversity of cultures and languages to make Canberra a place where everyone is included and belongs.

I take this opportunity to thank our community and our sector partners for their participation in the consultation process and for their invaluable advice in shaping this bill. The themes and other feedback from the iterative consultation processes are captured in a Listening Report available on the YourSay Website, which I encourage all members to read. I also acknowledge our very hardworking team members from the Office of Multicultural Affairs, who have worked tirelessly to bring this to fruition since it was first proposed by the Multicultural Advisory Council some years ago.

I am very proud to introduce this legislation and I commend the bill to the Assembly.

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

## **Animal Management and Welfare Legislation Amendment Bill 2022**

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

Title read by Clerk.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.46): I move:

That this bill be agreed to in principle.

I am pleased to present the Animal Management and Welfare Legislation Amendment Bill 2022 to the Assembly today. The bill seeks to make a range of minor and technical updates to bring our animal management and welfare legislation up to date with current practice and to make necessary improvements for a more user-friendly approach to dog and cat management.

These amendments build on recent developments around responsible cat ownership, which is increasingly recognised as equally important as responsible dog ownership for upholding the ACT's strong animal welfare and environmental objectives. The amendments recognise where there are efficiencies to be made that reduce the administrative burden for those who are doing the right thing. Lastly, they make

necessary updates to clarify existing policies and operations, ensuring that animal management and welfare legislation stays reflective of this fast-changing and important space.

While progressing the responsible cat ownership reforms earlier this year, the need to further align how dogs and cats are managed did not go unnoticed. In particular, the existing multiple cat licensing framework was found to be lacking in clarity compared to that for dogs, with no set duration, no explicit requirement for the applicant's name or address and no requirement for identifying each cat on the licence.

The new responsible cat ownership reforms implemented from 1 July 2022 have marked a shift in how cat ownership is understood, as more people than ever now recognise the serious impact of poorly managed pets on our native wildlife and the welfare and safety of cats. The amendments introduced today build on these changing attitudes by aligning the frameworks for multiple dog and cat licences, making them consistent, fit for purpose and more streamlined. The bill also makes updates to align other sections of the legislation with existing animal management and welfare services and functions, safeguarding the policies and processes that work and ensuring that our laws remain practical and accurate.

I will start by explaining the need to align the multiple dog and cat licensing frameworks in more detail. Currently, these frameworks both require the registrar to consider the suitability of the premises for four or more dogs or cats. These requirements will remain in place, as these are important considerations relating to the size, security and nature of the premises, how many dogs or cats will be kept there and the potential impact on neighbouring properties. These requirements will be given additional supports under this bill through the introduction of a set two-yearly duration for dogs and cats and clearer application requirements for cats. In particular, the multiple cats framework does not explicitly require the person's name, address and registration numbers for each cat, which is needed for tracking purposes. I note that this information is already included voluntarily for multiple cat licences. I understand that the processes will not present any disruption for applicants. However, it is important that our legislation explicitly states these requirements for clarity, consistency and transparency, as is already the case for multiple dog licences.

Minor changes are also made to the existing multiple dog framework. The bill takes a practical approach to dog and cat management by reducing the administrative burden on Domestic Animal Services officers and people who hold multiple dog licences, which this bill recognises are lower risk compared with other dog management licences. Specifically, the renewal requirement for multiple dog licences is proposed by this bill to change from annual to two-yearly, halving the need for applications to renew, including halving the number of renewal fees. This will also apply to multiple cat licences, which are currently ambiguous and rely on DAS officers to determine the durations on a case-by-case basis with the applicant.

This new two-yearly duration promotes the right to equality and non-discrimination by reducing the number of renewals and, in turn, the costs, for those experiencing financial hardship. While we understand application fees play an important role in supporting the administrative cost of their operation, multiple dog and cat licences do not involve a high risk requiring annual renewal in light of other licensing

requirements which overlap, particularly annual registration. This is a minor and non-controversial amendment, given that there are only a handful of active multiple dog and cat licences in place. However, this is a positive example of adjusting the way we do things to make practical improvements to support the people who are doing the right thing, ensuring that our legislation is not overly burdensome and remains streamlined to achieve its overarching purpose.

Similarly, and in recognising the important work that individual foster carers do for the rehoming organisations in the ACT, exemptions are also proposed for both the multiple dog and cat frameworks to remove the need for foster carers to provide the registration number for every dog or cat under the licence, allowing for a blanket licence which accounts for the number of dogs or cats on the premises without requiring the carer to update their licence every time an animal is successfully rehomed and another comes under their care.

Other more minor amendments under this bill are also proposed to make necessary updates to the legislation to reflect existing policies and operations on the ground. The female-specific wording contained in the illegal breeding offence concerning the keeper or carer of a dog or cat is proposed to be removed, aligning more closely with the existing scope of another similar offence and better reflecting the current law where the keeper or carer of both male and female dogs or cats requires a breeding licence if they wish to breed a litter from either a dog or cat. Illegal breeding can lead to serious consequences for the welfare of the animals involved and puts pressure on our shelters from unwanted pets. This amendment corrects the older style of wording surrounding illegal breeding to ensure that responsibility is taken by owners of dogs and cats regardless of the gender. Instances of stud dog services without breeding licences are known to DAS, and it is essential that the community understands that these activities are not lawful and that there are consequences for continuing this behaviour.

In addition, the offence for publishing certain information when advertising dogs and cats is proposed to be amended to make a technical correction that narrows the scope of the offence and makes advertising by shelters simpler. This amendment involves removing the requirement for advertisements to display both the rehoming identifier and microchip number of an animal, which is overly burdensome for adoption listings. This information will still need to be provided at the sale stage of the advertisement, ensuring that the gifting and sale of dogs and cats is traceable to support responsible breeding.

Another minor amendment proposed by this bill involves the explanatory definition for “desex”, which will be reworded to better align with the emerging trends in surgical sterilisation methods for dogs and cats. While this does not change the scope of the term’s application in the legislation, this brings the definition up to date with current practice and ensures that the language of our legislation reflects the science.

The bill goes further to align legislation with operations, proposing a minor amendment to the assistance animal accreditation framework which reflects the established difference between trainers and assessors, where only assessors may test and accredit assistance animals. As there are two types of registration available for working with assistance animals, registration as a trainer and as an assessor,

a distinction is currently made in the standards between the qualifications and experience needed to become an assessor. This bill updates the wording of the legislation to reflect this important distinction, in line with feedback received during initial consultations on the framework.

When this legislation was established in 2019, flexibility was given to allow for the differences between roles to be understood more clearly, in consultation with industry experts and through implementation, and this has since been done. It is now accepted practice that assessors have a higher standard than trainers alone, as these are the professionals who undertake the important task of testing and accrediting assistance animals under the current process. This is a complex role which involves working with individuals who suffer from a disability, in a high-stress testing environment. Standard procedure for processing registration applications from these professionals currently involves higher standards for those who wish to be registered both as a trainer and as an assessor, which reflects advice from industry experts. This bill clarifies this procedure by removing the potential for trainers to accredit assistance animals, aligning more closely with current practice. This amendment does not impact on any existing registrations, and the subordinate legislation relating to this process will be updated as part of this bill for consistency and further clarity.

Finally, a suite of technical amendments has been made to the Domestic Animals Act, the Animal Welfare Act and the Animal Welfare Regulation to update various headings and notes as part of ongoing efforts to ensure that our legislation remains clear, accurate and consistent with current standard drafting practice.

While minor and non-controversial, this bill is an essential step towards continuing to strengthen and back our essential operations and functions with legislation that is transparent and accurate. The animal welfare and responsible pet ownership policy area has been strengthened considerably in recent years, thanks to the high standards and expectations of the ACT community. This bill builds on these changes so that we can continue to progress as a leading jurisdiction for best practice animal management and welfare. I commend the bill to the Assembly

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

## **Sexual Assault Reform Legislation Amendment Bill 2022**

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

Title read by Clerk.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.58): I move:

That this bill be agreed to in principle.

I am pleased to present the Sexual Assault Reform Legislation Amendment Bill to the Assembly today. The bill makes a number of important changes to ACT legislation

and continues the government's work to strengthen our response to and the prevention of sexual assault and sexual violence in our community.

Sexual violence is a serious problem of epidemic proportions in Australia. A survey by the Australian Bureau of Statistics found that one in five women have experienced sexual violence, while a study by the Australian Institute of Criminology found that, on average, a woman is killed by an intimate partner every 10 days. These are shocking and unacceptable figures.

As studies have shown, the impact of sexual violence ripples out across Australian families, communities and society and the effects of sexual violence are long-lasting, profound and detrimental, affecting a victim-survivor's physical health, mental health, social wellbeing and relationships.

The supports and responses available to victim-survivors must be adequate to address this impact. The *Listen. Take Action to Prevent, Believe and Heal* report—the report—outlined that many victim-survivors feel that, too often, the response by community, government agencies and the justice system in the ACT fails to meet survivors' needs for healing and justice and can be re-traumatising rather than supportive.

The reforms recommended by the report are wideranging and cover multiple facets of the ACT specialist response and the justice system. The recommendations will benefit from implementation in phases, over an extended period of time, so that we can observe the impact of the reforms, continually review and make adjustments as required to give effect to the intent of the reforms.

The Sexual Assault Reform Legislation Amendment Bill being introduced today will be the first tranche of a phased law reform program to implement the report law reform recommendations. The bill implements five important recommendations of the report and corrects two unintended consequences arising from the Crimes (Consent) Amendment Act 2022.

The bill introduces amendments that respond to changes in social and cultural norms about sexual violence, and that reflect the severity of sexual violence offences and the harm caused to victim-survivors of sexual violence. It seeks to support victim-survivors and the general community to feel safe about their participation, and be safe when participating, in a more trauma-informed criminal justice system.

The bill also clarifies common-law positions of context evidence in legislation, brings about better consistency across a range of ACT legislation and makes amendments to further clarify expectations of consensual sexual activity, following recent amendments to ACT consent laws. It seeks to promote consistent and clear treatment under the law to improve victim-survivors' engagement with the administration of justice and access to justice.

Specifically, the bill amends ACT laws to explicitly provide that evidence of prior family violence between parties may be admissible in sexual offence proceedings. It provides that the presumption of bail does not apply to offences in sections 55(2), 55A and 56 of the Crimes Act 1900. It omits section 80D of the Evidence

(Miscellaneous Provisions) Act 1991, which requires consideration of the reasonableness of a mistaken belief as to consent. It provides that self-induced intoxication cannot be considered in determining whether the accused person had knowledge, recklessness or a reasonable belief as to consent. It allows special interim personal protection orders and workplace protection orders which will operate for longer than 12 months where there are ongoing related criminal proceedings. It amends the definition of “sexual act” in the Crimes Act to address unintended consequences arising from the Crimes (Consent) Amendment Act 2022.

The bill is a significant bill, and a detailed human rights analysis against the Human Rights Act 2004 is included in the explanatory statement. There has been a careful consideration and balancing of the human rights of a person in criminal proceedings and another person’s human right to safety within their home and in the community.

While the bill may engage and limit some human rights under the Human Rights Act 2004, these limitations are proportionate and justified in the circumstances because they are the least restrictive means available to achieve the purpose of protecting victims of sexual violence, and the community as a whole. The findings of the report provide strong justification for these limitations.

I will now explain these amendments in more detail. Firstly, the bill explicitly provides that evidence of prior family violence may be admissible in sexual offence proceedings. The report revealed that many people who experience sexual violence also experience other forms of violence in a domestic and family violence setting. However, the report highlights that only 37 per cent of all sexual assaults reported to police nationally were domestic and family violence related. Very few cases of sexual violence enter the criminal justice system and those that do will face significant barriers and obstacles in progressing to sentencing.

Despite established principles in common law that permit the admissibility of evidence of uncharged acts of family violence as context evidence, the report suggested that this practice is not widely used or understood. The bill adopts recommendation 23(e) of the report and legislates the existing common-law position to make it clear that evidence of prior family and domestic violence as context evidence may be relevant and admissible in a sexual assault trial.

By making this position clear, the amendment aims to assist police in how they investigate sexual assault matters by clarifying what information may be relevant at the initial evidence-gathering stage. This amendment further assists the jury and the court to understand a pattern of behaviour, explain a delay in the victim making a complaint, or overcome false impressions that the incident occurred in isolation. I note that the amendment does not change the court’s general discretion to refuse to admit or to limit the use of evidence if that evidence might be unfairly prejudicial to a party.

The bill provides that self-induced intoxication cannot be considered in determining whether the accused person had knowledge, recklessness or a reasonable belief as to consent, in accordance with recommendation 23(l) of the report. The report noted that it is presently confusing for juries to take intoxication into account in the assessment of whether the accused was reckless in deciding the complainant had consented to a



sexual act, when intoxication is not a defence to sexual assault and given that the jury do not specifically know the effect of intoxication upon the defendant.

Sexual assault commonly occurs in settings where drugs and alcohol are consumed and either or both the victim and the accused are intoxicated. Nevertheless, self-intoxication does not excuse sexual acts without consent. This amendment builds on the significant sexual consent law reform in the Crimes (Consent) Amendment Act 2022, introduced by Dr Paterson, to better align our laws with contemporary community understandings and expectations of consensual sexual activity.

The bill clarifies that a person who is intoxicated through self-induced intoxication is to be treated as if they were sober in determining the fault element of a sexual offence consent provision; that is, whether the accused person had knowledge, was reckless or had a reasonable belief as to consent to a sexual act. In practice, this means that where a person is intoxicated through self-induced intoxication, that state of intoxication is to be considered in a broader sense for context, but the behaviour of the accused is contrasted with what the accused's mind would have been had they been sober.

I do note that the amendment does not create a presumption that the accused was guilty or culpable just because of self-induced intoxication. All of the fault elements of the offence will still need to be made out for the accused to be found guilty. The amendment also does not change the type of evidence that can be adduced nor the rules for involuntary intoxication or drink spiking. The defence of mental impairment will also remain available to the accused.

The amendment seeks to protect against circumstances where an offender has a distorted or outdated view and belief about sexual consent and appropriate sexual conduct that is inconsistent with the standards expected by the community. As alcohol and/or drug use is a well-established risk factor for sexual assault, the amendment is a crucial change to make.

The bill introduces new, special interim order schemes in the ACT under the Personal Violence Act 2016, which mirrors the Family Violence Act 2016, to ensure that interim personal protection orders and workplace protection orders can remain in force, as long as there is a related charge outstanding in relation to the respondent and the offence is against the applicant. This amendment responds to recommendation 23(n) of the report.

The report highlighted an inconsistency between the interim orders available under the Personal Violence Act 2016 and the interim orders available under the Family Violence Act 2016. The bill reconciles this inconsistency to achieve better protection for victims where there are related and ongoing criminal proceedings.

Special interim protection orders are currently not available to the applicant under the Personal Violence Act 2016. In fact, an order must be finalised within 12 months—plus any extension for non-service of the respondent. Frequently, criminal proceedings take longer than 12 months. It does not make sense that the same protections available to a person seeking a family violence order do not apply to a person seeking a personal protection order or workplace protection order.

Under the new special interim order scheme in the Personal Violence Act 2016, the court may make a special interim protection order if there are ongoing related criminal charges. When a specific interim order has been issued, the application for a final order cannot be finalised until all related criminal charges are finalised.

A special interim order may be beneficial to the court, respondent and applicant. Special interim orders would allow police investigations into related charges to take their course and ensure that the applicant for personal and workplace protection orders and vulnerable members of the community are protected from further violence, threats, intimidation and abuse. In addition, special interim orders minimise the risk of self-incrimination of the respondent or unnecessary traumatisation for the applicant. Special interim orders also increase efficiency for the court and parties, as the court finalising the related charges may also decide the application for the final protection order.

The ACT government seeks to strengthen our commitment to protecting the safety of victim-survivors in the ACT community. There are crucial, life-threatening circumstances where a victim-survivor of sexual assault may need to apply for a protection order. The amendment facilitates the physical protection and wellbeing of an applicant by allowing a personal protection order and workplace protection order to be in force until the finalisation of related criminal charges.

I note that the bill does not attempt to change the grounds for granting interim protection orders. Furthermore, all applications will be dealt with on their merits, by application to the court. The respondent's rights are also unchanged, and the respondent can apply for the review of a protection order or to amend its conditions. This helps to ensure that any limitations on the respondent's human rights are proportionate, while also preventing any arbitrary extension of protection orders.

The bill adopts recommendation 23(i) of the report and introduces an amendment to create a neutral presumption of bail for certain sexual offences that currently have a presumption in favour of bail. The bill provides that the presumption of bail does not apply to a person charged with an offence contrary to the following sections of the Crimes Act 1900: section 55(2), sexual intercourse with a young person under the age of 16 years; section 55A, sexual intercourse with a young person under special care; or section 56, persistent sexual abuse of a child or young person under special care.

Schedule 1 of the Bail Act 1992 already sets out a list of offences, including similar and equally serious sexual offences in the Crimes Act 1900 to which the presumption for bail does not apply. The amendment brings three offences in line with these sexual offences. I note that the amendment does not create a presumption against bail but creates a neutral presumption so that there is neither a presumption for nor against bail. As such, the decision-maker is not required to be satisfied of the existence of special or exceptional circumstances in favour of granting bail to an accused. It also does not seek to curb the existing discretion held by the decision-maker in making bail determinations.

The amendment ensures that victim-survivors of sexual offences are afforded procedural justice and improved criminal justice outcomes. The amendment also

promotes the message that sexual violence is unacceptable and may act as a general deterrence for potential offenders or for the accused to commit further sexual offences, thus improving overall criminal justice outcomes for the community.

The bill omits section 80D of the Evidence (Miscellaneous Provisions) Act 1991, in line with recommendation 23(k) of the report, noting that section 80D is at odds with the recent amendment to section 67(4) of the Crimes Act 1900 made by the Crimes (Consent) Amendment Act 2022. Section 80D of the Evidence (Miscellaneous Provisions) Act 1991 provides that, in a sexual offence proceeding, the judge must, in a relevant case, direct the jury that, in deciding whether the accused person was under a mistaken belief that a person consented to a sexual act, the jury may consider whether the belief was reasonable in the circumstances.

However, section 67(4) of the Crimes Act 1900, as substituted by the Crimes (Consent) Amendment Act 2022, provides that the jury must, rather than may, consider whether any belief the accused person has, or may have, that the other person consents to the act is not reasonable in the circumstances. These two sections are clearly at odds with each other. This amendment is technical but crucial to dispel any misconceptions about the complainant's evidence and consent, and it also allows the trial judge to give appropriate directions to the jury.

The final amendment relates to the definition of "sexual act" in the Crimes Act 1900. The bill amends the Crimes Act 1900 to substitute "sexual touching" with "an act of indecency" in the definition of "sexual act" to remedy an unintended consequence. Since the introduction of the Crimes (Consent) Legislation Amendment Act, there has been some uncertainty and inconsistency raised regarding the definition of consent in section 50C of the Crimes Act 1900. In particular, the amendment introduced the term "sexual touching", which had been adopted from the New South Wales Crimes Act 1900. This term "sexual touching" is similar to the ACT offence of "act of indecency". While section 50C defines "sexual touching", reliance on this term and definition may create doubt as to whether "sexual touching" is indeed intended to include an "act of indecency".

The bill now prescribes an act of indecency as an example of a sexual act to clarify that relevant sexual offence consent provisions, including those relating to an act of indecency in sections 60 and 61(5)(b) of the Crimes Act 1900, must be considered in accordance with section 67, which prescribes the additional fault element of consent: reasonable belief as to consent. This gives effect to the intent of the recent amendments made by the Crimes (Consent) Amendment Act 2022 and upholds the principle that consent to a sexual act is informed agreement that must be freely and voluntarily given and communicated by saying or doing something.

