



# Debates

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**Thursday, 30 March 2023**

**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.

### **Aunty Agnes Shea OAM Motion of condolence**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.01): I move:

That the ACT Legislative Assembly acknowledges the passing of Aunty Agnes Shea OAM. We celebrate her significant contributions to the Canberra community, particularly her commitment to reconciliation, recognition of the Ngunnawal people and improving the lives of Aboriginal and Torres Strait Islander people. Aunty Agnes was not only an advocate for the community, but also a friend and a grandmother to all. We acknowledge and pay respect to Aunty Agnes' legacy, to walk gently with integrity and dignity on her ancestral lands; and we pass on our deepest condolences to Aunty Agnes' family.

Firstly, I acknowledge the traditional custodians of the land on which we gather, the Ngunnawal people. On behalf of the ACT government, I express deepest condolences to the extended family of Aunty Agnes Shea. Today we fly the flags outside the Legislative Assembly at half-mast in recognition of Aunty Agnes's life and her immense contribution to this land and people. We recognise Aunty Agnes as a senior Ngunnawal leader within the ACT Aboriginal and Torres Strait Islander community and as a powerful force for reconciliation.

Reconciliation is about strengthening relationships between Aboriginal and Torres Strait Islander peoples and the non-Indigenous peoples of Australia for the benefit of all. Reconciliation is an ongoing journey that reminds us that while generations of Australians have fought hard for meaningful change, future gains are likely to take just as much if not more effort. Aunty Agnes was an advocate and a champion of reconciliation. I know reconciliation is a commitment and passion of this parliament and, working in partnership with the Aboriginal and Torres Strait Islander leaders and community, we are collectively determined to make progress.

Aunty Agnes was respected, admired and loved across the ACT community. She was a tireless advocate for the rights of Aboriginal and Torres Strait Islander people. Her humble beginnings growing up on missions in Yass played a pivotal role in her longstanding passion to represent the voices of Ngunnawal people. She was a founding member of the United Ngunnawal Elders Council and worked with successive governments and with the broader Canberra community to raise awareness of the needs of Ngunnawal people and the broader Aboriginal and Torres Strait Islander community.

Aunty Agnes will always be an icon of the Canberra region. In 2004 she was awarded the Medal of the Order of Australia for service to the Ngunnawal people by contributing to the improvement and development of services for Aboriginal and Torres Strait Islander people in the ACT. Aunty Agnes was also recognised through other honours for her continued and tireless work for the community including the receipt of a Centenary Medal, a place on the ACT Honour Walk in 2010 and being awarded as the ACT Senior Citizen of the Year.

Aunty Agnes was always gracious in giving her time and welcoming us all on to her ancestral lands. She welcomed people with open arms and an open heart, recognising that the land that we now know as the ACT sits across lands her ancestors have cared for, for tens of thousands of years. She gave us wisdom and she gave us the truth about issues facing Aboriginal and Torres Strait Islander people. She welcomed us regardless of where we came from, what our backgrounds are and how long we have been blessed to live in the Canberra region. Aunty Agnes had a way of truth telling that would bring us on the journey with her. Her smile would let you know that no matter how challenging the issues were that we were working through, we were working through them together. Her warmth, her honesty and her dignity always shone through.

Before closing this morning, I would like to acknowledge Agnes's family, her children, her grandchildren and her great-grandchildren and say that her legacy lives on through you. Today we pay our deepest respect for her contribution to our city and to our lives. I commend the motion to the Assembly, Madam Speaker.

**MR HANSON** (Murrumbidgee) (10.07): I rise today on behalf of the Canberra Liberals to pay tribute to Aunty Agnes Shea, who passed away on Saturday, 11 March, aged 91. Aunty Agnes was a proud and highly respected Ngunnawal elder. She was a tireless advocate for Aboriginal and Torres Strait Islander peoples over many decades.

She was a member of the advisory board to ACT Health and, as a founding member of the United Ngunnawal Elders Council, she was instrumental in advising government on matters affecting Ngunnawal people. She was a driving force in the ACT's reconciliation movement and continued fighting for equality and recognition throughout her entire life. Aunty Agnes was a dedicated community leader who was well respected not only within the Canberra community but also throughout the surrounding region.

Aunty Agnes grew up in Yass at a time when discrimination was entrenched in many communities. As a child, she was forbidden to speak in her own language on the

mission where she grew up, and the Aboriginal children were even prohibited from using the school bus service. But, despite the struggles she encountered in her life, she always treated people with kindness and respect.

In 2001, she was awarded a Centenary Medal and in 2004 she was awarded the Medal of the Order of Australia for service to the Ngunnawal people and her work in contributing to the improvement and development of services for Aboriginal and Torres Strait Islander people of the ACT and surrounding region. Aunty Agnes was named ACT Senior Citizen of the Year in 2010 and she was awarded a place on the ACT Honour Walk. She was a patron of the Tuggeranong Arts Centre. She was a member of the Journey of Healing ACT, an organisation that supports local Indigenous communities who live with the effects of the Stolen Generations.

She gave so much and was committed to sharing her elder's knowledge and nurturing future Ngunnawal leaders and elders. In reading many, many tributes to Aunty Agnes it is obvious that she was dearly loved and respected by all who knew her.

I first met Aunty Agnes on the campaign trail in 2008, where she introduced herself to me outside a shopping centre and we had a great conversation about love of politics, her knowledge of which was extensive. When I subsequently was elected and appointed Shadow Minister for Aboriginal and Torres Strait Islander Affairs she was one of the first people I met with to get a better understanding of the complex issues in that portfolio. Her knowledge and her opinions were invaluable and insightful.

Madam Speaker, she had a generous spirit and a great capacity for understanding. She always had a positive attitude and shall be deeply missed by so many people. On behalf of Canberra Liberals, I would like to extend our sympathies to her entire family, her children, her grandchildren, her great-grandchildren, the Ngunnawal people and all those who loved her.

**MR RATTENBURY** (Kurrajong) (10.10): I rise today to mark the passing of Ngunnawal elder Aunty Agnes Shea OAM and offer my condolences on behalf of both myself and the ACT Greens. I understand the deep significance of this moment for so many people and welcome the opportunity to pay respects to Aunty Agnes here in the ACT's parliament today.

The many contributions made by Aunty Agnes have already been highlighted in some detail by both the Chief Minister and Mr Hanson. Rather than repeat them, let me acknowledge those matters that have been highlighted and add my admiration for those significant contributions to our community. In my remarks, I thought I would focus on Aunty Agnes's early life at the Oak Hill and Hollywood missions in Yass, to get a better understanding of her formative years and how it has shaped her tireless work to revitalise language and advocate for justice and reconciliation.

Like others in this place, I met Aunty Agnes many times over the years. The occasion that stays most strongly in my memory is when we passed the motion to open our sessions in the Assembly using the Ngunnawal language. Aunty Agnes did shed a tear as she told me how proud she felt and how much it meant to her, because during her

childhood at the missions she was forbidden to speak her own language. Forbidden to speak her own language! It is hard for most of us to even imagine how that must have felt, what it must have been like on a day-to-day level. Yet there are many Indigenous people still living who shared Aunty Agnes's experience. And there have been, and still are, many places in the world where oppression of Indigenous language is used as a weapon against marginalised groups. It is shameful that this kind of oppression has been such a recent part of our own story. I am glad we have been able to help rectify that in our own small way here in this Assembly, and that Aunty Agnes was here to see it happen.

Exploring the history of the Yass missions, it is shocking—and yet an all too familiar story—that First Nations people were made to live in such difficult conditions up until the mid-1950s—well within living memory. There was little certainty about the roof over their heads, with decisions about where and how they were permitted to live changing frequently over the years.

Aunty Agnes's first childhood home was at Oak Hill, where First Nations people were permitted to build basic shelters with dirt floors, Stringybark walls and iron roofs. There was no electricity or running water. At this time, First Nations people could only enter certain parts of Yass township and were not allowed to speak Ngunnawal language in public. First Nations children were prohibited from using the school bus service, which meant children living at Oak Hill, like Aunty Agnes, faced a long walk each way to attend the Hollywood Aboriginal Reserve School.

A “Black's camp” on the Yass River did not survive beyond 1933, when Aunty Agnes was just a toddler, so I am unsure if she would have any memories of that. She certainly remembered Hollywood Mission well, however. Fellow Ngunnawal Elder Eric Bell wrote a memoir of his life, including his years at the mission, where he says there were corrugated iron huts lined with hessian sacks daubed with clay, floors scrubbed as clean as kitchen tables so that there was no dirt to provide an excuse for eviction, and water carried from the communal tap. Unlike at some missions, there was no manager at Hollywood, so the community managed itself and provided support for each other. These missions and camps that were the centre of so many lives for so long have virtually disappeared now, leaving little physical evidence to remind us of those very different times. Many of these places exist only in a dwindling number of memories and a few photographs, including one of the 1948 Hollywood Mission All Blacks rugby team.

At Oak Hill, on the corner of Orion Street and Cooks Hill Road, a couple of kilometres from the Yass Junction Railway Station as the crow flies, there is now a small Aboriginal reserve with an installation of three scarred trees felled nearby. There are a few signs around Yass with information about the Indigenous history of the region but the Hollywood Mission itself has left no physical trace at all, with the land now subdivided and occupied by private housing. Eric Bell donated to the National Museum a rare piece of corrugated iron, often called ripple iron, from the houses at the mission. Most of it was taken by the residents for use in other dwellings when they were forced to move on—not just to other parts of Yass, but as far away as Cowra and Walgett.

These Yass missions were not church run, but government owned. Aboriginal people did not distinguish between the two, using the word “mission” for both. That seems unsurprising. The sense of paternalism and cultural repression must have been enormous to both. Eric Bell talks about the fear and dismay he felt even as a child when the police and the welfare officers paid a visit. There was a bushy area where the kids used to hide when government officials visited, so they would not be taken away. Mr Bell himself lost two sisters in exactly that way. I also recall Aunty Agnes describing those experiences to me.

It is incredible to imagine the journey in one human lifetime, from this start in life to the position Aunty Agnes eventually attained as a pillar of her community—not simply a figurehead but a woman with huge practical and symbolic achievements under her belt. Despite the injustices to her people that Aunty Agnes witnessed in her lifetime, she was a woman of great warmth and generosity who spoke with conviction of the need for reconciliation. On behalf of the ACT Greens and my Assembly colleagues, I send my heartfelt condolences to Aunty Agnes’s extended family, particularly those here in the gallery today, and to her community. She was an inspiration to so many people, and she will be sadly missed, especially by all those whose lives were touched by her presence and her work.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.17): I would like to express my heartfelt condolences to the family of Aunty Agnes and the Ngunnawal community. The entire Canberra community was saddened to hear of her passing and we know that her legacy and impacts will continue to be felt for years to come.

Aunty Agnes Shea was a very proud Ngunnawal woman. She faced many challenges in her life, due to transgenerational trauma, and showed enormous inner strength and confronted these matters head on. She also dedicated her life to creating change through reconciliation and education. So it is very important for our territory that we continue to learn from leaders like Aunty Agnes and ensure their legacy is upheld.

Aunty Agnes embodied our community’s best values and exemplified respect, transparency and collaboration. She was feisty and determined when she needed to be, but also gentle in her soul, with a great sense of humour, and one who loved a good laugh. This will be what comes to mind when many of us remember her.

A key area of interest for Aunty Agnes was young people and education. She held a long held desire to see young Ngunnawal people involved in learning about Ngunnawal culture and Country and being involved in caring for Country. Aunty Agnes also championed change in how Ngunnawal culture and Ngunnawal Country was managed, with particular focus in the early days on the Namadgi National Park and Yankee Hat Rock Art Site. She was passionate about the conservation and protection of Ngunnawal culture and heritage and engaged with the ACT Parks and Conservation Service to share her knowledge and wisdom to create a shared journey of understanding through reconciliation.



I would like to mention a special connection and memory I have with Aunty Agnes. In my previous Environment and Heritage portfolio, I had the privilege of launching a grant for the commemorative artwork called “Meeting Place” in recognition of Ngunnawal Elder Violet Bulger. As a revered Elder, this commemorative piece was unveiled in 2017 and is located at Violet’s Park, which is off Marungul Avenue in Ngunnawal. Violet was the mother of Aunty Agnes and she attended the event alongside her family to perform the welcome to Country. As we all remember the wonderful contribution of these two incredible individuals, may this meeting place continue to serve as a place of remembrance for Aunty Agnes’ family.

Aunty Agnes fought for equality, recognition and reconciliation until the end of her life. This speaks volumes of the strength and determination of a woman who was proud of her Ngunnawal identity, her family, her country and her people. I note that the legacy left by Aunty Agnes Shea will thrive and prosper within the ACT community.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.20): I want to first acknowledge the ancestral connections of the Ngunnawal people to the land that we are on today, their Elders past, present and emerging. I acknowledge and pay my respects to the Sorry business that the community is engaged in right now. Like the Chief Minister, I would like to pay my respects to Aunty Agnes and to all that she has given to us Canberrans. I offer my sincere condolences to Aunty Agnes’s family, to the Ngunnawal people and the broader Aboriginal and Torres Strait Islander community.

Madam Speaker, since I first joined the ACT Legislative Assembly in 2012, Aunty Agnes has been an icon that I have had the privilege of spending a fair bit of time with. She has welcomed us to her ancestral homes with grace and dignity, despite the experiences that Mr Rattenbury has described were in her childhood and upbringing, and she generously shared her culture and story with us. Just as strongly, she reminded us all to tread lightly as we walked on these magnificent lands.

Aunty Agnes’s achievements are many, but I know through the time that I had the fortune of being with her, it was her achievements as a mother, a grandmother and a great-grandmother that were closest to her heart. Her strength and wisdom live on through her children, grandchildren and great-grandchildren. But as has been said in the proposed motion, Aunty Agnes was a grandmother to us all. She opened her heart to all of us here in the Legislative Assembly.

Across the ministerial positions that I have held, education is the one that stood out for me where Aunty Agnes always spoke so passionately. She knew that a good education provided better outcomes for everyone in our community, and she loved talking and joining with children and young people when she visited any of our schools or early childhood settings. I always felt that Aunty Agnes’s impact and commitment to our future generations was extraordinary and real. Her commitment to making a better world for future generations and her drive for equality for Aboriginal

and Torres Strait Islander people will continue to influence what we know now as reconciliation. I always admired how dignified she was when advocating for the needs of Ngunnawal people and the broader Aboriginal and Torres Strait Islander community. Any time that I spent with Aunty Agnes, I learnt something new; I felt I learned so much from her, such was the gift of her time and wisdom.

Aunty Agnes was loved by many across Canberra. In my experience, she was respected by all that she came across. She was one of Canberra's best-known citizens and her presence always left us feeling loved, warm and with strength, although you would never mistake Aunty Agnes's small stature and her kindness for weakness. Quite to the contrary, Aunty Agnes would also not hesitate from raising the serious issues or having the hard conversations. I always respected her deeply for that. Aunty Agnes will always be a true stateswoman in my eyes. Her influence will continue for many years to come.

I want to say thank you to Aunty Agnes's family for sharing the gift of her presence with us all. I want to thank her children, her grandchildren and her great-grandchildren. Madam Speaker, I support the motion being put forward to acknowledge and commemorate the remarkable life of Aunty Agnes Shea and I share my deepest and sincere condolences and sympathies with her family.

**MRS KIKKERT** (Ginninderra) (10.24): I rise today to honour the life and memory of Aunty Agnes Shea OAM. Small in stature, yet her legacy looms large, with the full measure of her impact on this place yet to be accurately measured. Thank you to her family, who are here today, for supporting her and loving her in her work and also in her legacy.

Hundreds of times she welcomed people to the ACT using the Ngunnawal words "Ngunna yerrabi yanggu" which, she explained, means, "You are welcome to leave your footprints on our land now." That is so beautiful. Aunty Agnes left literal footprints all across this land, but she left many more metaphorical footprints in the hearts and lives of those whom she loved, raised, served, taught and also inspired. As she often said when welcoming visitors to country, the name of our city means "meeting place", so it is fitting that we meet together this morning from across the political spectrum to pay respects to a woman who is universally admired.

I express my deep condolences to her children, her grandchildren and also her great-grandchildren. I also acknowledge all those who looked up to her as a mother figure. As I understand from my own experiences, family are the people who treat a person as family, spreading out far beyond either the roots or branches on a pedigree chart. To all of Aunty Agnes's family, I respect your sorrow and sincerely hope that it is tempered by love and fond memories of her.

Aunty Agnes lived a remarkable and often difficult life as a child. Her mother, Aunty Violet Bulger, was born in 1900 and was one of the first Aboriginal children forcibly removed from her parents under the New South Wales Aborigines Protection Act 1909, being placed in the Cootamundra Domestic Training Home for Aboriginal Girls. Aunty Agnes recalled that her mum said very little about this traumatic experience, not wanting to poison her children's minds.

Her parents married in 1925 and moved to Oak Hill near Yass, where Aunty Agnes was born in 1931. Their home was a one-room hut with a dirt floor and stringy bark walls. To help keep warm, they lined the walls with corn bags from the local mill, and newspapers. Water for washing and cooking was hauled from a local dam.

When Aunty Agnes was around seven years old, the family was moved to the Hollywood Aboriginal Reserve in Yass. Her father tragically died the following year and the family was again forced to move, this time back to Oak Hill. This was a challenging time for Aunty Agnes, her single mother and her eight siblings.

Later in life, Aunty Agnes helped found the United Ngunnawal Elders Council; was awarded the Medal of the Order of Australia for her service to Aboriginal and Torres Strait Islander communities; and was recognised as territory Senior Australian of the Year, amongst numerous other honours. For some time she has been the most senior Ngunnawal elder, attracting all the respect that title implies.

Aunty Agnes's personal history is very inspiring. It is therefore fitting that seven years ago it was made into a film, *Footprints on Our Land: Aunty Agnes, Ngunnawal Elder*. It premiered at the Tuggeranong Arts Centre on 16 July 2016. It movingly portrays its subject as a survivor, a caring mother and grandmother and a stalwart of her community. At that time, film director Pat Fiske said of Aunty Agnes:

Despite the difficulties of her early life, she is accepting, gracious and calm. There is absolutely no bitterness there, she's an inspiration for all.

Granddaughter Selina Walker fittingly added:

She is never burnt out by the struggles. She sees the positives in things, always thinks about the big picture—not for herself or her family but for everyone in the community.

Today I echo those complimentary assessments. Aunty Agnes was moved to see the acknowledgement of country in this Assembly spoken in the Ngunnawal language. On that occasion she said, "We don't want our history to be a mystery." Indeed not. To know her history is to be inspired.

At the 2016 unveiling of a new artwork to honour her mother, Aunty Agnes said of her:

Mum was a very strong and inspiring woman who never gave up, worked hard and lived life to its fullest.

I am confident that her descendants and so many others think those same things of her. The ACT is a better place because of Aunty Agnes Shea.

In closing, I would like to share a personal experience. I was not planning on being this emotional. My brother, Toma Fanaafu, left this world only two months ago. Pondering today's condolence motion I was reminded of him and Aunty Agnes. In my brother's eulogy that I delivered, I said that my brother had a way with words that was unique.

He would say, “Take the earth with you and feed the poor.” It was his way of saying, “You have been blessed with money, with food and with shelter. Now take whatever you have and feed the poor.” He also had a popular saying. He would give you a fist pump and he would say, “Rich, rich.” For my brother, it was his sincere way of saying, “You are blessed. And if I had my money I would give it to you to be rich, rich. But with that richness you take the earth with you and you feed the poor.”

As I reflected on the life of Aunty Agnes, she possessed that deep richness. She possessed a deep richness for life, she possessed a deep richness for culture and she possessed a deep richness for serving others. Everyone and anyone that came across her path was a far better person because of that richness. I thank her for her wonderful and beautiful example that she lived. May the memory of her love, her culture and service to others encourage us all to do and to be better.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.32): I rise to speak in support of the condolence motion for Aunty Agnes Shae OAM. In doing this, I would like to reflect on the impact that she has made on me and the Canberra community; to thank her for her service; and to share my deep condolences to her family, her friends and her community, who have lost not only a leader and a treasure but an elder, a mother, a grandmother, a great-grandmother, an aunty and a friend.

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

“This is Ngunnawal country. Today we are meeting on Ngunnawal country.” These are words that we can speak because we have been gifted these words in language by Ngunnawal elders, including Aunty Agnes.

It is hard to fathom what life must have been like when Aunty Agnes entered the world in 1931. Others have spoken about her early life. This was a time when Aboriginal people were not recognised by the Constitution; their movements and whole lives were controlled by others. From these beginnings she navigated a journey that would see her do things such as becoming one of the first Aboriginal women to give birth in Yass Hospital, becoming a mother to seven, and becoming a community leader recognised by her people and the whole Canberra community. She was recognised nationally with a Medal of the Order of Australia.

Throughout her life Aunty Agnes saw great changes. But, more than that, she has been a catalyst and an architect for change, particularly for greater understanding of Ngunnawal country, culture and language, for healing and for reconciliation. As we have heard from some in this chamber—and I think it is true for many others—Aunty Agnes was one of our first teachers in developing a better understanding about this place that we call home.

I was born on Ngunnawal country. However, growing up in this beautiful country I did not have an understanding of the particular First Nations culture of the place where I lived. While I do remember being taught about Aboriginal and Torres Strait Islander culture and history in general terms, specific knowledge about this region and

the culture of its people was not something that was widely shared through schools and other networks.

Over the past few decades, as a community, we have all been on a tremendous journey, led by elders such as Aunty Agnes. Now, welcome and acknowledgements to country are standard. I see children in preschool, primary school and high school ensure that these occur. Institutions undertake reconciliation action plans, establish First Nations networks and ensure acknowledgements in reports and publications.

I am pretty sure that the first welcome to country I ever experienced was from Aunty Agnes. That was many years ago. I remember being struck by this woman of small stature but immense presence. By then she was an established elder, her wisdom evident in each of her thoughtful comments, her generation clear in her patience in teaching all of us even the very basics of First Nations lore and First Nations law. We have been so lucky to have her to share that wisdom with us over many years.

One of the most transformative gifts that Ngunnawal elders, including Agnes, have given us has already been reflected on, and that is the one of language. We are witnessing the rekindling of a language that elders such as Aunty Agnes were forbidden from speaking. What a journey to go on—from that to this situation today, where we start each sitting morning with an acknowledgement of country. The experience of learning language has transformed me. Not only has it deepened my understanding of Ngunnawal country but it has also nurtured my heart. This gift has created a connection and enhanced my commitment to reconciliation, voice, truth and treaty. What a gift.

I wish to express my deepest condolences to Aunty Agnes's family, friends and community. I often reflect that, when we lose people who have given so much to the community, the burden that loved ones carry is that they have had to share someone that they love with so many. I would like to thank you for sharing Aunty Agnes with us. Our hearts are full of gratitude for all she has given us, all we have learned from her and how we have been changed by her.

In the welcome to country that I was lucky enough to often be given by Aunty Agnes, she ended with words in language that were translated to the concept of being welcome to leave our footprints on the land of Ngunnawal ancestors. As she enters her Dreamtime, becomes one of those ancestors and becomes part of the country she came from, we thank her. We commit to continuing her journey of healing. We continue to walk the journey of building an Australia where the first Australians' role in this place is welcomed and acknowledged; where we demonstrate our understanding and our respect for the principles of caring for country and community; where we share our footsteps and walk together into a kinder, better future for all of us.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.38): I rise to pay my respects to Aunty Agnes Shae OAM. Today we acknowledge a proud Ngunnawal woman and an elder in the truest sense of the word. In doing so, we acknowledge the Ngunnawal people as traditional custodians of this land: the first people, who have cared for this land for millennia and whose sovereignty has never been ceded.

It is difficult to believe that we will never again be invited by Aunty Agnes to leave our footprints on her land. Last night I rewatched the 2016 documentary by Pat Fiske and Bower Bird Films that Mrs Kikkert has referred to, which was supported by the Tuggeranong Arts Centre, called *Footprints on our Land: Aunty Agnes, Ngunnawal Elder*. I have often been told that an Aboriginal elder is someone highly respected and held in esteem by their community for their wisdom, cultural knowledge and community service. Aunty Agnes demonstrated all these qualities and more.

Universally talked about with respect and love, Aunty Agnes was described as the face of the Ngunnawal people, having the patience of a saint. Uncle Benny Hodges simply said, “She is the rock.” Uncle Fred Monaghan said, “People listen to her.” And former Chief Minister Jon Stanhope said he was always struck by the quiet strength of Aunty Agnes’s leadership.

Her granddaughter, Selina Walker, who is here today of course, described her as a survivor and a warrior who would keep going till the end. And that she did. In November last year she invited me and the Deputy Chief Minister to her home to tell us some home truths about some of the issues in her portfolio that she just did not think were quite right. On 21 January this year she attended Yerrabi Yurwang’s Yuma Day event, where people proudly had their photos taken with her, sensing, I think, that it might be the last time.

In the documentary, Aunty Agnes reflected on the life of her mother, Violet Bulger, who was a child of the stolen generations. Violets Park in Ngunnawal is named after her, as Minister Gentleman has talked about. I can also recall the pride of the large extended family at the celebration in 2017 when the new Canberra track sign and artwork were unveiled at the park.

Aunty Agnes helped to raise her younger siblings after the death of her father, which saved them all from being taken away from their mother in their turn. Tragically, she also lost her own first husband when her children were young and relied on the strength of her community to support her through that very difficult time. The most important thing to Aunty Agnes always was her family: her siblings, children, grandchildren and great-grandchildren. She was Nan to them and, in many ways, as others have said and as the motion says, she was Nan to us all.

As a community, we will remember Aunty Agnes as both a loving grandmother and a dignified stateswoman, an advocate for the Ngunnawal people and for all Aboriginal and Torres Strait Islander Canberrans. Aunty Agnes was instrumental in the establishment of the United Ngunnawal Elders Council, the Ngunnawal Bush Healing Farm, and the Galambany Circle Sentencing Court. She showed love and kindness for all, with no time for anger, but rather a focus on how we can work practically to improve life outcomes for Ngunnawal people and the broader community.

These values shone through for all who were lucky enough to spend time with Aunty Agnes. I know I valued my time with her and I am grateful for the generosity that Aunty Agnes showed me and many of us here in the Legislative Assembly, sharing her time, her knowledge and her wisdom. I learnt from Aunty every time I had the pleasure of being with her. She was the kind of person who inspires those around her not just to

do better but to be better. I am grateful for that time and I am grateful to Aunty Agnes's family for sharing her with us all and for encouraging and supporting her to share her wisdom.

Aunty Agnes was one of the first Aboriginal people in the ACT to be awarded the Medal of the Order of Australia. Her other awards continue to recognise her many achievements and her commitment to building a better life for her people. Aunty Agnes's legacy lives on through her achievements and through her family, many of whom are here today. Our deepest condolences are with you all during this time. We thank you for sharing Aunty Agnes and for all that she has done for us.

I was deeply touched to be invited by the family to visit Aunt in her final hours, to thank her, on behalf of the government and the people of Canberra, for everything she did for us. It was a very special thing, an enormous honour and something I will never forget. Rest in peace, Aunt.

**MADAM SPEAKER:** Members, can I, with indulgence, offer my condolences to the family and echo the words that I have heard throughout this morning. She was a woman of great honesty, warmth and kindness and she will be missed.