In conclusion, the report noted that sexual violence offences are under-reported, under-charged and under-prosecuted in the ACT and revealed that many victim-survivors do not have faith in the current criminal justice system. It is hoped that this bill will improve the criminal justice system so that the ACT can respond to the needs of victim-survivors in meaningful ways.

The bill fosters a better understanding in the community of what is acceptable conduct and what is not. Law reform is a crucial component of implementing change, as

legislation not only can respond to but can influence community views. For example, law reform can legalise morally acceptable behaviour and ensure that all Canberrans understand that there are legal consequences to contravening the acceptable standards.

Additionally, the bill will provide victim-survivors not only with better protection but also with peace of mind, as they become aware of and utilise the legal protections available to them, through either the creation of consistent laws regarding bail applications or the availability of special interim protection orders under the Personal Violence Act 2016. This can contribute to victim-survivors feeling more supported and can assist in their healing process.

This bill does not signify the end of the ACT government's implementation of the law reform recommendations in the report. It is part of an evolving reform process to ensure that the ACT community prioritises the safety and wellbeing of those in the community, facilitates healing for victim-survivors and strengthens our justice system to ensure the accountability of perpetrators of sexual violence.

The bill has been developed in close consultation with relevant stakeholders, and I wish to take this opportunity to also thank those stakeholders for their contributions to these important reforms. Without such reforms, we are destined to fail victim-survivors and vulnerable members of our community. That is why this bill is so important to both individuals and the ACT community as a whole. I commend the bill to the Assembly.

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

## **Animal Management and Welfare Legislation Amendment Bill 2022**

### **Correction of record—statement by minister**

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (12.17): With members' indulgence, I would like to correct the record. Earlier, when I was speaking on the Animal Management and Welfare Legislation Amendment Bill 2022, I used the word "suffer" in relation to people with disability who may be supported by assistance animals. This was inappropriate language. It was not my intention to use that word, but it found its way into the speech. I want to apologise to people with disability for any harm that may have caused in relation to them. The intention certainly was just to refer to people with or experiencing a disability.

**Sitting suspended from 12.17 to 2.00 pm.**

## **Questions without notice**

### **Taxation—stamp duty**

**MS LEE:** My question is to the Chief Minister in his capacity as Treasurer. Chief Minister, a recent article in the *Australian Financial Review* about the ACT's tax reform program stated:

Chief Minister Andrew Barr and his Greens colleagues in the ACT Labor-Greens government have botched the reform.

And:

This year's budget only transfers \$10 million worth of stamp duty to rates, a trajectory that means stamp duty cannot ever be abolished.

Chief Minister, the ACT is now halfway through the tax reform program. Will residential conveyance duty be abolished 2032?

**MR BARR:** I thank Ms Lee for the question. There was indeed a pretty grievous factual error in that *AFR* article. I will give the journalist the benefit of the doubt that he is not familiar with reading ACT budget papers. But the amount that Ms Lee referred to in the question was in fact an additional amount of stamp duty deduction on top of the already announced scheduled amount that is part of each step of stage 3 of the tax reforms.

So the answer to the question is yes. The current policy intent of the government is to eliminate stamp duty over a 20-year period. We are halfway through that period. That period has another decade to run.

**MS LEE:** Chief Minister, I ask what your response is to the statement in the same *AFR* article that said:

Restricting dwelling supply has artificially propped up government revenue by pushing up the price of land that the ACT sells to developers, while also inflating stamp duties and land taxes on homes.

**MR BARR:** I do not believe that there is any factual basis for that particular claim. Were that to be true, then the ACT's position would be unique in Australia. But, in fact, house prices and land values have increased more in other parts of Australia.

**MR CAIN:** Chief Minister, how will the ACT address your budget deficits if you can no longer rely on residential conveyancing duty revenue?

**MR BARR:** The tax reform program sees a substitution from transaction-based taxes to broad-based land taxes over a 20-year period. The revenue base, Mr Cain, is more stable as a result, because transaction-based taxes fluctuate year by year depending on the volume of the transactions and at what part of the housing market they occur; whereas, if—

**Mr Cain:** So more revenue from rates? Is that what you are saying?

**MADAM SPEAKER:** Mr Cain, you have had your question; now hush.

**MR BARR:** The most efficient form of taxation available to this level of government are broad-based land taxes. They have the least distortionary impact on economic activity.

There are three things that can be taxed, Mr Cain: land, labour and capital. We tax capital as lightly as possible because it is highly mobile. Labour is taxed at a state and territory level in this country through payroll taxes, but we exclude most businesses that operate in the territory from paying payroll tax, focusing our payroll tax on large

national and multinational businesses in the main. Then we have taxes on land. They are the least distortionary of the three forms of taxation available. That is what every taxation review undertaken in Australia over the last four decades has concluded. So it is those taxes that are the least-worst taxes that can be levied at this level of government.

But if the proposition in Mr Cain's question is that spending should be cut, then the opposition should come clean on that agenda. The Leader of the Opposition has already hinted at it, with wanting an audit to cut services! (*Time expired.*)

### **ACT Policing—Operation TORIC**

**MR HANSON:** My question is to the minister for police. Minister, we have seen some reports of the operations of a police task force called TORIC, which is an acronym for “targeting of recidivists in Canberra”. Recent reports noted that offenders being targeted are “regulars on the ACT court lists, persistent bail breaches offenders and with a list of crimes which would fill a police notebook”. It was also reported that police are being redeployed from other tasks to work on TORIC tasks. Minister, how many officers have been taken from other tasks to take part in TORIC operations?

**MR GENTLEMAN:** I thank Mr Hanson for the question. He has raised a very important aspect of police work across the ACT; that is, ensuring the safety of Canberrans on our roads. Operation TORIC has been incredibly successful. It was established to address motor vehicle thefts and associated dangerous driving and other crimes in the ACT. It is focusing on those individuals who are continuing to put the community, themselves and police at risk.

I am pleased to report that Operation TORIC continues to make great progress. As of 4 October, investigators have arrested 78 offenders and laid 225 charges for offences, including aggravated dangerous driving, driving at police—

**Mr Hanson:** Madam Speaker, on relevance, he may be getting to it, but the question was how many officers have been moved from other parts to TORIC, not a dissertation on TORIC itself; we know what that is. It is a question on how many officers have been redeployed.

**MADAM SPEAKER:** Can you come to those areas? I am sure you will, Mr Gentleman.

**MR GENTLEMAN:** Mr Hanson talks about redeployment; we have an active operational police force that is able to be tasked with different operations day to day. Of course, that is in the purview of the Chief Police Officer, and our police are doing a fantastic job. In response regarding the actual numbers of those moved from different tasks to Operation TORIC, that is a matter for the CPO.

**MR HANSON:** It is a matter for the Assembly, too, my friend.

Minister, what is the impact on other tasks from officers being deployed to deal with recidivist offenders through Operation TORIC?

**MR GENTLEMAN:** It is an operational decision for the CPO to make sure that we are providing the safest opportunities for Canberrans. That is why we leave it to them. We do not give them directions on how they should use their staff. Of course, every single year, we invest more in ACT Policing. Every single year, through our budget, we provide more services for the Canberra community through more police and more operational task funding.

*Opposition members interjecting—*

**MR GENTLEMAN:** Of course, those opposite vote against it! We hope they do not do it this year.

**Mr Hanson:** Madam Speaker, under the standing orders on relevance, and under the whole principle of asking questions under the administrative orders, the minister is the minister for police, and we ask questions about what is happening in ACT Policing, through the minister. I think it is entirely appropriate and relevant that he should provide that answer. Simply saying, “That’s just a matter for police,” is not an adequate response. On relevance, I ask him to be direct and answer the question.

**MADAM SPEAKER:** He is being direct, in the sense that he is talking about operational matters on a day-to-day basis definitely being within the purview of the CPO.

**MS LEE:** Minister, will TORIC be a permanent part of ACT Policing? If not, why not?

**MR GENTLEMAN:** I thank Ms Lee for the question. These task forces are created every now and again to address specific issues that are occurring across the ACT. Each of the task forces that has been created that I have been involved with has been incredibly successful. No, most likely it will not be permanent. It will be used for its specific operational tasking, for that particular time where the CPO and the experts in Policing see that need. That will be dissolved at some point in the future when another task force takes on another operation.

### **Homelessness—services**

**MR DAVIS:** My question is to the Minister for Homelessness and Housing Services. Minister, yesterday, Monday, 10 October, was World Homeless Day. Last Friday, 7 October, the Australian Institute of Health and Welfare released a report into specialist homelessness services which showed that in the 2020-21 financial year there were 990 people experiencing persistent homelessness in the ACT, an increase of 165 people from the 2019-20 financial year. In light of this news, what is the ACT government doing to eliminate homelessness in the ACT?

**MS VASSAROTTI:** Thank you very much, Mr Davis, for the question. The issue of homelessness is one that I and the whole community share a real concern about. The reality is that there are people within our local community who do experience homelessness or are at risk of homelessness. I will reflect that some of the results of the AIHW report were quite troubling, particularly the issues around persistent homelessness. We absolutely have a vision here in the ACT for the effective

elimination of homelessness, of seeing homelessness being rare, brief and non-recurring. There is work to be done.

I am really pleased that we have been doing some significant work increasing investment in homelessness services. If we look at the 2018-19 budget base funding of homelessness services compared to this financial year, we have moved from \$20 million of annual funding in that period to \$30 million of annual funding for homelessness services. That has included the introduction of a range of new homelessness services—services such as Ainslie Lodge and MacKillop House—and significant work on rough sleeping. In our last budget we provided additional services, particularly looking at some of the underlying issues such as community mental health. There is a lot of work being done.

We are now also working with the homelessness sector on commissioning of services post 2023. This is not an issue that we are going to solve overnight, but I am very confident that, working with the sector, we will get there.

**MR DAVIS:** Minister, what would you like to see from the federal government in their upcoming budget to eliminate homelessness nationally?

**MS VASSAROTTI:** Thank you for the question. Certainly, the ACT government has a significant role to play, but there is also a role to play for the commonwealth government. I think that there has been a real change, with a cooperative environment in terms of homelessness services and responding to the issues at a national and a local level.

There are a number of key things that we would like to see from the commonwealth government. We have talked for a number of years about looking at the issue of the historical social housing debt. We continue to advocate for the removal of that historical debt, which would mean that we could invest those funds into more homelessness services. There are some very productive conversations being led by Minister Berry in relation to the renegotiation of the national housing agreement, which will include housing services. The issue of commonwealth rent assistance is one that is an active conversation and would make a real difference; I think we would all point to the very low income levels of people on welfare payments, and it would make a significant difference in the lives of people on those very low incomes.

**MR PARTON:** Minister, have you failed as minister, given the significant increase of homelessness on your watch, as highlighted by your erstwhile colleague Mr Davis?

**MS VASSAROTTI:** Thank you for the question. I think it is a very interesting suggestion to say that we have failed because we have put in increased funding. Homelessness is a complex issue. There are a range of issues, particularly in relation to chronic homelessness. It is not something that we are going to solve easily. It is something that we need to work with the homelessness sector on—and actually across the human services sector as well. We will not solely solve the issue of homelessness via the specialist homelessness sector. We need to look at the whole human services sector. We need to look at the complex issues, particularly for people who are suffering chronic homelessness with issues such as mental health, substance use, and domestic and family violence, and bring all those issues together.



There is a lot of work to be done. We did not ever say that we would solve this issue quickly. I am absolutely committed to working with the sector and to working with the human services sector more generally. We will need to continue to invest in more resources, but we also need to work with the sector on how we design the services that we provide. We are absolutely working on that issue. I just do not accept the premise of failure in this area. We need to continue to work on this. There are a whole range of issues that come to the fore when we are dealing with this. We are not resiling from those issues. We are working with the sector and the community about resolving them.

### **ACT Health—elective surgery**

**MS CASTLEY:** My question is directed to the Minister for Health. During estimates it was revealed that the elective joint replacement program had completed almost 500 surgeries last year, but the government is cutting this capacity to about 340 procedures, due to the digital health record rollout. What other surgeries or programs is the government reducing due to the DHR rollout?

**MS STEPHEN-SMITH:** I thank Ms Castley for the question. I can assure members, including Ms Castley, that we have a plan to deliver on our elective surgery target this year. We have planned—and we have been very, very clear about that—that there will be some movement of elective surgeries from the public system to our private partners, and that there will be some shifting around of our elective surgery program to accommodate the training that is required to rollout and go live with the digital health record, which is a very significant change in delivering a single electronic health record across our entire ACT public health system.

Canberra Hospital, University of Canberra Hospital, Calvary Public Hospital, Clare Holland House, QEII, and all of our community based services are going live with our new digital health record at the same time, on 12 November. So it is a big task to get all of those workers trained, and we will be moving elective surgeries around. It is not accurate to draw the comparison between the orthopaedics—the joint replacement surgeries and the elective joint replacement program—and this wider program.

**Ms Castley:** Point of order, Madam Speaker. I asked specifically what surgeries would be moving, not which hospitals are getting DHR. It was not about DHR; it was about which elective surgeries, specifically.

**MADAM SPEAKER:** The minister is within order. She is referring to meeting targets of the scheduled waiting list—

**MS STEPHEN-SMITH:** I think, what I was going to—sorry, I did not mean to interrupt you, Madam Speaker—is that the premise of the question is incorrect in the sense that in order to achieve our two-year target for elective joint replacement, and, indeed, to exceed our original target of 800 elective joint replacements over this two-year period, some elective joint replacements were brought forward into the 2021-22 financial year. Fewer are going to be delivered in the 2022-23 year, but over that two-year period my recollection is that 832 elective joint replacement surgeries will be— *(Time expired.)*

**MS CASTLEY:** Minister, how many people are on the waiting list for the joint replacement program, and how much longer will they be forced to wait due to your cuts?

**MS STEPHEN-SMITH:** I will take on notice the question of how many people are currently on the elective joint replacement waiting list, but, as I have just indicated to Ms Castley, what we did was to bring forward into 2021-22 some surgeries that were planned to be delivered this year. Therefore, those people actually got their elective joint replacement surgery more quickly than they would have otherwise if those surgeries had been done in this year.

**MR COCKS:** I have a supplementary question. Minister, how much longer will people on other elective surgery waiting lists be forced to wait for their procedures due to the DHR rollout?

**MS STEPHEN-SMITH:** I thank Mr Cocks for the supplementary. As I have also indicated in my response to Ms Castley earlier, one of the things we have been doing is shifting elective surgeries from the public system and working with our private partners to ensure that we can deliver the same number of elective surgeries in this financial year as we previously planned to do.

### **Public housing—Common Ground Dickson**

**MS ORR:** My question is to the Minister for Housing and Suburban Development. Minister, can you please provide an update on the opening of Common Ground.

**MS BERRY:** I thank Ms Orr for her question. ACT Labor made an election commitment to build a second Common Ground in Dickson and we did. The Chief Minister and I, joined by Ms Vassarotti were able to be there last week to attend the official opening of Canberra's second Common Ground in Dickson. This is a 20-unit building for individuals and families who are experiencing or at risk of experiencing homelessness.

Common Ground has been incredibly successful. It is a model that was adopted from New York and is now in place across a number of cities in Australia. It provides a mix of social and affordable long-term secure housing with onsite support and community facilities. This Common Ground is a little bit different to the first Common Ground in Gungahlin, because it includes a mix of units with one-, two- and three-bedroom dwellings, as well as communal areas, community spaces, onsite support services and—once it is completed and all the tenants have moved in—a social enterprise business will be there as well.

Common Ground Dickson, as I said, is complete now and tenants are happily settling into their new homes. Common Ground Dickson was built strongly on the success of the first Common Ground in Gungahlin to provide safe, secure housing and supports for families most in need. In short, Common Ground Dickson will change people's lives. It has been quite a journey for this project, and despite tri-partisan commitment in this place to increase social and affordable housing in the ACT, sometimes this project did face opposition. But I invite anybody who has had any doubts about this project to see the change that it has made, and the community that is being built around it.

**MS ORR:** Minister, how are these new homes changing lives?

**MS BERRY:** Common Ground is building a community around the tenants and the suburb of Dickson in small ways and in big ways and will change the lives of tenants. Many of the tenants who live at Common Ground have experienced chronic homelessness, living in insecure and unaffordable housing. Some of the tenants have moved from shelters and other emergency accommodation and are able to have more permanent and supported homes in Common Ground Dickson. To support tenants, Community Housing Canberra will be a fantastic partner, providing a wholistic service model, including tenancy support and property management services for all the residents in the new complex.

As part of the arrangements, CHC will partner with the YWCA Canberra to deliver a range of onsite services and to support individual tenant needs. This includes things like education opportunities, employment, financial support, as well as mental and physical health. The services that both CHC and YWCA will provide will be integral to the community that will develop at Common Ground Dickson. The YWCA will be providing those critical support services that will enable residents who live at Common Ground to stay connected. With both organisations working together this gives the tenant at Common Ground Dickson the real chance at a good and happy life. More than just supports, Common Ground is safe and secure long-term housing for many of its residents. It is located centrally. It has a strong focus on community and communal spaces and it provides even more opportunities to stay and connect with their local community.

**MR PETTERSSON:** Minister, how do projects like this support the delivery of the ACT's housing strategy?

**MS BERRY:** I thank Mr Pettersson for his supplementary. This project supports the ACT government's commitment to provide secure housing options for households from all incomes and to growing the supply of affordable rentals across the ACT through our investment in community housing. Delivering on several actions within the housing strategy, this development supports the Common Ground model in Canberra and provides community housing with long-term leases to grow and support the sector.

In addition to Common Ground Dickson, the ACT government is in the middle of the largest investment to increase and improve public housing in the history of self-government and to provide central housing for low income Canberrans at risk of homelessness. Over the last two budgets the ACT government has committed over \$140 million to public housing maintenance. This funding has seen a significant boost in the public housing maintenance budget. Housing programs will also see an additional 400 public housing dwellings built, this is equivalent to 10 Common Grounds, and another one thousand properties renewed.

Madam Speaker, the housing strategy is delivering on all aspects of the housing continuum, with increased support for homelessness services through the Parliamentary and Governing Agreement. The ACT is the strongest supporter of public housing, with the highest ratio of public housing in the country, providing

homes to over 20,000 Canberrans. With the Common Ground Dickson, development the ACT government is committed to delivering on the ACT strategy and the Parliamentary and Governing Agreement to decrease homelessness and increase the support for social and affordable housing across the housing spectrum.

### **Cybersecurity—Optus data breach**

**MR COCKS:** My question is for the Minister for Business and Better Regulation. Minister, the ACT is refusing to replace the majority of compromised drivers licence numbers through the Optus hack, as our ID verification system requires both a licence number and a card number. Western Australia, South Australia and Tasmania all use the same ID verification system as the ACT yet are offering to replace all compromised licence numbers. Minister, why won't you apply the same standard of data security as Western Australia, South Australia and Tasmania?

**MS CHEYNE:** The Optus breach has obviously been incredibly concerning for many Canberrans. Can I take this moment to thank Access Canberra for its very hard work over a considerable period of time in what has already been a very busy period, to support Canberrans who have had data exposed, especially where it has related to ACT government issued forms of identification, such as driver licences.

I can confirm what Mr Cocks refers to—there being two fields being released by Optus, and that being where there is the greatest cause for concern. Where that has been the case, that is where we are replacing the driver licence card number for the person and issuing them a new driver licence card. This is exactly the same as it is in New South Wales. Indeed, the advice that Optus has provided for customers in Western Australia and South Australia, for example, as far as I am aware, and I will double check this, is similar.

All that said, if there are Canberrans who still remain concerned and wish to have their driver licence replaced, even if they have only had one field exposed during the breach, they can still, of course—any Canberran can do this—apply to have their driver licence card replaced. They are not the highest priority for us, because we think the risk is much lower for those people, and they are not being supported through Optus in terms of the cost being credited. (*Time expired.*)

**MR COCKS:** Minister, is the ACT government letting down the significant number of Canberrans who work in secure and secret industries, by not ensuring the highest level of data security?

**MS CHEYNE:** I thank Mr Cocks for the question, but no, absolutely not. The ACT government takes the security of information incredibly seriously, and the team at Access Canberra has been working incredibly hard with Optus, with other state and territory governments, and with the commonwealth government in understanding the extent of what has been exposed. Again, Mr Cocks might like to reflect that his imputation is drawing in the New South Wales Liberal government, which has taken the exact same approach as we have.

We take identity and security very seriously. It is one of the reasons that we are partnered with the Document Verification Service. It does require both of those data

fields to be provided and to match. That is the significant thing here. If only one of those has been exposed during the breach, then that cannot be used without the other field. If only one has been exposed, that is why there is much less of a concern there, because both need to be provided through the Document Verification Service, and both need to match. This is the same as in New South Wales and in most other jurisdictions. Victoria and Queensland are not yet at this stage with the Document Verification Service but are joining it at this level next year, and that is why they have taken a different approach.

I refer to my previous answer. We are supporting Canberrans throughout this concerning incident, and we will continue to do so.

**MR CAIN:** Minister, did you adopt a lower standard of data security than other jurisdictions because Access Canberra does not have adequate resourcing?

**MS CHEYNE:** Madam Speaker, that question is just absurd. I would refer the member to my previous answers. We do not have a lower standard of security by any means. In fact, ours is consistent among the majority of jurisdictions as a very high standard of security.

I can assure Canberrans that we take data and security incredibly seriously. Mr Cain's continued misunderstanding and misrepresentation of the situation is dangerous—to borrow from his own leader. If he purports to be genuinely concerned, then I suggest that he actually reads the FAQs.

### **Parking—Civic**

**MR PARTON:** My question is to the Minister for Transport and City Services. Minister, you recently announced that you are removing 665 parking spaces in Civic and that you will “force people to change their commuting habits.” Minister, what message do you have for Canberrans who are not able to find a park and who are not able to change their commuting habits?

**MR STEEL:** I thank the member for his question. In fact, what I said was that people who are parking in the parks that have been closed as a result of the establishment of construction compounds across four different parks in the CBD may need to change their habits about where they park.

Part of the large car park that is next to us on Constitution Avenue has been closed, but there are still some car parks there that are available for the public to use. There are over 14,000 car parks altogether that are available for public parking in the CBD. So there is a range of other car parks that people can choose from, and some people may need to change where they park while we are in this construction period.

This is the first stage of potential disruption to the community as we see work get underway on bringing light rail to Woden, starting with the raising of London Circuit. We are getting on with what we promised to do, and we have been upfront from the very beginning that that would bring some construction disruption with it as we build these important major infrastructure projects for the future and, indeed, as other private projects and the NCA's bridge-strengthening projects get underway.

We will continue to update the community. There is really good information on the Built for CBR website—[builtforCBR.act.gov.au](http://builtforCBR.act.gov.au)—showing where all the alternative car parks are that people can choose from when they are parking in the city. It will not mean that people need to not come into the city to do their business, but it may change where they park and potentially, down the track, at different phases of the construction, how they move through the city during the construction period. That is going to change throughout each stage of the construction while we get on with the job of delivering a more vibrant, connected and sustainable city.

**MR PARTON:** Minister, when exactly will those 665 car parks be returned to commuters?

**MR STEEL:** Following the construction of the light rail project. Initially, they will be used for raising London Circuit and then we expect that construction compounds will need to continue in some of those areas for the stage 2A project, which will commence thereafter, after the around two years of construction of raising London Circuit.

Indeed, further construction compounds may be needed in other locations in the city as we continue to move on with our commitment to extend light rail down to Woden. It is a major infrastructure project—one of the biggest in the city’s history. That will mean that there will need to be space for those construction compounds to be established. Sometimes they will be located on car parks; sometimes they will be on other public land or indeed NCA land. We will be working with all of the authorities and stakeholders, and we will be communicating clearing to business and the community about what they can expect as we move through the construction program.

**MR MILLIGAN:** Minister, were any of the closed spots disability or mobility related parking spots?

**MR STEEL:** Where possible, we are moving the disability spots so that any that are taken away are available in other locations in the CBD. But it will be change for some people about exactly where they park. If they have been going to the same parking location, they will need to look at the other available parking spots. We are trying to accommodate those different needs as we move through this period, and of course we will continue to listen to any feedback from the community as we progress through this process.

As far as the other construction that is occurring, we will try to undertake that construction in a way that minimises the disruption to the community, but inevitably there will be some disruption during the construction period for all Canberrans. We have put in place a range of measures to try to make sure that we can move through these coming years in the smoothest way possible.

### **Lake Tuggeranong—foreshore upgrade**

**MS LAWDER:** My question is to the minister for city services. Minister, recently you released a preliminary design for the Lake Tuggeranong foreshore upgrade. In the feedback received via the YourSay survey, if you search by key words or terms in the Excel spreadsheet of responses, such as “path”, “cycling”, “shade”, “toilets”, “skate

park”, “water bubbler” et cetera, “bins” was the fourth most mentioned item—more bins. Your designs contain no mention of more bins and, at the Tuggeranong Community Council meeting last week, we were told that there would be no additional bins. Why is this the case?

**MR STEEL:** I thank the member for her question. Certainly, we have been consulting with the community about what they would like to see as part of upgrades and delivering on our commitment to upgrade Lake Tuggeranong foreshore. I appreciate that you are supportive of more bins. We will certainly consider that. We have actually funded a program of more bins in the city in this term, which is something that, again, our government committed to in the election, and you did not. We will continue to deliver better waste facilities. We will also make sure that we deliver on our commitments to upgrade the foreshore. We have been consulting with the community. We will take into account that feedback as we finalise the designs and then move into the construction period, which we expect will take place next year.

**MS LAWDER:** Minister, a local business owner has previously written to you and offered to pay to install and maintain additional bins in the foreshore area. Why did you refuse?

**MR STEEL:** I thank the member for her question. It is a government responsibility to provide bins. We have been talking to businesses in Tuggeranong, including some of the takeaway businesses on the foreshore, about how we can make sure that we reduce the amount of littering around the bins that are available down at the foreshore. Unfortunately, we do see quite a significant amount of litter from those takeaway restaurants that look over the foreshore. I know that it is an issue that Ms Cheyne has raised with me in Belconnen as well, down at Emu Bank. Again, we will look at how we can apply that same approach of engaging with business to try and reduce that littering and make sure people actually use the bins that are available. It is a conversation that we will continue to have with business. Ultimately, it is the government that will provide those bins and the collection of rubbish from them.

**MR DAVIS:** Minister, can you assure the Assembly that the government will procure birdproof bins like the ones used by some South Coast regional towns? Because that seems to be the main culprit regarding the litter problem in Tuggeranong.

**MR STEEL:** I thank the member for his question. While we are not in a procurement stage for any bins at this point, we will certainly consider any feedback about design of bins. There are plenty of different designs. Of course, we try and make sure that we have bin shrouds in place for many of the bins in the town centre areas, and we will continue to make sure that the design meets the structural standards to ensure that they can be used as appropriate. Of course, businesses themselves can put in place their own bins within their own premises for their patrons to use, and encourage them to do the right thing when they step outside those premises.

### **ACT Emergency Services Agency—Belconnen supercell storm**

**MRS KIKKERT:** My question is to the Minister for Police and Emergency Services. Minister, the inquiry into the west Belconnen supercell thunderstorm revealed the shortcomings of the territory’s disaster preparedness and response. One issue was that

on the day of the storm only seven Evoenergy electricity workers were on shift and there were only six contact centre staff to handle over 1,800 fault and emergency calls. The committee made several recommendations. One recommendation is that Evoenergy increase its minimum staffing levels over holiday periods. Minister, will you, as a matter of urgency, discuss with Evoenergy the importance of having more staff on shift during the upcoming summer holiday period?

**MR GENTLEMAN:** I thank Mrs Kikkert for the question. In my portfolio I have the ESA. The minister for energy has Evoenergy in his portfolio. I will say that I am incredibly proud of the work that ESA did during that storm front. They set up a community hub pretty quickly and were able to service the needs of the majority of people looking for support after the initial storm and during the clean-up as well.

Some parts of the clean-up did take longer. Some restoration of the power supply, as Mrs Kikkert has indicated, did take longer as well. Certainly, government would be supportive of ensuring that we have the right number of people to respond to those needs when they occur. It would not be just on weekends. It would be when the storm and hazard seasons occur. We do ramp up. The ESA has already been preparing for the next storm and hazard season as we come to the end of this year.

**MRS KIKKERT:** Minister—the relevant minister—as a matter of urgency, will you discuss with Evoenergy the importance of acting on some of the more urgent recommendations, such as establishing a vulnerable persons contact list?

**MR GENTLEMAN:** Yes, certainly.

**MR CAIN:** Minister, how will you prioritise the implementation of the select committee's recommendations as far as your portfolio responsibilities go?

**MR GENTLEMAN:** I thank Mr Cain for the question. It is an important one, as we look at resources for ESA and what is available at this time. Each year we invest more in ESA so that they can respond to these particular events. We will be looking at those recommendations and ensuring that we can meet them, where possible, with the current resources or new resources as we go forward through the budget period.

### **Budget—health**

**MR PETTERSSON:** My question is to the Minister for Health. Minister, can you please outline how this year's budget delivers more health services, more doctors, more nurses, more midwives, and more allied health professionals for Canberra?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for the question. Of course the ACT government does continue to make record investments in our public health system to ensure that our dedicated healthcare workforce is supported to deliver world-class services to our community. The 2022-23 budget injects \$393 million over four years into new healthcare services and infrastructure. We are ahead of schedule in our commitment to employ an additional 400 doctors, nurses, and allied health workers in this term. In fact, we are on target to exceed that original commitment, and now expect to employ over 500 additional healthcare workers over that time frame.



This year's budget continues to increase the size of our public health system workforce to help ease the pressure on our committed and incredibly valuable staff, and to continue to increase and improve public health services for Canberrans. New initiatives in this budget include boosting our allied health workforce on Canberra Hospital campus with more than \$16 million over four years for more Aboriginal liaison officers; audiology, nutrition and dietetics; exercise; physiology; occupational therapy; physiotherapy; psychology; social work; and speech pathology workers.

We are investing in better specialist health services for children and young people, with \$4.8 million committed over four years for the establishment of a neuro-developmental and behavioural assessment and treatment service, and also a GP-led multi-disciplinary outpatient clinic for Aboriginal and Torres Strait Islander children and young adults.

And more than \$12 million has been committed to improving public maternity services in the ACT through Maternity in Focus, our plan for the future of maternity services, for the implementation of the first action plan, the expansion of the special care nursery at Calvary Public Hospital and to develop the capability at Calvary Public Hospital Bruce to care for women with gestational diabetes who require insulin. We will also employ more nurse practitioners at our walk-in centres, with more than \$3 million to have a nurse practitioner available on every shift in Belconnen, Tuggeranong, the inner north-west and Gungahlin. *(Time expired.)*

**MR PETTERSSON:** Minister, can you please update the Assembly on the record investments that are being made into our health system and how they will support a safer workplace and improve wellbeing?

**MS STEPHEN-SMITH:** During this National Safe Work Month, I am pleased to outline how the government has delivered a budget that is focused on delivering a safer, more collaborative workplace, and a plan for the future of our health workforce. Through a \$7.2 million investment, the government is working to deliver continued improvement of culture across our health system, with increased funding for the next steps in the Nurses and Midwives towards a Safer Culture strategy and more occupational violence training. This program triples the initial investment, but is designed by nurses and midwives for nurses, and midwives and in partnership with the Australian Nursing and Midwifery Federation.

As members would be aware, the government is also investing \$8.75 million further to the budget to codesign supports and improve wellbeing across the health system and our health workforce. We know that it has been incredibly tough for many years, and this initiative means that the government can assist and support staff to recover from the impacts of COVID-19, promote ongoing practical wellbeing initiatives in the workplace, and support recruitment and retention. This is starting with a national nurses and midwives recruitment campaign that has already commenced.

We also recognise that planning for our future health workforce needs is critical. That is why, through this budget, the government is investing in delivering and implementing a system-wide health workforce strategy developed in partnership with unions, professional bodies and our education partners. Engagement on the strategy is underway, and will set out what our health system will need to deliver on the ACT

health services plan 2022 to 2030. The budget also includes investments to immediately commence maternity workforce planning and professional development opportunities to support the government to deliver on our 10-year public maternity services plan, *Maternity in Focus*. The ACT government is investing significantly in our health workforce, with improved safety and culture, improved wellbeing and planning for the future of our world-class healthcare workforce and infrastructure to deliver for Canberra.

**DR PATERSON:** Minister, what can Canberrans expect from the record capital investment that has been committed to through this budget?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the supplementary question. The 2022-23 ACT budget sees continued investment in the ACT's health infrastructure, equipment and systems, with more than \$130 million in new initiatives aimed at improving the healthcare of Canberrans. Over the forward estimates the government is investing more than \$815 million in capital projects through this year's budget. Projects will deliver world-class healthcare facilities, state-of-the-art medical equipment and nation-leading digital technology that will drive recruitment, enhance retention and deliver better outcomes for Canberrans.

Our investment in health infrastructure is critical in maintaining Canberra's place as one of the most liveable cities in the world, by providing accessible and modern health services that people want to work in. The government is investing over \$42 million to deliver a range of equipment and building upgrades across our public hospitals, including new state-of-the-art clinical equipment across Canberra Hospital's campus, including new PET and CT scanners, a nuclear medicine gamma camera, and replacement linac machine to diagnose and treat cancer patients.

Calvary Hospital will receive new and renewed equipment, ensuring that our nurses, doctors and allied health professionals are able to concentrate on delivering the best care for the community. We have the best imaging and oncology clinicians, and they deserve the best equipment, but we also know that by investing in the best we can retain our workforce and attract more workers to come and work in the ACT. We are also modernising our government analytical laboratory, with just over \$1.8 million of investment replacing heating and ventilation systems, and upgrades to the physical containment space, supporting our dedicated public health laboratory scientists and teams, who work away from the limelight but do so much to keep our community safe and healthy.

Projects such as these support our growing population and that of the region while ensuring that our public health workers have access to the best resources and facilities to perform their valuable work in supporting the health of our community.

### **Transport Canberra—bus timetables**

**MR BRADDOCK:** My question is for the Minister for Transport and City Services. Minister, I read with great interest the press release about the new timetable for term 1, 2023, which includes one specific mention of "adjustments to Gungahlin routes to service schools and provide better access to the Amaroo shops". Are you able to enlighten me and my constituents as to what that entails?

**MR STEEL:** I thank Mr Braddock for his question in relation to updates to the network and timetable for term 1, 2023. Each year the ACT government, Transport Canberra, consults with the community, particularly school communities, around changes that are required to school bus services, dedicated services and also the route bus network, to take into account a range of different things, including changes to bell times. As we update the network and timetable, which usually takes place on an annual basis, we try and take into account that feedback. A number of changes will be made from term 1 next year, including those school service refinements based on community feedback, as Mr Braddock has noted, including adjustments to Gungahlin routes to service schools and providing better access to Amaroo shops. We will be announcing the timetable and the updates to the network before the end of term 4; very clearly communicating to the broader community and also those school communities that are affected, what those exact changes are. I am looking forward to making that announcement later on this term, and I believe term 4 started this week.

**MR BRADDOCK:** Thank you, Minister. What would be the benefits of the new services or the new timetable?

**MR STEEL:** There are a range of different changes that have been made responding to community feedback. In particular, a number of bus termini will be downgraded as per our community commitments at Fraser West and also in Denman Prospect. That means there will be less buses idling in the lay-over at those locations, while we still maintain a good level of frequency for people to access the bus services in those areas, including through loop routes. As I mentioned, we are providing adjustment to Gungahlin routes to service schools and better provide access to Amaroo shops as a major point of interest in Gungahlin. We are also providing access to Lawson. It was serviced by other existing bus routes but will now go into the suburb of Lawson utilising a new roundabout that has been established on Stockman Avenue for buses to get in and out of that suburb from term 1 next year.

These changes will be accompanied by adjustments to the timetable that account for the time delays we expect through the network as a result of construction work on major infrastructure projects. Those accommodations will be made in the timetable and they will be fully utilising the full number of buses we have in the Transport Canberra fleet and the full number of staff, including extra staff we have onboarded as a result of recruitment processes to make sure we can deliver a full timetable for Canberrans. It will be a different network and timetable than people have experienced before, but it will be one that reflects the situation and environment that we are in next year and responds to that good community feedback that we get.

**MS CLAY:** Minister what feedback did Transport Canberra get specifically that led to these changes.

**MR STEEL:** We have had feedback that there were some improvements to school services, minor re-routing and timing changes that would benefit all the schools in and around Amaroo and Amaroo shops. So we have made those changes and they will be fully outlined through map and timetable adjustment, which will be published before the end of term 4 so the school community can get their head around those before the new school year and the start of term 1.

**Schools—traffic management**

**MR MILLIGAN:** My question is to the Minister for City Services. It is known that school drop-offs and pick-ups are significant contributors to peak hour traffic congestion, where there is a lack of parking for parents to wait for their children.

A specific example is the high school in Kaleen. Parents are left to park along the busy Baldwin Drive, creating hazards for commuters, staff and students. This has been an ongoing issue for many years. The lack of parking contributes to more road congestion, but it also contributes to safety concerns for children coming and going from school premises.

Minister, what is the government doing to accommodate the growing parking needs of local schools?

**MR STEEL:** We addressed this in estimates, so I am happy to go over again what we do in relation to working closely with schools through the School Safety Program, where we listen to feedback from those school communities about issues they are experiencing with pick-up and drop-off-time congestion that may be occurring around school, and also promote healthy modes of travel to and from school as well. Over time, we have seen, unfortunately, a reduction in the number of students who walk to and from school. That is something we have been trying to address through the programs we support with the School Safety Program.

Traffic management is also a part of how we work with the schools, and, indeed, there are a number of pedestrian traffic investigations that are underway near schools that are occurring right now. There is currently an assessment of active travel connections that are leading to Lyneham Primary School to promote that form of travel. We are also looking at active travel connections leading to Maribyrnong Primary School.

There are safe system assessments that are happening around a number of schools as well, particularly around Pearce at Hodgson Crescent, and we are also looking at how we can improve pedestrian safety at Margaret Hendry School, the Bonner school and Dunlop school as well. We will continue to work with them.

I have heard that Kaleen is a particular issue. I am happy to put the School Safety Program in touch with the schools in Kaleen to look at how we can improve traffic safety and management around those schools and at how we can improve active travel as an option for those students who live within walking distance.

**MR MILLIGAN:** Minister, what is the government doing with the feedback you have received from parents with concerns at the lack of parking spaces at these schools?

**MR STEEL:** There are a range of measures that are employed, and it will depend on the circumstances. We often have consultants engaged—experts—to look at how traffic management can be improved. There are a range of different things that they may employ, depending on the school environment and how to improve safety there. That can be employing the use of Kiss and Ride locations; it could include,

potentially, changes to the traffic environment, if that is required; designating certain spots for egress, and the entering and exiting of a particular car park; employing the use of school crossings—a whole range of different measures could be put in place.

I am happy to have the program look at what the issues are at Kaleen. They are very happy to engage with school communities on those, and we have certainly got a large number of investigations already underway, which demonstrates that we do work with school communities on these issues to address their concerns.

**MS LAWDER:** Minister, how many parking issues, specifically referencing the safety of students, parents and staff have been reported at schools in the past year?