*Question resolved in the affirmative, members standing in their places.*

*At 10.45 am, the sitting was suspended until the ringing of the bells.*

*The bells having been rung, Madam Speaker resumed the chair at 10.48 am.*

## **Petition**

### **Ministerial response**

The following response to a petition has been lodged:

#### **Development—block 6 section 88, Gungahlin—petition 26-22**

**Mr Steel**, Minister for Transport and City Services, dated 6 February 2023, in response to a petition lodged by Ms Orr on 22 November 2022 concerning parking and urban open space for Gungahlin apartment dwellers and small business owners.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter regarding petition 26-22, lodged by Ms Suzanne Orr MLA, regarding parking and urban open space for Gungahlin apartment dwellers and small business owners.

The ACT Government recognises the importance of parking for facilitating access and takes parking safety seriously. Transport Canberra and City Services (TCCS) is aware of the parking concerns raised in the petition and is reviewing on-street parking restrictions in this area to tailor them to better meet the needs of local residents and visitors. Subject to consultation with local residents and businesses, changes to parking restrictions in this area will be implemented in 2023. Roads ACT will monitor their effectiveness and safety.

The on-street parking restrictions in this area were implemented ahead of the construction of mixed-use buildings in the area. Now most of the blocks in the area have been developed, and a variety of retail and commercial facilities have opened, Transport Canberra and City Services (TCCS) Roads and Paths is in the process of reviewing parking restrictions in the area, aiming to optimise them for local needs.

Access Canberra Parking Operations will continue to monitor parking in the area. A risk-based compliance approach is applied to target resources to unsafe parking practices where there is a risk of harm.

The vacant site at Block 6, Section 88 in Gungahlin is privately leased, with a Crown Lease granted over the block in 2010. There is no active Development Application (DA) lodged over the block. While the block is vacant and yet to be developed by the private lessee for commercial reasons, the site has already been sold, and the ACT Government cannot withdraw the sale to 'take back' the land.

However, car park is a permitted use on Block 6, Section 88 in Gungahlin. The site could be developed with a public car park by the private lessee as part of the development on the site, should demand support the viability of a commercial public car park.

The draft Active Travel Plan outlines the ACT's vision for making town centres more walkable in and a recent active travel feasibility study of the Gungahlin Town Centre has identified a number of specific improvements that could be made to create better and safer connections between the Gungahlin Town Centre and Yerrabi Pond, including concepts for a link between Gribble Street and Wunderlich Streets with a signalised crossing over Gundaroo Drive. This would be subject to future budget consideration.

Urban open space improves our wellbeing and helps us connect to nature even while living in an urban environment. It provides space for outdoor recreation and supports wildlife and biodiversity. Access to Yerrabi Pond District Park is approximately 150 metres from the subject undeveloped block. It was designed as a district park to provide urban space access for apartment residents in this area and beyond.

Funding was provided in the 2020-21 ACT Budget for amenity improvements at Yerrabi Pond. Following the consultation, a number of potential improvements were identified, with works now complete for:

- 8 new seats
- plantings including near the water's edge and in the existing shrub beds
- 22 new 'shared path' signs and additional line marking at key locations
- drainage works along the path network to reduce pooling of water on the paths
- new softfall for the flying fox
- new half climbing wall
- new bin shrouds (covers) on 12 existing bins around the Pond.

Funding was also provided in the 2021-22 ACT Budget for planning and design work for improved and new amenities including increased car parking, picnic and toilet facilities and additional streetlighting.

I trust this information is of assistance.



**Motion to take note of petition**

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

That the response so lodged be noted.

Question resolved in the affirmative.

**Chief Minister—New Zealand and Fiji trade mission  
Ministerial statement**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.48): I am pleased to report to the Assembly on the trade mission to New Zealand and Fiji at the end of October and the beginning of November last year. New Zealand is identified as one of Canberra's key markets in our international engagement strategy, and the Pacific is also a priority market in the updated strategy that I released in December.

The trade mission was a brief one, from 26 October to 1 November 2022. The purpose of the mission was to renew existing relationships, as well as to further government-to-government relations, two-way trade and business, and to grow tourism and to re-establish aviation links.

We started in New Zealand, and I had the great pleasure of attending a ceremony for the inauguration of the new Mayor of Wellington, Ms Tory Whanau. We were able to renew our friendships with three previous mayors of the city. The following day we engaged with the new mayor. We look forward to furthering our Sister City agreement and a number of the upcoming activities covered by that agreement.

Both Canberra and Wellington have very strong areas of focus on climate change, rebuilding infrastructure and post-COVID recovery community development and inclusion. This included discussions on, amongst other things, light rail. On rebuilding and growing economies, the discussion there canvassed economic sectors, including cyber, space, the arts, technology and advanced manufacturing. We also discussed a range of community development and inclusion issues. We agreed to work closely to re-establish direct air connections between our two cities, as well as discussing activities that can be held in each city. I have invited the new mayor to visit Canberra to continue the discussion and to share information.

In the economic development area, we met with the CEO of WellingtonNZ. The discussion focused on Pacific engagement and a joint approach to direct flights. Areas of interest included health, innovation, cultural activities, renewable energy, the food and beverage trade, education and students, as well as female empowerment and participation in business.

Our Australian High Commissioner, Her Excellency Ms Harinder Sidhu, hosted a lunch at her residence, where we discussed the objectives of the trade mission. I thank our host, our High Commissioner, for her support and look forward to further engagement.

In the brief time we were in Wellington I also had the opportunity to meet with New Zealand's transport minister, the Hon Michael Wood, and the Acting Prime Minister on the day and former Deputy Prime Minister of New Zealand, the Hon Grant Robertson MP. Those ministerial meetings focused on the key issue of direct flights, as well as other transport issues. Former Deputy Prime Minister Grant Robertson was also the Treasurer, or the finance minister in New Zealand, so we discussed our wellbeing budget proposals and our objectives there.

In Auckland I met with the new Australian Consul-General, Brad Williams, and we discussed our activities in New Zealand and the Pacific. Those discussions included aviation, flights, air freight and tourism, skills shortages, the Pacific Labour Scheme and opportunities for further Pacific engagement, using New Zealand as a springboard.

We have also sought to further our existing relationships with Auckland Airport and Air New Zealand. We met with the executive team at Auckland Airport. This provided an opportunity to understand their post-COVID approach to cooperative partnerships with other airports and governments to support new group development. Those discussions continued with Air New Zealand, particularly looking at their post-COVID network rebuilding.

Ongoing and genuine commitment with New Zealand is essential as we work towards re-establishing trans-Tasman services. I note recent announcements from Qantas about their new fleet acquisition strategy that will provide the sort of aircraft that will enable Canberra to New Zealand flights.

As members would be aware, the future of Telstra Tower in our city is being scoped by Telstra. Some recent announcements have come to the fore. We are working closely with them to support a renewal of the tower as a tourist attraction. In Auckland we took the opportunity to meet with the team that runs Sky Tower, a major tourism attraction in Auckland. We were looking at the key elements of that tower operation that make it commercially successful. This visit provided some great insights that we will feed back to Telstra as we assist in the next phase of the renewal of that tower.

A very brief visit to Fiji provided the opportunity to follow up on the preliminary work that has been undertaken by Canberra Airport and VisitCanberra to grow our aviation sector. I was fortunate enough to meet with the CEO and executive team of Fiji Airways. We are working towards a Canberra-Nadi direct flight. Fiji Airways are the logical partner there. The business case that we put forward is supported by our diverse and strong outbound market and the onward connections to North America, to various US cities and Canada.

Understanding that any aviation route needs to be sustainable both ways, we also met with the CEO of Fiji Tourism. We acknowledge the opportunity to partner with them as we develop the business case for this new service. Finally, we met with Rowan Chalmers of Nadi Airport, which clearly will need to be a partner with Canberra Airport to ensure that these new services can be established.

To ensure that we realise our potential as a global destination, it is critical that we attract new direct services to Canberra Airport. Our tourism 2030 strategy, aligning

with our international engagement strategy, seeks these as key outcomes over this decade. The strategy sets an ambition for Canberra to become a globally connected city. In the development of our 2030 tourism strategy, a survey of Canberrans revealed that nine out of 10 of people in the community rate growing airline route access to make it easier and cheaper to travel to Canberra as an important area of focus, so we will continue to focus on that.

Overall, the mission in New Zealand and Fiji, short as it was, built on existing relationships. I am pleased to advise the Assembly that Fiji Airways invited back last week Canberra Airport and VisitCanberra to further present to their board. We look forward to a positive announcement on a direct service from Canberra, being operated by Fiji Airways. That decision will come in the months ahead, but I think we have put our best foot forward to attract that new service. Equally, we look forward to being able to host in our city in the not too distant future the new Mayor of Wellington. I commend the statement to the Assembly.

I present the following paper:

Chief Minister Trade Mission to Fiji and New Zealand 26 October to 1 November 2022—Ministerial statement, 30 March 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Government—zero emissions vehicles—update Ministerial statement**

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.56): It is timely that I provide to the Assembly an update on the progress of the ACT Zero Emissions Vehicles Strategy 2022-30. The strategy was released in July 2022 and includes 28 actions designed to address the ACT's largest source of greenhouse gas emissions, transport, which currently contributes over 60 per cent of the territory's emissions. Delivering these actions will be vital for ensuring that the ACT is able to achieve its goal of net zero emissions by 2045.

With the ACT powered by our 100 per cent renewable electricity supply, the transition to electric vehicles is a transition to genuinely zero emissions vehicles. The transition to zero emissions vehicles will improve the lives of all Canberrans. It will reduce the impact that climate change will have on our lives in the future, as well as delivering real health benefits through reduced air pollution.

The strategy is designed to set a clear policy direction; make zero emissions vehicles more affordable; expand the EV charging network; support and inform uptake; and lead by example.

Some of the key actions in the strategy are: achieving 80 to 90 per cent of new light vehicle sales in the ACT being zero emissions vehicles in 2030; phasing out light

internal combustion engine vehicles from 2035; prohibiting the onboarding of new internal combustion engine vehicles to rideshare and taxi networks by 2030; introducing incentives for the installation of EV charging at multi-unit buildings; and expanding the public EV charging network to ensure that there are at least 180 publicly available charging stations in the ACT by 2025.

Our announcement of “banning the registration of new petrol-driven vehicles in 2035” caught the nation’s attention. We were the first jurisdiction to make such a commitment and some commentators described this as impossible to achieve. But we know that the global economy is rapidly decarbonising, and our target aligns with similar commitments from major car manufacturers and progressive nations. Norway has a target of no new internal combustion engine vehicle sales from 2025 and looks set to meet this ahead of time. That is certainly ahead of the ACT.

Canberra is a small city but we have the capacity to help drive global change. This announcement provided other Australian jurisdictions and cities with the opportunity to think big and prepare for the inevitable transition. The reality, for many Canberrans, is that your next car will be electric, and in the lead-up to 2035 new electric vehicles will become more accessible to more people.

The strategy sets out 24 immediate actions to support the uptake of zero emissions vehicles in the territory. Sixteen of the 24 actions of the strategy have been implemented. We have made zero emissions vehicles more affordable through two years free registration; stamp duty exemptions; and interest-free loans of up to \$15,000 through the Sustainable Household Scheme.

Two of the biggest perceived barriers to EV adoption, range anxiety and public charger availability, are being addressed through support to accelerate the rollout of public charging infrastructure in the territory. The first round of public chargers supported by ACT government grants will come online through 2023, with future grant rounds anticipated to ensure that Canberrans can access at least 180 public charging stations in the ACT by 2025. We also continue to work with our colleagues in state and commonwealth government to ensure that Canberrans can access a growing, reliable network of interstate chargers.

The ACT government continues to show leadership in the government fleet transition. Since 2020, 100 per cent of all newly leased passenger vehicles have been zero emissions vehicles, where fit for purpose. To date, 23 per cent of fleet vehicles are zero emissions vehicles and 20 per cent are low emissions vehicles. As more ICE vehicles reach the end of their lease period and are replaced with zero emissions vehicles, this percentage will continue to increase.

Our lessons learned in this fleet transition have been shared with state and commonwealth colleagues, and we welcome their respective commitments to transition their own fleets. Government leadership sets an example for others to follow and allows lessons to be learned and shared. It also helps to grow a workforce of skilled EV charger installers and mechanics. Well-maintained government fleet EVs will also enter the second-hand market at the end of their lease, making EVs more accessible to more Canberrans.

We are sharing the learnings from the government fleet transition through the fleet advisory service, which was established last year. This free service provides business owners with tailored advice to transition their fleets to zero emissions vehicles. Many smaller businesses are time poor, and this onsite advice factors in business operations, charging needs and home charging. The service also keeps business owners across new commercial models that are available in the market that may suit their business needs.

Looking to the year ahead, we will work to deliver the remaining eight nearer-term actions. In public charging, a streamlined licence application process for EV charging stations on public land will assist EV charging network operators to deploy chargers more easily in the ACT. Grant funding this year and in 2024 will support the rapid deployment of a network of publicly available EV chargers that Canberrans can rely upon.

EV charging in multi-unit developments is a challenging prospect for apartment dwellers. This year, we will enact a regulation in the new Territory Plan to require electric vehicle charging infrastructure for new multi-unit residential and commercial buildings.

Government will explore a range of options to enable existing multi-unit developments to become EV ready, ensuring that as many residents as possible have the opportunity to charge their EV at home when they are ready to make the change. This will make the decision easier for residents of units to purchase an EV, by providing the confidence that they can charge their vehicle at home.

The ACT government will continue to lead the way in its own fleet transition. Funding and technical expertise will be provided to all directorates to complete the passenger vehicle transition and begin the transition of the government's light commercial fleet. A strategic plan will be developed that will accurately estimate the cost of the transition of ACT government depots to support EV charging and will allow for collaboration across government to ensure that the transition is effective and efficient.

Commercial vehicle demonstration projects will enable the trialling of commercial vehicles ahead of wider adoption to ensure that they are fit for purpose to enable government to deliver its vital services. These demonstration projects will support the wider commercial sector by building the evidence base and providing confidence that light commercial EVs are fit for purpose and meet the needs of many business operations.

I acknowledge the Zero Emissions Vehicles Strategy implementation team and the many colleagues from across government who have been involved in the development and delivery of this nation-leading strategy. I am confident that, by continuing to work closely with the community, businesses and the zero emissions vehicles sector, we can deliver a smooth transition to zero emissions vehicles that will deliver lasting benefits to all Canberrans.

I present the following paper:

Zero emissions vehicles strategy update—Ministerial statement, 30 March 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Health—Digital Health Record—update Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.04): I am pleased to provide the Assembly today with an update on the Digital Health Record since it was implemented on 12 November 2022 across all ACT public health services, including Canberra’s public hospitals, community health centres and walk-in centres.

The implementation of the Digital Health Record is transforming the way clinical care is provided in ACT public health services. The single system tracks engagement with a community member and gives clinicians the information they need to help provide better care for patients.

The Digital Health Record has replaced approximately 40 existing systems that most clinicians used every day in their job. Those systems were responsible for 90 per cent of the data processing across the ACT public health system. The implementation of the Digital Health Record has now created a single secure health record that allows our highly skilled healthcare workers in the ACT public health system to input clinical information and to understand the whole patient journey relevant to their treatment and care.

Now when you go to an emergency department, walk-in centre or outpatient appointment, for example, the health professional is able to understand previous interactions with the ACT public health system. This is essential for the purposes of providing timely care and reducing the need for patients to tell their story multiple times.

Similarly, when you move from one part of the hospital to another, your information will support timely care and an understanding of what has occurred prior to arriving on the ward. This means that our doctors, nurses and allied health professionals can spend more time looking after our patients and less time looking for patient records.

Since its implementation in November 2022, many Canberrans have shared stories about the improvements in the information they can access through MyDHR. Test results, medications, discharge summaries and upcoming appointments are readily available to consumers, along with the capacity to book appointments, ask questions and receive messages. The app also links through to the healthdirect symptom checker and the ACT Health app’s waiting times for ACT emergency departments and walk-in centres.

In addition, reports have been received about how user-friendly the Digital Health Record is, with the transition from paper records to the Digital Health Record very much welcomed by many staff. However, I do acknowledge that this has been a significant change for some staff who have worked with paper records for most of their careers, while other areas had developed bespoke electronic systems and are now adjusting to the DHR.

From a patient safety point of view, the reduction in medication errors alone since the implementation of the Digital Health Record has shown the success of moving to a digital record system. Statistics generated regarding medication administration from 12 November 2022 to 11 February 2023 highlight: 428 medications were replaced after receiving a warning to check the dose; 6,651 medications were updated after receiving a warning that the drug contained an active or inactive ingredient that the patient is allergic to; 4,640 medications were removed after receiving a warning of a duplicate order; and 11,286 therapy orders were removed after receiving a warning of a duplicate therapy.

In providing these figures, I want to emphasise that medication safety safeguards have been previously in place, particularly through manual checking and reconciliation, but the efficiency of the DHR is saving effort, as well as increasing patient safety.

We are also seeing better access to information for patients in the way pathology results are now communicated, whereby 91.85 per cent of results are released to MyDHR within one day and become accessible to patients. In other words, more than 120,000 results have been sent directly to patients' MyDHR accounts within one day of the result being confirmed between 15 November 2022 and 23 January 2023. More than 20,000 patients have avoided additional blood draws because the Digital Health Record has made it possible for clinical staff to add tests to the list for blood that has already been taken.

MyDHR had more than 186,000 registered users prior to the launch of the Digital Health Record, largely due to the system being used for COVID-19 vaccination bookings and COVID Care@Home. Following the implementation of the Digital Health Record, more features were made available to registered users of MyDHR, allowing patients to manage their upcoming appointments, view test results and more.

As of 27 February 2023, there were 196,920 subscribers to MyDHR, indicating a continuous increase in the number of subscribers to MyDHR since the Digital Health Record was implemented. Of the patients seen in the ACT public health system since the implementation of the Digital Health Record, 34 per cent of them have an active MyDHR account.

In addition, patients with increased interactions with the public health system are using MyDHR more, with 40 per cent of patients who have had more than three interactions with the public health system having an active MyDHR account. Data also shows a high level of subscription to MyDHR in some schools and community health centres, with up to 83 per cent of patients seen in these facilities in January this year having an active MyDHR account.

The implementation of the Digital Health Record has improved patients' engagement with their health care and increased communication with the staff in their treating team. For example, patients submitted 7,265 history questionnaires in MyDHR to allow clinicians to provide better care; patients submitted 27,156 general questionnaires in MyDHR to allow clinicians to provide better care; 14,411 patients have consented to share their details with their GP; and more than 260,000 messages have been sent via secure chat amongst staff since the implementation of the Digital Health Record.

The implementation of the Digital Health Record is a big step forward in the way health care is provided in the ACT. In the future, it will also complement interstate shared-care arrangements with New South Wales. In November 2022, the New South Wales government announced that it had selected Epic to provide a state-wide single digital patient record system for the New South Wales Ministry of Health.

The implementation of the Epic system across New South Wales provides an opportunity for partnership arrangements that will support an integrated patient-centred healthcare system. While an initial implementation site has been identified by NSW Health as Hunter New England, we have been making the case that southern New South Wales should be the next cab off the rank to provide better integration across the ACT and surrounding region.

The implementation of the Digital Health Record will continue to deliver a transformation to ACT public health services and we will continue to realise these benefits into the future. But we also need to acknowledge the challenges in implementing such a large change. The DHR team is working closely with our health services to manage and monitor the continued implementation of the DHR. We are listening to the staff who have expressed frustration, whether on the front line or in the back-of-house data teams.

There are a range of measures in place to mitigate issues when they arise. For example, the ACT Health Digital Solutions Division is performing monthly updates and upgrades every six months, maintaining user access and working on optimisation requests to improve the workflow and add new functionality as required.

The DHR team is working with health services to complete interface and data field changes and improve the quality of reporting. This includes completing quality assurance on the data that is available to ensure it is validated for external reporting. This has proved to be challenging in some instances, as the way systems have been used in the clinical environment may be different to the way they were envisaged and built before go-live. We know it takes time with a new system to rebuild the level of data reporting capability, and teams continue to complete this work to ensure we can provide as much information as we can as part of reporting capabilities.

I am committed, as I always have been, to providing as much information as possible to the public to ensure that there is transparent information being given to the community about their public health services. We need high-quality data and evidence to inform all areas of thinking—whether it is a member of the community deciding on health service access, health policy decisions or clinicians looking at service trends.



We need to get this right, and that is what I have spoken about with the ACT public health services. Our data teams need to be given the space to do the work and obtain quality, trustworthy information.

In relation to personal health information, moving to the Digital Health Record has been a step-change for the security of health records and the way teams respond when they are advised of any privacy breach. When a privacy breach is identified, it is investigated with the highest priority and multiple teams are involved in a detailed investigation with the relevant health service. The investigation includes understanding the source of the problem, immediate rectification and proactively looking into any other patients who could have been impacted.

The move to the Digital Health Record means health records are even more secure. The ACT Health Directorate conducts independent cybersecurity reviews and independent ethical penetration tests to ensure that information is safe from external parties. This is part of the Health Directorate's comprehensive system security plan that identifies Digital Health Record risks and treatments.

Currently, the Health Directorate meets Australian Signals Directorate Essential Eight maturity level 1 and is targeting towards a maturity level 2. I am assured that the Essential Eight is the standard for cybersecurity and it means we have put in, and continue to put in, the right security measures for the private health information of ACT residents. The Health Directorate also runs daily and weekly vulnerability scans for the internet-facing applications, and privileged access management controls have been implemented to monitor third-party external access to the system. As part of ensuring that users understand their obligations, the ACT government has also developed new cybersecurity training for all staff and executive.

The Health Directorate has further implemented controls to restrict the filtration of data out of the MyDHR environment. For staff, access is via named user accounts only and shared accounts or generic profiles that are not directly linkable to a staff member do not have access to the system.

The Digital Health Record further identifies any misuse of information through: extensive role-based access controls across the Digital Health Record to control users' access to data, as well as capabilities to ensure that only the information relevant to the health worker is accessible; data export capabilities being tied into the role-based model to control and restrict reporting capabilities; undertaking system audits regarding access to patient records; and design of the system to proactively limit the potential for misuse.

Overall, the Digital Health Record compares better to previous systems by having these user-specific access controls, the increased ability to audit a single system or individual actions and a modern system that is built on current operating systems.

I know recent events have been particularly distressing for many in the community, and particularly those who need to access mental health treatment and care. I would like to reassure the community that specific work was completed to ensure sensitive information had additional protections in the Digital Health Record to ensure that this information remained protected.

The Digital Health Record is intended to make information more readily available to the healthcare team at the point of care. However, who can access this information is strictly controlled. Sensitive patient information, such as mental health or sexual health interactions, is stored behind something called “break the glass” functionality. This means that sensitive health records are in a secure area that clinicians can access only if they have a legitimate reason for doing so. Access to this information requires additional steps to just clicking on a record.

Although people cannot choose whether their information is held in the Digital Health Record, as it is a requirement of the health service, some sharing functions are optional. For example, people can decide if they would like to share detailed information from the Digital Health Record with external members of their healthcare team, such as their GP or private specialists. The Digital Health Record has been designed from the ground up with privacy and security in mind and with input from consumers, including mental health consumers, to ensure that the right protections are in place to address concerns about privacy and security.

Clinicians are trusted by consumers to act appropriately. However, in the instance whereby a clinician inappropriately accesses or uses information in health records, they are in breach of the Health Records (Privacy and Access) Act 1997. This may mean they can be subject to penalties within the legislation, which include imprisonment or fines. In addition to this, people who inappropriately access patient data can be taken to professional boards and lose their registration.

The implementation of the Digital Health Record has been an immense step forward in the way clinical care is provided in the ACT. It has not all been smooth, and we know there will continue to be bumps in the road for some teams; but the focus for the future of the Digital Health Record will be on working with all stakeholders to optimise the system and continually improve to ensure that public health services are supported through digital innovation to provide quality, person-centred care.

I look forward to providing further updates to the Assembly as our health services continue to embed and mature their use of the Digital Health Record.

I present the following paper:

Digital Health Record Update—Ministerial statement, 30 March 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Human Rights Commission Amendment Bill 2023**

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

Title read by Clerk.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.19): I move:

That this bill be agreed to in principle.

I rise today to present the Human Rights Commission Amendment Bill 2023—National Code of Conduct for Health Workers—which amends the Human Rights Commission Act 2005.

In 2015 the Council of Australian Governments—COAG—Health Council agreed to the terms of a national code and to each jurisdiction using their best endeavours to enact new, or amend existing, legislation and regulations, to give effect to the national code providing: a negative licensing regulatory regime that does not restrict entry to practice but allows effective action to be taken against a worker who fails to comply with minimum standards of conduct or practice; a set of objective and clear minimum standards against which to assess conduct and practice in the event of a complaint or serious adverse event; and an independent investigator to receive and investigate complaints about breaches of the national code.

The terms of the national agreement also established that the relevant commissioner in each jurisdiction would be responsible for regulating the national code. In the ACT that commissioner is the Health Services Commissioner. Since that time, the national code has been implemented in New South Wales, Victoria, South Australia and Queensland. Western Australia and Tasmania have passed enabling legislation.

The purpose of the national code is to protect the public by setting minimum standards of conduct and practice for all workers providing a health service, and to address the gap in the regulation of health services provided by those who are not registered under the Health Practitioner Regulation National Law. It establishes a guide for workers around safe, competent and ethical practice. As well as applying to unregistered healthcare workers, the code also applies to registered health practitioners who provide health services unrelated to their registration—for example, a nurse who also works as a naturopath.

While the vast majority of unregistered healthcare workers practise in a safe, competent and ethical manner, there is a small proportion of unregistered healthcare workers who present a serious risk to the public.

The passage of this bill will enable health services provided by unregistered healthcare workers to be subject to complaint and regulatory mechanisms, therefore capturing a broader ambit of workers that are required to act according to a minimum set of standards of practice and conduct, and will therefore increase protections for those receiving the health service or care.

The bill promotes the right to safe health services by setting a minimum set of standards of practice and conduct for unregistered healthcare workers. In particular, healthcare workers will have an obligation to not promise to cure cancer or another

terminal illness; not give false, misleading or deceptive information, or information which has not been substantiated; and provide accurate information and allow a client to make informed choices, to cooperate with other entities in the clients' best interests, and not attempt to dissuade a client from seeking or continuing medical treatment.

The bill proposes to exclude from the scope of the code ACT teachers delivering teaching services that they are registered to provide by the ACT Teacher Quality Institute, in accordance with the ACT Teacher Quality Institute Act 2010. Teachers are already subject to a robust regulatory regime, which supports the right of children to the protection needed. Therefore, to the extent that teachers might provide a health service under the Human Rights Commission Act, their conduct is already subject to regulatory requirements as a teacher.

Although the bill defines a healthcare worker for the purposes of national code implementation, it does not change the existing definition of health services in the act. This means it does not remove any existing capacity for individuals to make complaints to the Human Rights Commission regarding either health services or services for children and young people, and to have those complaints investigated and mediated in line with current arrangements, as appropriate.

The bill introduces a new Human Rights Commission regulation to give effect to the national code. The amendment to section 39 of the act will include a breach of the national code as an additional type of complaint which may be made to the Human Rights Commission about a health service. The Health Services Commissioner will have the function of the commission in relation to complaints in respect of breaches of the national code, as they do now in relation to health services complaints.

The bill then introduces a new division 5.3 of the act, which contains the additional functions of the commission to act against a healthcare worker who poses a serious health or safety risk to the public. As part of this, prohibition orders or interim prohibition orders issued in other states or territories that correspond to a type of prohibition order that can be made in the ACT will also be able to be enforced.

The code will apply to public servants; therefore public servants will be subject to all of the requirements described in the regulation. However, the bill recognises that the territory already has robust regulatory frameworks in place to maintain standards of conduct of public servants, including a code of conduct and entrenched mechanisms for managing breaches of the code of conduct and performance issues. Where there is a breach of the national code by a public servant, that public servant may also breach their obligations under the Public Sector Management Act 1994 or the relevant enterprise agreement.

The bill therefore outlines a separate process which may be determined under section 94D that will enable the territory to leverage the existing framework and mechanisms for the investigation of breaches by public servants who perform healthcare services as part of the duties of their employment. This will help to streamline consideration of the various issues forming the basis of the complaint and minimise any unnecessary duplication in consideration of a public servant complaint by the commission and as part of a misconduct procedure.

Six minor amendments are made to align the process for consideration of a complaint under existing part 4 of the act with the new functions and powers provided in the bill under new division 5.3.

Noting the significant changes to the act, the bill provides that the act commences on a day fixed by the minister by written notice. This will allow flexibility for a staggered commencement of the reforms to allow both government and non-government stakeholders sufficient time to prepare. If a provision has not commenced within six months, beginning on the notification day, it automatically commences on the first day after that period.

The bill has some minor engagements on the right to privacy and the right to presumption of innocence under the Human Rights Act 2004. The Attorney-General has reviewed the provisions of the bill and considers these to be aligned with the objectives of the ACT Human Rights Act. These engagements are further detailed in the explanatory statement as presented with the bill.

Since the COAG Health Council agreed to the terms of the national code in 2015, multiple rounds of community consultations have been conducted in the ACT. The first round of ACT public consultation occurred in 2018 and a second in 2019. While further consideration was placed on hold for a period, largely due to resources being diverted to the COVID-19 response, targeted stakeholder engagement was undertaken in 2021 and 2022. On 24 January 2023, I hosted a targeted consultation roundtable with key industrial and consumer organisations, including the ACT branches of the Community and Public Sector Union, Australian Education Union, United Workers Union, Health Services Union, Health Care Consumers Association, and Professionals Australia. Input from all stakeholders has informed the amendments proposed in this bill.

In summary, this bill, as with the regulation of health professionals under the National Registration and Accreditation Scheme, aims to protect the public, particularly those who have accessed health services delivered by workers whose practice does not meet the national minimum standards of conduct and practice. Currently, there is minimal and inconsistent regulation of unregistered healthcare workers. For example, some healthcare workers currently operate without reference to any mandatory codes of professional conduct. There is a positive need for the national code in the territory to protect the community and remove gaps in the professional regulation, skills and credentialling of workers.

This is a significant bill, and the Attorney-General has considered the bill and issued a statement of compatibility with the Human Rights Act 2004. Any limitations on human rights are justifiable as reasonable limits set by laws in a free and democratic society, as required by section 28 of the Human Rights Act. Importantly, the bill also supports and strengthens the protection of several rights under the Human Rights Act.

The presentation of this bill represents the culmination of significant work over almost a decade by many people. I would like to take the opportunity to express my thanks to all those who have contributed to the development of this bill, including the Health Services Commissioner, the Health Care Consumers Association, staff across the ACT public service, particularly in the ACT Health Directorate and the Chief

Minister’s directorate, and our union partners. I also particularly want to thank Ben, in my office, for the hard work that has gone into coordinating all of this feedback and input, culminating in the presentation of this bill.

This bill will protect the community, align the ACT with other jurisdictions, and ensure that Canberrans can have greater confidence in the health services they receive from healthcare workers who are not registered under the national law. I commend the bill to the Assembly.

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

## **Justice and Community Safety—Standing Committee Reference**

**MR HANSON** (Murrumbidgee) (11.30): I move:

That:

- (1) this Assembly notes that:
  - (a) in 2013, the ACT Government removed \$15 million from the budget for ACT Police;
  - (b) at that time, the Australian Federal Police Association said ACT Policing could not be expected to provide the same level of policing service, saying “Canberra is a growing city that requires increasing police services, not less.”;
  - (c) despite claiming in 2019 that the ACT Government would make a “record investment” and recruit “69 new officers in the coming years” the number of ACT police sworn officers has actually fallen;
  - (d) in their 2021 budget submission, the Australian Federal Police Association said “The Association has been continuously drawing the Government’s attention to under-resourcing – both for staff and infrastructure – for a number of years.”; and
  - (e) in 2023, the Chief Police Officer stated, “the number of police we have currently needs to be increased to meet current and future demand”, and also “there is not just needed to be a conversation about numbers, but also about equipment and resources...we need to ensure we have fit-for-purpose infrastructure.”;
- (2) that this Assembly refers the matter of resources for ACT Police to the Standing Committee on Justice and Community Safety to inquire into the current and future requirements for ACT Police, including but not limited to funding, personnel, equipment and infrastructure; and
- (3) the Committee report back to this Assembly no later than 29 June 2023.

Members, what I will be saying today has been said, in many cases, many times in this place over the past couple of years. But what we are doing today provides us with a way forward. The facts have been pretty well established and the case has been made about police resourcing.

What today gives us is a way forward because, ultimately, what we have seen from this government is a denial that there is a problem and a refusal to act. It is only since

the Chief Police Officer lost his patience and came out and made the comments he did a few weeks ago that this government has begrudgingly acknowledged that there is a problem.

I will remind members how dire this has become. This started as a problem when this government cut the budget of ACT Policing—just like the hospital budget that was cut. What happened is that, when we went through the 2012 election, there was a dirty deal done, a power-sharing agreement done, by the Labor Party and the Greens. Since then we have seen a decade of decline across the board and, in particular, in police.

They cut \$15 million out of the budget in 2013. If you do not believe me, let me quote from a press release, which says:

The government will rip more than \$15 million in savings from the territory's police force, prompting union fears over the jobs of up to 45 officers.

The \$15.36 million, which the government assures will not affect the force's front line, will be deducted from ACT Policing's annual budget of \$150 million over the next four years.

The government has been accused of hiding the cuts in Tuesday's budget—

sneaky of them, was it not?—

which was sold as providing a 'Safe and Secure Canberra' and bringing 'More Police and Firefighters'.

... the Australian Federal Police Association has warned the cuts, while having minimal impact at first, would begin to bite in the final two years.

Of course, the government denied that. But we have the proof in the pudding now, having listened to what the Chief Police Officer has said.

At the time, the AFPA Chief Executive Dennis Gellatly said:

ACT Policing could not be expected to provide the same level of policing service to Canberra.

Canberra is a growing city that requires increased police services, not less.

Mr Gellatly, a former senior ACT Police officer with considerable experience, said that the compounding effect of the savings would hurt ACT Policing:

We believe the Canberra community should not accept a compromised police service.

Members, that is what happened. Just like in health, you get through the 2012 election and then there is this power-sharing agreement, the dirty deal, that was done between the Labor Party and the Greens—anything, any cost, any price to get this mob to stay in power. The pain has been felt across our Canberra community and you can see it here in police. They get into power and the first thing the Greens do is defund the police—"Let us start defunding the police." That is what has happened.

On defunding the police, the government said back in 2019, “No, we are not defunding the police. We are going to put some extra police in the budget.” In the budget we were promised 69 new police and \$34 million was appropriated for more police in the budget. Mr Gentleman was spruiking that. He said:

By making this investment and recruiting 69 more staff over the coming years, the Government will help our police officers meet evolving community needs, tackle new and emerging crimes and be more active and visible in the Canberra community.

Does anyone believe that that has happened? Do you think that the police have been more active and visible in the Canberra community? Have they been up there in Gungahlin? I am sure Mr Milligan is going to have some words to say about that. They certainly have not been more active and visible in Weston Creek or Woden or Tuggeranong or elsewhere in the Canberra community.

So where are these new police officers that Mr Gentleman promised? Where is this more active and visible police force that we were promised? Why are they not able to meet community needs?

Since they started their dirty deal, the power sharing agreement—or the ‘pact of pain’ as it is referred to—what has happened? We have gone backwards. In the ACT policing annual report of 2012-13, there were 708 police. If you look at it now, you see that there are 691. Over this decade of decline—after the ‘pact of pain’ was signed—what do we find? Fewer police now than a decade ago, despite the fact that the population has increased by 70,000 people.

We do not have enough police, and they do not have enough resources. We know why it is. It is because of the ‘pact of pain’ that was signed between the Labor Party and the Greens—who we know, from what Mr Braddock says, want to defund the police. He said it in this place. He said in this place that the more police you have it leads to more crime. Actually, it might lead to more criminals being caught and convicted. But, in Mr Braddock’s warped world view, the Greens’ warped world view, you want to defund the police because police cause crime. That is what they think. And, because the Labor Party are so desperate to stay in power—they are so keen to maintain their power-sharing arrangement and their ‘pact of pain’ on the ACT community—we have seen a decade of decline in ACT Policing.

But do not just take my word for it; let us see what the Chief Police Officer has said. He said:

The population of the territory has risen 19 per cent in the past 10 years while police numbers have fallen by 0.7 per cent in raw terms ... so we have actually gone backwards. We need to do something about that.

That is so true. We have gone backwards over the past decade. It is true. The Chief Police Officer is saying it. Maybe those opposite will get up and call him a liar or say, “No, that is not true,” but the top cop in Canberra is saying that we have gone backwards over the past decade. And we know why, do we not, members? We saw it playing out on Tuesday—that this mob will do anything and inflict any sort of pain on



the Canberra community to keep themselves in power. Their dodgy little deal is causing pain across the board for the Canberra community.

**Mr Parton:** Put Braddock in charge of police.

**MR HANSON:** In essence, that is what is happening. It might not be Mr Braddock actually in the chair, but we know that Mr Braddock and his mates are pulling the strings. We know that the Greens are pulling the strings. Dr Paterson is having a bit of a chuckle over there because she knows it is true. She knows that these Greens run the show and that it is Mr Gentleman defunding the police by stealth.

But why did they do this? They wanted a tram. We have a nice shiny tram; I grant you that—a lovely shiny tram. We have got billions being put aside for the next leg of the tram and, meanwhile, we are defunding the police.

I will quote from an article that talks about what the Chief Police Officer has said. The article reads:

He said ‘crime rates were not the whole picture, outlining a more complex policing environment with more suicides, domestic violence and mental health issues that were taking a toll on his officers.

There is not just needed to be a conversation about numbers, but also about equipment and resources.

So the Chief Police Officer has said, “We need to have a conversation about police resources, about numbers and about equipment.” Well, that is what I am saying here today: let us have an inquiry; let us have that conversation. I agree with the Chief Police Officer, but those opposite do not. Let us have that conversation.

But the last thing that the government want to do—with the ‘pact of pain’ that has been inflicted on the Canberra community—is have a conversation about this, because it might actually highlight the fact that we have had this decade of decline, with a reduction in police numbers, degrading facilities and a lack of equipment. They do not want that exposed. They would rather that the defunding of the police be done behind closed doors, in their little deals behind closed doors with the Greens, where they sign up to trams but also sign up to cutting police numbers.

If you do not believe me, look at the budget from 2013 when you started your ‘pact of pain’ and actually started inflicting this pain on the Canberra community. The first thing you did was come in here and cut \$15 million out of the police budget.

The article continues:

Deputy Commissioner Gaughan warned that Canberra was no longer a Sleepy Hollow and was experiencing crime in all areas, including across the border in Queanbeyan where there were now 60,000 people.

We also know that the federal police commissioner got so frustrated about this that he commissioned a report into the needs for ACT Policing. That research shows that greater numbers in the force are required. So there is independent modelling that has

been done and this report has been provided to the Federal Police. I have asked for that—I want a copy of that report—but that is a secret report. They do not want that released—a bit like the details for the tram, which are secret.

It seems to be that the only thing that this government releases is patients' private health records. They will not give you the facts about the tram and they will not give you the facts about reports on what is going on with the police. But, if it is patients' private health records, they seem to be readily available from this government. We need to have a look at that modelling. We need to understand what it is.

I will quote from another article, called 'A workforce that is clearly suffering', which says:

... the ACT Chief Police Officer again has pitched strongly for an increase in extra funding and more police numbers, expressing his concern for how workload demands are resulting in a health impact on his officers.

Deputy Commissioner Gaughan said his biggest concern was how the pressure of an understrength workforce was causing internal health and welfare stress issues.

"We're seeing health matrices around our workforce deteriorating," he said.

So the health of their workers is deteriorating. That is what has happened under this mob over the past 10 years.

So, when I say there has been a 'pact of pain' causing this decline, the Chief Police Officer is saying that. His officers are experiencing 'internal health and welfare issues'. These are ACT government workers and they are, in the Chief Police Officer's words, experiencing 'internal health and welfare stress issues'. But do the government care? No. As long as they have got a tram then the police can stay in this state of distress, as far as they are concerned.

The article continued, quoting the Chief Police Officer as saying:

They are not taking as much leave as they should, they are doing more overtime than they should, and there's more unexplained absences so there's more people taking sick leave.

So for me not only is it an issue of demand and supply, we've also got a workforce that's clearly suffering.

The police of this territory are out there working on our behalf and, as a result of the deliberate decisions of the Greens-Labor alliance to defund police—because that is what has happened—we have, in the Chief Police Officer's words, 'a workforce that is clearly suffering'.

It is not just the Chief Police Officer and his very powerful words; you can actually see the facts when you go to annual reports, when you go to the report on government services, when you look at the numbers here per capita and when you look at the funding per capita. It all shows what has happened.

When you look at what has happened, you might ask yourself, “Why is it that in this jurisdiction over the past decade we have defunded the police, that we have cut police numbers, in raw terms and in real terms? Why is it that the police, in the Chief Police Officer’s words, are suffering?”

It is very clear that the point that this happened was following the 2012 election, when the Greens party and the Labor Party got into their dodgy little deal—their ‘pact of pain’—and, in their first budget after that, they cut \$15 million out of the police budget and started that process of defunding the police. What they also did—just as they took \$400 million out of health—was put a whole lot more money into the tram. So, if you are looking for a reason that the police are suffering in this town, that is why.

We now have got a path here before us. We can fix this problem. We can get together and fix this problem. But we know that the Greens party and the Labor Party do not want that to happen. So they will shut this down. They will combine together and they will continue to defund the police—even if they promise to put money into the next budget, just like they did in 2019. It is a sham.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.45): I would like to commence my contribution by expressing my thanks and the government’s appreciation to everyone who works in our territory’s policing services for their continued efforts in keeping the ACT community safe.

Policing is at the forefront of the response to some of the most significant challenges that we face as a community, and the officers of ACT Policing face daily risks in keeping us safe. This is especially relevant to us today after the challenges of the past few years. So I would like to take this opportunity to acknowledge the families and friends of ACT Policing—and the staff—who make sacrifices for the community by supporting their loved ones, and who give up time with them as they deal with the pressures that policing work involves.

Yet, here we are again back at this familiar story—one that involves the opposition continuing to try to erode community confidence in our police force; one that involves them ignoring the huge trust and value we place in our police officers; and one that is rooted in pushing their own agenda. It is shameful and needs to stop.

As highlighted by the Chief Minister on Tuesday, this is the same opposition that continually votes against increases in service delivery to the ACT community; that votes against pay rises for the public service workers; that votes against important programs that deliver benefits to those sectors of the ACT community most in need; and that famously promised during the election to increase government spending whilst also decreasing government revenue.

With that in mind, it may come as no surprise that I refuse to take advice from those opposite on how to best fund our police force. It also will be of no surprise that the government will not be supporting Mr Hanson’s motion. This is just more scaremongering from the Canberra Liberals. It is the same old story.

The budget documents show that from 2013-2014 to 2016-2017 ACT Policing's annual operating budget not only remained above \$149 million but increased by just over \$6 million from \$149,966 million in 2013-14 to \$156,866 million in 2016-17.

The government and ACT Policing are striving to make Canberra an even safer place to live—and we will continue to do this. That is why the government continues to resource and support ACT Policing through a provision of \$203.2 million in 2022-23 to fund ACT Policing services. This is almost \$17 million per month.

The 2022-23 budget provides critical funding for a number of initiatives that will enhance policing capabilities for the ACT. These initiatives include \$3.839 million over four years to bolster the Sexual Assault and Child Abuse Team within ACT Policing to increase the level of service to the community. This is part of ACT Policing and the government's continuing efforts to improve the justice system response to sexual assault.

There is \$2.522 million over four years to enhance ACT Policing's response to serious and organised crime, including criminal groups, drug trafficking and supply within the ACT through the establishment of the Joint Organised Crime Task Force. This initiative builds on previous government investments into frontline policing services, including Task Force Nemesis and Specialist Protective Service.

There is \$0.444 million to extend the second team for the Police, Ambulance and Clinician Early Response, or PACER, program for a further 12 months. This initiative builds on funding provided in 2021-22 as part of the COVID-19 response—the mental health support package to support the delivery of additional mental health services to Canberrans affected by the COVID-19 pandemic and associated lockdowns.

There is \$0.263 million to continue to support law enforcement and mental health professionals in ACT Policing and Canberra Health Services, to assist with the identification of fixated threats to government officials and the ACT community. This initiative builds on the government's investment in the ACT police service model, which includes building capability to support a national approach to assessing and managing fixated threats.

This investment in ACT Policing has built upon the 2021-22 budget, in which ACT Policing was funded for a total of \$196.5 million, including \$17.9 million for new initiatives. These new initiatives provided funding for such things as the COVID-19 Public Health Response, Specialist Protection Services, radio communications capability and supporting the ACT Policing enterprise agreement.

The 2019-20 budget provided a significant investment of \$33.9 million over four years to support a transition to a more prevention- and community-focused police services model. This investment laid the foundations for ACT Policing to transition to a community- and crime prevention-focused model of policing through being: intelligence led, by using intelligence to inform systematic decision-making at both the tactical and strategic level; evidence-based, by generating and using data, research and evidence to inform and challenge policing practices and decisions; mobility driven, by improving the responsiveness, efficiency and availability of professional

and sworn members of police through technology, governance and processes; systemic, by collaborating with other agencies, community organisations and active members of the community to share information and identify opportunities for early intervention.

The police services model aims to support ACT Policing to target resources where they are used most effectively, conduct focused crime prevention activities and work with partners to address the root causes of crime. This initiative increased ACT Policing FTE by 69 and permanently increased the ACT Policing base budget by \$14.9 million from the 2022-23 financial year onwards. I am currently working with the Chief Police Officer about what the second stage of the PSM could deliver from the 2023-24 financial year and into the future, and how the government may support this.

The ACT government has also provided considerable funding towards improving facilities that ACT Policing occupy, including \$3.2 million in 2020-21, \$9.3 million in 2021-22 and \$6.8 million in 2022-23.

So, as you can see, the ACT government has injected record funding into ACT Policing. May the record show that. As a result, ACT Policing's workforce continues to grow and welcomes new members, with 42 recruits joining in the previous year. The deployment of these new recruits is delivering on our commitment to grow police numbers across Canberra. Indeed, I note that in its annual reports over the year 2015-16 through to 2020-21, despite some fluctuations, ACT Policing reports an increase of 94.39 in its average FTE.

As the opposition well know but choose to ignore because it does not fit their attempts at political pointscoring and scaremongering, police numbers in the ACT cannot easily be compared to other jurisdictions—and this has been quoted by the CPO—which cover a much wider geographical area. The ACT is a unique jurisdiction, not only in its size but also because much of it is metropolitan, where resources can be more easily moved around.

Record investment through phase 1 of the new police services model has delivered over 60 additional staff and has enabled more police to be on the streets. The ACT government has, and will continue to, review ACT Policing resourcing as the territory grows.

In February this year the ABS released the 2021-22 *Recorded crime – offenders* publication, which provides an overview of offenders during 2021-22. This report provides the ACT government and ACT Policing with an overview of offenders in the ACT in comparison to previous years and other jurisdictions. It is a useful tool in understanding the criminal landscape in the ACT and monitoring long-term trends.

Pleasingly, the 2021-22 *Recorded crime – offenders* publication shows that there is a long-term downward trend in the ACT total offender rate, falling from 1,131.8 per 100,000 in 2008-09 to 585.7 per 100,000 in 2021-22. This is the lowest offender rate in the country. It also shows that ACT has recorded the lowest offender rate across all states and territories annually since 2008-09—thanks to the work of ACT Policing.

The publication also shows that the government and ACT Policing's commitment to reducing young offending has yielded results, with the overall youth offenders in the ACT decreasing by 14 per cent when comparing the 2021-22 results to the year before. Youth offenders have decreased by 77 per cent since the start of the *Reported crime – offender* series in the ACT.

Furthermore, the ABS *Crime victimisation, Australia 2021-22* report, also released in February this year, shows that reporting rates for all personal and household crimes remained relatively stable in the ACT between 2020-21 and 2021-22. Victimization rates for physical assault in the ACT continue to drop and are below the national average. These statistics point to the strength of the arrangements and the services provided by ACT Policing to the Canberra community.

The ACT public service and ACT Policing have worked dynamically through the challenges of the past couple of years to ensure the continued safety of the ACT community. This has been evident in all areas, including health, community services, road safety, emergency services and security. Through the collaboration between the government, ACT public service and ACT Policing, we will continue to enhance the overall community safety and wellbeing of all Canberrans.

Once again, I would like to thank all ACT Policing staff, both frontline and enabling, for their contribution to make this one of the safest communities in the world. The government will not be supporting Mr Hanson's motion.

**MR MILLIGAN** (Yerrabi) (11.57): Thank you, Mr Hanson, for once again bringing this important motion to the Assembly. It seems like Mr Hanson is raising this issue quite often and the government does not seem to be listening. So, once again, thank you for bringing it again here today so we can raise these important issues that are affecting our community.

Of course, my concerns relate to the Gungahlin Joint Emergency Services Centre. I have spoken several times over the past six years and again earlier this year about the need for this government to finally do something about the overcrowding at this facility. As Mr Hanson's motion highlights, in 2013 we already knew that Canberra needed more police resources and more personnel.

Ten years ago, everyone in this place knew that Canberra was, and it still is, a growing city that requires and deserves more police services, not the same number and certainly not less. I have heard many reports of police officers being relocated from other areas around Canberra due to shortages, and this is particularly the case in Gungahlin. Instead of this government employing and recruiting more officers, this government is pooling resources from other areas to cover these shifts, and this is just one of the impacts of the lack of resourcing and investment into the police department.

Minimal resourcing also impacts the welfare of police members, including increased stress on families, increased incidences of sick leave, impossible work-life balance, and a greater uptake of AFP welfare services. The Australian Federal Police Association's 2021 report budget submission mentions that the association has been trying to draw the government's attention to the under-resourcing in both staff and infrastructure for many years. It should come as no surprise that earlier this year the

Chief Police Officer confirmed that the current number of police must be increased to meet the existing and future demand for our community.

I find it frustrating that again we stand here today calling on the government to listen and to invest in our police and emergency services. I also find it ironic that a member of this government currently has a petition in their name that is calling on the government to invest in a new police station and increased police resources for the Gungahlin district.

**MR HANSON:** Is it not?

**MR MILLIGAN:** It is, gentlemen. This petition, sponsored by Mr Pettersson, acknowledges that Gungahlin is the fastest growing district in the ACT and it also acknowledges that the standard patrol team should include a sergeant and eight team members; but it is common for these teams to have just one sergeant and as few as four members due to the lack of resources.

**MR HANSON:** Are you sure it is not a Braddock petition?

**MR MILLIGAN:** No. I am sure Mr Braddock would support it as well, but the government is certainly not listening. I know that Yerrabi residents want to feel safe and see a significant increased police presence. The Gungahlin police have a big beat, which extends to ACT boundaries on several sides and consists of many spread-out suburbs. The Joint Emergency Services Centre has to cover 18 suburbs, two large and multiple smaller shopping centres, and a commercial district.

This government is well aware that the police and emergency service sectors are understaffed, underfunded and need urgent attention. A member of their own has seen it necessary to start advocating on this issue. I find it hard to accept that this member, who is now advocating for more police and better resources, is also the member who introduced the bill in this parliament, which has since passed, to decriminalise small amounts of narcotics on a person. You would think that this may make it harder for our police officers to do their job, dealing with a potential rise in narcotics abuse.

I support Mr Hanson's motion for calling on a standing committee to inquire into the current and future requirements of ACT Policing. I think all of us on this side of the chamber support that and see that it is definitely needed. But why is it not surprising that the government will not be supporting this motion and will not be supporting an inquiry into a matter that is certainly desperately needed? The question is, really: what have they got to hide?

**MR BRADDOCK (Yerrabi) (12.02):** I am not sure whether I should thank the Canberra Liberals for attributing so much influence to me and such omnipotent presence in this government. Listening to them, I lurk under every bed and behind every single budget decision.

There appears to be an obsession from the Canberra Liberals about police resourcing. This is, in fact, the fourth time we have debated it over the past three sittings. They clearly have a view that the purpose of law is to catch and lock away people for wrongdoing. They want to prevent crime using fear as their primary tool.

The Greens position could not be more different. We believe that the purpose of the law is to help reform poor behaviour and encourage people to build better communities. We believe in justice reinvestment that makes examples of people and how they can do better. We believe in the prioritisation of alternatives to these traditional judicial processes, ones that look beyond mere simple police numbers, ones that instead target the social determinants of crime and try to build a better normal.

*Mr Parton interjecting—*

**MR BRADDOCK:** Yes, Mr Parton, to be kind would be a very good idea for you right now.

In case this is not obvious, the Greens will be opposing Mr Hanson's motion. It is completely unsurprising that the Police Association is calling for increased resources. After all, it is in their interest to increase police numbers and, hence, their membership, so I take that call with a grain of salt.

Contrast that against this week's report from the Justice Reform Initiative. They have reported on the state of incarceration in the ACT and draw particular attention to our difficulties with recidivism. They observe that over a third of prisoners return to prison within two years. Simultaneously, it applauds the work being done in the ACT to build communities rather than prisons. It calls on us to strengthen those commitments to restorative justice, to the reintegration of former prisoners, to making early interventions with vulnerable people and to empowering First Nation communities to lead their own responses. They explicitly advocate against being tough on crime.

Over-policing any community group may be efficient in the short term but ultimately creates far more complex and challenging problems in the long term. It erodes trust between the police and the community, exacerbates disadvantage, reduces the likelihood of rehabilitation and can result in overcharging and overincarceration. Excessive targeting of previous offenders to keep them before the courts and/or in prison does not address the long-term determinants of crime. The solution is not more boots on the ground; it is public housing for people to live in, it is education and employment opportunity, and it is access to mental health services.

I do not see how giving the police more resources would help with any of those aspects. In fact, there is evidence from the Strong Connected Neighbourhoods program that good investment in community programs actively reduces the demands on police time. This is consistent with the findings of a 2018 paper by the Australian Institute of Criminology. In investigating the return on investment of preventative crime models in Victoria, they found:

The net return from the \$150 million investment in prevention was conservatively estimated at \$191 million. It appears feasible and cost-effective to prevent intimate partner violence, while also reducing incarceration rates.

Mr Hanson, in his motion, refers to the AFPA submission to the budget. He might have looked, too, at the Alcohol, Tobacco and Other Drug Association submission, which observes more recent Australian Institute of Criminology research that finds



specialist drug treatment services provide a return on investment of \$5.40 for every dollar investment and that similar studies around the world are reaching similar conclusions.

Police time is inherently more costly to the ACT budget and the ratepayer than alternative approaches. In the 2020 election costing parameters, it was identified that the total cost of employing a police constable was \$185,000 per annum. I would like to note that this is at least 1½ times more expensive than a social worker. This is the simple economics of paying for specialist police training, higher workers compensation arising from the stressful and physical work environment, and shift work, and does not even include the cost of equipment such as radios, uniforms, protective equipment and specialised vehicles.