**MR STEEL:** I will take that on notice.

### **Refugees—CRISP program**

**MR CAIN:** My question is to the Minister for Multicultural Affairs. Minister, the Community Refugee Integration and Settlement Pilot, CRISP, is a federal initiative that has just commenced in Australia. Resettlement of refugees into communities has started to happen in New South Wales. What is your government doing to support the CRISP program being implemented in the ACT?

**MS CHEYNE:** I will take the substance of the question about CRISP on notice, as I do not think I have that immediately to hand. But I can assure all members that we are working incredibly hard to support people who are settling in Canberra and in the broader ACT. Particularly with regard to the humanitarian program, in the ACT we have seen people from both Afghanistan and Ukraine, who have made up higher numbers than previously, arrive over the past year—or a little over a year in the case of Afghanistan.

The Australian government of course contracts the Australian Red Cross to support people arriving in the ACT. They are supported during the first 18 months of settlement into Australian life. The ACT government has also been supplementing that support by providing \$5,000 per family to assist them with settlement by supplementing the cost of their bond. I know that this has been very well received. We are continuing to support families in this way and continuing our strong relationship with the Red Cross as our humanitarian intake continues.

**MR CAIN:** Minister, what additional resources or schemes do you need to implement for the ACT to be effectively part of this CRISP program?

**MS CHEYNE:** As I flagged earlier, I just do not have that detail with me. So I will take that on notice.

**MRS KIKKERT:** Minister, will your government establish any targets for ACT participation in the CRISP program, noting the total settled number of refugees to be brought through CRISP is 1,500 over the next four years?

**MS CHEYNE:** As earlier, I will take that on notice.

**Transport Canberra—bus timetables**

**MS CLAY:** My question is to the minister for transport. Minister, many of us in the community have welcomed the clarity from the 5 October announcement about the changes for term 1 for our buses, but we are a little disappointed that we cannot have a return to full services, which we agreed to in May this year in the Assembly. Can you explain to me why we cannot yet go back to full services?

**MR STEEL:** I thank the member for her question. This is a full timetable that we are delivering from the first term next year. It will fully utilise all of the fleet that we have available—every bus and every driver that we have available, including all of the extra drivers that we have been recruiting over this period up until the end of the year. We expect to have up to an additional 60 drivers to support the new timetable.

We have been operating from an interim timetable since last year. That is because of the COVID-19 impacts on the workforce, which meant that, in order to deliver reliable services, we had to have that interim timetable in place. As we move to the full timetable next year, we will still be able to deliver a good level of frequency, particularly on the rapid routes, while fully utilising all of the resources available to us.

The reality is that the circumstances next year will be changed from what they were in 2019. We will be in a period of major construction, which we have taken into account with the timetable. That means more buses are required to deliver the same level of frequency that would otherwise have been provided, because the buses take longer to go through and complete their route, particularly those that are going into the CBD area.

For example, I have been advised by Transport Canberra that buses coming from the south side, from Woden, will take an additional four minutes to get into the city, and buses coming south will take an additional eight minutes. That has been factored in. That is based on the forecast modelling that we have been undertaking while construction takes place. We will actually experience that construction taking place next year, so we know we will also need to look at how we can potentially update the network as we progress, if those times are different. *(Time expired.)*

**MS CLAY:** Minister, will the full timetable next year include hourly weekend services in the suburbs?

**MR STEEL:** The ACT government continues to focus on delivering reliable services. We continue to recruit more drivers to deliver more services. We continue to consider and monitor the ability for us to step up services on the weekend. That will not be delivered from term 1. We are still in negotiations. One of the action points that has previously been tabled in the Assembly in our action plan in relation to weekend bus services is to continue discussions with employee representatives through enterprise bargaining negotiations in good faith on workforce availability so that we can reliably deliver services on the weekend.

Those discussions are ongoing. They are not a discussion between you and me; they are a discussion between Transport Canberra and the employee representatives, in good faith, as they should be. Those are continuing. We are looking forward to those coming to a conclusion. That will address that issue, as well as other issues that you

have raised with me, Ms Clay, including the female representation in our Transport Canberra workforce, and other issues raised by bus drivers, bus mechanics and other Transport Canberra employees through that process. I am looking forward to continuing to update the Assembly as we move through that. I can certainly provide further information to the Assembly once we release our full timetable and updated network before the end of term 4, which we will be communicating to the public.

**MR PARTON:** Minister, why are you insisting that this is a return to the full timetable when, very clearly, it is not?

**MR STEEL:** Because we are fully utilising all of our resources to deliver the fullest timetable that we can in the circumstances. We are committed to delivering reliable services, and they will still be delivered at a high frequency, particularly on the rapid routes. We have delivered a significant level of reliability over the last few years of the pandemic, and that continues to be our priority, to make sure that when a bus is timetabled, it shows up. We will be using all of the resources that we can to deliver those reliable services for the community, even during what will be a challenging period, with construction happening in the city, which will impact the entire traffic network, particularly for services that are entering the CBD and moving through that southern CBD area.

### **Cybersecurity—Optus data breach**

**DR PATERSON:** My question is to the Minister for Business and Better Regulation. Minister, given the inaccurate inferences in the questions asked earlier, I am wondering if you could provide more detail on how many Canberrans have actually been affected by the Optus data breach?

**MS CHEYNE:** I thank Dr Paterson for the question. I appreciate the opportunity to discuss further what the ACT government has been doing to support affected Canberrans. As flagged earlier, the security of our personal information, including identification information, is incredibly important. Canberrans who are current or former Optus customers are rightly concerned about the potential consequences of this significant data breach.

Access Canberra was made aware of the Optus data breach on 22 September via the media, following the Optus announcement on their website. The government was not given the details of the numbers of Canberrans affected or exactly how they were affected. But I draw members' attention to the federal government regulations that have been announced about information sharing so that both state and territory governments and financial bodies such as banks can be alert, working with customers to ensure that the greatest level of protection is afforded, resulting from this breach.

We do know, though, that in preceding weeks Canberrans' personal identification information has been compromised and that at least several hundred Canberrans have had the two unique numbers on their drivers licence compromised. We have also learned that some Canberrans have had proof of age card details compromised. This is an evolving situation and we continue to engage with Optus to get a clear picture of the scope of the breach. Customers affected have been notified directly by Optus of the specific information compromised. We are working with those customers on the

instructions that Optus has issued them, including receiving a replacement licence and the credit of that cost to them from Optus. (*Time expired.*)

**DR PATERSON:** Minister, building on your previous answers in the chamber, can you provide further insight into why such a proportionally smaller number of ACT residents are affected and why we are focusing our rectification efforts on those people?

**MS CHEYNE:** ACT drivers licences are of course a commonly used form of primary identification document. A form of primary identification is required by organisations from which a line of credit is being sought—everything from a home loan to a post-paid mobile phone service. A number of the credentials that are relied on when providing an identity are issued by the ACT government, including drivers licences, and can be electronically verified through the national Document Verification Service.

ACT drivers licences contain many individual pieces of information, but, importantly, there are two unique number fields. These fields are the drivers licence number, which sits with your other information, and the drivers licence card number, which is vertical against your photograph and begins with an A. Since 1 September the ACT, along with a number of other jurisdictions, has required that for an identity to be verified both the drivers licence number and the licence card number fields must be provided correctly through the DVS, and they need to match, as I stated before. If you don't provide both or if both don't match, that verification will fail.

Having these two fields reduces the ability for the card to be fraudulently used, such as in the case of a third-party data issue. It also means that a replacement card is necessary, however, if both the drivers licence number and the card number have been compromised, which is the case for those customers who provided Optus with their drivers licence details after 1 September this year. It is also why replacing the licence card only, which will provide customers with a new drivers licence card number, is sufficient to remove the risk in the Optus breach for drivers licence information. That is that small proportion, as I flagged. As I also mentioned, anyone who wishes to have their licence replaced can.

**MS ORR:** Minister, where can Canberrans go to get further information, including information on the cost of replacing cards?

**MS CHEYNE:** As members are aware, we have put in place an arrangement to replace drivers licence cards for those Canberrans with both fields compromised. They are the priority, although again I will stress that anyone who wishes to have their card replaced can. Issuing a new drivers licence card means getting a new drivers licence card number. That means that the old number in the compromised information cannot be used through DVS. We have come to an agreement where Optus will cover the substantive fee for issuing a new drivers licence card, ensuring that Canberrans are not out of pocket. Access Canberra has been working hard to process those requests.

For those people who are looking for more information—and I understand that many Canberrans have already accessed the information that we have provided online—it is on the Access Canberra website. There is a dedicated FAQ page. It is detailed and it



provides many answers to the concerns that Canberrans may have. We have also established a dedicated team that has been taking inquiries from people who have been concerned about their information that has been compromised. They are available through 132281 and pressing 1.

Access Canberra staff have been working around the clock over the last few weeks to support the ACT community. In the remaining seconds I have left, can I underline my thanks for all their work in supporting Canberrans: to those who have been working the phones, from our complaints and resolution team, as well as all those from our service centres and those who have been liaising with Optus, with other state and territory governments and the commonwealth and of course those who have been working to print, process and dispatch those licences.

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

### **Supplementary answers to questions without notice ACT Emergency Services Agency—Belconnen supercell storm**

**MR GENTLEMAN:** Further to questions asked by Mrs Kikkert and Mr Cain regarding the storms in Belconnen earlier this year, I table a media release from Evoenergy, dated 22 September, in response to the committee inquiry:

Evoenergy—Inquiry into West Belconnen supercell thunderstorm report, dated 22 September 2022.

I draw members' attention to the following in the release:

We heard valuable feedback on how we can improve and work with residents when the power is off. Residents impacted by the storm told us they want to be notified via SMS when we detect a power interruption within our network. As a result, we're upgrading our systems to introduce SMS notifications for unplanned outages to ensure Canberrans have the latest information about the power supply at their property.

We are committed to reviewing and improving how we respond to storms. This includes ensuring we're aligned with other agencies in our approach to prioritise public safety before restoring power supply ...

We welcome inquiries like this to ensure we are reflecting on how we can all better support the Canberra community.

### **ACT Health—elective surgery**

**MS STEPHEN-SMITH:** Ms Castley asked a question about the number of patients on the elective surgery joint replacement waitlist. I am advised that, as of August, the verified data shows there were 644 patients on the joint waitlist who are ready for care. I would note, however, that the median wait time is a better indication of the total number on the waitlist, in some ways, because some of the people who are on the current waitlist would not be due for their surgery yet, according to the various category waiting times. As of September, the category 2 median wait time at census was almost exactly the same as it was in February this year, before the pull forward of those elective surgeries that I talked about, which did in fact reduce the

median wait time for cat 2s during that period of increased activity towards the end of the last financial year.

### **Refugees—CRISP program**

**MS CHEYNE:** I have information in response to Mr Cain's and Mrs Kikkert's questions on the CRISP, the Community Refugee Integration and Settlement Pilot. As I think was detailed in their question, this is a new settlement program through which refugee visa holders receive settlement support directly through trained community groups called community supporter groups. This is about allowing groups of everyday Australians who are trained to get involved in welcoming refugees into their local community from day one of their Australian journey. There are already, I understand, a number of small community groups in the ACT who are interested in potentially sponsoring a refugee family through the CRISP, and I am pleased to say that we are arranging for the CEO to present at the next ACT Refugee, Asylum Seeker and Humanitarian Coordination Committee in the next couple of weeks, for more information.

### **Papers**

**Madam Speaker** presented the following papers:

Bills referred to Committees, pursuant to resolution of the Assembly of 2 December 2020, as amended—Correspondence—

Bills—Inquiry—

Freedom of Information Amendment Bill 2022—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 29 September 2022.

Freedom of Information Amendment Bill 2022 [No 2]—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 29 September 2022.

Planning Bill 2022—Copy of letter to the Speaker from the Chair, Standing Committee on Planning, Transport and City Services, dated 21 September 2022.

Bills—Not inquired into—

Guardianship and Management of Property Amendment Bill 2022—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 29 September 2022.

Transport Canberra and City Services Legislation Amendment Bill 2022—Copy of letter to the Speaker from the Chair, Standing Committee on Planning, Transport and City Services, dated 7 October 2022.

Estimates 2022-2023—Select Committee—Report—*Inquiry into the Appropriation Bill 2022-2023 and Appropriation (Office of the Legislative Assembly) Bill 2022-2023*—Speaker's response to recommendations 2, 3, 4 and 136 of the Select Committee on Estimates 2022-2023, dated 10 October 2022.

Standing order 191—Amendments to the Public Place Names Amendment Bill 2021, dated 26 and 27 September 2022.

## **Estimates 2022-2023—Select Committee Report—government response**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (3.17): Madam Speaker, for the information of members, I present the following papers:

*Estimates 2022-2023—Select Committee—Report—Inquiry into Appropriation Bill 2022-2023 and Appropriation (Office of the Legislative Assembly) Bill 2022-2023—Government response, dated October 2022.*

Financial Management Act—Budget 2022-2023—

Pursuant to section 10, Budget Statements—

D—Justice and Community Safety Directorate | Legal Aid Commission (ACT) | Public Trustee and Guardian for the ACT—Corrigendum.

E—Environment, Planning and Sustainable Development Directorate | City Renewal Authority | Suburban Land Agency—Corrigendum.

Pursuant to section 20AC, Appropriation (Office of the Legislative Assembly) Bill 2022-2023—Departures from Recommended Appropriations—Statement of Reasons (Amended).

I move:

That the Assembly take note of the government response.

I present the government's response to the recommendations raised by the Select Committee on Estimates. I also present two corrigenda, as I have just outlined, to the budget papers and an updated statement of reasons to the Appropriation (Office of the Legislative Assembly) Bill for fiscal year 2022.

I thank the select committee and Legislative Assembly representatives for their analysis of the 2022 budget and the accompanying appropriation bills. I particularly acknowledge the assistance provided by the secretariats in the preparation of the final report. I would also like to acknowledge my ministerial colleagues and government officials for their active engagement in responding to the committee's questions and their recommendations.

The select committee's report contains 143 recommendations related to the budget or Appropriation Bill matters. Perhaps to the great relief of members, I will not be addressing each one in my speech this afternoon. The government's response, in its detail, fulfils this purpose in responding to each of the recommendations, with the exception of a handful that were directed to the Speaker. As we have just heard, the Speaker has tabled her response to those.

I will make the following observations, though. Many of the 143 recommendations go to requests for additional expenditure proposals across government. I note that not so many of the recommendations from the committee came to how we might go about raising additional revenue to fund all of these additional spending requests. Indeed, I do not believe there were any recommendations which addressed how existing expenditure could be cut to fund all of the new expenditure requests. Nevertheless,

this is not a massive deviation from the practice of estimates committees, so I was not overwhelmed or shocked by the lack of any recommendations around how one might pay for all of the new proposed expenditure.

In summary, the government have agreed to 18 of the 143 recommendations. We have agreed in principle to 15 of the 143 recommendations. We have agreed in part to three. We have acknowledged that the recommendation was in fact already part of existing government policy in response to 45 of the 143 recommendations. To the extent that government responses can meet requests for additional outcomes through existing resources, it would appear this might be possible within 45 of the 143 recommendations. We have noted 60 recommendations and provided a response for the reasons why. And we have not agreed to only two recommendations.

**Mr Parton:** They would be mine, I think. They would be mine, I reckon.

**MR BARR:** Not that we would condone a betting market, Mr Parton, on which opposition inspired recommendations were or were not agreed to.

In conclusion, through the 143 recommendations there are none, nor indeed any issues raised within the estimates committee report, that would prevent the passage of the Appropriation Bill or the funding for the Office of the Legislative Assembly through the Appropriation (Office of the Legislative Assembly) Bill.

I am pleased to present the government's response to the Assembly and to foreshadow that it is the government's intention, as I am sure members would be aware, to commence the budget debate tomorrow, with an expectation that that would carry on into the second sitting week, to give all members of the Assembly sufficient time to debate the detail of the budget and then perhaps to give Mr Gentleman more ammunition in question time when the inevitable vote against the budget comes from those opposite. But that is a matter for the future. For now, I commend the government response to the estimates committee report to the Assembly.

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

## **Crime—sentencing**

**MR HANSON** (Murrumbidgee) (3.24): I move:

That this Assembly:

(1) notes that:

- (a) the Australian Federal Police Association has called for a review into sentencing and bail and has described the Territory's sentencing and bail processes as "fundamentally flawed and dangerously inadequate";
- (b) victims of crime and their families have called for a review of sentencing and bail and have said, "the Attorney-General is still in denial we have systemic problems with the justice system";
- (c) Government backbenchers have called for a review into sentencing and stated that, "I do also support your call for a review of sentencing in the

ACT ... the community should feel confidence in these decisions – particularly around judgements for serious criminal offences”; and

(d) the Director of Public Prosecutions has conducted a record number of successful appeals that fall “clearly short of community standards”; and

(2) calls on the ACT Government to conduct an independent review into sentencing and bail in the ACT.

I can think of no greater heartbreak than losing a child, particularly if it is through a senseless tragedy like that faced by Tom McLuckie and his son Matthew, or Janice Seary and her son Lachlan, or Andrew Corney and his son Blake.

The question that it prompts, Mr Assistant Speaker and members, is: are we doing everything in our power to prevent these heartbreaks from happening in our community? Many of those parents were here today—Tom, Sarah, Amanda, Andrew and Janice. I have spoken with them and you have heard them speak, and what they say is that, following their interaction with the justice system, there is more that needs to be done. There is need of reform.

Likewise, the Federal Police Association have said that the system is not working as it should for their members, our frontline police. The trauma faced by our frontline police who attend these horrific events is something that we should all strive to limit. Again, the question, members, is: are we doing everything in our power to prevent this? The Australian Federal Police Association say that we are not.

What they are asking for, the Australian Federal Police Association, the frontline members, and those parents who were here today, is not controversial. It is not difficult. The Attorney-General, in a debate earlier today, said he could do it. He could do it. He has chosen not to. What they are asking for is something that is simple. It is an independent review of sentencing and bail in the ACT. I would note that this is a government that does many reviews into many different topics. It is beyond the comprehension of those parents and of the police association why this government is being so obstinate in refusing to conduct this review. They simply cannot comprehend it.

After the debate this morning, which substantively focused on the need for that review, because that was the whole purpose and the cause of the no confidence motion, I went outside with those parents, and they were crying. Every single one of them was crying, because they cannot understand why this government is refusing to do everything that it can to prevent tragedies like this from happening.

I do not dispute, nor do they, that this government is doing things. But they do not understand why this government is so reticent, following the traumas that they have faced and have articulated so passionately, to do everything that is in this government’s power. They do not understand that failure to conduct what would be a simple but necessary body of work. I acknowledge that work is being done by this government. No-one is disputing that—

**Mr Rattenbury:** Oh, really?

**MR HANSON:** Mr Rattenbury interjects: “Oh, really?” No-one has ever disputed that. We acknowledge that. As shadow attorney-general I supported many of those

initiatives. In some cases we brought in those initiatives ourselves. There is a body of work. There is a body of work before Assembly committees. That is always going to be the case with any government.

But there is more that can be done. We support Operation Toric; we support a bunch of that law reform. That is not the debate here. It is not an either/or. It is a question of: would a review by an independent judge or panel of judges, as we described this morning, assist, enhance and allow us to put our hand on our heart and say, “Yes, we are doing everything that we can to stop this trauma happening in our community”? Those parents cannot understand why this government refuses to do that.

What this government seems to think is: “No, no; we have got it right. We have got it sorted. We have got the plan. Everything is fine.” Those parents and our police know that everything is not fine. They have interacted in the most horrific way with our legal system, in a way that none of us would ever wish to imagine. They are telling us this. And the minister, the Attorney-General and the Chief Minister are ignoring their calls.

The police are at these events every day. They are the ones at these traumatic events every day and they are saying to us that more needs to be done. They are not saying, “Rip up the system.” They are not saying, as Mr Rattenbury asserted, that no-one should ever get bail. No-one is saying that. What they are saying is that more can be done. It is a reasonable, proportional request from people who have interacted in the most terrible way with our justice system and, in the case of the police, do so every day.