Surely social workers are better for addressing the issues of mental health, suicide and family violence, which Mr Hanson was referring to in his speech as taking up police time. The ACT government has committed over \$800 million over the next four years as part of the ACT Policing purchase agreement. That is a significant amount of money that the ACT government should manage wisely. It is materially cheaper and far less intimidating to have social workers helping families and supporting vulnerable people so that issues do not escalate to the point where a police officer is required.

We will need more police officers as the population of Canberra grows, but, where there is a proven, more effective and economically smarter way to prevent crime in the first place, an economically responsible government would be wise to prioritise it over conventional policing.

I would note that Mr Hanson, in his speech, asked the question: where are these police? Maybe Mr Hanson is not attending the community events that I am. For example, just the other week at a Holi festival I saw the police reaching out to a multicultural community to establish relationships that will help address crime before it eventuates. Residents do want to feel safe. If we look at the *RoGS* data, which Mr Hanson loves to selectively take statistics from, it shows Canberrans do feel safe. They feel safer than the average Australian.

I mentioned earlier a recent report from the Justice Reform Initiative into how jailing is failing. The initiative's ACT patrons include Kate Carnell and Gary Humphries—successful Liberal leaders who served as Chief Ministers. Mr Hanson would be wise to model himself in the footsteps of these small-l liberals. To match a progressive jurisdiction like Canberra, he should look at evidence-based solutions to complex problems rather than beating a simple law and order drum straight out of the old playbook.

The Greens will not be supporting this motion.

**MR HANSON** (Murrumbidgee) (12.10), in reply: Mr Braddock does not really like the police, does he? I think that is what we learn out of this. He thinks they are a waste of money. He thinks that there are much better ways to spend your money. He listed a few. If he thinks that, if he thinks that police resources are wasted, is it not a good idea to have a committee inquiry and Mr Braddock and the Greens, his fellow comrades on the hard left, can put that position forward? He can say, “We think this is all a waste

of money. We should have fewer police,” and, as he has said before in this place, “The more police you have leads to more crime. This is a hard right-wing position, saying that you actually want more police.”

The Chief Police Officer must be a hard right-winger, then, because he has called for more police. Anyone who has ever put in more police, like Mr Gentleman did in the budget, must be a hard right-winger now! How rotten has this government got that its own members stand up in this place and say, “Extra police are a waste of money, and, if you want more police, you are a hard right-winger”? Well, let us see if there are any more police in the budget coming forward, because, if there are, that is a hard right-wing position from this government.

Mr Gentleman stood up in here, and his speech was classic Mick, to be honest. He started with, “I would like to thank the police and the frontline staff,” and all the rest of it. But the police out there are suffering. That is the language used by the Chief Police Officer—that they are suffering. Instead of standing up and saying, “I hear you are suffering, I hear your pain, and I understand what you are confronting in terms of overtime and leave and mental stress,” he said, “Thanks very much for the work that you do,” ignored the fact that they have said that they suffering, and then went on a campaign to say this is somehow the opposition’s fault! It was very strange that, perhaps because we had not supported the budget in 2013 that cut \$15 million from police, it was somehow the opposition’s fault that we have fewer police now than a decade ago. He took absolutely no responsibility!

I will make the point again, members, that since you got into bed with people like Mr Braddock, who thinks that police should be defunded and thinks that the call for extra police is a hard right-wing position, and since the Labor Party—which used to be somewhat sensible—got into bed with the Greens, what we have seen is the political view that police are somehow some sort of right-wing conspiracy and having more police has led to more crime. According to the Chief Police Officer, according to annual reports and according to the Productivity Commission, it has led to a decline in the number of police over a decade.

The 2012 “pact of pain”, the dirty deal that was signed between the Labor Party and the Greens, the power-grabbing agreement, has led to a decade of punishment for Canberrans and it has certainly led to a decade of punishing our police! The only people that have been rewarded out of this, to be frank, are the Labor Party, who stay in power, and the Greens. They are pretty happy in this place. They get their ministries, they get everything that they want, they maintain their power, they get the policies enacted that they want—the tram, most notably—but our patients, who wait longer in ED than anywhere else because they cancelled \$460 million of health spending, and our police, because we have now have the lowest number in Australia and less than we had a decade ago, are now suffering under the government.

Labor backbenchers know this. Dr Paterson gives me a wry smile because she knows it. Do you remember when Dr Paterson went out in the community, on her social media, and said, “Yes, we do need a review into our justice system”? She agreed with Tom McLuckie. She accepted that it was failing and that there were problems. She said, “Yes, we need a review.” That is a win. She did what a good Labor member should do, which is listen to the community, acknowledge their concerns and speak up

for the community. That is what a good Labor member should do. Then she got into this place and she was reminded: “No. Stop thinking about the community, stop thinking about what is best for the people of Canberra, and remember that what matters is the power-sharing agreement. This is going to upset Mr Rattenbury. You cannot upset Mr Rattenbury. Please, Dr Paterson, do not say this. It is going to upset Mr Rattenbury and you know that we cannot do that. So, Dr Paterson, please, forget that you are meant to be a good, hardworking Labor member out there. Remember that all that matters is to maintain the pact of pain. Keep punishing the people of Canberra. That does not matter, as long as you keep the Greens happy.”

It is interesting. Mr Pettersson, in Gungahlin, has a petition calling for more police resources in Gungahlin. Is that not great? Is it not good? He is going to come in here and vote against this. Out there in the community, there they are: “I am a good Labor member. I will stand up for my community. I will do what Labor members do.” And then they come in here and they are reminded: “Look Michael, we understand that out there you have to pretend that you are a good, solid, hardworking Labor member, but in here remember you do not want to upset the hard leftist position of the Greens. We have to keep this pact going, and remember that Mr Braddock does not like the police. Mr Braddock thinks they are a waste of money. Mr Braddock thinks the more police you have actually leads to crime. We do not want to rock that boat.”

We will be very interested to see if Mr Pettersson will come in here and actually support this. He has a petition. He is sponsoring a petition, is he not? He thinks it is a good idea. Obviously, he is in touch with his community, is he not?

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.*

**MR HANSON:** Mr Gentleman, I could feel the pain that you experienced in moving that the time allotted be extended! I have only got two minutes left to speak, though, so I will conclude. I think I have made my point.

It is actually disappointing that this very serious issue of police resources is not going to be looked at. There might be different view out there and there might be different views within the Assembly, but what is very clear is the Chief Police Officer has said that his staff are suffering and it is evident that there is a lack of police resources in this town. This would afford us an opportunity to look at this in a tripartisan way and put our decisions forward so that we could actually have it as a useful body of work to present to this government, but once again the Greens-Labor power-sharing agreement has taken precedence over our community. In this case, it has taken precedence over our police.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 8

Noes 15

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

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.

## Planning, Transport and City Services—Standing Committee Reference

**MS CLAY** (Ginninderra) (12.23): I move:

That this Assembly:

(1) notes that:

- (a) across Australia, we are experiencing a housing affordability crisis and the ACT Legislative Assembly has declared a housing affordability crisis here;
- (b) the ACT's population continues to grow with a current population of about 460,000 and new predictions of an increase of approximately 330,000 to 784,000 by 2060;
- (c) Canberra requires a variety of housing choices for its growing population. We also need housing options that are affordable, accessible, climate wise and meet our needs as we move through the life cycle. The ACT Government's consultation on Housing Choices in 2018 recommended a mixture of dwelling sizes and dwelling types including co-housing, shop top living, aging in place, loft-style, courtyard, terrace and manor houses, and allowing separately titled dual occupancies in RZ1 areas (RZ1 is 80 percent of residential zoning in the ACT and is the lowest density). The Housing Choices consultation identified the "what" of missing middle (or medium density) housing. It did not address the "how";
- (d) the ACT Government has trialled different densification models in the last few years and there are opportunities to analyse the lessons from these initiatives in relation to broader changes;
- (e) while many in the community express a desire for different housing choices, the market is failing to deliver these and the ACT planning system has struggled to facilitate a variety of housing choices for Canberra's growing and changing population; and
- (f) how our land is zoned impacts on the ability to provide for a variety of housing choices, including "missing middle" housing options. Zoning can also influence other important factors including affordability of housing options;

- (2) further notes that:
- (a) the ACT Government declared a climate emergency in 2019 and is committed to taking action on climate change;
  - (b) climate science and recent Intergovernmental Panel on Climate Change reports make it clear that less urban sprawl and more high quality, climate-resilient infill is needed along transit corridors that are well-serviced by public and active transport, and co-location of jobs and housing to achieve compact urban form;
  - (c) the ACT Government has committed to at least 70 percent of new housing development to be within Canberra's existing urban footprint, with an ambition to increase this share. The ACT Greens have committed to a minimum 80 percent of new housing development to be infill within Canberra's existing urban footprint and to set city limits and stop unending urban sprawl;
  - (d) over this parliamentary term, the ACT Government has introduced a range of initiatives to ensure that the planning system responds to the need to ensure that a more compact city also prioritises living infrastructure and green space – recognising the importance of these measures to deliver a more liveable city in the context of a warmer and drier climate, both in the public realm and on private residential land;
  - (e) the ACT Government commenced the ACT Planning Review and Reform Project in 2019, and has extensively consulted on a future Planning Bill, Territory Plan and District Strategies for the Territory. This has further extended the conversation in the community regarding how medium density housing can be delivered in Canberra with draft proposals to change dwelling density policies in residential zones, identify areas for further investigation and clearly consult further on whether more single residential homes should be built through increasing dual occupancy developments on RZ1 zoned land;
  - (f) the ACT Planning Review and Reform Project provides a unique opportunity to address how we provide for medium density housing, the “missing middle”, in the ACT. In considering these opportunities, it is also important that we embed work that has already occurred around climate wise planning instruments as part of the planning system;
  - (g) the ACT Government is pursuing a whole-of-government approach to providing more low income and affordable housing with the programs and policies at its disposal;
  - (h) a coalition consisting of community, environment and industry groups has emerged calling for the ACT Government to address “missing middle” housing options, including the ACT Council of Social Service, ACT Shelter, Better Renting, Conservation Council ACT Region, Greater Canberra, Havelock Housing, Light House, Living Streets Canberra, Master Builders ACT, Pedal Power ACT, PTCBR, Purdon Planning, TT Architecture, The Y, and YWCA Canberra;
  - (i) this is a critical time to examine what sort of Canberra our new planning system will create and how we want to densify;
  - (j) community consultation and parliamentary scrutiny are needed to explore how we can densify in a way that delivers more options,

increases affordability and ensures that our city remains liveable in a changing climate; and

- (k) the ACT Government is currently considering submissions and continuing policy work in this area to address an urgent problem, therefore there is a need for solutions to be delivered in a timely manner; and
- (3) requests that the Standing Committee for Planning, Transport and City Services consider inquiring into different models of density and the zoning changes needed to deliver high quality, “missing middle” medium density infill and inclusionary housing to meet the needs of our population and report back to this Assembly as soon as possible and no later than September 2023.

I would like to address the motion circulated in my name calling for a committee to consider inquiring into missing middle development in Canberra. What sort of city do we want in 10 years, and what about in 50 years? How do we adapt to a changing climate? We need to make the choices now to create the future we want. We are in a climate crisis.

The Intergovernmental Panel on Climate Change has just released its sixth report, and this makes for grim reading. Once again, the IPCC has delved into a level of city planning they used to avoid. They tell us cities can make large cuts in emissions by improving and repurposing our buildings, by using targeted infill, by supporting active and public transport, and by co-locating jobs and housing. They tell us we need to protect our trees, our green spaces, our parks and our waterways while we do this. They tell us we need compact cities and an efficient use of our more compact homes and buildings.

I am sure everyone in here is across that report, because we have many times agreed we are in a climate crisis. It is not all grim reading. It is also empowering. The IPCC give us a clear call to action. We have agency. We can create a future that will be better than it might otherwise be. We can do this for ourselves, for our children, for our community and for future generations. We can do it with every decision we make. We must do it in a complex environment, in a way that makes homes for our people, looks after our planet and provides the transport and services we need, and we must do it in a way that preserves nature and green spaces around us, because these are what will keep our city cool, will manage our risk of flooding, will keep our people happy and will provide a habitat for our wildlife.

As well as the climate and extinction crises, we are in a housing crisis. Canberra is struggling with homelessness, housing affordability, a booming population and a growing gap between rich and poor. The ACT is not alone in this. Cities all around Australia and the world are facing the same challenges. The great news is there are lots of new ideas and fresh energy about how to meet these challenges.

The Greens often talk about these issues in a positive framing. What do we want? Who should we talk to? How do we get there? How do we avoid trading off one crisis to deal with another? The Greens want a vibrant city where people can move around easily. We want to preserve our remaining habitat and make sure we have

plenty of trees and parks and habitat near where we live and work. We want a city where everyone has a home. We want a zero-emissions electric city that can deal with the heatwaves and flooding already locked into our rapidly changing climate. We want high-quality densification, including that missing middle, the medium-density housing the community have been calling for, because this is the only way to tackle the problems we are facing.

We need planning and design settings that deliver a compact city that is less reliant on cars. We need to prioritise liveability in a changing climate. We need housing options that support people to stay in their community as they age. Our current planning and development system does not allow us to do these things easily and well. That is one of the reasons we are reviewing it. We have had a developer-led system. We have had building quality problems, and work is being done on this, and there is more work to do.

Congestion is growing three times faster than in any other mainland Australian capital. Public and active transport, schools and services have not kept pace with population growth. We have a mismatch between where our jobs are and where our homes are. Our cheapest homes are on the outskirts of Canberra, locking families and young workers into an expensive car based commute. Canberra has typically seen either high-density units or enormous houses for shrinking families, and we have seen very little in between.

Our current planning system and rules encourage and exacerbate many of these problems. The ACT Parliamentary and Governing Agreement is a good illustration of how the ACT Greens and ACT Labor have committed to solving these problems. That agreement commits to a minimum of 70 per cent of Canberra's urban development to occur within our existing footprint. We Greens think this should go further. We want to keep 80 per cent, at least, within our existing footprint, with a view to no more sprawl.

It commits to climate action, to a reform of the ACT's building and planning systems, and to the changes that will improve and increase the provision of social and public housing. It commits to action to improve Canberra's planning system, including a community compact to find ways to encourage affordable housing while protecting trees, green space and heritage. We have made progress. We have secured a 30 per cent canopy coverage target for Canberra and a commitment to plenty of green spaces to offset the heat-island effect. We are boosting habitat connectivity.

My colleague Mr Davis is calling for immediate ways to relieve our housing crisis, like regulation of Airbnb, to put more homes back into the long-term rental market. Minister Vassarotti has increased funding for emergency homelessness services, is rolling out regulatory change for better building quality and has just made changes to ensure engineers are registered. Attorney-General Rattenbury is reinstating the Rent Relief Fund and ensuring renters have better living conditions and security.

There is also work to be done at the national level. There are different views about how that should be done, as there are in any system with diverse voices. The Australian Greens are working on federal funding for public housing and the tax and superannuation settings that have locked in housing as an investment for some

rather than a human right for all. A lot of reform is underway, which is great because so many parts of our community are agitating for change.

We are seeing a new missing middle coalition springing up, comprising of the ACT Council of Social Services, ACT Shelter, Better Renting, the Conservation Council, Greater Canberra, Havelock House, Light House Architecture, Living Streets Canberra, Master Builders ACT, Pedal Power ACT, Public Transport Canberra, Urban Planning, TT Architecture, the Y, and YWCA Canberra.

We have heard from our volunteer-run community councils and from many individuals and organisations about how Canberra should develop. We have heard many great ideas and different views. There are calls from community organisations and the industry to abolish RZ1 altogether, like Auckland did. There are calls to instead do more targeted upzoning around group centres and transport corridors, leaving most RZ1 alone. There are calls for inclusionary zoning that mandates or incentivises minimum affordable housing in all new developments.

We have seen demonstration of housing concepts, like a manor house, which has four linked but independent residences within the footprint of a traditional home. We have seen new ways of living, like co-housing and programs that encourage older single Canberrans to downsize in place by welcoming family members or housemates. Many of these options could be combined and some areas might be excluded, like heritage zones. Every single one of them would require easy access to services and great public and active transport, and every single one means we need to keep our green infrastructure, keep our trees, and keep our open urban space on private blocks and in our public realm.

There is some work in this area underway. In 2018, the ACT government consulted on housing choices through a type of citizens' assembly. Thirty-two Canberrans from different demographics took part in a targeted consultation to discuss what kind of housing we need. It was a really great exploration of the "what". We heard great ideas from that process and some of those ideas have progressed. It was conducted at a very different time. It was conducted before we had declared a climate emergency, before we had declared a housing crisis, before we had embarked on a detailed planning review, and before our population had grown by many additional tens of thousands of residents. Our needs, our ideas and our tools have progressed since that study.

The planning review is now well underway. ACT government consulted on the bill and the committee scrutiny process concluded late last year. I am really pleased to see the progress on the planning review, but I have been concerned about some of the consultation. There are a few criticisms that I have heard repeatedly from a lot of different areas of our community.

We heard, particularly in relation to the Territory Plan and the district strategies, that there were very few online consultations. There were pop-ups and face-to-face consultations. At the ones I attended, people asked government some simple questions, like: "Is this an RZ1 rezoning exercise? There are yellow areas that you have highlighted for areas of future possible development. Can you tell me exactly what the model will be? Does that mean you are going to put dual occupancies there? Does that mean that is going to be apartments? Can you tell me what that means?" I did not hear



really clear answers given. There was goodwill for people to have an exchange on exactly how we do the missing middle now that we know we need to, and it was not a conversation that was had well.

There were a lot of submissions made to that stage of the planning review. It is great to see that there were 400 submissions made. I think that is excellent. There is a huge amount of input from the Canberra community, but there has not yet been a chance to have a town hall type discussion in which people have a chance to look at what others say, a chance to think about it and a chance to respond to it and discuss it. That is really why the Greens have decided to bring this motion today. We have realised that there has been a little missing link in that excellent work on the planning review—that open forum where everybody has seen the ideas on the table, where everybody has a chance to discuss them with one another, with all the different areas of our community, where we can come together and have a community compact to talk in the same framing: “Here are different models. What do we think would work and where? What are the risks? What are the opportunities? How do we do this well?”

I think it is clear from the commentary we are seeing in the media and from coalitions like the missing middle campaign that a lot of people feel that there has been a missing link in that consultation. There are a lot of people now calling for a clearer idea of what this missing middle and what Canberra’s future development might look like. I think this is a really great opportunity. We could do it now. If we do not do it now, we may run out of time to do it. There is some urgency here. We have a climate crisis. We know what that means. We have a housing crisis. We know what that means. We do need the solutions to these problems. We need to do them well. We will be living with the choices we make for decades. We have to do it right.

We also have another time pressure: there is a planning review. The planning minister has told us his intention to bring in a new Territory Plan and district strategies mid-year. We are in March. Mid-year is quite soon. It looks, by my reading, to be in a few months. If those new plans are coming in and people feel they have not had a chance to actually discuss different models, we are going to run out of time. And, if those new plans are coming in and they have not made these changes, when will be the time for the community to actually have a really good, detailed conversation about this? I am really concerned that, if we do not give the committee a good, clear invitation and an opportunity to consider whether right now is the right time, we may miss the window.

We have put up a motion that is simply requesting the Standing Committee for Planning, Transport, and City Services to consider inquiring into this issue. It is up to the committee, of course, to decide whether they will inquire into it, frame that inquiry and choose exactly what they will look at, but we can see there is a clear need. I am concerned that, if we do not pass this motion today and put an invitation out to the committee to make its decision—if we delay this—our next sitting is not until May, and that probably means there could not be any inquiry at all until the second half of this year. That means we will certainly have missed what is tabled in the middle of the year. We may have missed the chance to have any conversation at all and make real changes this term.

The pace of this term is moving very quickly. It takes a while for community to come together, for a committee to make an inquiry and for government to consider the results of that inquiry. If we put this off, we are probably saying there is no chance—we do not need parliamentary scrutiny on the question of exactly how we do the missing middle; we do not wish to have an inquiry. I am really concerned that delays probably mean we may not do it at all.

I would really encourage the members in here to look at that request. It is a quite simple call. It is a fairly moderately phrased call. It leaves it up to the committee to decide, and I think it is probably best to leave it to the committee to decide, because the committee can then work through its procedures and choose whether this needs a genuine community compact, some parliamentary scrutiny, and a community discussion now that we have all the ideas on the table. I commend my motion to the Assembly.

**MR PARTON** (Brindabella) (12.36): I stand with some pain to respond to Ms Clay, and I stand as a member of the planning committee. There are a number of things that I would like to say today, Madam Speaker, but I cannot because it would breach committee privilege. I wanted to stand and say that my comments are confined purely to what is happening here with this motion procedurally. I am not going to venture in and talk about the “missing middle”.

I wanted to say—with the greatest of respect for Ms Clay, and I do have enormous respect for Ms Clay, and I have enormous respect for the trio of me, Ms Clay and Ms Orr working together as we do on the planning committee—that I have some concerns about the process that is playing out here.

If only you were on that committee, Ms Clay!

I am not going to say any more. I just have some concerns about the way that this is being brought forward.

**MS ORR** (Yerrabi) (12.38): As a member of the committee too, I would like to put on the record that I echo Mr Parton’s concerns with the process and how this has been gone about.

I have said many times in this place, and I think other members of the committee have also said in this place, that this is a policy area that tends to be more contentious, but the planning committee is a committee that has always worked together. It is something we wear as a badge of honour—the collegiate way that we do form consensus on matters. So I would really appreciate the opportunity to have this discussion with the committee and for it to be done in the way that we have always conducted ourselves, which is working together to form a view that reflects the will of all the members of the committee.

**DR PATERSON** (Murrumbidgee) (12.38): I move:

That the debate be adjourned.

Question put:

That the debate be adjourned.

The Assembly voted—

Ayes 16

Noes 5

Ms Berry	Mr Milligan	Mr Braddock
Ms Burch	Ms Orr	Ms Clay
Mr Cain	Mr Parton	Ms Davidson
Ms Castley	Dr Paterson	Mr Davis
Ms Cheyne	Mr Pettersson	Ms Vassarotti
Mr Cocks	Mr Steel	
Mr Gentleman	Ms Stephen-Smith	
Mr Hanson		
Ms Lawder		

Question resolved in the affirmative.

Debate (on motion by **Dr Paterson**) adjourned to the next sitting.

## **Economy and Gender and Economic Equality—Standing Committee Report 7**

**MS CASTLEY** (Yerrabi) (12.44): I present the following report:

Economy and Gender and Economic Equality—Standing Committee—  
Report 7—*Inquiry into Annual and Financial Reports 2021-2022*, dated March 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

During its inquiry, the committee was required to examine all or part of seven annual and financial reports for 2021-22. The committee held four public hearings, and a total of 43 questions were taken and placed on notice during the inquiry.

The committee's report has made nine recommendations relating to the ACT government and WorkSafe ACT. On behalf of the committee, I would like to thank those who participated in, or otherwise assisted in, the inquiry. This includes ACT government ministers, directorates, officials, statutory officers and the committee team, who were amazing. I recommend the report to the assembly.

Question resolved in the affirmative.

## **Planning, Transport and City Services—Standing Committee Statement by chair**

**MS CLAY** (Ginninderra) (12.45): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning, Transport and City Services relating to referred bills.

The Planning and Environment Legislation Amendment Bill 2023 was referred to the committee on 8 February 2022. The committee notes that this bill is not a significant bill, and the bill only makes minor legislative and technical amendments. The committee considers there is no value to be added by holding an inquiry. For this reason, the committee has resolved not to inquire into this bill.

### **Statement by chair**

**MS CLAY** (Ginninderra) (12.46): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning, Transport and City Services relating to referred petitions.

Petition 11-22 entitled “Protection of Bluetts Block-Piney Ridge” was received by the Assembly on 2 August 2022 and referred to the committee under standing order 99A. As signatories to the petition, 732 residents of the ACT requested the Assembly to call upon the ACT government to:

1. Ensure that Stromlo Blocks 402/403 undergo full ecological assessment;
2. Ensure that urban development is not pursued on Block 12, Section 1 Denman Prospect until there is sufficient information to decide on the environmental significance of the block;
3. Ensure that the ecological considerations of Stromlo Block 402/403 and Denman Prospect Block 12, Section 1 include the impacts on threatened species, critically endangered Box-Gum Woodland, old-growth trees, landscape connectivity, and consideration of urban edge effects; and
4. Following full ecological assessments, ensure areas which have nationally outstanding ecosystems, and species, formed mostly by non-human factors are declared a Nature Reserve.

The committee notes that, in his response to the petition, the Minister for Planning and Land Management, Mr Mick Gentleman MLA, said that early environmental studies are underway for the western edge investigation area, which includes blocks 402 and 403.

The government response also states that environmental values are a central part of pre-development considerations relating to Denman Prospect block 12. The minister has undertaken to ensure that biodiversity and conservation values are appropriately considered in future deliberations about the use of land in the western edge.

The committee also notes that several of these issues are currently being discussed as part of the Planning Review, including draft district strategies and the Territory Plan, and considers that a separate inquiry would not add value.

For these reasons, the committee does not consider that a separate inquiry would add further to the processes already under way, and the committee will not be inquiring further into the matters raised in petition 11-22.

### **Statement by chair**

**MS CLAY** (Ginninderra) (12.48): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning, Transport and City Services relating to referred petitions.

Petition 16-22 entitled “Protect Callum Brae Nature Reserve” was received by the Assembly on 2 August 2022 and referred to the committee under standing order 99A.

The committee understands that a development application, DA-202138789, for a privately owned and operated crematorium on block 1, section 3, Symonston, was lodged with the independent Planning and Land Authority. The government response states that prior to the DA being lodged, environmental impact assessments were conducted to understand the potential effects of the development proposal, and two environmental significance opinions were received.

The Conservator of Flora and Fauna has advised that from an ecological perspective, block 1, section 3, Symonston has values that are consistent with being included in the reserve estate. However, the government response states that managing the site as a nature reserve would have significant challenges and require more resources than most sections of the existing reserve, as there is quite a large weed-load on the site resulting from past disturbance and likely a significant issue with rabbits. These challenges would need to be carefully considered against the potential benefits of inclusion in the reserve estate.

The DA is currently being assessed in accordance with the Planning and Development Act 2007, and as DAs of this kind are a matter for the independent Planning and Land Authority, the committee will not be inquiring further into the matters raised in petition 16-22.

### **Statement by chair**

**MS CLAY** (Ginninderra) (12.49): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning, Transport and City Services relating to referred petitions.

Petition 18-22 entitled “40km/h Speed Zone for Canberra Avenue” was also received by the Assembly on 2 August 2022 and referred to the committee under standing order 99A. As signatories to petition 18-22, 542 residents of the ACT requested the Assembly to call upon the ACT government to reduce the speed limit along Canberra Avenue between Barrallier Street, Griffith, and Hume Circle, Griffith, to 40 kilometres per hour.

The committee notes that, in his response to the petition, the Minister for Transport and City Services, Mr Chris Steel MLA, said:

Given that Canberra Avenue is a main arterial route between Canberra and Queanbeyan, the current reduced speed limit of 60km/h is appropriate. Introducing a 40km/h speed limit on this road section is unlikely to be an effective measure without extensive traffic calming measures, which are incompatible with this road's arterial function.

However, Transport Canberra and City Services will undertake an internal review of traffic movements in this area to inform consideration of other possible interventions, such as a controlled/signalised pedestrian crossing.

The committee considers the government response to be satisfactory and will therefore not be inquiring further into the matters raised in petition 18-22.

**Sitting suspended from 12.51 to 2.00 pm.**

### **Questions without notice Canberra Health Services—data security**

**MR HANSON:** Madam Speaker, my question is to the Minister for Mental Health. Minister, today there is a report in the media entitled: “Carers ACT say they are ‘deeply disappointed’ over alleged Dhulwa patient privacy breaches”. That report states:

A peak body for carers in Canberra has expressed shock at alleged patient privacy breaches at a forensic mental health facility and has said their concerns were ignored in the lead-up to the incidents.

Carers ACT has described the alleged breaches from staff at Dhulwa as “unacceptable”. The body has called on the government and health authorities to issue public statements acknowledging the deep impact this has had on people living with mental health issues and their carers.

Minister, when did Carers ACT first raise their concerns with your office or with Canberra Health Services and were they ignored?

**MS DAVIDSON:** Thank you for the question. First and foremost I would like to thank Carers ACT for their absolutely critical work in supporting and advocating for carers in the ACT. My office has been in contact with Ms Kelly and we have scheduled a meeting with Carers ACT as well as with the CHS CEO Dave Peffer. I understand they would have made a submission to the inquiry into Dhulwa during last year. The statement from Carers ACT which Mr Hanson here was just looking to politicise notes their concern about the recent breach of privacy at Dhulwa and it goes on to state that:

We firmly believe that trust in health professionals to respect privacy and dignity is central to the commitment to treatment and recovery in the mental health sector and sharing of confidential—

**Ms Lawder:** Point of order, Madam Speaker, as to relevance. The question asked when did Carers ACT first raise their concerns with you. We have had the best part of a minute and we have not touched on the answer.

**MADAM SPEAKER:** As I understand, there was reference made to submissions to the inquiry but there could be information additional to that. Ms Davidson?

**MS DAVIDSON:** I do meet with Carers ACT regularly and we talk about a range of issues that they want to discuss relating not only to mental health, but also disability, to the Carers Recognition Act—

**Ms Lawder:** Point of order, Madam Speaker. We still have not received the answer. When did they raise their concerns? Not whether we meet regularly. When were these specific concerns raised?

**MADAM SPEAKER:** Resume your seat. Ms Davidson, I believe you are in order but it would be more satisfactory if you could answer that directly.

**MS DAVIDSON:** I had a number of discussions with Carers ACT around the time of the Dhulwa inquiry being considered and then called for in May of 2022. As I was saying— (*Time expired.*)

**MR HANSON:** Minister, have you issued a statement acknowledging the deep impact this had on people living with mental health issues and their carers? If not, why not?

**MS DAVIDSON:** Thank you for the supplementary question. I was quoting from Carers ACT's statement today when I was saying that Carers ACT:

... firmly believe that trust in health professionals to respect privacy and dignity is central to the commitment to treatment and recovery in the mental health sector and sharing of confidential patient files without knowledge or consent is unacceptable ... It goes against our expectations of ethical, empathetic and caring behaviour.

Well, Madam Speaker it goes against the ACT government's expectations of ethical, empathetic and caring behaviour.

**Mr Hanson:** Point of order.

**MADAM SPEAKER:** Point of order.

**Mr Hanson:** I think we can all see what is going on here. It is a reasonable question. Carers ACT have asked for a statement. I am asking has she made a statement? If not, why not? She is reading a pre-prepared statement that is not relevant to the question.

**MADAM SPEAKER:** Thank you Mr Hanson. Can you go to the substance of the question Ms Davidson?

**MS DAVIDSON:** Yes. As I said to media last week when I was asked what my thoughts and feelings were when I heard about this breach of patient privacy, I said that it broke my heart to think about the impact that this has had on patients and

their families. This is why it is so important that carers and families, as well as patients, are supported throughout ACT government programs and policies. It is why we have made sure we funded the ACT Carers Strategy in the last budget with \$825,000—

**Ms Lawder:** Point of order, Madam Speaker.

**MADAM SPEAKER:** Resume your seat Ms Davidson.

**Ms Lawder:** The question was have you issued a statement? Not did you speak to the media about it. Have you issued a statement?

**MADAM SPEAKER:** Ms Davidson, your time has expired.

**MR COCKS:** Minister, will you apologise for the harm caused by not only the breach but by your actions after the revelations?

**MS DAVIDSON:** I think it would be safe to say that there are no words suitable to express how upset I am about what has been done to patients and their families by people who were entrusted with their care. This matter is taken extremely seriously throughout ACT government. It is very, very important that external investigators are able to do their job without political commentary and that at all times we keep in mind the impact of what we do on patients who are here to receive health care. It is not for political point scoring. It is for health care for patients.

**Ms Lawder:** Point of order, Madam Speaker.

**MADAM SPEAKER:** Resume your seat Ms Davidson.

**Ms Lawder:** The question was will you apologise for the harm caused. The Minister has not said yes she will or no she will not. It is a simple question.

**MADAM SPEAKER:** Thank you Ms Lawder.

**Mr Rattenbury:** Madam Speaker, on the point of order, I think Minister Davidson has conveyed incredible remorse. The opposition are now just nit-picking because they want to hear it in a certain form of words that suits them and they are taking points of order in a way that is deeply unfair. The minister is clearly indicating the position she has on this matter.

**MADAM SPEAKER:** Thank you Mr Rattenbury. She is responding to the question, I believe. Ms Davidson you have another 20 seconds.

**Ms Lawder:** Not very well.

**Mr Rattenbury:** Well that is your opinion; it is not a point of order.

**MS DAVIDSON:** Thank you Madam Speaker. I would like to add that at the first available opportunity after the report from the Dhulwa inquiry was tabled, I came into this place to confirm the ACT government will be implementing all



25 recommendations of the board of inquiry that was called into Dhulwa and that Carers ACT would be invited to participate in— *(Time expired.)*

### **Canberra Health Services—data security**

**MS CASTLEY:** My question is to the Minister for Mental Health. Minister, I refer to a statement from Carers ACT about the patient privacy breaches at Dhulwa. That statement contains the following:

We firmly believe that trust in health professionals to respect privacy and dignity is central to the commitment to treatment and recovery in the mental health sector and sharing of confidential patient files without knowledge or consent is unacceptable.

It goes on:

It goes against our expectations of ethical, empathetic and caring behaviour.

It is also reported that Carers ACT said that they are seeking a meeting with Minister for Mental Health Emma Davidson and Canberra Health Services Chief Executive Dave Peffer about the alleged breaches. Minister, do you accept that the conduct of people directly under your portfolio management has gone against expectations of ethical, empathetic and caring behaviour?

**MS DAVIDSON:** As I said in my previous answer to Mr Hanson, it goes against the ACT government's expectations of ethical, empathetic and caring behaviour. I have scheduled a meeting with Carers ACT and the CEO of CHS to discuss this. It is absolutely unacceptable.

**MS CASTLEY:** Minister, why haven't you met with Carers ACT about these specific matters, given that you knew about these breaches from early February?

**MS DAVIDSON:** As I have said many times in this chamber, there are external investigations underway and it is not appropriate for me to be discussing the personal, private details of people whose wellbeing is at the centre of what should be a proper justice process. I regularly discuss matters with Carers on a range of different issues, and they have been named as one of the organisations that we are inviting to participate in the committee that is overseeing the implementation of the Dhulwa inquiry recommendations.

**MR HANSON:** Minister, why would you consider it appropriate to reach out to meet with the union but not with Carers ACT?

**MS DAVIDSON:** As I have said previously in this place, once we knew the extent of the breach of privacy, I contacted the ANMF's ACT branch secretary and the CEO of CHS, as the heads of the organisations employing the staff members involved, to ask them to reassure me about how they would comply with their legal obligations and to discuss the trust issues created by this privacy breach.

I got an email back from the CEO of CHS within hours, confirming that he would be available to meet. I received a letter from the ANMF ACT branch secretary's lawyers

on 1 March to decline my request for a meeting. As they were the two agencies employing staff involved, it was appropriate for me to seek that meeting at that time.

### **Municipal services—play spaces**

**MR DAVIS:** My question is to the Minister for Transport and City Services. Minister, in July 2012 the Labor Party and the Liberal Party committed to protecting Chisholm park from development. Ten years later, almost to the day, I visited my constituents who have not seen any change to the park in that time—no improvements to the playground, no tree planting, and damage to the bus stop. I posted on social media asking for feedback about how people would like to see the park developed. I was advised by a constituent a week later that TCCS were at the park, planting new trees and repairing the slippery dip. My question is: what processes for planning and implementation of these upgrades was undertaken by TCCS and how was the community consulted?

**MR STEEL:** I thank the member for his question. I am happy to take that on notice and provide some more information from Transport Canberra and City Services about the process that led them to undertake those works that you have noted.

**MR DAVIS:** Minister, how can my constituents engage with you and the government more broadly to suggest local playgrounds and play spaces that they would like to see upgraded in future budgets?

**MR STEEL:** I thank the member for his question. The playgrounds that we are upgrading at the moment were informed by a citizens deliberative democracy process for the play spaces forum several years ago, as part of the Better Suburbs program. We are getting work underway on some of those projects. That does include a particular play space which will be upgraded in Chisholm. We are upgrading the Chisholm Oval playground, in Alston Street. That was informed by further consultation with the community about the locations and undertaking site analysis by Transport Canberra and City Services. That particular location was preferred because it is central within the Chisholm suburb and, because of its proximity to the oval, it offers an opportunity to extend play and recreational opportunities close by, and there are also its connections to the local path network.

Transport Canberra and City Services undertake a range of safety audits on play spaces at regular intervals to inform works that needs to occur at existing play spaces, to make sure that they remain usable and safe for children. Under the play spaces strategy, we have also indicated that we will be putting in place a new technical tool, called a play value index, which will complement the safety audits and feedback from the community to assess what opportunities there are to extend the play value in certain locations across Canberra, which will inform decision-making about investment in new and upgraded play spaces in the future.

**MS LAWDER:** Minister, how many submissions from members of the public did you receive regarding this play space in Chisholm?

**MR STEEL:** I thank the member for her question. I am happy to take that on notice.

**Light rail—stage 2A**

**MR PETTERSSON:** My question is to the Minister for Transport and City Services. Minister, how is the ACT government progressing with light rail stage 2A?

**MR STEEL:** I thank Mr Pettersson for his question. Of course, his electorate has been benefiting for some time from light rail up to Gungahlin. We are looking forward to continuing to progress light rail further south, which will continue to benefit everyone on the north side who chooses light rail by providing them with opportunities to connect down to the south side.

We have achieved a lot of milestones over the past year in progressing light rail stage 2A, which is the extension from the city to Commonwealth Park. We started with the construction of raising London Circuit, which continues apace; we signed a contract with Canberra Metro for five new light rail vehicles, retrofitting the existing light rail vehicles with onboard energy storage, and expanding the light rail depot to enable wire-free operations; we have launched the works approval and DA for light rail stage 2A; and we have commenced commercial negotiations for delivery.

I am very pleased to advise the Assembly that the detailed designs for light rail stage 2A have now been released by the National Capital Authority for public consultation and exhibition. The six-week period is an important part of the NCA's works approval process. It provides the public with the opportunity to engage and provide feedback on the details of the project. I would like to thank the team at Major Projects Canberra for the diligent work that they have put in to producing these high-quality designs.

With the ACT growing faster than ever—faster than any other jurisdiction in the country—it is critical that we build the infrastructure that we need now for the decades ahead. This is an exciting step in delivering on that promise, and we are getting on with the job.

**MR PETTERSSON:** Minister, what features can Canberrans expect to see in the plans that have been released for public exhibition?

**MR STEEL:** I thank Mr Pettersson for his supplementary. The final plans reveal some new features of the project design and other components, such as landscaping, traffic, urban environment, active travel and sustainability.

The proposed planting of pin oaks on Commonwealth Avenue on the median will strengthen the historic and scenic character of Commonwealth Avenue as a wide tree-lined boulevard, reflective of the Burley Griffin's original designs. A grass track will be used on parts of the Northbourne Avenue corridor, London Circuit and Commonwealth Avenue, which will provide both urban and environmental benefits.

The designs include a new a new bridge over Parkes Way for light rail and two new signalised intersections on London Circuit at West Row and University Avenue. These will provide safe and controlled pedestrian and cycling crossings with in-ground pedestrian lights proposed at some key locations to promote safe track crossing. There will also be a cobbled median on London Circuit West to help motorists differentiate the light rail track from the roadway.

The project will improve active travel in the area, with 2.15 kilometres of protected cycleways offroad and two of Canberra's first new protected intersections, which represent best practice in intersection design, to promote safety, with bike racks at each of the new stops.

Finally, the project will be delivered sustainably, with an infrastructure sustainability rating, reducing scope 1 emissions, and carbon neutrality for scope 1 and scope 2 emissions during construction.

**DR PATERSON:** Minister, how can members of the community have their say on the design and find out more about the project?

**MR STEEL:** I thank Dr Paterson for her supplementary. The project designs and environmental assessment have been published on the NCA's website for the public to access. The ACT government has developed additional supporting resources to assist the community in making a submission for the project. This includes fact sheets and environmental assessment chapter summaries. These supporting resources are available at the ACT government's light rail to Woden website, along with other information about the projects.

Canberrans can view the full suite of documentation that was submitted as part of the works approval application and make a submission by visiting the NCA's website. Information is also available on the ACT Planning and Land Authority's website as part of the development application.

Submissions that the NCA has received during the consultation process can influence the final design of the project, including the urban design, landscaping, architecture, sustainability and the quality of materials and finishes used. I would encourage all Canberrans to attend one of the community information sessions over the coming weeks or to make a formal submission before consultation closes on 11 May.

### **Canberra Health Services—data security**

**MR COCKS:** My question is to the Minister for Mental Health. Minister, today there is a report entitled: "Carers ACT say they are "deeply disappointed" over alleged Dhulwa patient privacy breaches." That report states:

The organisation said the concerns of carers had been "routinely ignored" in the lead up to the incidents and the government needed to commit to rebuilding the trust that had been lost by working with peak bodies, carers and the people they care for.

Only by taking accountability, being transparent and truly listening to the voices of carers and consumers can we ensure that our mental health care system is safe, effective and compassionate for all," the statement said.

Minister, why were concerns of carers routinely ignored?

**MS DAVIDSON:** Thank you for the question. The concerns that carers have raised are incredibly important. Making sure that we are listening to the families and carers

of people who are feeling very unwell and in need of acute health care is an important part of making sure that they receive the right health care.

I am going to quote from page 53 of the report into the Dhulwa inquiry:

The Inquiry is also concerned by allegations by numerous stakeholders concerning breaches of privacy and confidentiality relating to consumers which may have amounted to a breach of their human rights.

The inquiry that was conducted into Dhulwa was done by an independent chair, with the support of forensic mental health specialists, and received submissions from organisations, including Carers ACT.

**Ms Lawder:** A point of order, Madam Speaker. In the preamble, there was a quote from the article from carers who said they were routinely ignored when they raised concerns. The question was: why were concerns ignored? We are not talking about the Dhulwa report; we are talking about the article in the paper where carers said their concerns were routinely ignored.

**MADAM SPEAKER:** She is replying to when issues were raised and being dealt with. You are in order, but perhaps go more closely to that point.

**MS DAVIDSON:** The seriousness with which I take these kinds of allegations is reflected in the fact that, in May 2022, we set up the Dhulwa inquiry with an independent chair, with all of the right support in place to be able to fully investigate and understand what it was that needed to be done. That report was tabled in the last sitting week of 2022 and I came back in here on the first sitting week of 2023— *(Time expired.)*

**MR COCKS:** Minister, how many times were concerns of people with lived experience and their carers raised, and when?

**MS DAVIDSON:** I have had regular conversations with Carers ACT about their concerns about the way in which carers engage with various ACT government programs for the entire time that I have been here. It is their role as advocates for carers to continue to raise those concerns with me, and it is my responsibility to take those concerns seriously and follow through on them, and I have done so.

I have been, in the past, one of those people who come to this place to raise those kinds of concerns about carers and about people with lived experience of mental health conditions with our elected representatives. Mr Hanson would know this as well. He is one of those people that I have come to in the past to raise concerns with.

It is really important that, when we are talking about the situation with this privacy breach, we keep in mind that there are patients here who still need to see justice, who still need external investigations to carry out their work. I will continue to work with Carers ACT and other organisations advocating for patients' human rights to make sure that all 25 of the recommendations of that board of inquiry into Dhulwa are implemented and are done properly.

**Ms Lawder:** A point of order, Madam Speaker. You still have not got to the question: how many times were the concerns raised, and when? We have not got to an answer.

**MADAM SPEAKER:** I think she is answering it within the scope. The question was around: were concern raised; did she deal with them?

**Ms Lawder:** How many times and when?

**MADAM SPEAKER:** Ms Lawder. You have 18 seconds left, Ms Davidson.

**MS DAVIDSON:** I have had more conversations with Carers ACT over the past two years than I can possibly count. I am not going to go into an entire list of the dates and times right here at this moment.

**MR HANSON:** If you have had more meetings with Carers ACT than you can possibly count, why is it that Carers ACT say they were routinely ignored?

**MS DAVIDSON:** As I was saying in my earlier answer, I take these allegations very seriously, and that is why we needed an independently chaired board of inquiry into what was happening at Dhulwa. That is why we made sure that that independent chair had the support of a forensic mental health specialist and was able to take submissions from a wide range of organisations and individuals who wanted to be able to share their experience and advocate for patients' rights and for carers, and to make sure that we are also looking at how we make sure it is a safe workplace.

**Mr Hanson:** Madam Speaker, on a point of order: the question goes to the point that, in her answer, the minister said that she had regular meetings, but Carers ACT say they were routinely ignored. Can she explain that discrepancy?

**MADAM SPEAKER:** She is within order. You questioned her around concerns being raised and how they were dealt with—in your words “ignored”—and the minister is responding.

**MS DAVIDSON:** That board of inquiry into Dhulwa took its work very seriously and was very thorough and did hear from Carers ACT as well. I believe that the report that was tabled in December 2022 reflects many of those concerns that were raised in those submissions and in the hearings. I came back in here in the first sitting week of 2023 to say that the ACT government is implementing all 25 of those recommendations—that is how seriously this has been taken—and that Carers ACT were being invited to be part of the committee that was overseeing the implementation of those recommendations. When we say we are going to do something, we do it properly.

### **Trees—urban species selection**

**MS CLAY:** My question is to the Minister for Transport and City Services. Members of the community, Friends of Grasslands and Landcare groups have all raised concerns with me about the ACT government promoting exotic invasive species, including trees and shrubs, on public land. We have Municipal Infrastructure Standards Part 25: Plant Species for Urban Landscape Projects, and that includes

exotic invasive species like ornamental pear, Chinese elm and green ash. These species are known to be invasive, and they are documented to be “sleeper weeds”. Will you be revising this list?

**MR STEEL:** I thank the member for her question. From time to time we do revise the planting lists. We have done that recently on climate grounds—looking at what particular tree species will survive in the hotter and dryer climate we expect to have in the future with climate change in our region. The municipal infrastructure standards species list has as wide variety of trees that are listed that can be planted at different locations that are appropriate for the location.

Transport Canberra and City Services urban treescapes unit selects the most appropriate tree species to plant for each individual planting site. Factors considered include: the amount of available space for mature trees; the growing conditions and microclimate; the growth habit of a species and proximity to other types of infrastructure; the potential habitat and resource benefits; how to best maximise shade and cooling; the existing or desired character of a place; and how the place is used by people.

They also give very careful thought to the ecological benefits of species selected for planting and the important role of the government’s tree planting program to support and provide habitat and food resources, and to enhance biodiversity in the urban environment. Around 50 per cent of all the trees ordered are native species, many of which are endemic to our region and can tolerate Canberra’s hot and dry summer climate.

They also look at flowering and the flowering benefits of those species as well, particularly for pollinators. Many of these trees, including eucalypts, flower and provide food for birds and other pollinators. Trees that will eventually develop hollows are also prioritised for planting in open spaces. We are not simply limited to exotic species. It really depends on the location.

**MS CLAY:** Why do we have exotic invasive species on this list?

**MR STEEL:** I thank the member for her question. I know there are strong views both for and against exotic trees. I get tagged most days by those who do not want to see any new native trees planted in Canberra at all. I disagree with that view. A balanced approach sees both exotic and native species planted. As I just described before, we are doing some of that to respect the cultural heritage of some of our important places in the capital as part of major projects like light rail on Commonwealth Avenue.

We have, as I have said, reviewed the municipal infrastructure standards for plant species, and that has included the removal of some invasive species. During the last comprehensive update in 2019, based on advice, we did remove declared pest plants from the list. In some species the male version of the species may have a different effect than the female version of the plant. That is particularly the case with the Chinese pistachio, which I know well because I have three at my house. We know that TCCS only plants the sterile male form of that species, so there is care taken to make sure that the right tree is planted in the right location.

Typically, the TCCS approach will be to plant more exotic trees within suburb. Then on the edges it is the typical approach to have more native trees planted. That also helps with the reduction and spread of seed from some of these exotic species so that they do not go on to propagate in our reserves that surround virtually every suburb in the ACT.

**MR BRADDOCK:** Minister, what criteria does the government use to ensure the tree list contains species that will not become pests?

**MR STEEL:** I thank the member for his question. We take expert advice about what should be on our tree planting lists. That is based on a range of different factors. We will look at what particular species may be causing a problem within nature reserves around the ACT. There is the pest species list that is formed as well, and we take that seriously. We are not asking people to remove those species if they already have them planted, but they can remove them without needing to apply for a tree-damaging activity order.

We will continue to look at the impact of trees and the benefits they provide. Exotic trees do provide many benefits in our urban environment for people, and native species provide benefits for biodiversity in Canberra. We will continue to make sure that the right tree is planted at the right location. It is important that as our city develops, we continue to maintain and grow our tree canopy cover into the future, while respecting the cultural and environmental value of our city.

### **Light rail—stage 2B**

**MR PARTON:** My question is to the Minister for Transport and City Services. Minister, when you speak of stage 2B of the tram, as you did earlier today in a question from Mr Pettersson, you speak of a tramline that extends to Woden. Your power-sharing partners the Greens have long been agitating for stage 2 to go to Mawson. I will quote from the ACT Greens website:

We think there is a strong case to be made for extending light rail to Mawson as part of Stage 2, with the goal of having light rail to Mawson commence operation at the same time or shortly after the opening of light rail from the City to Woden Town Centre.

Minister, will you allow the Greens to call the shots yet again and build stage 2 to Mawson so as to retain their support?

**MR STEEL:** I thank the member for his question. We have been very clear, because this is in the Parliamentary and Governing Agreement for the Tenth Assembly, that we would consider an extension to Mawson as part of decision making on stage 2B. We have been very clear publicly that we will consider the option of that extension in the business case which will be developed for stage 2B. So that is what we will do. In fact some work has already been undertaken which will be used to help inform that work. We will be looking at a potential extension as far as up to Beasley Street in Farrer and Torrens. We will be looking at the benefits of that system but also the costs of that extension as part of the business case for stage 2B, because we are committed to building a city-wide light rail network. That is what we want to do—deliver a mass



transit system for Canberra. I know the opposition want to continue to cling on to this weird view that some Canberrans on the southside should not have access to the same great public transport that people enjoy on the northside. We disagree with their view. As Senator Seselja said, Madam Speaker, the debate is over. The debate is over.

*Opposition members interjecting—*

**MR STEEL:** He said:

What I've always said is that, once the first stage of light rail was completed, it makes absolute sense to expand that, and have a network not just from Gungahlin to the city.

I could not agree with him more Madam Speaker.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, Mr Parton is on the floor.

**MR PARTON:** Minister, would the final cost of stage 2 creep over \$4 billion if it were to extend to Mawson?

**MR STEEL:** I reject the premise of the question. We will of course consider the cost and the benefits of extending light rail to the southside as part of the business case for stage 2B. There will be substantial benefits. Benefits that the opposition simply do not want the southside to realise or benefit from.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members. Members. Members! We will give it to Mr Davis.

**MR DAVIS:** Minister, what would be the benefits for my constituents in Tuggeranong if the government committed to building light rail to Mawson?

**Mr Hanson:** By my constituency he means Greens voters.

**MADAM SPEAKER:** Mr Hanson no one is asking you.

**MR STEEL:** In order to get light rail down to the southside and to places like Tuggeranong in future, we do need to build it and extend it from stage 1 in the City, from Alinga Street down to Commonwealth Park first, down to Woden, down to Mawson and down to Tuggeranong. We will not be able to start from Tuggeranong so we have to start here in the City and build it south. That is the work we are engaged in at the moment. Our focus at the moment is on stage 2A but of course we will be considering future extensions as well that will include the potential of going down to Mawson.

*Opposition members interjecting—*

What it is important to recognise is that people will be using the light rail system in Tuggeranong when we get to places like Woden and Mawson in the future because they will be actively wanting to connect with it in order to get to all of the stops—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members enough!

**MR STEEL:** —that cannot be accessed on a rapid bus route currently, like the employment centres of Deakin, like the employment centres around the Parliamentary Triangle—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members enough!

**MR STEEL:** and they want to go on to the northside to places like Dickson, to Braddon and some of them may also need to go onto places like Gungahlin. So there will be a multi-modal transport network that will be integrated with buses that will have mass transit light rail that will benefit all Canberrans. We are establishing the central spine of the system at the moment and in future we will look at further extensions of that line to benefit more Canberrans. But under the Liberals, their timeline is they would never build it, ever.

### **Centenary Hospital for Women and Children—Early Pregnancy Service**

**DR PATERSON:** My question is to the Minister for Health. Minister, you mentioned in question time on Tuesday the opening of the early pregnancy unit and new antenatal and gynaecology ward. Can you update the Assembly on this important work?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the question. On 24 March we celebrated the opening of two new clinical spaces at the Centenary Hospital for Women and Children, made possible through the \$50 million expansion that is currently underway. The early pregnancy unit is a new three-bed inpatient unit for the Early Pregnancy Service, which will provide a dedicated inpatient facility to care for women and pregnant people experiencing early pregnancy complications, including early pregnancy loss.

Sadly, there are approximately 500 admissions to Canberra Health Services each year for miscarriage or early pregnancy complications. Until now, the Centenary Hospital for Women and Children has not had a dedicated facility to provide this specialised care. This new, purpose-built inpatient unit was a response to consumer feedback on the design of health services and is a key action in the *Maternity in focus* report that was launched last year in response to the Legislative Assembly inquiry into maternity services. The unit will offer women and pregnant people a therapeutic healing space where they can receive the care that they need and will be staffed by a skilled team of health professionals. The multidisciplinary team includes midwives, nurses, social workers and medical officers.

The second space is a newly refurbished 15-bed antenatal and gynaecology ward. This new space will enable the opening of an additional postnatal ward, which will double the postnatal bed capacity at the hospital later this year. As the ward is located adjacent to the Early Pregnancy Service, there will be strong integration between the services, enabling staff to work across both and flex up and down each service as needed. I was very pleased to be there, with consumers and staff, to open this service, which was a key ACT Labor election commitment and I know will provide an important and supportive space for families in Canberra at a difficult time.

**DR PATERSON:** Minister, can you outline the engagement and work that was completed in bringing together the early pregnancy unit?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the supplementary question. The early pregnancy unit has really centred the consumer voice in the design of this service to ensure that it meets the needs of women and pregnant people. As I mentioned on Tuesday, many would have seen Mrs Karen Schlage's very powerful story across the media when the unit was opened last week and the really pivotal role that she had in bringing this service together with Canberra Health Services.