Many of the bodies of work that are being done at the moment are somewhat limited in scope. They do not address the issue that the police and parents are calling for. I would be very happy to work with the Attorney-General to work out, with victims’ groups and with the AFP, what shape it should be, but I would envisage perhaps a panel of judges—one from the ACT, one from Victoria and one from New South Wales. This is not about trying to get some hanging judge into the system. Mr Rattenbury shakes his head and laughs. He thinks it is funny. It is an option for judges to look at how a system works.

Is it the case, members, that judges are reticent to send alleged offenders to the AMC because they do not want to mix remandees with sentenced prisoners? Is that affecting judgements? That is a question. Certainly, I recall a statement from Justice Refshauge to that effect after an incident. Are there sufficient diversionary programs available? How many offenders have committed serious offences on bail? What is the nature of those offences? Are sentences in line with community standards? Are they consistent with other jurisdictions? Have they changed over time? How could the answers to those questions do anything but assist in making improvements to our justice system? Those are just a limited number of questions, a snapshot.

This is not just, as I said—and it is very clear—something that the Canberra Liberals have made up. We have been saying this for a decade. We have been hearing from victims and from police for a decade. I will read from the latest Australian Federal Police Association statement. I remember talking with their former president, Jon Hunt-Sharman, a decade ago about what he called the revolving door of bail. The AFP said:

Our hearts go out to the families. Tragically, two young people have been killed in a collision that should never have happened.

How many more people need to die before the Attorney-General and ACT Chief Minister actually start doing their job and protect Canberrans from recidivist offenders and people committing crimes while on bail, good behaviour orders, or intensive correction orders?

That is what Mr Caruana said. The AFPA is calling again on the ACT Attorney-General to implement an independent review of bail and sentencing in the ACT. Mr Caruana said that the Attorney-General has continually failed Canberra and Canberrans by not conducting a review, despite evidence being provided to him that the system was not working. He said:

I'm angry and frustrated at the tokenism and gaslighting being employed by the Attorney-General as a shield from any oversight of his role.

Tom McLuckie, who put in a petition signed by 2,446 Canberrans, supported by Dr Paterson in her public statements, requested an independent review into the performance of the ACT judiciary in regard to sentencing in line with common and statutory laws. He said that sentencing is not meeting community expectations. He went on to say that if the Attorney-General does not wish for a review of the performance of the judiciary due to his own legal and personal bias, prejudices or political persuasions then he should be considered unfit for office and removed from his position by the Chief Minister. We went to those elements in the debate this morning.

This government have done a lot of reviews. They do a lot of bodies of work; they do a lot of hours. To finish here, where I finished in the debate this morning: why won't they do it? Yes, there is work happening, but why do they want this ongoing trauma for the parents? That is what they are creating. By not doing this, they are creating more ongoing trauma for the parents of those victims. You are creating a loss in the judicial system for the frontline police. That is the consequence of your decision today if you do not support this call.

Be aware of that and be aware that the Federal Police Association are not going to stop their calls. Tom McLuckie, Andrew Corney, Janice Seary and others are not going to stop their calls. This will continue. They will continue their fight. They do not want to do that. It causes them more grief; it causes them more trauma. But your refusal to do that review that they are calling for is creating that situation.

As I said, it behoves us to say to ourselves, "Are we doing everything we can to prevent the sorts of traumas that we have seen affect the parents who were here today, and the sorts of traumas that we have seen in the media lately?" We can never stop crime happening; we can never stop everything happening. I am not trying to say that there is any silver bullet here, but is this an important and necessary step? In the view of the Australian Federal Police Association, representing 4,000 members, it is. In the view of the parents and the 2,500 people who signed that petition, it is. And in the view of the opposition it is.

I beseech you, Attorney-General, to do this—to have some compassion in your heart and listen to what is being said by those parents, listen to what is being said by frontline officers, and respond.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.36): It has become clear today that Mr Hanson is placing a great deal of hyperbolic emphasis on what is, at its core, a structural matter. We are on the same page on a number of substantive issues, and that is a matter of some relief. I have some amendments that refer to that.

We agree that deaths on our roads are tragic and that we must always be committed to preventing them. We agree that re-offending is a serious issue and that we must work continuously to reduce it. We agree that the experience of families who have lost loved ones on our roads must be honoured. The memories of their loved ones must be honoured. Each of those tragedies is another awful reminder of all the work we still have to do in terms of our vision of Vision Zero on our roads. We agree that sentencing and bail are difficult issues and that there is not always a clear answer. We also agree that those issues bear examination by independent experts.

It appears that where that agreement starts to fray is on whether or not the court system is fundamentally flawed, as Mr Hanson has suggested on various occasions, and that the examination of these issues should be premised on an abject failure. Mr Hanson's proposal is to conduct a singular review, and, as we found out today, that review would apparently be led by a retired judge or judges. In fact, we have now just heard that an ACT judge should review the ACT system. I think we are making it up as we go here.

The government's decision, by contrast, is to fund a body that can examine issues as they arise, as well as to seek advice on prospective reform. Among members of the community and people in this chamber, there is intense interest in these matters. I think that the law and the sentencing advisory council that we are in the process of setting up go to that very point. People want a substantive body to examine these issues. In my amendment I have outlined some of the work that the government is doing, and I have also indicated—in light of the opportunity I have had to undertake further consultation and the interest expressed in this place—that the council is being established as a matter of priority, and it will examine dangerous driving issues as a matter of priority, given that these are of such significant interest to members of the community.

We have some work to do on consulting on the details and crystallising exactly those terms of reference, and I will be pleased to work with members to define those terms of reference. This is why we have been trying to take our time to deliberately step through and think through these matters and make sure that we create the right mechanism, as opposed to Mr Hanson, who just comes in here—we have been talking about having an independent review—and says that an ACT judge should sit on the thing that reviews ACT sentencing. How is that independent? I look forward to his explanation of that.

**Mr Hanson:** You don't like that idea?



**MR RATTENBURY:** I do struggle to see why Mr Hanson is so intent—

**Mr Hanson:** Is that is your only criticism?

**MR RATTENBURY:** Now he is interjecting back at me. He always gets so offended by even the slightest thing. As soon as I question him he starts shouting at me across the chamber; it is an extraordinary experience. Mr Hanson is interjecting saying, “If you do not like that, come up with another idea.” I am just reflecting on the fact that I have been trying to work away quietly to get some of this done and think through it, and Mr Hanson gets to his feet and makes things up as he goes. It is no way to do government. It demonstrates why he continues to sit on the opposition benches.

I do struggle to see why Mr Hanson is so intent on doing just one thing, because I think there are a range of important legal matters that will come up over time, and the government is establishing a substantive ongoing body for law reform and sentencing. Despite the exceedingly biased preamble on the motion, he really has not called for much that is substantively different to what the government has already committed to do, and that is the basis of my amendment.

It seems as if he varies from statement to statement with his review of laws or a report card for judges. It also seems as if it varies from moment to moment whether this review is entirely agnostic as to its purposes and is just an objective arm’s-length check-up on the health of our justice system or whether it is an inquisition into every decision part-reported in the media. When justifying a need for the review, Mr Hanson states that the police union has lost confidence and thinks the system is an abject failure; but when called out for calling the justice system a failure, Mr Hanson pretends to have no view of his own, seemingly trying to sell the line that he is just curious and wants to have a look, as if he has no idea of where he might want it to go.

The foundational purpose of the review is as mercurial as Mr Hanson’s own principles. Let me just put the government’s position clearly on the record. We will create and fund an independent body that will provide open advice and recommendations to government for policy consideration. This body will consider judicial decisions but will not usurp the roles of the judicial commission nor the appellant system in telling the judges that they are wrong from moment to moment. Any matters inquired into by this body will be clear as to their purpose. They will not oscillate between being targeted one minute, and then personal, agnostic and over-minded the next. I am sure that I will get some free feedback on that!

Much of the commentary has suggested that the ACT justice system is lenient compared to other places in Australia. I always endeavour to retain an open mind and consider arguments that have been put forward, but the evidence simply does not support that assertion. The evidence says that in the ACT an offender found guilty will get a custodial sentence 19 per cent of the time. That proportion is the fourth highest out of eight Australian jurisdictions. Out of those custodial sentences, 62 per cent are for full-time imprisonment. This places us again as the fourth highest in the country.

The medium length of custody in a correctional institution in the ACT is four months. This is also equal fourth right across Australia. We are in the middle of Australian jurisdictions on all three of these metrics that relate to sentencing outcomes. To me, that is not evidence that points to an overly lenient jurisdiction. This does not mean that there are no issues to deal with, but it does mean that the hyperbolic rhetoric is entirely out of proportion, suggesting that the ACT is a lenient sentencing jurisdiction.

An important principle that our system of government is founded on is the principle of the separation of powers—the premise that the executive government cannot instruct the judiciary on a day-to-day basis. If ministers were able to tell the judiciary what decisions to make, the key check on power would be impaired. Within this context of the separation of powers it is essential that there is accountability for members of the judiciary, and there are two clear mechanisms already set out for this—the process of appeal and the judicial commission process—and there is the power of the Assembly to adjust laws if it feels the need to do so.

An independent council to examine and advise on sentencing is an effective way to respect the separation of powers while still having an evidence-based discussion, as is the JACS Committee being another key piece of work addressing these issues. Beyond these two separate methods of inquiry I am sure that Mr Hanson's model offers further! If he were concerned with the evidence, perhaps Mr Hanson would pay heed to the recent comments of the Bar Association in opposing a wholesale review of the judicial and sentencing system in the ACT, which is what some of the calls would be for. The bar has said:

Tougher laws will not resolve the issues underlying criminal offending which often lie in abject social disadvantage, disengagement and drug addiction. These issues must be addressed in conjunction with the criminal justice system in order for there to be any real progress with respect to criminal offending in the Canberra community. Sentencing innovations such as the Supreme Court Drug and Alcohol Court provide additional sentencing options in the Territory.

That is the kind of evidence-based approach that I am trying to focus on, and the resources are not limitless. There are opportunity costs and, as I have explained carefully this morning, and as I have explained to the media again at lunchtime, what I am trying to do is make our community safer by making sure that the resources that we have go to reducing offending and re-offending in our community by addressing the underlying causes—causes that are often unfortunately implicated in the terrible driving incidents we see in this city as well.

That is what the government is seeking to do. We are seeking to make our community safer. I have circulated an amendment, and it reflects that I am committing to building a better justice system. Programs like the highly successful Drug and Alcohol Sentencing List, the general guiding Circle Sentencing Court, and the Restorative Justice Unit will be cornerstones of this strategy. They have proven to be effective in reducing further offending because they focus on making the offender take real responsibility for their actions and undertake to remedy both the causes and consequences of those actions. That is how you prevent re-offending. That is the kind of work we continue to engage in. The law and sentencing advisory council is a key

part of making sure that as and when issues and opportunities in our current set-up arise, we are here to examine them and take the actions needed.

I will now draw the Assembly's attention to the amendment circulated in my name. I move:

Omit all words after "(1)", substitute:

"notes that:

- (a) criminal sentencing, and bail decisions are an important function of the ACT's independent judiciary and are open to the public for review and scrutiny;
  - (b) members of the community, the police union, and others have expressed concern about recent sentencing and bail outcomes, especially in relation to dangerous driving and recidivist offenders, including by calling for an independent review of the judiciary;
  - (c) there are a range of views in the community and among stakeholders, with bodies such as the ACT Bar Association, the ACT Law Society, and the Justice Reform Initiative commenting that an additional review of the judiciary is not required;
  - (d) the ACT Government is committed to evidence-based criminal justice and road safety policies;
  - (e) the Government is undertaking a range of work to ensure sentencing and bail laws and judicial outcomes are appropriate and in line with community expectations. This work includes:
    - (i) establishing an independent Law and Sentencing Advisory Council, which will advise on areas of potential law reform, as well as provide expert advice on sentencing. The Council is being established as a matter of priority and will examine dangerous driving issues as a priority.
    - (ii) through TCCS, conducting a review of road traffic offence penalties, including consideration of new offences; and
    - (iii) reviewing existing bail laws and sentencing laws with a particular focus on recidivist offenders; and
  - (f) in addition to the above, the Standing Committee on Justice and Community Safety is currently conducting an inquiry into dangerous driving. The Government will consider and respond to the Committee's recommendations after it tables its report; and
- (2) calls on the Government to continue to engage with the community and stakeholders on areas of concern, and to progress work and potential reforms on sentencing and bail laws in an evidenced-based way, including through engagement with the new Law and Sentencing Advisory Council."

This is an amendment that reflects the discussion that has been had in this place today. It does note that there are a range of concerns in the community. It notes there are different views to those concerns as well, but that is also part of the challenge of actually taking on the office of Attorney-General. There are competing views on this, and we are trying to come up with the best possible answer and think through the various views that are out there.

The amendment notes the government is undertaking a range of work to ensure sentencing and bail laws and judicial outcomes are appropriate and in line with community expectation. That includes the review of road traffic offence penalties being undertaken by Minister Steel and the Transport Canberra and City Services agency and the work that JACS is providing to me on existing bail laws and sentencing laws, to make sure that they reflect the expectations of this Assembly on the way that those decisions are taken around repeat offenders.

It notes that the establishment of the independent law and sentencing advisory council, which is being established as a matter of priority, as I have indicated, will examine dangerous driving issues as a priority. I have moved that amendment to be very clear to this Assembly and be explicit about the work that is being done and indicate the range of future work that is being done, as well. I commend the amendment to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.48): I support the amendment put forward by Mr Rattenbury the Attorney-General. It brings into strong and effective focus the work that we are doing in government to address road safety issues across a number of different streams of work.

The ACT government has a really strong commitment to Vision Zero. This is a nationally agreed principle that no one should be killed or seriously injured using our roads. Its adoption is a commitment to a road transport system that does not kill or seriously injure people. No road death is acceptable, and the recent tragic events in our community—with 14 road deaths this year—has brought into stark relief the importance of road safety. Every time there is a road death, it is important to undertake an examination of the facts that led to that death or deaths, and recommendations through coronial inquiries are taken very seriously by government.

While it is clear that there is a lot more work to do for the government in the ACT and right around the country to improve road safety, it will continue to be a significant focus for our government under the national road safety strategy and our own ACT road safety strategy and action plans. Over the past two years, in response to the changing road environment, different travel patterns and different modes of travel, the government has introduced substantial reform in this place and will continue to bring forward more legislative reform in the future to address issues that arise in relation to road safety.

Notably, there are different views on these issues when these reforms come forward, and, most notably, some of the changes that we have made have been around improved protections for vulnerable road users which were introduced and passed this year. Those have included penalties for negligent driving, particularly negligent driving occasioning actual bodily harm. Mr Hanson supported the watering down of penalties for those who are negligent on our roads and cause harm to another person, by letting them get off with an infringement notice rather than going before a court. It is often difficult to reconcile the Liberals' positions with the hard-line positions that they take on other matters like sentencing.

Over the last period, the government has also continued to work to extend safer speeds on our roads, particularly in built up areas of the city—something, again, that is vehemently opposed by the Canberra Liberals, particularly in the CBD area. The government has been diligent in responding to road safety issues when they are presented on ACT roads. As members would be aware—I have provided a ministerial statement on this in this space before—we are responding to the coronial enquiry that resulted from the death of Blake Corney, which was caused by a heavy vehicle. Since February this year, we have made changes to ensure that applicants for medium rigid, heavy rigid, heavy combination and multi-combination licences classes need to complete a commercial medical assessment before they can get a licence in the ACT.

The government has also taken steps to require a person applying for an upgrade to a heavy vehicle licence to make a self-declaration of medical fitness, including in relation to sleep disorders. Further to those measures, specific questions on sleep disorders have been included in the commercial health assessment form provided by Access Canberra for heavy vehicle and public vehicle drivers, as well as the driver licence medical form for light vehicle drivers, to prompt and draw the attention of health professionals to this key issue when making assessments. Further nation-leading measures will be undertaken further in the term to improve safety on our roads related to heavy vehicles. Those measures stem from the very considered recommendations that have been made by the coroner. And that is also leading and informing some national investigation into this issue that we have been advocating on.

Also, we will listen and be informed by issues raised by families who have been impacted by road trauma. Transport Canberra and City Services has met with the families, as have I, and we have commenced a planned review into the road transport penalties framework, which is a commitment under the ACT's road safety action plan 2020 to 2023. This work is progressing to ensure that our road transport penalties are proportionate both to the risk caused by the offence and other offences. This work is progressing over the next year. It will progress on the basis of evidence and thorough research. It is a significant task. It is a very large body of offences and penalties that we need to consider, and we will be looking at what other jurisdictions are doing, and we will bring forward various tranches of legislation to implement real and effective changes that improve safety on ACT roads.

Priority areas that are being examined include excessive speeding, which is often a contributing cause to vehicle accidents, crashes and deaths on our road network. We will consider aggravated speeding offences, including for drivers who are going over the speed limit by 45 kilometres an hour or more; hooning, including racing offences, will be considered; furious, dangerous and reckless driving offences; and the range of application of penalties available, including seizure and forfeiture penalties, including options to sell or crush vehicles as a deterrent for using vehicles in the commission of a crime. Circumstances that may aggravate dangerous driving behaviours will also be considered, including the influence of drug or alcohol and how these are treated under our road transport framework. Culpable driving will also be considered, which is an offence under the Crimes Act 1900.

The purpose of these investigations is to find effective solutions that will help to deter and prevent injury and death on the roadways, and as part of a strategic and planned

approach to improve our road transport framework that we have put in place. Safety is something that all jurisdictions around Australia and around the world are constantly working on to ensure that we have a culture of continuous improvement to drive safe driving behaviours, based on evidence-based approaches, like Vision Zero and the safe systems framework. Our government takes seriously the challenge of ensuring that tragic and preventable deaths on our roads do not continue to happen. We will keep looking at the latest evidence and will work methodically through three streams of work that this amendment also identifies.

We will continue to respond to the recommendations from the coroner's reports on deaths on our roads. We will work with the law and sentencing advisory council to look at improvements to our sentencing laws. And we will work through the review that has already been planned and is underway into road transport penalties, to make sure that they are proportionate to the risk on our roads and contemporary with best practice, including what is happening in other jurisdictions. These pieces of work are substantial, and the amendment reflects the significant body of work that is already underway to improve safety on our roads. We are supportive of the amendment put forward by the Attorney-General.

**DR PATERSON** (Murrumbidgee) (3.56): I thank Mr Hanson for bringing this motion to the Assembly. Road fatality statistics from January to October alone in the ACT show that 14 lives have been lost this year. Any single death on our roads is one too many. The ACT government has an evidence-based approach to community safety, and continues to commit significant funding to prevention measures through community services; drug and alcohol services; mental health services; and, in our criminal justice system, through investment in police and our justice system.

I believe that there is a need for a multifaceted approach to ensure the safety of our community, and that there must be a focus on prevention and rehabilitation, and on trauma-focused intervention. We are coming out of a very challenging couple of years, where the community has been under intense pressure for a range of reasons. Research and history suggest that times of significant stress and change can lead to individuals engaging in increased high risk-taking activities, and that those people who are marginalised in a community can become more marginalised.

ACT Policing announced in August this year the extent of our car theft problem. In the past 12 months, more than 1,700 cars have been stolen in the ACT—more than 60 were connected to house break-ins—and over the same period 29 police vehicles had been deliberately damaged by offenders, often by ramming. ACT Policing has established operation TORIC, for the targeting of recidivists in Canberra, to address what it sees as an epidemic issue of motor vehicle theft and associated dangerous driving and other crimes.