During the maternity services inquiry, Mrs Schlage generously shared her story of losing her son, Charlie, who was delivered on a surgical ward after she had been labouring in an emergency department. Karen and her husband sadly also lost a daughter, Sophia, at Centenary Hospital, at just under 17 weeks. Following Karen's story, there have been national calls for early pregnancy units to be incorporated in all facilities across Australia to better support early pregnancy loss in inpatient settings.

The unit will support overnight stays, provide separate treatment spaces and a waiting area and integrate a new model of care to provide more holistic care for women and pregnant people and their families. The unit is designed to be a quiet space, with adjustable lighting and soft decor. It is a sensitive, purpose-built environment aimed at minimising exposure to the emergency department, to other women and people in advanced pregnancy, and to postnatal women and people with newborn infants. Input from consumers, clinicians and carer representatives has been invaluable in ensuring that the design of this new unit will meet the needs of women and pregnant people who require this care.

Karen was recently awarded a prestigious Churchill Fellowship to explore further supports at the time of early pregnancy loss. I look forward to hearing how the ACT government can continue to support our community through these difficult times, as a result of her lessons.

**MS ORR:** Minister, how is the expansion of the Centenary Hospital for Women and Children improving services to the ACT community?

**MS STEPHEN-SMITH:** I thank Ms Orr for the supplementary question. The ACT government is continuing to improve women's health services as part of the Centenary Hospital for Women and Children expansion project, with a number of new services opened and more to come. This includes children's services as well, with the paediatric high care ward the first part of the expansion to open and, last year, the purpose-built maternity assessment unit and the new gynaecology day unit.

The recently opened early pregnancy unit, antenatal ward, gynaecology ward and clinical administration spaces have all been completed. With the completion of these services, the Centenary Hospital for Women and Children expansion project is continuing to meet the increasing demand for maternity, gynaecological, paediatric and neonatal healthcare services across the territory and surrounding region.

The midwife-led maternity assessment unit has now doubled its capacity to eight bed spaces and has been relocated to be closer to the birthing unit, improving service efficiencies for women in need of pregnancy-related assessments. So far, the new MAU has seen over 2,000 presentations since it opened in 2022 and averages 23 presentations each day. The new model of care for the maternity unit is a 24-hour, seven day a week service and a triage-based system to ensure that women get the right service at the right time. The new unit includes upgraded equipment and infrastructure and the employment of an additional eight full-time equivalent midwives to support the new model.

The gynaecology day unit provides a dedicate procedure suite for adolescents and adult women who require gynaecological treatment. The new suite is equipped with facilities to provide the sensitive, person-centred care each patient needs when they are feeling particularly vulnerable. Coming up in 2023, as part of the \$50 million Centenary Hospital expansion, we will have the new postnatal ward, the new adolescent unit, the new adolescent mental health day service and the new special care nursery beds and family support area.

### **Roads—maintenance**

**MS LAWDER:** My question is to the Minister for Transport and City Services. Minister, residents have spoken to me about the poor communication and lengthy delays they have experienced while going through the pothole compensation claims process for damage to their vehicle. In 2022 what was the average number of days it took to complete a pothole compensation claim case?

**MR STEEL:** I thank the member for her question. I think she realises that this is the subject of a private member's debate this afternoon; she already has that information and has already referred to it in the motion. I will refer her to that information that I have already provided to her.

**MS LAWDER:** Minister, how many applications were made for pothole-related compensation claims in the last calendar year, up to 31 December 2022, and what was the average number of days it took to complete the compensation claims?

**MR STEEL:** That is a very specific question, so I will take that on notice and provide that information.

**MR CAIN:** Minister, of these applications, how many successfully received compensation?

**MR STEEL:** I will take that on notice. It depends on how long the claims needed to be assessed for, so I will have to check that information and see what information I can provide about how many have been assessed to date.

**Kippax—crime**

**MRS KIKKERT:** My question is to the Minister for Police and Emergency Services. When asked on a recent Facebook post what she is doing about ‘the ridiculous amount of crime happening’ at Kippax, the best that Minister Berry could do was to tell local residents to join Neighbourhood Watch and report criminal behaviour to Crime Stoppers. The person who asked the question replied that she is already a member of Neighbourhood Watch and more than one resident replied that they had rung both Crime Stoppers and the police assistance line but police were unable to respond. Minister, why have you defunded the police so much that Minister Berry’s best response for tackling increased crime at Kippax is to tell local residents to do it themselves?

**MR GENTLEMAN:** I reject the premise of the question. We have not defunded police at all. In fact, we have invested more in every budget each year that I have been Minister for Police. That is recognised in the reduction of crime. The police have done a fantastic job over these years and crime has reduced across Canberra. We are leading the nation in crime reduction.

**MRS KIKKERT:** Minister, is ‘increased police activity’ needed to address criminal behaviour at Kippax, as Minister Berry suggested on ABC Radio on 21 February? How can you make that happen when police numbers are so low that it recently took officers three days to respond to the burglary of a business at Kippax?

**MR GENTLEMAN:** I thank Mrs Kikkert for the question. Police do look at triaging responses to criminal activity across the ACT and, of course, put the most pressing activity at the front of their triage. It has been incredibly successful over many years. That is why our crime statistics show a downward trend, particularly in burglaries.

Of course, if there is a need for intensive operations in a particular area, police will work with the local community, as they have done on the request of the Canberra Liberals previously. I refer to the Mitchell work that was done a number of years ago, where it was brought to our attention that there were burglary activities around Mitchell. Police attended with a team and took on the responsibility, and the number of burglaries reduced dramatically. The police are doing a very good job across the ACT, and that is reflected in those crime statistics.

**MR CAIN:** Minister, did Minister Berry inform you of the specific crimes committed at Kippax that were reported to her on her Facebook post from 4 March? If so, what have you done to address those specific crimes and prevent similar ones happening?

**MR GENTLEMAN:** I encourage my ministerial colleagues to present directly to police or through Crime Stoppers.

**Government—land release**

**MR CAIN:** My question is to the Minister for Planning and Land Management. Minister, I refer to the recent article by your former colleague and former Labor Chief Minister Jon Stanhope in *CityNews*, 16 March, titled: “Barr banks land as buyers flee

over the border". What a good descriptive title. He expressed confusion over the government's policy of land supply and your claim that the ACT has run out of urban-capable land. Minister, why do you continue to choke land supply in the ACT despite the feedback from your former party leader and the obvious pressure it adds to the cost of housing affordability and the cost of living for Canberrans?

**MR GENTLEMAN:** I thank Mr Cain for the question. Of course, that is not the case. We do an ILRP each budget which forecasts the land and dwellings that are needed for future land supply, and of course it looks at the demographic and the growth of population across Canberra. So, if we look at the current ILRP, it provides for 2.5 people per dwelling, but we have had sufficient supply through five years, between 2016 and 2021, to accommodate 2.4 people per additional dwelling. So the ILRP forecast, in providing dwellings for future population, is in advance of what we see the population growth to be.

The census shows that the Canberra Liberals have provided some misleading statements in the Assembly, as well as in the media, about the growth in our surrounding regions, when we talk about growth in population and supply, with their claims of people flocking across the border.

**Ms Lawder:** Point of order, Madam Speaker: Mr Gentleman is accusing us of misleading. He should bring a substantive motion if that is what he believes. I ask you to ask him to withdraw.

**MADAM SPEAKER:** Mr Steel, on the point of order.

**Mr Steel:** Mr Gentleman clearly said that misleading statements had been made. He did not claim that a particular person was being misleading.

**MADAM SPEAKER:** Mr Hanson.

**Mr Hanson:** To help, Madam Speaker, the quote, I think, was actually Mr Stanhope's. It may be that the minister is confused and he has accused Mr Stanhope of misleading.

**MADAM SPEAKER:** There is no point of order. You have 20 seconds left, Minister, if you want to continue.

**MR GENTLEMAN:** Thank you, Madam Speaker. As I said, the growth in the ACT has been higher than in surrounding regions. Queanbeyan-Palarang grew by 13 per cent and Yass grew by seven per cent, whereas the ACT grew by more than 14 per cent. So the previous claims of the Canberra Liberals about those people strewing across the border is not in place.

**MR CAIN:** Minister, how can this government justify being serious about reducing cost-of-living pressures and addressing housing affordability when you insist on driving up land prices by choking land supply?

**MR GENTLEMAN:** I made it very clear we are not choking land supply. Our ILRP is well in advance of population growth, and that comes out every year. Of course,

Mr Cain was in the budget estimates talking about the ILRP. He asked many questions and we supplied the answers for him. I would say to you, Madam Speaker, and to the Assembly that we prepare well in advance on the Indicative Land Release Program to deliver as best we can on that program, because it is indicative, but we are providing more dwellings than we have population growth. It is, of course, a stark difference to when the Liberals were in power and the private sector did the land banking across the ACT. They sat on land for years and years and years and would not release it to the public. We are not doing that.

**MR PARTON:** Minister, is the government being disingenuous by claiming to help young Canberrans while choking the detached housing supply and killing their dreams of home ownership?

**MR GENTLEMAN:** No.

### **Municipal services—play spaces**

**MR BRADDOCK:** My question for the Minister for City Services. The ACT play spaces strategy mentions the development of “a play value index to assess play value, complement safety audit information and better inform investment priorities across the ACT play space network”.

Can you please provide an update in terms of the development of the play value index?

**MR STEEL:** I thank Mr Braddock for his question. It is often said that play is the work of children. We know the importance of play for children’s development, and we want to make sure that we have as much play value as possible in play spaces. As I have mentioned before, currently Transport Canberra and City Services does undertake safety assessments and audits of play spaces, but upgrades should not be based on safety alone. In fact, some risk-taking behaviour may be valuable for children, safely within our play spaces.

We want to make sure that as we go forward, as we make decisions about future upgrades and new play spaces, we do recognise that we can add different features to play spaces that may make them more valuable for children’s development. That is the basis for the development of a play value index, which was outlined in our play spaces strategy. It is a technical tool that is still under development by Transport Canberra and City Services and will be one of many inputs that will be used to determine how play spaces are prioritised for upgrades in the future.

This could include looking at other features to identify play spaces that offer positive experiences for our community, including: surrounding infrastructure that promotes accessibility and more inclusive play, such as sensory elements; shading, either through trees or supporting infrastructure like shade sails; and fencing, public toilets or water fountains. I am looking forward to that being a new feature of decision-making when it comes to future playgrounds in the ACT.

**MR BRADDOCK:** When will this index become available, and will it be in place for every single playground in the ACT?

**MR STEEL:** I thank the member for his question. The tool is still under development, but we do think that it will inform decision-making when we are looking at new play spaces. Based on their location, each play space is different. Whilst many play spaces were built with some standardised equipment, each location is different. There may be opportunities to extend play opportunities in each different location. As we look at that in the future, I think we will be certainly looking at a range of different play spaces around the community. We are not just looking at audits which are undertaken of every play space in the ACT to ensure safety. We are also looking at play value when we are looking at every play space in the ACT.

**MR DAVIS:** Minister, do you anticipate that the release and assessment of the play value index will change TCCS investment priorities to ensure there is more equitable distribution of play value across the ACT?

**MR STEEL:** Certainly one of the opportunities here is to assess what the current state of play spaces is in certain areas and whether that can be improved on. We know that in new greenfield areas we have fantastic new play spaces that have a range of different play elements that go beyond the “four Ss”—the seesaw, slide and other elements that were typically play spaces that were delivered in the 1970s. There is an opportunity to go beyond that in the future and to deliver more exciting play spaces that children want to use to get out in the outdoor environment and to develop their motor skills, fine motor skills and social skills in meeting with other families.

This is an exciting part of how we make decisions on playgrounds in the future. I am looking forward to it informing decision-making going forward, once the play space index is available.

### **Minister for Homelessness and Housing Services—conduct**

**MR PARTON:** Madam Speaker, my question is to the Minister for Homelessness and Housing Services. Minister, Smiths Alternative hosted an event on March 19 called Canberra Conversations. The speakers were Christine Milne, Tim Hollo and Dr Tjanara Goreng, all Greens former candidates or Senators. Former Greens candidate Tim Hollo responded to a question on why you—and I am not saying the question was correct, but the question was as to why you were failing in your current role. He responded, in this public forum, by saying that the Labor party were not allowing you to function properly as a Minister. That they did not want you to succeed. Minister, have you discussed these matters with Mr Hollo? Were you aware of his public statements on March 19?

**MS VASSAROTTI:** Thank you for the question. Madam Speaker, I am not aware of that public meeting or those public comments. Mr Hollo is a member of the Greens that I occasionally speak to but I was not aware of those comments or what led him to making them.

**MR PARTON:** Is the Labor party making it difficult for you to perform your role as Minister for Homelessness and Housing Services?

*Opposition members interjecting—*



**MS VASSAROTTI:** Thank you to the member for the question. The reason I am thinking about it is that I do not really understand the question or how I would possibly answer the question. Can you ask the question again?

**MR PARTON:** The question was: is the Labor party making it difficult for you to perform your role as Minister for Homelessness and Housing Services? Labor party being specifically Mr Barr and Ms Berry?

*Opposition members interjecting—*

**MS VASSAROTTI:** As members of shared government we work very collaboratively, particularly Minister Berry and me. We work very collaboratively on the issues of housing and homelessness services. This is a very difficult issue to be managing, both here in the ACT and Australia more generally. In this place we have had many discussions about the fact that we are dealing with a housing affordability crisis. We know that the last two years in particular have been really challenging in terms of the ongoing impacts of the COVID pandemic, the issues of the cost of living crisis, the fact that we do see such high prices in the ACT which has made the management of, particularly social housing, particularly challenging. We have also seen the federal government not in the space for at least a decade which has also increased the challenges in this portfolio.

**MS LAWDER:** Minister, how could Mr Barr and Ms Berry make it easier for you to do your job properly in light of Mr Hollo's comments that you are not doing it properly?

**Mr Rattenbury:** Point of order, Madam Speaker. It is a hypothetical question.

**MADAM SPEAKER:** I think the tone of the hypothetical question was almost in the original question. So I will allow Ms Vassarotti to respond.

**MS VASSAROTTI:** As evidenced in the range of public commitments the government has made recently, particularly in the area of housing, particularly in ideas such as standing up the Coordinator General of Housing, some of the issues around establishing a rental relief scheme, demonstrate that there is ongoing conversations about how we can do more in terms of supporting people who are most vulnerable and really hurting in terms of the issues of housing affordability. We continue to have really good conversations that any government would have in relation to how we can do more to support our most vulnerable citizens, particularly those in social housing.

### **Economy—trade with Singapore**

**MS ORR:** My question is to the Chief Minister. Chief Minister, what are the key goals of the territory's engagement with Singapore this year?

**MR BARR:** I thank Ms Orr for the question. The primary focus this year is on tourism, aviation, and investment in infrastructure, space and advanced manufacturing. Singapore is one of our key tourism markets. Direct aviation access is

critical to expanding this market. Equally critical is attracting private investment from Singapore, as our economy needs additional capital in order to grow. We are focusing this year particularly on strengthening industry partnerships in the space sector. There is a particular focus on collaboration between universities and research institutions.

**MS ORR:** Chief Minister, what are some of the main benefits that Canberra’s close relations with Singapore brings to our city?

**MR BARR:** There are a wide range of benefits. Singapore is an important partner for Australia but a significant one for Canberra. It ranks in the top 10 of our nation’s trade partners, as well as being a source of capital and a destination for investment. It is also within the top 10 sources of international visitors to Australia and to the ACT, and it is one of the key markets for the ACT, as identified in our international engagement strategy.

**MR PETTERSSON:** Chief Minister, how has the filming of a Singaporean TV show in Canberra benefited our local economy?

**MR BARR:** This opportunity came about because of our close relationship with Singapore. I particularly acknowledge the great work of our tourism and business development manager in Singapore, Ms Jacqueline Lee, who made this opportunity possible. The Singaporean broadcast company Mediacorp brought a production crew of 27 to Canberra. They also hired local film industry businesses to support the shoot, providing both revenue to these businesses and valuable experience for our local industry. Filming here raised the profile of Canberra in Singapore, as *Shero* is estimated to reach an audience of around 2.5 million people.

With that, Madam Speaker, I ask that further questions be placed on the notice paper.

## **Supplementary answers to questions without notice**

### **Municipal services—play spaces**

**MR STEEL:** Earlier in question time I was asked about the Caroline Chisholm Park on Deamer Crescent, Chisholm, the improvements that were being made there and why they were being made. “Make good” playground repairs are being undertaken at the play space, which were identified through playground compliance audits undertaken by Transport Canberra and City Services.

### **Canberra Health Services—data security**

**MS STEPHEN-SMITH:** Yesterday I was asked:

... why is Canberra Health Services contacting patients who post their valid concerns on Facebook and asking them to remove posts? Is this common practice at Canberra Health Services?

I took that question on notice. Canberra Health Services has advised that contacting patients to remove social media posts is not common practice.

As per my initial response to the member yesterday in relation to the matter reported in *City News*, I can confirm that a CHS team member did speak to the consumer about

removing their Canberra Notice Board Facebook post, as they had identified another health consumer in that post, including their name and location. The information was also included in a number of comment threads in that post.

Content on CHS social media channels is moderated according to CHS social media guidelines, which are published on the CHS website. Occasionally, comments on CHS posts are hidden if they breach these guidelines.

### **Carers—Carers Recognition Act implementation**

**MS DAVIDSON:** During question time yesterday I took a question on notice from Ms Orr regarding which government agencies are considered care and carer support agencies. I can confirm that all government directorates are considered care or carer support agencies, which is why, as I was saying yesterday, the Director-General of the Community Services Directorate wrote to all directors-general informing them of the passing of the Carers Recognition Act and their obligations under the act and provided their directorates with support information.

### **Seniors—ACT Seniors Card**

**MS DAVIDSON:** Madam Speaker, also during question time yesterday Ms Lawder asked me a question about the review of the Seniors Card. I have previously said that that review will be completed by March of 2023. I have since been advised by the Community Services Directorate, as of this morning, that the final report from the review will be provided to the ACT government in April. I would like to provide some further detail on how the review is going.

The consultation phase for the review is complete. I am advised that there was a strong level of engagement, with over 3,000 responses to a survey through the YourSay conversations website. In addition, a series of targeted consultations took place with key stakeholders, including COTA ACT and the Ministerial Advisory Council on Ageing. A listening report summarising the key feedback received through the survey and the stakeholder consultations will be released in coming weeks, and the government will use the review and further consultation with sector stakeholders to inform future service design and delivery options for the Seniors Card program. I am hoping that this is enough detail for Ms Lawder.

### **Planning—ACT Planning System Review and Reform Project**

**MR GENTLEMAN:** Yesterday, I had a question from Mr Cain regarding consultants. I provided some information. We are still chasing the cost of the consultants for the new planning reform and review project, but I gave him some details about interactions with those consultants. I can advise now in more detail. There were 80,597 downloads, 71,467 views, 31,936 visits, 16,391 visitors and 1,711 contributions. This does not include statistics from the other activities associated such as submissions outside the YourSay or the pop-up contributions.

## Papers

**Mr Gentleman** presented the following papers:

Evaluation of the Business Support Grant and Small Business Hardship Scheme—Evaluation Report—Grosvenor Public Sector Advisory, dated 13 December 2022.

Justice and Community Safety—Standing Committee—Reports—

No 10—*Inquiry into the Sexual Assault Reform Legislation Amendment Bill 2022*—Government response, dated March 2023.

No 12—*Inquiry into the Freedom of Information Amendment Bills 2022*—Government response, dated March 2023.

Planning and Development Act, pursuant to subsection 79(1)—Variation to the Territory Plan together with associated documents—No 387—Approval—Amendment to the Residential Zones Development Code and Multi Unit Housing Development Code of non-standard block in the Residential RZ1 zone, dated 28 March 2023.

Privileges 2022—Select Committee—Report—*Imposition of prohibition notice by WorkSafe ACT*—Government response, dated March 2023.

### **Justice and Community Safety—Standing Committee—report 10—government response**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (3.10): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Justice and Community Safety—Standing Committee—Report 10—*Inquiry into the Sexual Assault Reform Legislation Amendment Bill 2022*—Government response.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.10): I am pleased to advise the Assembly about the government response to the Standing Committee on Justice and Community Safety’s report on the *Inquiry into the Sexual Assault Reform Legislation Amendment Bill 2022*, which I am tabling today.

The government introduced the Sexual Assault Reform Legislation Amendment Bill 2022, or “the bill”, into the Assembly on 11 October last year. The bill makes a number of important changes to ACT legislation and continues the ACT government’s work to strengthen our response to, and the prevention of, sexual assault and sexual violence in the ACT community.

On 12 October last year, the standing committee resolved to undertake an inquiry into the bill. The government welcomed this inquiry, as it provided an opportunity for public discussion about the prevention of, and response to, sexual assault and sexual violence in the territory. The standing committee invited submissions on the amendments to the bill and published its report on 7 December 2022. The government thanks the standing committee for its report and has considered its five recommendations.

The government notes and welcomes the recommendation for the Assembly to pass the Sexual Assault Reform Legislation Amendment Bill 2022. This recommendation provides recognition by the standing committee of the ongoing need to prevent and respond to sexual assault and sexual violence in the community by the introduction of progressive and considered law reform.

The government has agreed in principle to the committee's recommendation that the government include a specific reference to people with disability, in care relationships and residential settings, in the proposed legislative changes to make evidence of prior family violence between parties relevant and admissible. This recommendation aligns with the government response to the Sexual Assault Prevention and Response Steering Committee report, *Listen. Take action to prevent, believe and heal*, which the government is actively considering.

As noted in the government response, consultation with stakeholders has highlighted the need to carefully define the meaning of "care relationship" in both the Family Violence Act 2016 and the Personal Violence Act 2016, and the government is taking time to ensure further consultation can occur and inform the most appropriate definition of "care relationship" to give effect to the intent of the recommendation.

The government has agreed to three of the other recommendations of the standing committee's report, which are: that the ACT government consider if the bail amendments proposed in the bill should also apply to subsections 62(1) and 62(2), and sections 64 and 66 of the Crimes Act 1900 to ensure a consistent approach; that the government monitor and evaluate the impact on perpetrators from Aboriginal and Torres Strait Islander communities; and that the explanatory statement for the bill be amended to include an explanation of the terms "victim" and "victim-survivor" and the context in which they are used.

In relation to the first of the agreed recommendations, the government considers it appropriate to explore the extension of the bail amendments to the listed offences. These offences are considered serious sexual offences and include: subsection 62(1) and (2)—incest and similar offences; section 64—using a child for the production of child exploitation material; and section 66—grooming and depraving young people. The impact of this change will be that the presumption of bail does not apply to the offences, thereby creating a neutral presumption of bail. This will align the bail presumption with the presumption that applies to other serious sexual offences currently listed in the Bail Act 1992.

In agreeing to this recommendation, the ACT government recognises the policy intent of the related recommendations in the *Listen. Take action to prevent, believe and*

*heal* report. The inclusion of the further offences identified by the committee will better support consistency. This not only helps to improve criminal justice outcomes for victim-survivors, but also reflects community attitudes by aligning the presumption of bail for those charged with the above offences with the presumption that applies to other serious sexual offences.

As always, the impact of the amendments on human rights will also be carefully monitored and considered. This approach will ensure that our legislation is fit for purpose and appropriately balances the need to protect the community and uphold human rights.

In relation to the second of the agreed recommendations, it is acknowledged that the bill will impact on First Nations people, as they disproportionately experience sexual violence. The ACT government agrees in the government response that it will continue to consult with stakeholders representing the Aboriginal and Torres Strait Islander communities on the current and future amendments to ensure any such impact on these communities is appropriately monitored and evaluated.

In relation to the third of the agreed recommendations, I acknowledge that concerns were raised in the inquiry about the use of the term “victim-survivor” in the explanatory statement to the bill, and how use of this term may be thought to impact on the onus of proof or remove the right to the presumption of innocence. Clearly, a person who is alleged to have committed an offence is innocent until proven guilty, as outlined in section 22(1) of the Human Rights Act 2004 and reflected in our broader criminal law framework.

The bill does not seek to change the onus of proof, nor does it ignore the presumption of innocence. Rather, the references to “victims” and “victim-survivors” are intended to be inclusive and recognise that not all people who experience sexual assault will have a matter finalised by way of a guilty verdict in the criminal justice system. The government response and the revised explanatory statement addresses these concerns to confirm what I have just outlined.

The government values public discourse and open dialogue to ensure our laws are robust, are consistent with human rights obligations and meet the needs of our community. It is my view that the bill has the potential to significantly improve the experience of victim-survivors of sexual assaults, an objective this government seeks to promote wherever possible.

As the Assembly will know, sexual violence is a serious problem of epidemic proportions in Australia. When I introduced the bill to the Assembly last year, I told of a survey by the Australian Bureau of Statistics which 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. That is why, in response, the government has carefully considered the recommendations of the committee report and the submissions made during the inquiry.

In closing, I thank the standing committee for conducting the public inquiry into the Sexual Assault Reform Legislation Amendment Bill 2022 and for providing an

opportunity for an ongoing discussion about safeguards for victim-survivors in criminal proceedings. I would like to thank the stakeholders who contributed written submissions to the inquiry, as well as those who commented during the consultation on the various amendments in the bill. This engagement and feedback provide valuable insight to government and help ensure that our legal framework does remain fit for purpose.

Question resolved in the affirmative.

## Leave of absence

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

That leave of absence be granted to Ms Lee (Leader of the Opposition) for this sitting due to personal reasons.

## Roads—maintenance

**MS LAWDER** (Brindabella) (3.18): I move:

That this Assembly:

- (1) notes that:
  - (a) community concern about the amount and severity of potholes has continued to rise over the past several years;
  - (b) persistent rain has contributed to the number of potholes but so too has a lack of proactive road maintenance in warmer months;
  - (c) delivering safe and accessible roads is a basic government responsibility that the Labor/Greens Government is failing at;
  - (d) Canberrans pay exorbitant levels of rates and it is not unreasonable for them to expect good roads in return;
  - (e) in October 2022, a motion was moved by the Canberra Liberals calling on the Labor/Greens Government to investigate the current road maintenance approach and to provide residents with a plan to reduce the amount of ratepayers' money being spent on pothole damage claims; and
  - (f) this motion was subsequently watered down by Labor and the Greens who ignored community concerns and proclaimed that all was fine with the condition of ACT roads;
- (2) further notes that:
  - (a) from 1 January to 31 October 2022, the ACT Government received 177 pothole-related damage to vehicle claims;
  - (b) of these 177 claims, only 51 reached a settlement as at 31 October 2022;
  - (c) for the 51 settled claims, the average amount paid by the Government was \$767.86;
  - (d) during this period, the average number of days it took for a pothole-related compensation claim to be paid out was 47 working days;

- (e) of the 51 settled claims:
  - (i) 21 were paid within 30 days of submitting;
  - (ii) 19 were paid within 31-60 days of submitting; and
  - (iii) 11 were paid more than 60 days after submitting; and
- (3) calls on the ACT Government to:
  - (a) reduce the number of working days Roads ACT has to assess applications for reimbursement from 60 to 30 working days;
  - (b) upon exceeding those 30 working days, introduce that interest will start to be accrued on claims to ensure that deadlines are met and so that the Government is motivated to provide safe roads for people to access; and
  - (c) introduce these changes and update the Assembly on these changes by 1 July 2023.

I am happy to speak to the motion that is on the notice paper in my name. It is no secret that Canberrans have been deeply dissatisfied with the quality of ACT roads over the past few years. Last year we saw pothole-related vehicle damage claims soar, with many residents personally impacted by the Labor-Greens government's failure to keep roads safe and accessible for everyone.