This task force brings together dedicated resources from ACT's proactive intervention and diversion team, road policing, general duties, and intelligence teams. Since it began operations in August, more than 78 apprehensions have occurred and more than 225 charges have been laid, with a significant number being recidivist offenders—many offenders who were out on bail or on good behaviour orders. Operation TORIC officers undertook a day of action on Monday 3 October. On that day alone 13 alleged

repeat offenders were arrested as part of a targeted crackdown. As a result of these operations, three stolen vehicles were returned to their owners.

Over the long weekend just passed, ACT police caught more than 100 drivers committing offences on ACT roads during the double demerit point period. Among the other offences detected were 15 drivers in unregistered vehicles and four unlicensed drivers. I would like to commend ACT police for their significant work through operation TORIC and for making our roads safer. I also recognise and note the continued advocacy from the Australian Federal Police Association for reform in this area.

I would like to acknowledge and support Minister Rattenbury's call to establish a law and sentencing advisory council. Minister Rattenbury stated that the council will perform a dual role, with its primary purpose to support the government to keep the law current and relevant for the ACT community. The council will also have a sentencing advisory role, which may include the collection, analysis and publication of data on sentencing trends and practices.

I would like to note that the Victorian Sentencing Advisory Council, the equivalent body in Victoria, delivered a report in 2015 on major driving offences around current sentencing practices. The report analysed Victoria's court sentencing in 358 cases over seven years of four major driving offences. These offences included culpable driving causing death, dangerous driving causing death, negligently causing serious injury where driving related, and dangerous driving causing serious injury. The report represents the most detailed examination of how major driving offences were sentenced in Victoria. The study found that whilst speeding was a contributing factor to all offences, different offences had different contributing factors. Speeding and alcohol were common factors in cases of both culpable driving and negligently causing serious injury. Speeding and driver inattention were common factors in cases of dangerous driving causing death. And speeding, alcohol, and intentional high-risk behaviour—for example, hooning—were the most common factors in cases of dangerous driving causing serious injury.

A number of factors increased the likelihood of a median prison sentence among the different offences, including prior driving offences; prior property and dishonesty offences, which were often a proxy for alcohol and drug abuse; and where a victim suffered permanent disability. The review also reviewed the median total effective term of imprisonment for all cases in relation to dangerous driving charges.

While we do not necessarily want to replicate Victoria's sentencing outcomes, the point of sharing this data and this report is to say that this is the type of data that could be very helpful in understanding what factors come into play when judges deliver sentences in the ACT, particularly with respect to recidivist offenders. This report also clearly outlines co-occurring factors in offending, and highlights, for example, that speed and alcohol are factors in most of the offences. However, differences in age, gender and region can also be analysed. This can give us a good indication of where prevention can be focused. I think this report could be a useful referral point. And although we are a significantly smaller jurisdiction with far fewer convictions, I think this presents some questions that will be worth asking in this jurisdiction.

I would also like to commend Minister Steel and his review through TCCS of road traffic penalties, including the consideration of new offences and car confiscations. Earlier this year the government's Road Transport Legislation Amendment Act made a series of improvements to the ACT's current road transport penalties framework, ensuring that there is a clear hierarchy of offences, with escalating penalties from lower-level dangerous behaviours through to the most serious negligent, dangerous and culpable driving. All of us have a role and responsibility in working towards Vision Zero—no deaths or serious injuries on Canberra's roads.

In closing, I want to speak to the victims of road trauma in the ACT and the families impacted. My heart is with you. I have advocated for you, and I will continue to do so. Earlier this morning, the Chief Minister expressed that there is a wide range of views on this matter. As a concerned local member, I will continue to advocate for more to be done to address dangerous driving in this community. I will not be supporting the Canberra Liberals' motion today, because I do have confidence in Minister Rattenbury as the Attorney-General.

I support Minister Rattenbury's amendments. I would particularly like to draw the Assembly's attention to point (e), that the government is undertaking a range of work to ensure sentencing and bail laws and judicial outcomes are appropriate and in line with community expectations. I think that is critically important. This work includes, particularly, the establishment of an independent law and sentencing advisory council. That is important. I commend the minister on the provision of the amendment that the council be established as a matter of priority—I think that is very important—and I commend the minister on the provision that the council will examine dangerous driving issues as a priority, because I think that is important.

There is also the JACS committee dangerous driving inquiry. I take this inquiry work very seriously, and I hope that there will be a broad range of recommendations from reform that will come out of this inquiry, and ideally present to the government some substantial and proactive ways to address some of the systemic issues in respect to dangerous driving in the ACT.

**MRS KIKKERT** (Ginninderra) (4.05): I rise to speak briefly as shadow minister for the prevention of domestic and family violence. I would like to bring the attention of members to the need for the review of bail decisions, which has been a hot topic in my office for the past week. I have recently been contacted by several victims-survivors of domestic violence, who have expressed to me their distress of having their family violence orders breached and the perpetrator taken in by the police, only for the perpetrator to then be released on bail with a real threat of breaching orders again, but with an escalated risk of harm.

Not only is there an escalated risk of harm, but there is also a real possibility that the degree of harm will be more severe than the previous breach. In the meantime, the victims-survivors, both the parent and their children, live in a constant state of fear and anxiety, as their safety is at risk. We know that there is a history of domestic and family violence where victims were sadly killed by a family member while on bail. These cases raise important questions about the role of bail in protecting and keeping victims of family violence safe and alive.



We have also heard from our Victims of Crimes Commissioner about the issues surrounding the use of good character assessments as a mitigating factor for domestic and sexual violence sentencing. The commissioner has said:

An offender's good character might enable that offending to be masked and remain undetected given the private nature of domestic and family violence.

We need to do better. We need to review these mechanisms to ensure that we provide appropriate sentencing measures that are guided by evidence-based recommendations. It is imperative that we improve the effectiveness of family violence sentencing practices to match community expectations and build faith in the criminal justice process. I commend this motion to the Assembly.

**MR HANSON** (Murrumbidgee) (4.08): I have an amendment that I will be moving, I foreshadow. The speech that we heard from Mr Rattenbury was a little bit like his speech this morning, where he was gaslighting, saying that this equated to saying no-one should get bail. He again tried to put a whole bunch of political spin on it. It is probably not worth, to be frank, unpicking what he said. I do not really see a lot of benefit in going forward on that.

I assume, from what Dr Paterson was saying in her speech, that she will not be supporting a review. She is nodding to that effect. I will refer to what she has been saying publicly, to contrast with what she is now going to do in the chamber. I think it is important, because it does frustrate me when people say one thing to constituents, one thing publicly, but then come into this place and say something different. It is frustrating to me and it is obviously frustrating to members of the community.

I will quote from an article entitled "ACT Labor's Marisa Paterson breaks from government position, backs sentencing review push":

A Labor backbencher has backed a push for a wide-scale review of criminal sentencing in the ACT, breaking ranks from the government's position that a review is not necessary to improve the system.

Marisa Paterson said that she believed a review would be a really practical way to address community concerns with the way criminal sentences were being imposed in the ACT.

It continues:

"I do think that a review is a reasonable ask," Dr Paterson said.

That is what she said back then. It continues:

Dr Paterson used a Facebook post on Monday to express support for a campaign for tougher sentencing organised by Tom McLuckie, whose son was killed in a car crash on Hindmarsh Drive earlier this year.

Again, I quote from Dr Paterson:

“I think we should always strive to improve outcomes for the community (which should have a rehabilitation focus and may very well include community correction orders, good behaviour orders etc) but the community should feel confidence in these decisions—particularly around judgments for serious criminal offences,” Dr Paterson wrote on social media.

Members, it is very disappointing that Dr Paterson chose to say one thing publicly, a few days ago, and has now come into this place to say something else. I do not know what conversations have gone on behind closed doors, but I express my disappointment.

I will turn to the amendment moved by Mr Rattenbury. It basically removes the substance of my motion, which is to call for an independent review into sentencing and bail. The amendment completely negates the motion. Look at the amendment:

- (a) criminal sentencing, and bail decisions are an important function of the ACT’s independent judiciary and are open to the public for review and scrutiny;

Well, that is true. It continues:

- (b) members of the community, the police union, and others have expressed concern about recent sentencing and bail outcomes ...

Yes, and they have called for an independent review by the judiciary on this. That is true. It continues:

- (c) there are a range of views in the community ...

Yes, that is true. It continues:

- (d) the ACT Government is committed to evidence-based criminal justice and road safety policies;

That is debatable, but I am going to let that one go through to the keeper. It continues:

- (e) the Government is undertaking a range of work ...

Yes, they are. I acknowledge that they are undertaking a range of work. It continues:

- (f) in addition to the above, the Standing Committee on Justice and Community Safety is currently conducting an inquiry ...

Yes, it is, and I welcome that. I do have concern with No (2). It says:

- (2) calls on the Government to continue to engage with the community and stakeholders on areas of concern ...

Today, one of the reasons that the parents were so upset was the Chief Minister’s refusal even to acknowledge their very presence. He quite conspicuously spoke with his back to them. Yes, comments have to be made through the Speaker, but to behave in the way he did, to refuse to acknowledge their presence after the petitions had been

tabled was upsetting. I acknowledge Mr Rattenbury; he did acknowledge their presence in that case. It makes it very hard to have any expectation that the government is going to continue to engage with the community and stakeholders. It makes it very hard for me, and certainly those stakeholders, to believe.

I notice that Mr Rattenbury, when the media assembled outside to talk to the members and the parents who were still there, then got the media pack and said, “No; we are going to go and hide from the members of the community. We will do this somewhere else. I do not want to actually engage with the community. I want to hide from them.” He went and did the media in the courtyard, where he would not have to engage with members of the community.

I find it very difficult to stomach the Attorney-General saying that they are going to continue to engage with the community when this morning Mr Barr refused to do that in a way that caused tears. They were absolutely aghast at his behaviour, may I say; absolutely aghast. And then Mr Rattenbury, rather than going out and confronting where the parents were, got the media pack to move so that he could hide inside the courtyard. We are meant to believe that they will continue to engage with the community. It is hard for anyone to believe, but that is what they are calling for.

I think there is a way that we can have our cake and eat it here, because there is nothing in that amendment that causes me grievous concern. My concern is that it removes the call for a review. There is a way around this. What my amendment does—which I shall move shortly, Mr Deputy Speaker—is add something after everything that Mr Rattenbury said. Mr Rattenbury can have everything he wants. Everything he wants in his amendment, he gets—everything. But what we will do is add to his amendment a simple paragraph that says “calls on the ACT government to conduct an independent review into sentencing and bail”. Then everybody gets what they want.

Mr Barr talked about compromise this morning. What a wonderful compromise this would be. What a wonderful compromise that Mr Rattenbury gets everything he wants and Tom McLuckie, Andrew Corney, Janice Seary and our frontline police people get what they want. Why not go for the win-win? I hear it all the time from those opposite. Why don’t we go for the win-win here? What have we got to lose?

If those opposite refuse to support my amendment then everything that they have said in here in this debate, everything that they said this morning about compromise, about not engaging in political fights, and everything that Dr Paterson said in the community, is rubbish. Let’s support our community. Let’s support our police. I move the following amendment to Mr Rattenbury’s amendment, which simply calls on the ACT government to conduct an independent review into sentencing and bail:

Add after paragraph (2):

“(3) calls on the ACT Government to conduct an independent review into sentencing and bail.”.

Question put:

That **Mr Hanson’s** amendment to **Mr Rattenbury’s** proposed amendment be agreed to.

The Assembly voted—

Ayes 8

Noes 15

Mr Cain  
Ms Castley  
Mr Cocks  
Mr Hanson  
Mrs Kikkert  
Ms Lee  
Mr Milligan  
Mr Parton

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

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

Question resolved in the negative.

**MR HANSON** (Murrumbidgee) (4.20): In speaking to the original amendment, I will be very brief. We will not be supporting this—not that anything in it is of any great offence, but what this amendment does is remove the substance of the motion, which is to call for a review into sentencing and bail, so we cannot support this amendment.

Question put:

That **Mr Rattenbury's** amendment be agreed to.

The Assembly voted—

Ayes 15

Noes 8

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

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

Mr Cain  
Ms Castley  
Mr Cocks  
Mr Hanson  
Mrs Kikkert  
Ms Lee  
Mr Milligan  
Mr Parton

**Mr Rattenbury's** amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Women—cardiovascular disease**

**DR PATERSON** (Murrumbidgee) (4.22): I move:

That this Assembly:

(1) notes that:

- (a) the Heart Foundation states that cardiovascular disease (CVD) in women is under-recognised, under-treated and under-researched;

- (b) women and men experience a similar prevalence of CVD in Australia, however outcomes for women are significantly worse;
  - (c) CVD is the leading cause of death and illness among Australian women, with recent data indicating that rates of CVD hospitalisation amongst young women are increasing;
  - (d) in 2020, in the ACT, 48 people in 100,000 died from (coronary) heart disease, on par with the national average (49/100,000);
  - (e) in 2019, the ACT had the lowest age standardised rate of hospitalisation from coronary heart disease in Australia, with 29 per 10,000 – compared with a national average of 55, according to the Heart Foundation;
  - (f) according to the Australian Bureau of Statistics, in 2018, nine in 10 adult women had at least two or more “traditional” risk factors for CVD and more than one in four had four or more risk factors;
  - (g) awareness of CVD among Australian women is low, with less than 60 percent of women aware that heart conditions are the leading cause of death in women;
  - (h) the Heart Foundation’s modelling found that nearly half a million women in Australia are at risk of CVD because they are not on life-saving medicines. If they were, approximately 21,000 heart events could be avoided over the next five years, with a saving of \$300 million in hospital costs alone;
  - (i) there are significant equity issues that influence outcomes for CVD, where women from marginalised communities are disproportionately affected by poor outcomes;
  - (j) at this stage, research in Australia has indicated sex-specific risk factors for CVD, however research overseas also highlights that LGBTQI adults experience disparities across several cardiovascular risk factors compared to their heterosexual and/or non-transgender peers; and
  - (k) the consequences of CVD on women’s quality of life are significant. Even after an acute event, women are less likely to complete cardiac rehabilitation, have regular follow up care, take medicines as directed, or return to normal daily activities as quickly as men. In addition, research shows that survival rates for women at one year and at five years after a heart attack are far worse compared with men; and
- (2) calls on the ACT Government to:
- (a) work with all Australian governments to improve the collection and reporting of data to improve the understanding of CVD’s impact on women;
  - (b) consider a future Chief Health Officer report include a focus on the impact of CVD in the ACT, including information on risk, incidence, prevention, care and outcome spectrum and inequalities according to sex;
  - (c) explore:
    - (i) the potential for targeted campaigns to raise awareness of CVD in women with the community; and
    - (ii) further engagement with the Federal Government, Capital Health Network, and community partners to highlight the disparity in health

outcomes for women in relation to CVD, and promote awareness of the actions that can be taken to reduce CVD risk;

- (d) advocate with the Federal Government to implement the actions it has outlined in its National Strategic Action Plan for Heart Disease and Stroke, including progressing:
  - (i) a “women and heart disease” campaign; and
  - (ii) continuing to enhance data for, collection and management of cardiovascular diseases;
- (e) leverage communication activities to promote awareness of CVD, the symptoms, and prevention to both the community and health professionals, for example during Heart Week and Women’s Health Week; and
- (f) report back to this Assembly by the final sitting week of 2023.

In the movies, a heart attack is easy to spot: a person clutches their chest with a clear expression of pain and says, “I’m having a heart attack.” In reality, it is not always like that, and especially not for women. For years, research has indicated that signs of a heart attack are very different for women than for men.

For example, instead of crushing chest pain, women may experience shortness of breath, nausea or vomiting, or pain in the back, neck or jaw. These symptoms may develop slowly over hours or days and even come and go. Women and medical personnel may also attribute these symptoms to other health conditions such as indigestion, which may lead to misdiagnoses. The Heart Foundation encourages women 45 years or older to ask their GP about a Medicare-subsidised heart health check.

Earlier this year Professor Clara Chow, Cardiologist and Clinical Lead of Community Based Cardiac Services at Westmead Hospital, said that many women do not believe her when she tells them they have had a heart attack. She says that a lot of women assume heart disease is something that mainly affects men. However, research shows that cardiovascular disease is the leading cause of death for Australian women.

Cardiovascular disease is the most prevalent disease impacting our community. I note the federal government’s National Strategic Action Plan for Heart Disease and Stroke that aims to ensure that all Australians can live healthier lives through effective prevention, treatment and management of heart disease and stroke. These are commendable goals. However, as has been advocated by the Heart Foundation, there needs to be a more nuanced approach to address the sex-specific and gendered aspects of cardiovascular disease.

Today, over four million Australians live with cardiovascular disease and approximately 44,000 Australians will die each year from the disease. In Australia, in 2018 cardiovascular disease prevalence was 35,000 for females and 31,500 for males; whereas, of those, 2,656 females were hospitalised compared to over 3,000 males.

When we compare the ACT to the rest of the country, statistics show that we have comparable rates of cardiovascular disease to the rest of Australia. In 2020, in the ACT, 48 people per 100,000 died from coronary heart disease, on par with the

national average, which is 49 people per 100,000. This equates to approximately two deaths per day in the ACT and it is 25 per cent of deaths overall.

However, the ACT is leading the way in comparison nationally on the lowest age standardised rate of hospitalisation from coronary heart disease, with 29 per 10,000, compared with a national average of 55 per 10,000. Where the prevalence of cardiovascular disease is similar for males and females, the hospitalisation data shows that women are far less likely to go to hospital than men.

While we may be leading the way in coronary heart disease admissions, the ACT is no longer leading the way in the hospital admission rate for cardiovascular disease. The statistics have increased significantly since 2018, when the rate was 123 cardiovascular admissions per 10,000, and today we are at 160 admissions per 10,000 people. This is still better than the national average. However, it does indicate the need for further education and awareness raising both for health professionals and for the community.

In Australia, only 55 per cent of women recognise heart disease as personally relevant, and only 39 per cent of women believe heart attacks are personally relevant. Given that the prevalence of the disease is virtually the same for men and women, this research points to a clear need to raise awareness in the greater community that heart disease and heart attack conditions and symptoms are just as likely to impact anyone in the community.

Currently, the lack of awareness means that women often do not go to hospital fast enough during a heart attack and are far less likely to have treatment for a heart attack. This leads to poorer outcomes for women. Even after an acute event, women are less likely to complete cardiac rehabilitation, less likely to have regular follow-up care, and less likely to take medications as directed or return to normal daily activities as quickly as men.

In addition, research shows that survival rates for women at one year and five years after a heart attack are far worse compared to those for men. Women have double the chances of dying one year after a heart attack than men.

Questions need to be asked. Why is it that women are far less likely to attend hospital if they are experiencing a heart attack symptom? More must be done to understand the prevalence of the disease in the community, hospitalisation rates, and to identify risk factors and the gendered nature of those risk factors.

According to the ABS, in 2018, nine in 10 adult women had at least two or more traditional risk factors for cardiovascular disease and more than one in four had more than four risk factors. In addition, current datasets that help to identify risk factors exclude gender-specific risk factors for cardiovascular disease. These factors include pregnancy-related risk factors such as pre-eclampsia or gestational diabetes, polycystic ovary syndrome, premature menopause, and female patterning of some heart-related diseases.

Associate Professor Zaman, an interventional cardiologist and leading researcher, said that these indicators are often ignored—a clear sign that more needs to be done in

respect of both data collection and awareness raising of gender-specific risk factors in cardiovascular health.

The Heart Foundation strongly advocates for a reduction in disparities in cardiac care for women in Australia. In both Europe and North America, they have moved to recognise the role that sex and gender play in their guidelines for both heart attack and angina. Australia is now falling behind, and the use of outdated guidelines could be causing inadvertent harm to women. The collection of sex-specific data and updated guidelines are essential to improving outcomes for women.