It did rain, Mr Assistant Speaker Pettersson; it rained a lot. No-one can deny that. But the concerns about maintenance of our roads meant that potholes proliferated faster than rabbits, if you like. Throughout 2022 the minister ignored community concerns and maintained the rhetoric that they were doing a great job of repairing and preserving Canberra roads. It was not until December 2022 that the minister acknowledged that there was a problem and announced much-needed further investment in ACT road maintenance. For the many residents who experienced problems and damage to their vehicles last year as a result of potholes, this investment has come far too late.

We know that, from 1 January to 31 October 2022, the average amount paid out by the government for a successful pothole-related damage claim was \$767.86—the average claim. That is the best part of \$800. For an average household, that is a lot of money—to be out of pocket for this amount on short notice. It is money that residents have to pay to get their vehicles fixed because of the government's failure to keep our roads well maintained. It might not seem like much to people in this place, but the best part of \$800 is a lot of money, especially amongst the current cost-of-living pressures that we have all been talking about.

When you have a family to support, and other bills to pay, cost-of-living pressures are one of the most pressing issues for Canberra families, for our families in the suburbs. When you get an \$800 bill to fix your car because of a pothole issue, just where does that \$800 come from?

Of course, in the ACT we have the option for residents to apply for compensation from the government when their vehicle is damaged as a result of poor road quality—for example, potholes. However, residents that I have spoken to have told me that they lodged a claim in October last year—some may have been lodged back further than



that, but the ones I have spoken to said they lodged a claim in October—and they are still waiting to hear.

On Monday of this week I checked in with one of them who wrote to me a couple of times last year, saying he was still waiting. This week he is still waiting for his claim from October last year to be dealt with. Clearly, the system is not working well. And for whom is it not working well? Residents. It might be working fine for the government, but it is certainly not working well for Canberra families who have been impacted by this additional cost to fix their cars.

Under the current requirements, we are told that the government endeavours to contact applicants within 60 working days to advise them of the government's position in relation to their claim. That is still three months, Mr Assistant Speaker, from when you originally submit your claim—60 working days. It is not 60 days; it is 60 working days. It is three months from when you submit your claim to when you can expect to hear back from the government with their decision. My constituent that I spoke to on Monday still has not heard, and it has been far more than 60 working days. Also, we heard in the media that residents are discouraged from contacting the government to ask about the status of their claim. They are told that it will only delay their claim further.

In February 2023, it was reported by the ACT that more than 600 people were waiting for compensation relating to their claim for pothole damage to be assessed. In total, it appears that around 700 claims were received in 2022 for vehicle damage relating to potholes—300 of them in December alone. Up to 31 October, for the year as a whole, we had 177 claims; it skyrocketed in November and December.

My motion today is basically asking the government to get their act into gear, to assess these claims in a more timely manner and to reduce the amount of time to assess the claim from 60 to 30 working days. If the government cannot provide safe roads for residents, which clearly they cannot, as we still see potholes out there today, the least they can do is pay out compensation claims in a timely manner.

The motion that is before us today also calls on the government to introduce a policy so that, once a reasonable period of time has elapsed, interest will start to be accrued for successful claims. I know that the government will not like this. Labor and the Greens will not like this one little bit, but it works the other way around; if you pay your rates notice late, you will accrue interest on that notice until it is paid. The government expect residents to pay up on time. Why can't they set the same standard for themselves? Why can't they be accountable to residents? Why can't they meet similar deadlines? It is quite a simple matter.

If the government do not want to pay interest on these compensation claims then they should put a bit more effort into assessing them and paying them out on time. It is not much to ask. Furthermore, if they do not want to pay out much in compensation claims, they should ensure we have better roads in the first place and fewer potholes. That would be nice, wouldn't it? We pay our rates. We pay our vehicle registration. The least the government can do is start delivering safe roads for us. I commend my motion to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.26): The government will not be supporting the motion. I am pleased, however, to take this opportunity to update the Assembly on the significant investment that the ACT government has been making through our strategic road maintenance program to repair and preserve Canberra's roads.

The ACT government recognises that a road network that is in good condition supports safe travel and reduces total transport costs, including reduced costs not only for government but also for maintenance and for road users.

As I stated on Tuesday, the 2022-23 budget review provides record funding, an increase of up to \$153 million, over the next four years in road maintenance funding, as part of our strategic road maintenance program. This new program provides a key focus on preventive maintenance, which will decrease the occurrence of potholes and road defects into the future, while also continuing to rapidly address safety hazards as they are identified.

The program has been developed based on research undertaken by the Australian Road Research Board, which is now called the NTRO, to support a new strategic approach to maintenance, improving safety, supporting freight movements, and improving our city's liveability. This research-led approach aims to extend the life of Canberra's existing high-quality roads through proactive resealing while undertaking more rehab work, including an increase in asphaltting of 150 per cent.

As was identified by the chief executive officer, Michael Caltabiano, on 2CC, the ACT government has undertaken a holistic review of how roads perform in the ACT. To quote part of this interview regarding the ACT's new road maintenance program, Mr Caltabiano said, "It's a leading light for how other jurisdictions right across Australia should be considering their maintenance of their road systems."

Our 2022-23 resurfacing program is already well underway. That is obvious to anyone using our road network at the moment. Road crews have already completed works on major roads, including Parkes Way, Gungahlin Drive, Belconnen Way, Drakeford Drive and the Cotter Road. The program has also resurfaced local roads in local suburbs, ensuring that the roads people drive on every day are safe.

It is no secret at all that roads across south-eastern Australia have taken an absolute battering from 2020 to the start of this year, with La Nina conditions existing for some time. A changing climate, heavier vehicles and greater than anticipated ACT population growth have certainly accelerated road degradation and the likelihood of defects like potholes. ACT road crews have been working around the clock to address safety concerns as they arrive, and that should continue to be their focus.

The ACT has an extensive road system. It is not possible for TCCS to know at any one time where a defect is located or to undertake repairs immediately. Mr Assistant Speaker, to give you an indication of the extent of the task, from 1 July 2022 to 28 February 2023, Roads ACT crews and contractors repaired a total of 10,075 potholes. I commend the hard work of our patching crews over the last year, and particularly their efforts during the periods of challenging weather to make our roads safe for Canberrans.

The persistent rain over the last several years has contributed to a higher than normal number of claims received by TCCS. In response to the volume of claims, TCCS employed an additional resource to help with the increase in workload and also streamlined the claim application process.

A dedicated pothole claims form was developed in mid-November 2022, which can be accessed via the TCCS website. That ensures claims are submitted directly to the claims team for processing and ensures that all information required for assessing a claim properly has been captured up-front, reducing the need for multiple follow-up requests to the claimant.

The time it takes to process a pothole claim will depend on the complexity of the case. Most cases are highly complex and involve regular two-way communication between the claims officer and the claimant. Factors which may affect the timing of completion include the accuracy and completeness of the information provided by the claimant, the provision of receipts showing work has already been completed, investigation of liability, and whether the individual seeks legal advice. Timing is also dependent on how quickly individuals respond to TCCS requests for information.

As Ms Lawder has highlighted, the average number of days it took for a pothole-related compensation claim to be paid out was 47 working days, with the average amount paid by the government being \$767.86. When compared to neighbouring jurisdictions, the ACT's claims process is relatively supportive and performs reasonably well. Transport NSW identifies that a claim within New South Wales may take six weeks or longer, depending on the complexities of the claim. In addition, VicRoads has a minimum claim threshold of \$1,460 set out under Victoria's Road Management Act 2004. The amount which may be recovered through a claim in Victoria for property damage which exceeds the threshold amount is to be reduced by the threshold amount, so the first \$1,460 would need to be paid by the claimant. The threshold in Victoria is much higher than the average pothole-related compensation claim of approximately \$768 paid by the ACT government.

As I am sure you would appreciate, the responsibility for pothole-related damage depends on the circumstances of the incident, and claims are assessed on a case-by-case basis in accordance with current legislation. The government does not automatically set responsibility for pothole-related damage, and each claimant is advised that there is no guarantee that a compensation payment will be made.

The TCCS claims team operates within Roads ACT, which has the primary focus of providing safe roads within the ACT. A shift in focus and resourcing even further away from pothole patching and resurfacing towards the processing of claims, as the Canberra Liberals are proposing, would, very counterproductively, increase the exposure of traffic to potholes and consequently increase the number of claims. I think that most Canberrans, including many of those who have lodged a claim, would prefer it if the government continued to focus on maintaining our roads to a high standard to reduce the occurrence of potholes in the first place.

The ACT government will continue to prioritise strategic road maintenance issues to provide a safe and smooth road surface for all Canberrans, so we cannot support this

motion. Canberrans are encouraged to report road maintenance matters via Access Canberra and, particularly, through Fix My Street. Such reports are of great assistance to us in rapidly identifying and responding to concerns to ensure that Canberrans can continue to enjoy safe, smooth and high-quality roads.

**MS CLAY** (Ginninderra) (3.34): I rise to speak to the motion moved by Ms Lawder about potholes. Potholes are a problem, but this is not an issue that is exclusive to the ACT. We all know that it is widespread across the country. There is limited capacity for the government to repair all of the roads across the ACT at once. Obviously, with an unprecedented third La Niña and record rainfall in the ACT last October, it is no wonder our roads were worse for wear.

As detailed by Minister Steel, the government is spending record amounts on repairing our roads. This work is ongoing, as anyone who gets around Canberra will have seen for themselves.

The opposition has called for a reduction in the number of working days that Roads ACT has to assess applications for reimbursement from 60 days to 30 working days. What would this mean? Reducing the assessment period could lead to unexpected and worse outcomes. It is not a good use of public funds to pay out hundreds of dollars to claimants without proper scrutiny. Those sorts of claims require resourcing and deliberation.

I am pleased that the ACT government has established a scheme to support those with legitimate claims, but I do not think that that scheme should be rushed. Pressuring public servants to pay out large claims in short periods of time when they may also need to seek additional information or verify those claims is just not helpful. It could lead to errors in claims being paid out or it could lead to invalid claims being rushed through at a cost to taxpayers.

The opposition is also calling for interest to be paid on claims that take longer than 30 days. The value of this interest on claims would be absolutely tiny; it would be dollars per claim, and the administrative cost to government would be really high—many multiples greater than the value of the interest. That does not strike me as a good use of taxpayer funds at a time when we have so many pressures on the public purse. It seems like a poor use of public funds for the government.

I agree that the issue of potholes on our roads was really critical a few months ago. We are pleased that the government now have a scheme in place. We are pleased that they are working through those claims. We urge them to do this as well and as quickly as they can. We urge them to continue fixing and repairing our roads as quickly as they can. We are pleased that we now have some sunnier days, to get on with that work. The ACT Greens will not be supporting this motion today.

**MRS KIKKERT** (Ginninderra) (3.36): I thank Ms Lawder for this motion. I spoke on the same subject in October and raised concerns about how difficult it was to make an online claim for compensation for pothole damage. Instructions were hard to find and the process was so convoluted that it appeared to be designed to discourage anyone from successfully completing it. I certainly heard from constituents who tried to make a claim and just gave up in frustration.

There is now an online form that is easier to find and easier to complete, but the referral page for this form is still discouraging. Those who make a claim are warned that, whilst the ACT government will endeavour to contact them within 60 working days, a higher volume of claims submissions than normal means that people should expect delays.

The high volume of claims submissions stems, of course, from the very high volume of car-destroying potholes plaguing the territory, many of which have opened up in roads and even in public car parks across my electorate of Ginninderra. Every week I hear from local residents frustrated by how long it takes for dangerous potholes to be repaired, and who are disgusted by how quickly they fail again.

The government's website blames these potholes exclusively on the weather, twice stating that the road network has been damaged by two years of unprecedented rainfall. This is not the whole truth, however, as has been noted by road maintenance experts.

Six years ago, I brought to this Assembly a matter of public importance urging better road maintenance. At that time I cited research by Sally Burningham and Natalya Stankevich demonstrating that a regular maintenance schedule can prevent significant deterioration of road surfaces. I also noted that years of neglect by ACT Labor and the Greens had resulted in a very large backlog of roads that had not been resurfaced in line with government targets.

I then warned those opposite about what would happen if the ACT government did not improve road care, noting that, according to Burningham and Stankevich, the appearance of potholes is one sign that road maintenance has not been performed on schedule. In other words, heavy rain, including unprecedented rainfall, does not always cause potholes in roads that have been adequately sealed. Rain merely exposes the subsurface flaws present in poorly maintained roads.

This point was confirmed by Michael Caltabiano, Chief Executive Officer of the Australian Road Research Board, in a *Canberra Times* article last year. Asked whether Canberra's mushrooming pothole problem could be blamed solely on the weather, his answer was, "No." I quote from the article:

It is also about neglect during the dry weather. Not spending then was a false economy, according to Mr Caltabiano.

"From my observation, the ACT road network is in a poor condition," he said.  
"The road system is deteriorating, and ordinary drivers are seeing that ...

This false economy is something else that I warned about in my speech six years ago. As I said then, investing in regular road maintenance in the present is cheaper than endlessly patching and repairing neglected roads in the future. Naturally, my warning was ignored by those opposite, who are deaf to almost anything said by the Liberal opposition.

Today, years of persistent Labor and Greens neglect of our road network has proved to be expensive, not just to government but to everyday drivers, with thousands

of Canberrans forced to fork out for repairs to tyres, wheels and sometimes other car systems.

Nearly 200 residents undertook the challenging task of filing a claim for compensation from the ACT government in the first 10 months of last year. Fifty-nine per cent of those claims remained unsettled after 30 working days, and 22 per cent were still unsettled after 60 working days. This motion calls on the government to process all claims within 30 working days, with interest accruing on payouts after that point. This seems to be the least that this government can do for those whose vehicles have been damaged by the territory's deteriorating roads. I commend this motion to the Assembly.

**MR CAIN** (Ginninderra) (3.41): #PotholesAreUs. There are obviously two ways to spell that, Madam Speaker—"A-R-E" or "R". I would encourage—as I did last year when I spoke about this pothole pandemic in the ACT—the minister to consider putting that in his letterhead, because it is certainly something that has been very noticeable to Canberrans.

I would like to support Ms Lawder's worthy motion. The giving of interest on a late payment is something that happens frequently. Why shouldn't the government fall into line with business practice? It charges interest itself, does it not?

I have lived in Canberra for over 30 years, and one of the traits that makes this wonderful city so liveable is the great accessibility provided by our road network. Since the 2020 ACT election, this Labor-Greens government has overseen the worst period of road maintenance that I have witnessed in the more than 30 years that I have lived in this city.

Canberra used to have the best roads in the country. This has been particularly prevalent in my electorate of Ginninderra, as my colleague Mrs Kikkert mentioned. One of the primary concerns that my constituents continue to raise with me, surprisingly, has been potholes. The number of stories I have heard and photos I have received from Belconnen residents is quite striking.

For example, the potholes in Charnwood Place, directly in front of one of the district's key group centres, remained unrectified for months. I wonder whether the government MLAs for Ginninderra remember dodging potholes on Kingsford Smith Drive; Southern Cross Drive and William Hovell Drive. These are major thoroughfares. These are not backroads in the suburbs; these are main roads. I remember those, and I remember dodging them; so do the residents of Belconnen who were forced to avoid these hazards every day, as they went about their lives.

Potholes pose a hazard to Canberrans' motor vehicles, which inherently means they pose a hazard to the safety and wellbeing of Canberra motorists. As such, it is the government's responsibility to ensure that the condition of our roads is, first and foremost, safe. To be frank, they have failed in this responsibility.

I commend Ms Lawder's motion because it highlights exactly what people have wanted this government to do ever since 2020—to take responsibility, to exercise accountability, to actually be fair to the community in refunding money that they have had to fork out and, if it is late in coming, it should attract interest.

Frankly, this Labor-Greens government has handled this issue rather poorly. It is shameful that the government continues to ignore Canberrans, neglect their safety and dismiss their concerns because of a failure to properly maintain and monitor road surfaces. I certainly commend Ms Lawder's motion to the Assembly and encourage other members to do so.

**MS LAWDER** (Brindabella) (3.45), in reply: I would just remind members here of the numbers we are talking about: 177 claims in the first 10 months up to 31 October 2022. It would appear another 200 in November alone and another 300 in December alone.

Mr Steel has selectively used the statistics to talk about an average of 47 working days, as mentioned in my motion, to pay out a compensation claim. Of course, that does not count the last two months of the year, where we had 500 additional claims. I am sure Mr Steel would be able to have access to those statistics if he so wished.

I would like to also remind members about the government's own policy, at the ACT Revenue Office, about interest. It says:

If you do not pay your tax obligation by the due date, interest will accrue on all outstanding amounts. Interest will also continue to accrue during any agreed time payment arrangement. The interest rate is 8 per cent plus the 90 day bank bill rate.

I am unsure why the government cannot take a little of their own medicine. I think it is probably self-apparent, but I am going to spell it out just in case anyone is not sure. I do not really know that the government should pay interest on these compensation claims. The main point here is that they should pay compensation claims in a timely manner. That is really what this is all about: to take that financial burden away from ordinary families out in the suburbs who may have shelled out, according to the government statistics, an average of \$800 to get their car fixed or to get their tyres replaced. With all the cost-of-living pressures that we have, that is \$800 that most families just cannot afford. It is a lot of money.

Earlier this year, on 16 February, there was an ABC article about claims for compensation. It said:

More than 600 people are waiting for their compensation claims over pothole damages to be processed.

That was from an article on 16 February of this year—so far more than the numbers originally talked about in my motion. The article continues:

About 700 claims for pothole damage compensation were received in 2022, 300 of them in December alone.

Roads ACT executive branch manager Tim Rampton said 105 of those claims from last year had been settled, while eight had been denied.

He admitted the organisation was seeing a lag in the time it took to process claims.

That was Roads ACT admitting that there was a lag. The article also quoted the Roads ACT spokesperson as saying:

We do have a dedicated team for the claims, but it's important to remember that that team is also dealing with claims for other matters through [Transport Canberra and City Services].

It does take time for that assessment to take place. And for some time, there's a bit of back and forth between the claimant to get the particular detail.

Mr Steel mentioned that when he spoke to this motion.

It also comes back, I think, to what Mrs Kikkert was saying about the complexity of the form. In most cases, a decent form will not allow you to submit until you have provided all the required details. So it appears to be perhaps a problem of the government's own making that they may have such a form that does not require people to put in all the requisite details, hence we are having the back and forth—which apparently adds time to an assessment.

The article also said that the Roads ACT spokesperson:

... urged people waiting to hear back not to contact the department, because that would only slow the process further.

It is a bit like a trend—"Do not call us or your claim will be even slower to settle. Do not call us. We do not want to hear from you. We are not here to serve the people of the ACT. Do not call us."

The article quotes the spokesperson as saying:

Our average is around ... 60 days but we are requesting that if you have submitted something in the last 60 working days, please don't contact us because we probably haven't gotten to it yet or we're still working through it.

I do not really blame the people in Roads ACT. Clearly it is a resourcing issue. It is a resourcing issue for the maintenance crews. Have they had the sufficient resources over the past few years? Apparently, it is also a resourcing issue in Roads ACT in the claims department as well. These poor people are absolutely under the pump. You have to feel a bit sorry for them. They are trying to do their job, but they are not given the assistance and the resources they need by this government.

As a result of this whole debacle of potholes—and I am still quoting from the ABC article:

Canberra resident Tegan Martin was among those who endured a lengthy wait after she struck a pothole on Melrose Drive and lodged a claim.

Ms Martin said she hit the pothole at about 7am one day amid heavy rain.

The damage needed repair and she lodged her claim with Roads ACT later that day, providing evidence in the form of witnesses and photos.



Ms Martin said she waited 90 business days only to be told her claim was rejected.

Ms Martin waited 90 business days—not even 60—only to be told her claim was rejected. Again, I would make the point that we are not talking 90 days; we are talking 90 business days. That is a very long time to be waiting.

The article says that Ms Martin said:

They pass you through several avenues, you go from making your initial complaint and then they put you through to someone who contacts you, and then they put you through to an assessor and then it goes from the assessor back to the claims team.'

Mrs Kikkert talked about how difficult it is—not just the form but the entire process.

Ms Martin said she was frustrated and confused when she was told her claim was unsuccessful, saying: “I lost a shift at work as a result of the pothole, and I just assumed that with all the evidence provided they would see it for what it was.” The article said:

She was so frustrated she started a Facebook group titled Canberra Potholes, which has become a gathering point for those affected to share their stories.

The ACT government spokesperson said:

... in some cases, if there was no evidence of the pothole prior to the claim, it could be rejected.

The ACT government doesn't take automatic responsibility and liability for those things.

We need to be aware of the pothole, and have we had time to go out and rectify it?

Here we go again, blaming residents for not reporting that pothole. This confuses me completely. What were you supposed to do last year, when you were driving to work, often in the pouring rain, and you hit a pothole that you did not see because of maybe traffic around you and the rain? What were you supposed to do? Were you supposed to get on your phone while you are driving your car in the rain and say, “Hey, I just hit a pothole 50 metres back”? Of course, that is ludicrous. That is dangerous.

By the time you get to work, have a bit of a look at your car and see what the damage is, probably the last thing on your mind by that point is to ring up and lodge a report of that pothole. And, if you do it via Access Canberra, chances are that not much will happen anyway. Again and again we hear people saying they have used the Fix My Street and nothing ever happens. I really just feel that you cannot make residents responsible for not lodging a notice of that particular pothole.

However, I would commend Ms Martin for her group Canberra Potholes. It has been a source of a lot of information and a bit of hilarity, with some of the memes and the jokes people have put up.

**Mr Parton:** If you did not laugh, you would cry!

**MS LAWDER:** Yes, if you were not laughing you would be crying about this. One of the jokes on there that I like was, “In the ACT we used to drive on the left of the road; now we drive on what is left of the road.”

It is really disappointing that the government is trying to pretend all is well when we have people who have been waiting so long for their compensation claim to be assessed. They have not even heard whether it is going to be rejected or not and they certainly have not been reimbursed for hundreds of dollars—nearly a thousand! It is, on average, \$800 that they have had to shell out.

What has that meant for average families? Who has \$800 just to spend like that? Not many families that I know with young children. I think it is really disappointing that the government is just rejecting this out of hand and not being more respectful about residents and the compensation claims that they put in. They deserve a bit of respect and they deserve a better response to their compensation claims for pothole related damage.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 8

Noes 15

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

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.

### **Housing—short-term rentals**

**MR DAVIS** (Brindabella) (3.59): I seek leave to amend the motion as circulated by omitting “July” and substituting “November” in paragraph (3)(d).

Leave granted.

**MR DAVIS:** I move the amended motion:

That this Assembly:

- (1) notes that:
  - (a) the ACT is currently experiencing a housing crisis, with escalating issues of housing affordability and availability;
  - (b) over the past five years, housing prices in the ACT have increased by 19 percent, more than double the national increase of 8.2 percent;
  - (c) last year Canberra's vacancy rates were at an all-time low of 0.5 percent, and have only slightly increased in 2023, remaining well below levels widely considered healthy; and
  - (d) Canberra rates lowest compared to other Australian capital cities for the number of rentals available for less than \$400 per week at two percent of available properties, falling from 10 percent in March 2020;
- (2) further notes:
  - (a) short-term rental accommodation on platforms such as Airbnb or HomeAway interact with local housing market dynamics, including the supply and price of properties available in localised markets for long-term lease, creating potentially adverse outcomes for people seeking long-term rental accommodation;
  - (b) research estimates that short-term rentals currently make up around two percent of Australia's housing stock and were up to four percent before the COVID-19 pandemic;
  - (c) estimates place 1,332 active short-term rentals listed in the ACT, of which 82 percent are entire homes;
  - (d) a significant portion of short-term rentals in the ACT are properties that would otherwise be available for long-term lease. Investigations in the ACT by YourSay revealed 65 percent of short-term rental accommodation owners would make their entire properties available long-term rent, and 63 percent would make rooms available for long-term rent, if they were not using short-term rental services;
  - (e) research shows that at a neighbourhood level in Sydney and Melbourne, a high prevalence of short-term rentals in high demand areas impacts the availability of long-term rental properties;
  - (f) despite being considered part of the share economy, the vast majority of short-term rentals are entire properties being rented for few nights. In February 2019, there was three times as many "entire homes" listed on Airbnb compared to room-only listings across New South Wales, Victoria and Queensland;
  - (g) research from the Australian Housing and Urban Research Institute has highlighted the risk that short-term rentals could contribute to greater inequality over time, exacerbate already distorted housing markets in popular urban areas, and increase uncertainty and complexity for people seeking long-term housing;
  - (h) jurisdictions across Australia have taken regulatory measures to mitigate negative impacts of short-term rental accommodation on local housing markets:

- (i) short-term rental accommodation codes of conduct and registration systems to allow data-collection have been implemented by the New South Wales, Queensland, South Australian and Tasmanian Governments;
  - (ii) some of these laws include restrictions for residential zones or caps on the number of nights permissible for renting out an entire property, including penalties for non-compliance;
  - (iii) the Western Australian Government is currently undergoing a review of draft legislation to implement a permit-system for stays of more than 60 nights per year; and
  - (iv) specific local government areas, such as Byron Bay, have further restricted stays for properties without the host present from 180 days to 90 days per calendar year, with a particular focus on residential zones to encourage properties back onto the market for long-term rental accommodation;
- (i) overseas, jurisdictions including New York, London, Berlin and Amsterdam have taken steps to regulate short-term rental accommodation with caps or permit systems ranging from 30 to 90 days for entire homes or secondary properties;
  - (j) Greens Party representatives around Australia have been championing this issue to enable better market conditions for renters, including through proposals such as:
    - (i) in Tasmania, pausing new short-stay permits for listings of entire homes in the Greater Hobart area;
    - (ii) in Victoria, a cap of 90 days per year for secondary properties and allowing owners corporations to regulate short stays in their building that are not a primary residence; and
    - (iii) in New South Wales, banning stays in properties built since 2018 that are not a primary residence, until the vacancy rate reaches three percent;
  - (k) information gathering has a critical role to play in ensuring the ACT Government can form any necessary, measured policy responses for short-term rental accommodation in the ACT; and
  - (l) notwithstanding that the drivers of, and solutions for, the ACT's housing crisis are complex and multifaceted, the ACT Government has a role to play in ensuring homeowners are not incentivised to use their properties for short-term rental accommodation instead of long-term rental accommodation, whilst there is low vacancy rates, housing shortages and increasing house prices; and
- (3) calls on the ACT Government to:
- (a) acknowledge and respond to evidence nationally and globally showing that unrestricted short-term rental accommodation negatively impacts the price and supply of long-term rental properties;
  - (b) explore regulatory and policy solutions to address negative local impacts of short-term rental accommodation on the supply and price of long-term rental properties in the ACT including:
    - (i) capping the number of properties that can be rented for short-term rental accommodation purposes;

- (ii) capping the number of days an entire property can be rented for short-term rental accommodation purposes;
  - (iii) tax reform; and
  - (iv) restrict short-term rental accommodation to primary properties;
- (c) establish a registration system for short-term rental accommodation properties in ACT that is cost-neutral to government, to enable data collection and future analysis of localised impacts on housing; and
- (d) report back to the Assembly by the last sitting day in November 2023.

There are many values that the Greens bring to this housing crisis. We believe everybody should have access to housing that is safe, secure, liveable, affordable and appropriate for their needs and that access should be equitable. We believe housing is a fundamental human right and an essential prerequisite to good health and social inclusion. This is what we Greens took to the ACT election in 2020, and I'm proud to be standing here today to bring us one step closer to achieving this goal.