I will now read from a case study from the Heart Research Institute. Faye, aged 53, shared her story to raise awareness. She goes to the gym regularly, swims every day, does not drink or smoke, and eats a healthy diet. She told her GP that she had been feeling abnormally tired for a few weeks. Her GP said to take it easy, and her symptoms were put down to changing hormones. One day, after an exercise class, Faye felt a pain in her jaw and at the back of her neck. The next thing she knew, she had been in hospital for five days and had an emergency quadruple bypass.

Faye said that this experience made her realise how quickly life could be taken away, and that, in that way, you realise not to sweat the small stuff, to look after your health, and listen to your body. Faye later found out that she had developed a vascular disease and was able to be put on medications to keep her healthy.

This is not the case for thousands of women in Australia. The Heart Foundation's modelling found that nearly half a million women in Australia are at risk of cardiovascular disease because they are not on life-saving medications. If they were, approximately 21,000 heart events could be avoided over the next five years, with a saving of nearly \$300 million in hospital costs alone.

Associate Professor Zaman found that medication is often under-prescribed for women or can cause side-effects due to gender differences. This may result in women being less inclined to take these medications. Community education and campaigns are essential to ensuring women get the care they need and understand the symptoms of cardiovascular disease, as well as how important it is to seek medical attention when things do not seem right. Community education is needed, and education of healthcare professionals themselves, especially in regard to unconscious bias that may be impacting their patient care.

It is important to note that the risk factors are not the same for all Australians, but social circumstances and inequalities do put people more at risk, especially in heart health for Aboriginal and Torres Strait Islander women. Between 2014 and 2016, Indigenous women were up to twice as likely as non-Indigenous women to die from cardiovascular disease.

Geographical location, cultural background, health literacy, mental health illnesses and socio-economic factors are all key determinants of cardiovascular outcomes for women. Other factors that contribute to equity issues include women being more likely to engage in unpaid work and undertake caring duties, and pay gap disparities, which may be associated with lower socio-economic status, which in turn link to an increased risk of cardiovascular disease.



At this stage research in Australia has indicated sex-specific risk factors for cardiovascular disease. However, research overseas also highlights that LGBTQI+ adults experience disparities across several cardiovascular risk factors compared to their heterosexual or non-transgender peers. There is a clear need for more research in this space.

I am grateful for and commend the Heart Foundation's research and advocacy. Their assistance and support in preparing this motion have been invaluable.

I bring this motion to the Assembly today to call on the ACT government to work with all Australian governments to improve the collection and reporting of data in order to improve the understanding of cardiovascular disease's impact on women.

I call on the government to consider a future Chief Health Officer report to include a focus on the impact of cardiovascular disease, including information on risk, incidence, prevention, care and outcome spectrum, and inequalities according to sex.

I call on the ACT government to explore the potential for targeted campaigns to raise awareness of cardiovascular disease in women with the community and explore further engagement with the federal government, Capital Health Network and community partners to highlight the disparity in health outcomes for women in relation to the disease, and promote awareness of the actions that can be taken to reduce cardiovascular risk.

I also call on the government to advocate to the federal government to implement actions as outlined in the National Strategic Action Plan for Heart Disease and Stroke, including progressing a women and heart disease campaign, and continuing to enhance data for, and collection and management of, cardiovascular diseases.

I call on the government to leverage communication activities to promote awareness of the disease, the symptoms and prevention to both the community and health professionals—for example, during Heart Week and Women's Health Week.

The ACT is a progressive jurisdiction that leads the way with so many positive initiatives. I would like to thank the health minister for all of the work that she and the directorate do in this space. Let us start leading the way in reducing gender disparities when it comes to cardiovascular health. Public health campaigns and messaging will help women in our community and will provide a broad public health benefit for cardiovascular disease outcomes.

**MS CASTLEY (Yerrabi) (4.35):** As shadow health minister for the Canberra Liberals, I am pleased to speak on this motion to raise awareness of the issue of women and heart disease.

Heart Research Australia tells us that the reasons heart disease is less recognised among women may include that women tend to develop symptoms at a much later stage of the disease than men and that the symptoms are often a little more vague and non-specific. Women can experience different symptoms of a heart attack from men. Interestingly, women are less likely to experience that chest pain type of symptom.

Although heart disease can occur at any age, the risk increases significantly at around the time that women experience menopause. I urge Australian women to invest in their heart, and overall health, by embracing an active lifestyle and a low-fat diet, with fresh fruit and veggies, and to maintain a healthy body weight.

The Canberra Liberals will support this motion to raise awareness of the important health issue of women and heart disease.

**MR DAVIS** (Brindabella) (4.36): I would like to thank Dr Paterson for drawing the Assembly's attention to the disproportionate impact of cardiovascular disease on women and people of other marginalised genders and sexualities. I will respond to this motion on behalf of the ACT Greens, as our spokesperson for health and LGBTIQ+ peoples respectively. We are happy to support this motion unamended.

This motion speaks primarily to the experiences of women, not only within our healthcare services but also the accumulated embodied impacts of gender discrimination over the course of a lifetime. The negative health burden of social determinants is greater for women, as they are more likely to earn less than men, to be in unpaid caring roles, to be socially isolated or victims of past trauma. A gender lens is essential to respond to the different needs of women and men and to help ensure that social determinants strengthen, rather than undermine, community health and wellbeing.

Cardiovascular disease is something that touches most of us at some stage. After cancer, cardiovascular disease is the leading cause of death. 1.2 million Australians have cardiovascular disease, with rates of reported disease slightly higher in men than in women. According to the Australian Institute of Health and Welfare:

Although it affects both men and women, cardiovascular disease is often thought of as a men's health issue. It is true that more men than women have the disease, and men typically present with the condition at younger ages and with greater severity. After accounting for differences in age structure, men also are hospitalised and die from cardiovascular disease at greater rates than women. However, this picture should not overshadow the substantial, and under-recognised, impact that cardiovascular disease has on women.

According to a 2020 study from the Australian Institute of Health and Welfare, cardiovascular disease is the second leading cause of death in women, the first being dementia. Although CVD is not the leading cause of death, of the Australians who die from heart disease, more are women than men. While reported rates of cardiovascular disease are higher in men than women, we know that more women die from heart disease than men. This suggests, firstly, that women tend to go undiagnosed with cardiovascular disease and, secondly, relatedly, that they are more likely to not receive treatment and prevention for heart disease.

This motion seeks to draw attention to this problematic dynamic by improving the data collection on cardiovascular disease in women and developing targeted communications for women to increase awareness of the symptoms of heart disease and how to prevent its onset.

Unfortunately, comparative health outcomes tend to track poorly among marginalised groups and are exacerbated by multiple intersections. For example, we know that

Indigenous women are up to twice as likely to have cardiovascular disease and to die from coronary heart disease or stroke. Discrimination within health settings, as well as the embodied impacts of violence and marginalisation over the course of a lifetime, will have a significant impact on health outcomes.

Culture, life experience and access to resources make people do health differently. Health and wellbeing are significantly impacted by social determinants like education, employment, income, access to health services, safe and affordable housing, and experience with domestic, family and sexual violence.

One of the biggest problems we have with women's cardiovascular health is that the symptoms when women have heart attacks are different from the symptoms that men have. Gender bias in medical research persists to this day, with women continuing to be under-represented in clinical trials. There is a serious lack of gender critical data collection and analysis across our public health system, too. When women receive treatment based on the results of studies of men, unanticipated adverse events can occur because of gender-specific differences.

On that note, I again thank Dr Paterson for her motion, and I look forward to monitoring and hearing more from the government about their work on this issue and, in particular, the policy outcomes related to the data collection that will ensue as a result of this motion.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (4.40): I am pleased today to rise in support of Dr Paterson's motion and thank her for bringing this issue to the Assembly for debate. It is an important issue. Cardiovascular diseases, as Dr Paterson notes, are a leading cause of death for women and men. As Dr Paterson points out, less than 60 per cent of women are aware that heart conditions are a leading cause of death in women.

Cardiovascular diseases are a group of disorders of the heart and blood vessels that include four major areas: coronary heart disease, which is manifested by cardiac events such as heart attack; cerebrovascular disease, which can be manifested by stroke; peripheral artery disease; and atherosclerosis, or blockages in other blood vessels. All of these are significant illnesses that can have a big impact on someone's life. Heart attacks and strokes are usually acute events and mainly caused by a blockage that prevents blood from flowing to the heart or brain. Key risk factors are an unhealthy diet, physical inactivity, tobacco use and harmful use of alcohol.

Data from the Australian Institute of Health and Welfare shows that two-thirds of the burden of disease in Australia is due to chronic health conditions, including cardiovascular diseases. This comes at great personal cost to individuals and their families, and it also has a significant cost to the health system. In 2018-19 it was estimated that there were almost 590,800 hospitalisations due to cardiovascular diseases across Australia.

While the prevalence of cardiovascular diseases in the ACT is similar to national figures, they do not occur, as others have indicated, equally across all population groups in our community. Evidence shows that chronic diseases, particularly cardiovascular diseases, occur more frequently among socio-economically

disadvantaged people, Aboriginal and Torres Strait Islander peoples and people experiencing mental health challenges.

While deaths due to ischemic heart disease and cerebrovascular diseases decreased from 2011 to 2020 by almost 23 per cent and almost 16 per cent respectively, there is still more that Australian governments need to do. The National Strategic Action Plan for Heart Disease and Stroke outlines four key areas: prevention and early detection, diagnosis and treatment, support and care, and research. Getting these actions right through national collaboration will mean we can improve outcomes and avoid hospital admissions. More than one-third of the burden of disease is potentially avoidable by modifying common risk factors such as diet and physical activity, smoking and alcohol intake.

In the ACT, our government-guided actions which address the key modifiable risk factors causing the highest burden of disease are set out in the Healthy Canberra: ACT Preventive Health Plan 2020-2025. The Healthy Canberra plan aims to support all Canberrans to be healthy and active at every stage of life. The plan sets a framework for coordinated, government-led action and a platform for broader community engagement with these priority areas to help prevent chronic disease, such as cardiovascular diseases. This starts with maintaining a healthy lifestyle to set up long-lasting good health.

As part of keeping Canberrans healthy and well in the community, the ACT government continues to implement nation-leading reforms on the risk factors for cardiovascular disease. We are seeing success, with the lowest rates of smoking in the country, lower rates of overweight or obesity, and lower alcohol consumption and sugar-sweetened drink consumption than national averages. We have above average physical activity rates and a continued focus on nation-leading harm reduction across alcohol and other drug policy.

There are a number of factors where research shows that cardiovascular diseases present higher risks for women. The general perception of heart disease, as others have talked about, is that it is a male disease. While men have a higher risk of developing cardiovascular disease than women, women are more likely to experience suboptimal treatment. Many of the symptoms that women experience may not be recognised as heart disease—Dr Paterson gave some good examples of that—which then increases the likelihood of a misdiagnosis.

Heart disease risk also changes throughout life. For example, what happens in pregnancy influences a woman's risk of heart disease for the rest of her life. High blood pressure and pregnancy-related pre-eclampsia and hypertension are further risk factors. Heart disease can occur at any stage of life, but the risk increases significantly around menopause. After menopause, cardiovascular risk increases until the risk is, in fact, the same as men's.

Research shows that women are much less likely to undergo treatment for heart attack or angina in hospital compared to men. Women experiencing heart attacks have significant delays in presenting to a hospital for treatment and receiving life-saving

procedures. Aboriginal and Torres Strait Islander women are up to twice as likely as non-Indigenous women to have cardiovascular diseases and to die from coronary heart disease or stroke.

The ACT government continues to ensure that our health services are providing the right care at the right time and in the right place for acute care and to support secondary prevention activities. The government is also making crucial investments in research and programs to support better outcomes for our community.

In the area of acute diagnosis and treatment, the ACT generally has more favourable rates of heart-related hospital admissions compared to national admissions, at 0.37 per cent versus 0.42 per cent nationally, and coronary heart disease mortality, at 0.05 per cent versus 0.06 per cent nationally.

The government has invested \$620,000 through the 2021-22 budget to continue our partnership with the Stroke Foundation that has helped to increase ACT residents' awareness of the signs of stroke. On 8 June this year, at a celebration for the Stroke Foundation's 25th anniversary, the CEO, Sharon McGowan, stated that the ACT had led the nation on supporting stroke and recovery.

In the ACT Health Services Plan 2022-2030, we continue to recognise the need to enhance cardiology diagnostic services, with a view to prevention and long-term health, and ambulatory and community-based heart failure services to reduce demand on the hospital system and provide care closer to home that is better for consumers.

The ACT government has prioritised cardiovascular disease in its approach to strategic investment for research. In 2020 \$163,000 was provided to the University of Canberra to partner with Canberra Health Services and Calvary Public Hospital to investigate the effectiveness of a six-week integrated traditional exercise-based cardiac rehabilitation program.

The government also invests \$2 million a year in the Health Promotion Grants Program, which offers grants to community-based organisations to improve the health of Canberrans and minimise the risk of people developing chronic diseases, such as cardiovascular diseases.

Providing information to the ACT community on critical health matters is important. One of the many ways we do this is through the biennial ACT Chief Health Officer report. Expanded reporting on the impacts of cardiovascular disease in the ACT will be considered as part of the broader process currently underway to identify future health topics for the ACT Chief Health Officer's report, which is being revitalised and brought online so that it can be updated more regularly.

Cardiovascular diseases for women are a significant risk and contributor to the burden of disease in the ACT. Nationally coordinated actions to enhance awareness, early detection and treatment in primary care, data collection and research on vulnerable populations are all essential. I again thank Dr Paterson for bringing this important topic to the attention of the Assembly and support the motion.

**DR PATERSON** (Murrumbidgee) (4.49), in reply: I would like to thank colleagues today for their tripartisan support of the motion to reduce cardiovascular disease in women and raise awareness in the community. I hope that the outcome of this motion will increase awareness, including the signs and symptoms to look out for.

There is still a long way to go in data collection, and I hope all governments across Australia can work together to improve this. For the ACT, improving data collection, public health measures and community awareness has the potential to improve outcomes for cardiovascular health across the ACT community.

I thank the National Heart Foundation for their advocacy, research and support in developing this motion. I also thank the many organisations and research institutes that work every day to ensure the best health outcomes for all Australians. I thank Ms Castley, Mr Davis and Minister Stephen-Smith for their words today.

Question resolved in the affirmative.

## **Electricity Safety Legislation Amendment Bill 2022**

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

Title read by Clerk.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (4.52): I move:

That this bill be agreed to in principle.

I am pleased to present the Electricity Safety Legislation Amendment Bill 2022. This amendment bill seeks to introduce a power for the minister to exempt a regulated utility service from the operation of the Electricity Safety Act 1971. The origin of this amendment was the recognition of a need to remove the existing duplication of regulation of electrical work undertaken as part of the light rail network.

When the light rail project was initially proposed, the territory executive considered how the construction and operation of the light rail would be regulated to ensure ongoing safety to industry and the public. It was decided that the regulatory framework set out by the Utilities (Technical Regulation) Act 2014 was appropriately robust and flexible. This meant that the “provision of electricity from a light rail network” became a regulated utility service and has been, and continues to be, regulated by way of an operating certificate under the Utilities (Technical Regulation) Act.

The operating certificate regime allows for flexibility and innovation in design, staggered construction and commissioning phases, and proper oversight at all stages. The flexibility of this regulatory framework makes it an appropriate mechanism by which to regulate a large-scale project like the light rail utility network. For stage 1 of the light rail, operating certificates were granted for both the design and construct

phase and the operation and maintenance phase and allowed regulators broad scope to ensure safety.

It was determined, however, during the construction of stage 1 of light rail that there was onerous and costly duplication of the regulation of the electrical wiring work undertaken on the project. It was found that the Electricity Safety Act still applied, despite there being a superior regulatory framework in place which already addressed the electrical safety and which was more fit for purpose.

Although the Electricity Safety Act deals with electrical safety, it is not the best fit to regulate a major infrastructure project such as the light rail network. The Electricity Safety Act is tailored towards residential and commercial electrical installations. Full compliance with the Electricity Safety Act means that licensed electricians would need to undertake every aspect of the electrical wiring work on the light rail project, which includes digging trenches for laying conduit and other unskilled tasks. This process is cost prohibitive for a major infrastructure project and does not provide any safety benefits that are not achieved through other regulatory oversight.

The Electricity Safety Act also requires that all electrical work is inspected and approved by the Access Canberra electrical inspectorate, who have expressed that the alternative regulations in place for large-scale electrical installations under the Utilities (Technical Regulation) Act 2014 are more suitable than those under the Electricity Safety Act.

This bill proposes to allow the minister to exempt a regulated utility from the operation of the Electricity Safety Act if that regulated utility is adequately regulated under another territory or commonwealth law and it can be demonstrated that the exemption does not increase the risk to public safety.

In the case of the light rail utility network, the technical codes that have been made under the Utilities (Technical Regulation) Act require a light rail regulated utility to engage licensed electricians to supervise all electrical works for the project. Under these technical codes, electrical work will also need to be certified by an independent electrical certifier. This will align the light rail utility with other utilities, such as Evoenergy and TransGrid, who do not need to comply with the Electricity Safety Act but instead have an internal competency system for their workers which provides an equivalent level of safety and is more specific to the nature of the work being undertaken.

By providing this exemption power, the bill also anticipates that emerging advances in electrical technologies may be better regulated under the Utilities (Technical Regulation) Act. These may include future big batteries and other electrical technologies not yet contemplated which do not fit under the inspection, testing and verification regime of the Electricity Safety Act.

The bill also makes the necessary amendments to the Construction Occupations (Licensing) Act 2004 to provide exemptions from the requirement for electrical wiring work to be undertaken by a licensed electrician. The exemptions are limited to electrical wiring services by or on behalf of a regulated utility that has been exempted from the Electricity Safety Act by new section 62B.

I want to emphasise that this bill will not decrease the safety of electrical work on the light rail project or any other future regulated utility. This bill proposes a logical exemption power for large-scale or non-standard electrical projects to be solely regulated through the well-established operating certificate regime under the Utilities (Technical Regulation) Act. I commend the bill to the Assembly.

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

## **Justice and Community Safety—Standing Committee Scrutiny report 21**

**MR CAIN** (Ginninderra) (4.59): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 21, dated 4 October 2022, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR CAIN**: Scrutiny report No 21 contains the committee's comments on six bills, one government amendment to a bill, 18 pieces of subordinate legislation and two government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Environment, Climate Change and Biodiversity—Standing Committee Report 5**

**DR PATERSON** (Murrumbidgee) (5.00): I present the following report:

Environment, Climate Change and Biodiversity—Standing Committee—Report 5—*Inquiry into Climate Change and Greenhouse Gas Reduction (Natural Gas Transition) Amendment Bill 2022*, dated 29 September 2022, including a dissenting report (Mr Cocks), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Today, I wish to speak to the report of the Standing Committee on the Environment, Climate Change and Biodiversity on its inquiry into the Climate Change and Greenhouse Gas Reduction (Natural Gas Transition) Amendment Bill 2022. This is the fifth report of the committee, and it was tabled out of session on 6 October 2022.

The committee received 10 submissions in total and held a public hearing on 13 September, with the Minister for Water, Energy and Emissions Reduction, and



officials from the Environment Planning and Sustainable Development Directorate and the Suburban Land Agency. The committee's report made seven recommendations. The committee was of the view that, due to major policy changes proposed in the bill, it was important to conduct this inquiry to review this piece of legislation, which is due to be followed by subsequent pieces of legislation.

The committee supports the bill on the basis that it be subject to the amendments proposed in this report. Mr Ed Cocks MLA, presented a dissenting report. On behalf of the committee, I would like to thank everyone who participated and assisted with the inquiry. I commend the report to the Assembly.

**MR COCKS** (Murrumbidgee) (5.02): I wish to briefly note my dissent from recommendations 3 and 7 of this report. I cannot support any recommendation that further impacts redevelopment and uplift of our suburbs, and I cannot support a recommendation in favour of the government's gas ban.

While there is very clear, strong evidence that we have considered, which shows that there are emissions impacts from natural gas use, that does not necessarily provide the evidence needed to support the government's bill. Indeed, most of the submissions received did not express support for the government's gas ban, and most—80 per cent of them—indicated concerns about implementation issues with the bill.

I therefore cannot support those two recommendations. Instead, I recommend that the Assembly not pass the Climate Change and Greenhouse Reduction (Natural Gas Transition) Amendment Bill 2022, and the government instead consult with the full range of stakeholders to identify alternative approaches to reducing natural gas usage without imposing permanent barriers to the adoption of future technological advances in areas such as green gas or hydrogen.

**MS CLAY** (Ginninderra) (5.04): I am speaking in my personal capacity as an MLA here. I just want to mention that a lot of us are new members, and we are very busy. Some of us newer than others. I wanted to make sure that everybody has had a chance to review the evidence that is published, because I think it is important that we have it. We have *Powering Canberra: Our Pathway to Electrification*, the ACT government position paper which was submitted to the committee. It is on the website. A lot of the modelling that goes behind that is actually up on the website. On the website, we have the modelling of the ACT energy systems, the retail price impacts of gas transition and the base case report. We have the strategic report up there. We have the gas transition utility impact statement up there, the green gas trading tool, the household energy choices modelling and analysis, and the electricity and gas networks assessment. I just wanted to make sure, for the benefit of Hansard, and anybody listening and anybody here who is considering this issue, that people know that a lot of the modelling is there. Maybe jump onto the website and have a look.

Question resolved in the affirmative.

## **Health and Community Wellbeing—Standing Committee Report 8**

**MS DAVIS** (Brindabella) (5.05): I present the following report:

Health and Community Wellbeing—Standing Committee—Report 8—*Inquiry into the Period Products and Facilities (Access) Bill 2022*, dated 28 September 2022, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

In my role as chair of the Standing Committee on Health and Community Wellbeing, I am pleased to speak to the report on our inquiry into the Period Products and Facilities (Access) Bill 2022 presented in the Assembly on 4 August 2022 by Ms Suzanne Orr MLA. It was referred to the Standing Committee on Health and Community Wellbeing as required by clause 5 of the establishing resolution. This clause allows committees to inquire into and report on bills within two months of their presentation.

On 9 August 2022, the committee decided to inquire into this bill. The committee received nine submissions and also conducted a public hearing on 12 September 2022, during which the committee heard from 11 witnesses. The committee subsequently tabled their report to our inquiry out of session on 28 September 2022.

This bill establishes requirements for the ACT government to provide free period products of various types in designated places in the community and to designated community partners, for distribution to those who might not otherwise be able to acquire them. The committee received 23 submissions and we conducted that one public hearing, and, as a result, made three recommendations related to the bill.

On behalf of the committee, I thank everybody who contributed to this inquiry, including other members Mr Milligan and new member Dr Paterson, and commend the report to the Assembly.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee Report 11**

**MRS KIKKERT** (Ginninderra) (5.07): I present the following report:

Public Accounts—Standing Committee—Report 11—*Inquiry into the Auditor-General's Report No. 4 of 2020: Residential Land Supply and Release*, dated 6 October 2022, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 11th report of the Standing Committee on Public Accounts for the Tenth Assembly. The Public Accounts Committee examined the audit report and held public

hearings into the matters it addressed, hearing from a number of witnesses from the relevant directorates, the ACT Audit Office, and industry groups.

The ACT Auditor-General's Report No. 4 of 2020, considered the effectiveness of the processes for land release and supply for residential purposes in delivering the government's housing strategy goals. Specifically the audit reviewed the process used to develop the ACT government's indicative land release program and the delivery of the program against agreed targets and timeframes. The terms of reference for the committee's inquiry were the Auditor-General's report itself, which notes that the supply and release of land for development is a key activity of the ACT government.

The inquiry's report tabled today makes a total of 18 recommendations that endorse the implementation of all the Auditor-General's own recommendations and offers further actions of the Assembly to adopt. Amongst these, the committee suggests that a tax reform be undertaken, that consideration be made of social and affordable housing and the amount of land released, and it recommends that an independent review be taken into processes of the indicative land release program.

On behalf of the committee, I thank everyone who contributed to this inquiry, including the relevant minister, the Auditor-General and staff, directorate officials and other witnesses as well as the other members of the committee, Mr Pettersson and Mr Braddock. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Statement by chair**

**MR CAIN** (Ginninderra) (5.09): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety in its legislative scrutiny role.

In a private meeting on 10 October 2022, the scrutiny committee considered amendments proposed by Jo Clay MLA to the Appropriation Bill 2022-2023 in relation to funding to the horseracing industry. The committee has no comments on these amendments.

## **Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022**

Debate resumed from 5 May 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (5.10): The Canberra Liberals will be supporting this bill. I note briefly that the Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022 aims to maintain the strong counterterrorism laws in the ACT currently enacted through the Terrorism (Extraordinary Temporary Powers) Act 2006—or, as I will call it, the TETP Act.

The amendment bill will ensure community safety by extending the operation of the bill by a further five years, until 19 November 2026, and strengthen the human rights protections for individuals detained under the TETP Act. While some—for example, the Australian Lawyers for Human Rights—argued that the temporary and extraordinary provisions of the act’s mandate had expired, the justice and community safety committee inquiry into the bill resolved that there are ongoing threats of terrorism and that the sunset clause of this legislation “proved the right approach to manage the extraordinary nature of the powers and the extreme harm that could be caused from a potential terrorist event”.

The TETP Act was first introduced in 2006, when the ACT government acknowledged the clear need for strong counterterrorism laws. The TETP Act provides law enforcement with extraordinary powers to detain individuals under a preventive detention order, without charge, for up to 14 days to respond to and investigate where there is evidence that a terrorist act is imminent or where a terrorist act has occurred.

When the act was first introduced, the ACT government acknowledged the need for a strong counterterrorism law, as well as to consider human rights obligations and the fundamental principles of justice. The same considerations remain relevant to this proposed amendment bill.

The amendment bill is accompanied by amendments from the Attorney-General aimed at strengthening human rights protections for individuals detained under the TETP Act, as well as to extend operation of the TETP Act for a further five years, until 19 November 2026.

The proposed amendments to strengthen human rights protections, in summary, are as follows. There is a new right for people who are nationals of a foreign country who are detained under the act to have access to diplomatic or consular contact. A definition of a national of a foreign country is also provided, as well as stipulations around who can, and by when, offer a detainee this right. Contact hours for detained people with impaired decision-making ability will be doubled from two to four hours per day. There are also updates to the role of a police officer in the process, including that they take reasonable steps to assist a detainee to have contact with a person or an alternative person, and giving the police power to determine if a person is acceptable to have contact with a detainee.

Police are given a new ground on which to take identification from a detained person. The Attorney-General updated this proposed amendment to clarify that identification material may only be used in a complaint investigation or proceeding that relates to the injury or illness suffered by a detained person while in detention. This was after the JACS committee queried the scope of the use of the identification being taken, commenting that it should be more clearly restricted to protecting individuals who suffer that injury or illness while being detained. Lastly, identification material in the updated section above cannot be used for a purpose other than a complaint and investigation or a proceeding that relates to the person’s apprehension.

In closing, I indicate that the Canberra Liberals will be supporting this bill and the amendments accompanying it.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.15), in reply: I thank Mr Cain for his comments on the bill. I start by tabling the following papers:

Justice and Community Safety—Standing Committee—Report 8—*Inquiry into Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022*—Government response, dated October 2022.

Revised explanatory statement to the Bill, dated October 2022.

The explanatory statement includes a minor amendment to include reference to the statutory review that was undertaken into the Terrorism (Extraordinary Temporary Powers) Act 2006 and how the amendments presented in the bill reflect the conclusion reached in the review.

The government introduced the Terrorism (Extraordinary Temporary Powers) Amendment Bill in May this year. The bill extends the operation of the act and, importantly, the bill also makes several amendments to improve human rights protections in the act and ensure that it achieves a more appropriate balance of community safety, powers of police and individual rights.

The amendments contained in the bill were developed through consultation with key stakeholders. I thank those involved in the preparation of this bill for their valuable contributions. The bill will extend the operation of the act for a further five years from its date of expiry of 19 November 2022. It is critical for this bill to be passed to ensure that the powers contained in the act continue to be available to law enforcement agencies in the territory.

As a summary, the act contains extraordinary legal powers which allow law enforcement agencies to respond where there is evidence that a terrorist act is imminent or where a terrorist act has occurred. The act allows for the preventative detention of a person where the Supreme Court is satisfied that a terrorist act is happening or expected to happen in the following 14 days and that the order will assist in preventing or reducing the impact of the terrorist act. The act allows for a person to be detained for up to 14 days without charge.

The act also includes powers which allow for an investigative authorisation which lasts for up to 28 days. This permits police to exercise special powers that would assist in apprehending a terrorist suspect, investigating a terrorist act or reducing its impact.

The suite of powers contained in this legislation is indeed extraordinary and we must be vigilant in ensuring that we apply appropriate scrutiny as to whether these interventions are warranted. Clearly, the powers are there for the purpose of allowing law enforcement agencies to prevent and respond to terrorist acts—a purpose that I think we all endorse.

Whether these powers strike the right balance with the human rights they limit is a serious question. It is one to which the government has directed a great deal of

thought and work, through the statutory review and then further work to develop amendments when we extended the act for one year only most recently.

These powers do remain invasive, but I am pleased that we have been able to make progress on improving the human rights safeguards, to be nation leading. Of course, this must all be considered with the backdrop that, if our laws vacated this space, the substantially more restrictive commonwealth laws would remain in force as the only option in the ACT.

Recognising that the powers in the act are extraordinary, the bill includes a further statutory review to be undertaken into the act's operation and effectiveness closer to the new sunset date for the act. This is an important safeguard, noting that the act has been reviewed three times previously.

The ACT act can be distinguished from equivalent legislation in other jurisdictions based on the significant safeguards that are included. Due to the nature of the powers contained in the act, it is important to ensure that the fundamental legal principles of justice in human rights are preserved and protected. However, we must always be looking for opportunities to improve these human rights protections to ensure that ACT legislation continues to adhere to human rights standards.

The bill proposes a number of additional amendments to improve the human rights protections in the act to ensure that the ACT can continue to meet its obligations of protecting the human rights of all people in the territory.

I would like to note to the Assembly that I am proposing to move a number of government amendments to the bill, as Mr Cain has alluded to, which seek to further strengthen the proposed safeguards. These government amendments are being made in response to comments made by the Standing Committee on Justice and Community Safety in its legislative scrutiny role. I thank the committee for its insightful comments, which have assisted in making sure that the amendments in the bill achieve their purpose and intent in strengthening the human rights protections afforded in the act.

I would like to discuss the government amendments briefly, for the benefit of the Assembly. The bill proposed an amendment which would allow for the taking of identification material—namely, photographs or video recordings—to record an injury or illness that a detained person may suffer. The intent of this amendment was to ensure the welfare of a detained person and to also increase police accountability for any injury or illness that may be suffered in their custody. The scrutiny committee commented that the drafting of the original amendment appeared permissive, so there would be no obligation to take identification material in every situation where a detained person suffered an injury or illness.

As this was not the intent of this amendment, I am proposing a government amendment which would make it mandatory for police officers to make a written record of any injury or illness. Where evidence can be recorded visually, it will be mandatory for officers to take or cause to be taken a photograph or video recording of the injury or illness.

I am aware that making it mandatory to take a photograph or video recording, where possible, of a detained person's injury or illness could impact on a detained person's human rights, particularly their rights to equality and humane treatment, non-discrimination and protection from cruel, degrading or inhumane treatment. For example, a person may have cultural, religious or personal reasons why they may not want a person of a particular sex taking their photograph or a video recording, particularly where this could involve the removal of items of clothing to identify the site of an injury.

To ensure that this proposed government amendment is human rights compliant, justified and proportionate, I am proposing to introduce a complementary suite of additional safeguards to support this amendment. These safeguards will include allowing the detained person to request that a person of a particular sex take the photograph or video recording. The taking of the identification material must also be carried out in circumstances providing reasonable privacy to the detained person and not involve the removal of more clothing or more visual inspection than is necessary for the taking of the identification material.

Detained persons will be able to request a copy of the written record and the photograph or video recording, which will provide an additional layer of accountability, as this evidence can be used by detained persons in a complaint regarding their treatment while detained. Police officers will be required to inform a detained person of this right prior to the taking of the photograph or video recording.

An additional government amendment that will be made is to narrow the scope with respect to when this identification material may be used. The bill included that this could only be used in a complaint, investigation or proceeding that relates to the person's apprehension or detention. The scrutiny committee raised the concern that this may be too broad and the use should be more clearly restricted to ensure that this identification material could not be used inappropriately.

The government amendments address this concern by narrowing the use of this material so that it may only be used in a complaint, investigation or proceeding that relates to the injury or illness suffered by the person while detained under a preventative detention order. This will ensure that the identification material can only be used in limited circumstances.

Recommendations were received from key stakeholders during the inquiry process into the bill regarding the amendments to improve safeguards for detained people with impaired decision-making ability. The bill will introduce a requirement for police officers to tell the detained persons why they have refused them contact with a person other than their parent or guardian.

It was recommended and accepted by the government that an additional amendment should be included to introduce record-keeping obligations for police officers. This government amendment will place a mandatory obligation on officers to make a written record of this refusal of contact and lists specific details to be included, including details of the person who the detained person sought to have contact with, the reason for this refusal and whether the detained person was reminded of their right to nominate another person to have contact with and whether they did so. The

government amendment will further increase transparency and accountability for police officers by ensuring that there are reasons recorded as to why they may have limited a detained person's rights.

I wish to speak briefly about the other important safeguard proposed in the bill. This amendment includes a protection for those individuals who are not citizens or permanent residents of Australia and will allow them to have access to diplomatic or consular contact. These individuals can be quite vulnerable in detention, and we have a responsibility to ensure that their human rights are also protected, which these amendments aim to achieve.

Finally, terrorism remains a threat to our community and we need to make sure that we can respond appropriately to threats and acts of terrorism while balancing the need for strong human rights safeguards. This bill and the subsequent government amendments ensure that our law enforcement is appropriately equipped with the necessary powers to do so and also continues to place the ACT as a leading jurisdiction when it comes to human rights protections.

I also table the government response to report No 8 of the Standing Committee on Justice and Community Safety inquiry into the bill, as an additional document. Having done that, I commend the bill to the Assembly.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.25), by leave: I move amendments Nos 1 to 4 circulated in my name together [*see schedule 1 at page 2896*]. I have already tabled the supplementary explanatory statement that goes with those amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

### **Adjournment**

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

That the Assembly do now adjourn.

### **BAPS Swaminarayan Sanstha**

**MR CAIN** (Ginninderra) (5.26): Over the past few weeks—in fact, probably over the past two years!—I have had the privilege to be involved in several multicultural



events across our Canberra community. Many of these opportunities have enabled me to connect with the very active community across my electorate and beyond. As shadow minister for multicultural affairs, I believe that in order to understand and represent the unique challenges that certain groups in our communities face, it is important to play an active role in supporting and attending their events.

Last week, for example, I was invited by Mr Hiren Raval and Mr Parag Shah, from the BAPS Hindu community, to tour the construction of the BAPS Swaminarayan mandir—temple—and community centre in Taylor. Upon visiting that construction site the other day, I was honoured to be welcomed in a traditional Indian manner, receiving a tilak-chandlo—the red powder bindi—on my forehead, then having a nada-chhadi—a sacred thread—tied on my right wrist and having a rose garland placed around my neck. I have never looked so good!

I was also fortunate enough to provide a snack for the riders, although it took me two attempts to crack open the coconut that we were offering to them! These riders were cycling to Sydney from Canberra to raise funds for the BAPS charities. I know that they managed to raise just over \$4,000 as part of that ride—an amazing effort. After my warm welcome, I, without doubt, believe that the Hindu community in Canberra and the wider region will benefit from the wonderful development of this community centre and temple, as BAPS endeavours to meet the spiritual and community needs of the Hindu community and the broader community.

The collective spirit of these BAPS charity volunteers across Australia aims to serve individuals, families and communities by providing relief through programs and initiatives to support communities living in distress and people with vulnerabilities. Further, BAPS charities not only strive to help those suffering and in need, but also focus on increasing the overall health and wellness of everyday Australians. Over the years, BAPS has made a tremendous contribution in promoting understanding of diverse cultures while simultaneously offering consistent community support.

I have had great pleasure in getting to know the BAPS and Hindu community in Canberra, and I want to thank them for their many contributions to our community. The centre's construction is due for completion in about 12 months' time. I am very much looking forward to attending the opening of this, and to continuing to work with them.

Question resolved in the affirmative.

**The Assembly adjourned at 5.30 pm.**

## Schedule of amendments

### Schedule 1

### Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022

#### Amendments moved by the Attorney-General

1

**Proposed new clause 3A**

**Page 2, line 10—**

*insert*

**3A Restriction on contact with other people**

**New section 49 (2) (aa)**

*insert*

(aa) section 50A (Contact with diplomatic representative etc);

2

**Clause 7**

**Proposed new section 53 (8) (c)**

**Page 4, line 15—**

*insert*

- (c) make a written record of the following:
- (i) the other person with whom the detained person sought to have contact;
  - (ii) the reasons why the other person was not acceptable to the officer;
  - (iii) the date and time the detained person made a request for contact under this section;
  - (iv) whether the detained person—
    - (A) was reminded of their right to nominate another person under subsection (2); and
    - (B) nominated another person with whom the detained person wished to have contact.

3

**Clause 8**

**Page 4, line 16—**

*omit clause 8, substitute*

**8 Taking identification material**

**New section 59 (2A)**

*insert*

- (2A) If the police officer believes on reasonable grounds that the person has suffered an injury or illness while detained under the order, the officer must, as soon as practicable—
- (a) make a written record of the injury or illness suffered by the person; and

- (b) if the injury or illness can be recorded visually—take, or cause to be taken, a photograph or video recording of the injury or illness, in accordance with section 59A.

**8A Section 59 (3)**

*after*

subsection (2) (b)

*insert*

or (2A)

**8B New section 59A**

*insert*

**59A Recording injury and illness**

- (1) This section applies if a photograph or video recording of a detained person's injury or illness must be taken under section 59 (2A).
- (2) Before a photograph or video recording is taken, a police officer must tell the detained person that the person may request—
  - (a) the photograph or video recording be taken by a person of a particular sex; and
  - (b) a copy of the photograph or video recording.
- (3) A written record must be made of the giving of the information under subsection (2), including the person's response (if any).
- (4) The following must be given to the detained person:
  - (a) if requested by the detained person—a copy of the photograph or video recording taken under section 59 (2A);
  - (b) a copy of the record made under subsection (3).
- (5) The taking of a photograph or video recording under section 59 (2A) must—
  - (a) be carried out in circumstances providing reasonable privacy to the detained person; and
  - (b) not involve the removal of more clothing than is necessary for the taking of the photograph or video recording; and
  - (c) not involve more visual inspection than is necessary for the taking of the photograph or video recording; and
  - (d) be carried out in the presence or view of a person only if the person is—
    - (i) reasonably necessary for taking, or assisting in taking, the photograph or video recording; and
    - (ii) if the detained person has made a request that the photograph or video recording be taken by a person of a particular sex—the same sex as the sex requested by the detained person.

4

**Clause 9**

**Proposed new section 60 (1) (b)**

**Page 5, line 9—**

*omit proposed new section 60 (1) (b), substitute*

- (b) for material taken under section 59 (2A)—for the purpose of a complaint, investigation or proceeding that relates to the injury or illness suffered by the person while detained under the order.