We are currently faced with two complex and reinforcing challenges across this country: a cost-of-living crisis and a housing crisis. Canberra's population is expected to grow by 100,000 people over the next decade. Over the past five years housing prices in the ACT have increased by 19 per cent, more than double the national increase of 8.2 per cent. Compared to other Australian capital cities we have the lowest availability of rental properties under \$400 per week, at only two per cent.

Looking for a safe and secure place to call home is stressful enough at the best of times. More than 20 per cent of the homes in my electorate of Brindabella are occupied by renters. More than 1,500 of those are occupied by tenants who pay more than 30 per cent of their household income on rent.

Anglicare's Rental Affordability Snapshot of 2022 paints a dire picture of housing affordability for vulnerable people across the country. Of these properties assessed, none—I repeat none; not a single one—were affordable nor appropriate for a single person on jobseeker, on a disability support pension or on youth allowance. If we are not taking care of these people, then who is? It is not good enough. I and the ACT Greens will not stand by as vulnerable people fall through the cracks in this housing crisis. The ACT's public housing register has a waitlist of over 3,000 applications, and two-thirds of those are for high needs housing.

The ACT Greens, working with our partners in government, are taking significant measures to address these issues. We Greens have always been on the side of renters. In this Assembly term, my colleagues Ministers Rattenbury and Vassarotti, have been instrumental in addressing housing issues in the ACT.

The first and second rent relief funds, totalling more than \$800,000, were fundamental for renters experiencing financial stress during the pandemic. Minister Vassarotti has worked hard to secure increased funding for emergency homelessness services and helped to establish the Coordinator General for Housing, working with Minister Berry, with an aim to improve housing access, affordability and choice.

The Greens back high-quality urban densification, enabled through appropriate planning reforms that prioritise green space, with good access to services, and factor in future climate change. We want to stop urban sprawl. We want to aim for 80 per cent of development to be within Canberra's existing footprint. I commend my colleague Ms Clay who has been championing this issue in her time in this Assembly.

The ACT Greens have taken significant steps to support people looking for rentals, including the recently amended Residential Tenancies Act, a nation first, once again led by the Greens. Those changes ensure that landlords and property managers cannot solicit rent bidding and that, by ending no-cause evictions, tenants cannot be evicted without proof of a legitimate reason.

This continues the long legacy of Greens in this place championing housing. It was our former colleague MLA Caroline Le Couteur who passed a motion back in 2014 calling on the government to investigate the benefit of a vacancy tax, which eventually led to the government extending land tax to properties that were left vacant.

While we have been working collaboratively with our partners in government to address the complex housing issues, this government has a blind spot, and that is the short-term rental market. We are still faced with a housing market that incentivises property owners to use their properties as short-term rentals instead of making them available for renters over the long term.

A portion of the housing stock being used for short-term rent on platforms like Airbnb and Stayz has been escalating for years in Australia and globally. There were 120,000 active short-term rental listings in Australia in August 2021—2½ times the number of listings in 2016. Research estimates that short-term rentals make up around two per cent of Australia's housing stock and were up to a high of four cent before the COVID-19 pandemic.

In my time in this Assembly, I have consistently worked hard to address housing issues in the ACT. Last year I brought forward a motion calling for an Assembly committee to investigate how tax levers could be used to address the issue of empty properties in our city. This inquiry is ongoing.

I called on the ACT's housing debt to be forgiven by the federal government. I also put forward a motion last year in this Assembly asking for a committee to inquire into short-term rentals. Unfortunately, that inquiry was not supported. So here we are today.

We know that short-term rentals likely exist at the expense of long-term rentals in the ACT—because people have actually told us. During the investigations by YourSay last year, people said that, if they were not using short-term rentals, 65 per cent of property owners would make their entire properties available for long-term rent. This points to a clear opportunity cost. Our policies not only enable but also actively encourage people to use their property for short-term stays.

Estimates placed more than 1,000 entire properties available for short-term rent in the ACT. This is the same number of vacant properties available for long-term rent—meaning that we could double the number of vacant properties available on our long-term rental market and push up our vacancy rate.

Research has linked high rates of short-term rentals in local neighbourhoods to higher rent prices. The Australian Housing and Urban Research Institute has shown that short-term rentals can contribute to greater housing inequity, exacerbate distorted housing markets in popular urban areas and increase uncertainty and complexity for people looking for long-term housing. Impacts have also been observed on local amenities and the demand for local services.

Many of you in this place will remember the origins of Airbnb—a few guys in San Francisco renting out their spare room when all the local hotels were full, way back in 2007. But the company and the way it is used have come a long way since then. Despite being known as the share economy, the vast majority of short-term rentals are entire properties being rented for just a few nights a year.

Investigations on Airbnb listings in the last year in Melbourne show that 97 per cent of properties are rented for fewer than 30 days a year; 72 per cent of listings are for entire properties, also known as non-hosted stays, when the property owner is not present; but only 0.4 per cent of listings are secondary bedrooms. This is not a share economy.

I have seen numerous articles promoting the benefits of short-term rentals here in the ACT. An article from the Riotact on 4 January this year details a local property manager's new service, facilitating investors, using their properties through short-term rental platforms. The article says that the Independent Property Group will:

... crunch the numbers and indicate the potential income that owners can receive.

For example, based on Airbnb figures, a two-bedroom property earning \$600 a week as a long-term rental in Canberra could bring in ... \$1007 to \$1199 during the high season when managed by Guested.

Just this week the ABC reported that in north Hobart the landlord of an entire row of six terrace houses applied to convert them all to short-term rentals. The tenants, including a family with a young child, said they had not even been given to vacate when the application notice was slapped on the front fence of their property.

A similar thing happened in Brisbane last year, when all tenants in a south Brisbane block of nine apartments were given eviction notice so the whole building could be used for short-term rentals. One of the tenants said:

All of the tenants are long-term renters who have lived in the building for years. There are families downstairs. I think it is going to be quite difficult to find somewhere.

Let me return for a moment to the 2020 ACT Greens election platform that saw a record six of me and my colleagues in this place. I quote:

We believe, the ACT Greens, the role of housing as a community good should be prioritised over the role of housing as a vehicle for wealth generation.

I do not begrudge property owners wanting to get the greatest return on their investment. I do not begrudge anyone making a business decision seeking the best return on their investment. This Assembly knows that I worked in property for more than a decade prior to my election. But what deeply worries me is the risk of allowing short-term rentals to exist at the expense of vulnerable people in need of safe and secure homes.

If we had no homelessness, no issues with housing affordability for renters or first homebuyers, no skyrocketing cost-of-living crisis and runaway rental crisis, then, sure, we could let short-term rentals run free reign, unregulated and unsupervised. But we do not live in that world. So we need to acknowledge the unfortunate relationship between the short-term rental market and this housing crisis and step up to do something about it.

Jurisdictions in Australia and around the world have taken measures to balance the demand for short-term rentals with negative outcomes on their local housing markets. I will provide some examples to illustrate just how common these regulations actually are.

Registration systems to monitor the number of short-term rental properties have now been implemented in New South Wales, Queensland, South Australia and Tasmania. I would like to put it out there that two of those states were led by conservative governments when those registration systems were implemented. Western Australia is reviewing legislation to implement a permit system on short-term rentals used for more than 60 nights per year.

New South Wales restrict short-term rentals without a host to 80 days per year in greater Sydney and in certain regional areas, such as Newcastle and the Bega Valley. Some local government areas, such as Byron Bay, have received approval from the state government to cap the use of short-term rentals to 90 days per year, specifically to encourage more homes in residential areas back into the long-term market.

The Hobart City Council has looked at banning new entire properties for being used for short-term rent. Brisbane City Council, a conservative LNP majority government—increased rates by 50 per cent on short-term rentals. Gold Coast City Council requires development approval for whole properties used for short-term rent.

Warrnambool City Council passed a decision last month to impose a \$400 annual fee per short-term rental property, following the lead of other Victorian councils. It was the Victorian Tourism Industry Council who backed this decision, saying:

This is not out of line with what every commercial property has to pay in order to operate an accommodation property in this state, and indeed across the nation.

Internationally, there are ambitious regulations in New York, London, Santa Monica, Berlin and Amsterdam. Many of them have 90-day caps and some go as far as to limit the use of short-term rentals to 30 days per year. Registration systems are standard practice. Some cities have a small fee charged to hosts to fund additional local services. I could continue, but there are endless examples.



Greens representatives around this country have also been pushing for jurisdictions to go further and faster. In the city of Yarra in Melbourne, there are 1,200 entire properties available for short-term rent and fewer than 300 properties available on the long-term market. Victorian Greens member Gabrielle de Vietri has proposed a 90-day cap per year on short-term stays and regulations to allow owners' corporations to regulate short-term rentals in their building.

In New South Wales, recently re-elected Greens member for Ballina, Tamara Smith, and Cate Fairman in the upper house took a plan for regulating short-term stays to the election, and both were re-elected. Their platform proposes to stop non-hosted short-term rentals in newer properties until the vacancy rate reaches three per cent. Councils would have planning power to decide where short-term rentals can operate, introduce a bed tax to fund local services and require properties to be used as emergency accommodation during a natural disaster.

The idea of regulating short-term rentals has broad support. The Australian Resident Accommodation Managers Association has this week called on the Queensland government to ban detached homes from being used as short-term rentals.

Even the Australian Short Term Accommodation Association has called for some regulation of its own industry—that rarely happens—saying:

We need to work together with government to see how we can help with that. There needs to be balance.

If there is one thing our housing market is missing in this country right now it is balance. The Greens in this place and everywhere seek to bring that balance back in the favour of tenants.

London even has the full support of Airbnb to implement the regulations on its behalf. A professor from the University of Sydney has said:

Anything we do to take supply out of the rental market will exacerbate the pressures people face when they are trying to rent something.

My motion is not radical; it simply asks the government to acknowledge the mounting evidence and commit to both investigating the impact on short-term rentals on the ACT's housing market and exploring a variety of policy solutions that are appropriate for our city. Without due diligence, we risk letting this problem go unchecked and, if there is really not a problem, we risk letting it develop in the first place because we have left it too long.

In our current housing crisis, a few hundred houses here or there should not be dismissed. Bringing just a few of those houses back onto the long-term market would make an impact and ease housing pressures in this city. The Greens support safe, secure and affordable homes for everyone.

In my inaugural speech to this place I said that my contributions to this Assembly would stem from my deeply held belief that social and economic inequality is the most significant political issue we face. The gap between the haves and the have-nots

has never been wider. The fact that there are so many people in our city who own multiple homes while there are many who do not have a home at all is unacceptable.

This work I present to the Assembly today honours that commitment made in my inaugural speech, honours the ACT Green's election platform to treat housing as a fundamental human right, rather than a vehicle for profit, and I hope is a small but substantial contributor to the government's suite of policy measures designed to deliver housing crisis relief in this city. I commend my motion to the Assembly.

**MR PARTON** (Brindabella) (4.14): We will not be opposing Mr Davis's motion. I worry a little bit about Mr Davis from time to time, because he is quite a likeable lad, for a landlord. I know there is a narrative from the far left that landlords are greedy, horrible, oppressive people, but I do not think that is the case with Mr Davis. By definition, according to the register of interests, Mr Davis is right at the core of the landlord class. But we do not discriminate against landlords—on this side, at least!

We have another motion here from Mr Davis on his answers to the rental crisis. We need to consider the things that impact on housing affordability in the ACT and the reasons that the ACT is doing so badly in this space compared to the rest of the nation—and this is highlighted specifically in Mr Davis's motion. Mr Davis's motion in the "notes" section goes to great lengths to say, "We are doing worse than everywhere else in the nation."

I would have thought that it would be obvious to all and sundry that this government—the government that Mr Davis is a part of, depending on which day you ask him—is a large part of the problem. But Mr Davis reckons that Airbnb is the silver bullet. What we see here is an attempt from Mr Davis to take control of this debate on his pet project.

Just last week, I stood here voicing concern about the rental crisis and the new residential tenancies changes, which could have a far greater effect on the rental market and potentially see properties being sold or moved to a short-term rental accommodation solution such as Airbnb, because for many they will make the call that it is not viable to continue.

Mr Davis has responded in some social media posts in the last week asserting that the Liberals' fears are unfounded. He has put forward some research from AHURI on the reasons that landlords leave rental markets. I have had a look at that research. I would say to Mr Davis that I see your AHURI research and I will raise you some actual numbers of rental bonds being held in the ACT.

I can tell you that, in October of 2021, there were 49,233 properties liable for land tax in the ACT but that, as of this week, there were just 46,660 rental bonds lodged with ACT Revenue. So there is a discrepancy there of nearly 3,000 rental properties in 18 months, and I think that is cause for concern. The drift of landlords from the market is already happening, and it will continue to happen. Anyone who believes that these changes will not force landlords from the market is dreaming.

Mr Davis trots down here into the chamber and swans around to the various media organisations with a story that Airbnb is the silver bullet—and it is not. We have

finally seen amendments—they were a long time coming; it took these amendments longer than the tram to Woden—and I will speak very briefly to them when that comes up in the debate. But I note that they line up with some of what we in the Canberra Liberals are saying in that this is probably not the silver bullet.

Mr Davis has put a lot of effort and thought into this motion, and for that I give him credit. It is almost a similar motion—it is pretty similar—to one last year, with some updated figures and facts. He does a great job in highlighting the concerns that the Canberra Liberals have been raising for years, which is the disgraceful current state of housing in this particular rental market.

Given the small number of properties involved in Airbnb in the ACT, I am dubious as to the effect that it would have. But we are more than happy to support Mr Davis's motion. While I think there is some merit in regulatory and policy solutions to short-term rentals, I do wonder how the government will enforce these regulations.

Mr Davis is chock full of wonderful ideas to address the housing crisis. He used to be a real estate agent—I do not know if that has been raised in here—but he hated every moment of it. He never really wanted to do it. He did not want to do it at all, but he did for some time.

Based on Mr Davis's performance in question time yesterday, one of Mr Davis's silver bullet ideas may well be for the government to buy all of the properties listed for private sale and just convert them to housing. It sounds a bit like a communist state to me. What a great idea—the government just buys all of the houses and rents them out to people! This is coming from the party that does not think we should have a police force and wants us to learn how to operate as a city without a single car on the road.

So, while we are not going to disagree with the “calls on” components of Mr Davis's motion, we are keen to add some truth to the “notes” section. With that in mind, I move:

Insert a new paragraph (1)(e):

“(e) a range of ACT Government policies, including continual changes to residential tenancies legislation, spiralling rates and land tax and the long-term strangulation of supply of land for detached housing, have contributed to the issues of housing affordability and availability in the ACT.”.

Again, as I said earlier, I just cannot see how you can have—as Mr Davis has outlined in his motion—all of the figures, the facts and figures regarding rental affordability in the ACT and how we are doing worse than other jurisdictions without actually putting two and two together and saying, “I wonder why that is?” I think it is impossible to remove that a range of ACT government policies, including the continual changes to Residential Tenancies legislation, the spiralling rates and land tax and the long-term strangulation of supply of land for detached housing have contributed to the issues of housing affordability and availability in the ACT, because they have. That is my amendment, and I think at this stage that is all I have to say.

Question put:

That **Mr Parton's** amendment to **Mr Davis's** amended motion be agreed to.

The Assembly voted—

Ayes 8

Noes 15

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

Question resolved in the negative.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (4.25), by leave:  
I move:

- (1) Omit paragraphs (1)(a) to (1)(d), substitute:
  - “(a) Australia is currently experiencing a housing crisis, with escalating issues of housing affordability and availability;
  - (b) last year, Canberra’s vacancy rates were at an all-time low of 0.5 percent. Recent supply increases have seen the vacancy rate increase to around 1.8 percent in February 2023, but it still remains below the three percent rate widely considered healthy;
  - (c) Canberra rates lowest compared to other Australian capital cities for the number of rentals available for less than \$400 per week at two percent of available properties, falling from ten percent in March 2020—according to Protrack data; and
  - (d) a desktop analysis of current short-term rental accommodation listings in the ACT indicate that they are densely concentrated with almost half of short-term rental accommodation options located in seven suburbs, primarily of higher social and economic advantage;”.
- (2) Omit paragraphs (2)(b) and (2)(c), substitute:
  - “(b) research estimates that short-term rentals currently make up around 0.6 percent of Canberra’s housing stock;
  - (c) estimates place 1,100 active short-term rentals listed in the ACT, of which around 80 percent are entire homes;”.
- (3) In paragraph (2)(h), omit “on”, substitute: “taking into account the circumstances of their”.
- (4) Insert at the end of paragraph (2)(i): “, acknowledging that these housing markets have their own separate and distinct challenges to the ACT;”.

- (5) Insert at the end of paragraph (2)(l): “and balancing the impact of any regulatory intervention against unintended adverse impacts on increased short-stay capacity during federal sitting weeks and continuing to grow our tourism industry which supports thousands of jobs;”.
- (6) Omit paragraphs (3)(a) to (3)(c), substitute:
  - “(a) examine whether unrestricted short-term rental accommodation negatively impacts the price and supply of long-term rental properties in Canberra;
  - (b) explore regulatory and policy solutions to address negative local impacts of short-term rental accommodation on the supply and price of long-term rental properties in the ACT including:
    - (i) capping number of properties that can be rented for short-term rental accommodation purposes;
    - (ii) capping number of days an entire property can be rented for short-term rental accommodation purposes;
    - (iii) tax reform;
    - (iv) restrict short-term rental accommodation to principle places of residence; and
    - (v) establishing a registration system for short-term rental accommodation in ACT to enable data collection and future analysis of localised impacts on housing that is cost-neutral to government; and”.
- (7) Renumber paragraph (3)(d) as (3)(c).

I thank Mr Davis and Mr Parton for the entertaining interlude before I moved these amendments. The purpose of the amendments I have moved is to provide the Assembly with some more recent data—for example, around rental vacancy rates and the number of active short-term rentals listed—to give some context to the policy responses of different housing markets across Australia and around the world, and to give the opportunity to develop an appropriate regulatory response here in the territory.

These issues have been raised before and have been under consideration by government. We have had some analysis from ACT Treasury and we had the work led by Minister Cheyne last year through the Better Regulation Taskforce. I can confirm that the government has already commenced analysis of the impact of short-term rental accommodation listings on housing affordability.

So far, there is not strong evidence to confirm a correlation between the vacancy rate and the number of short-term rentals listed on hosting platforms, but we will continue this analysis to inform a policy response that is appropriate for our market. In developing a policy response, I think it is appropriate for the government to continue that analysis, and to ensure that there are not any unintended consequences of any regulatory intervention and that we are satisfied with those elements before reaching some final decisions.

I want to add some further information in the context of what we know about short-term rental arrangements. They account, now, for about 0.6 per cent of the total

housing stock in the territory. The advice I have received is that the properties that are available are predominantly densely located in high socio-economic areas of Canberra that have higher rents. I am advised that almost half of those listed are in seven suburbs only. That is from the February 2023 data. There were around 1,100 non-hosted short-term rental accommodation properties in the territory as at February 2023. I note—and I think Mr Davis concurs—that this number can fluctuate over the course of the year, between 800 and 1,200. That gives us a sense of the current size of this market.

As I understand it, a proportion of properties have a room or several rooms being let, then there is another proportion of properties that are principal places of residence, where the owners might be on a short-term overseas posting or taking a holiday at a particular time of year and are participating in what you might call a genuine share economy arrangement. There is also a proportion of rentals that Mr Davis has correctly identified that are purely investment properties—they are not the principal place of residence of the owners—that are in the short-term rental market. These would appear to be the logical ones to seek to bring back into the long-term rental market.

In this discussion, which has been quite lively in the media and in this place today, I think it is important to be clear about where our regulatory focus should be and where it should not be, and what is in scope and what is not. My amendments seek to clarify some of those elements. To be clear: I do not think anyone has an interest in seeking to intervene in stopping someone from renting out a spare bedroom. With share houses, short-term accommodation, meeting the needs of people who are in Canberra for parliamentary sitting weeks and the like, I think that is an entirely legitimate use of spare rooms and there is nothing in that that we see as being particularly problematic.

Equally, my amendments highlight a distinction, as I have drawn out, between a principal place of residence—that is, your own home—and an investment property. Without pre-empting the work that is coming, I would like to foreshadow that the government will be particularly focused on looking at the investment property element of this, rather than the principal place of residence or the share accommodation component.

As has been discussed, there are many elements of the regulatory framework that will be considered, as part of my amendments, that are consistent with what Mr Davis has outlined. It is appropriate to examine the costs and benefits of each of those proposals. Some, at face value, appear incredibly complex and difficult to manage. Others, frankly, are more straightforward and have the potential to form a localised regulatory response that will address some of the legitimate concerns that have been raised by Mr Davis and others but would not have unintended consequences that would be negative in the context of other parts of our accommodation sector.

They are the important points to make in relation to the amendments. I welcome Mr Davis amending the reporting date to give a little bit more time for this work to occur. We will certainly commit to delivering a report back to the Assembly within the time frame that Mr Davis has amended his motion to allow us to do.

I want to make a couple of broader observations about the government's policy intent, particularly in the rental market. We have heard a lot of discussion about the role of the small investor, the investor who owns one or two rental properties. That is the bulk of the current rental market in the ACT. There are a small number of property investors who own a dozen or more properties, who might be considered professional investors who are seeking to make a living out of that sort of property investment. Most of the rest of the private rental stock is owned by investors who only own one or possibly two extra properties.

That forms the basis of a reasonably robust rental market, but I think what we are all agreeing is that it is not sufficient. My amendments highlight the point that we want to get the rental vacancy rate back up towards three per cent. It is certainly my view that the only way to achieve that and to sustain it at above that level is to attract large-scale institutional build-to-rent product into the territory. We need to take the roughly 50,000 investment properties that we have now and grow that by 5,000 to 10,000.

That is not going to occur off the back of a policy and regulatory shift on short-term rental accommodation and it is not going to occur one small investor at a time. What our city needs is large-scale institutional build-to-rent product. That is why we are aggressively chasing that and why we will see the policy framework adapt to support that sort of rental accommodation in our city.

Build-to-rent has a variety of forms. We have discussed this at length in this place. It includes that managed by community housing providers. It includes that managed by specialist build-to-rent housing managers. They exist in other cities and we hope to attract them to Canberra. It also includes institutional investors who then contract out building management. One of the advantages of this model that is apparent in other Australian cities is the capacity to deliver a significant supply-side boost into the rental market and in locations where people want to live. That is why that is the number one priority for the government in the private rental market at this time, because it will allow the delivery of a spectrum of affordable rental product and it will significantly boost supply.

Parallel to all of that work, the Deputy Chief Minister is leading a significant program, as Mr Davis indicated, around public housing renewal. We look to add to supply in all areas of the market, in summary. That is what the amendments seek to highlight. I am pleased that we may reach some form of consensus around a direction forward here and certainly commit to building on the work that we have already commenced in relation to short-term rental accommodation. I also want to point to the fact that the bigger solution and the area that deserves the greatest government focus is large-scale build-to-rent. That is why we are focusing most of our effort there—not to detract from the importance of some work in this area as well.

I commend my amendments Nos 1 to 7 to the Assembly. I look forward to getting on with this policy work and bringing back some recommendations for the Assembly to, hopefully unanimously, support later in the year.

**MR PARTON** (Brindabella) (4.36): In speaking to the amendments, which the Liberal Party will be supporting because we think that they look quite sensible, I want to say briefly that I am a little dismayed that, with amendments of this complexity,

there was not more to-ing and fro-ing between the offices. I applaud the patience of Ms Orr, as the Labor whip, but I think that it would have been more prudent for the Labor Party to have a much clearer discussion at an earlier time with the Liberals.

I do not know if it is just me or if you have noticed some tension in this chamber today. You did not know which way we were going to go on these amendments. You did not know if you might have been snookered on them. That is all. But we certainly will be supporting them because we think they give a much more well-rounded position to this motion as a whole. Thank you.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.38): I welcome the opportunity to talk about public housing, the crisis that the ACT and the country are experiencing, and the work that the ACT government is doing to address the issue. It is a complex issue. Whilst I hear what Mr Parton says—and there is some complexity in these amendments that Mr Barr has put forward today—I think it needed that detail to explain the issues surrounding it. It was only this afternoon, I think, that we finalised the detail of it and the numbering of it to make sure that it met with the Assembly's processes. But I hear what you say. We will try to do better next time, where that is possible.

I think that the amendments allow a much more reasonable time frame for the government to report back, to clarify the evidence that we have locally and to ensure proper consideration of these kinds of policy proposals. As I said, there is no doubt that this country is facing a housing crisis, which the ACT is not immune to. Ms Clay confirmed that in her motion this morning. It is appropriate to have that included in the motion, through the Chief Minister's amendments, at the top point.

As everyone in this place understands, the housing challenge is complex. It is multifaceted. Mr Davis is right to acknowledge that short-term rentals are just one, albeit small, piece of the puzzle. Entire home short-term rentals make up around 0.5 per cent of Canberra's housing stock, as the Chief Minister has identified, and we cannot find any correlation between the number of short-term rentals and the vacancy rate.

We know that there may be short-term rentals that are luxury properties in central tourism locations. ACTCOSS warn that if short-term rentals are returned to the long-term housing market they will most likely be high cost rentals. They would not actually help the people on a low income to get rentals, which is what we are all trying to achieve in this place. I need to make it clear that changing policy and regulatory settings for short-term rentals is not the solution to our housing crisis. In fact, it might only make a small dent. Nonetheless, I agree with the Chief Minister, through his amendments, that we should explore regulation in any case.

I cannot miss the opportunity today to talk about something that would make a difference for housing affordability in the ACT, without a doubt. It would make a difference immediately. That is the additional investment that the Albanese government has put on the table, through the National Housing Accord and the



Housing Australia Future Fund. This funding, should it be passed in the federal parliament, would immediately make an impact here in the ACT with projects that are shovel ready, in partnership with community organisations, to provide affordable rentals here in the ACT and indeed across the country.

We simply cannot ignore the fact that right now, in another parliament in this town, the federal Greens party have blocked legislation that would establish that \$10 billion Housing Australia Future Fund. I know that it might make everybody feel a bit uncomfortable that I am talking about that here today, but I think it is not okay to stop the immediate flow of funding from the federal Albanese government—funding that has never occurred before, not over the last decade and definitely not under the Liberals previously. Having that funding actually will make a difference and get people into homes.

**Mrs Kikkert:** What is with the pointing?

**MS BERRY:** It is not pointing.

**Mrs Kikkert:** It is pointing.

**MS BERRY:** Stop being so silly and ridiculous.

**MADAM SPEAKER:** Just ignore the interjection, Ms Berry.

**Mrs Kikkert:** What? I see that is pointing.

**MADAM SPEAKER:** Mrs Kikkert, enough. Mrs Kikkert, you will be warned if you do that again.

**MS BERRY:** There are projects in the ACT ready to go, just waiting for that support from the commonwealth. Every day of delay to that funding flowing is another day that we are not building more houses, in addition to the houses that we are building here in the ACT under our growth and renewal program. Every housing minister across the country has supported this fund, every single one of them.

We also continue to call for increased funding to support housing in the ACT and all across the country as well. In fact, we lobbied for an increase in supplementation funding to address the equal remuneration payments. I was pleased to see that Julie Collins was able to announce that she had been successful in getting that funding. She announced that last week. That will make a significant difference in the ACT and across the country to ensure that people are paid their equal remuneration payments through the community services areas and housing support services.

I agree that we should be ambitious, and we are being ambitious in the ACT, but not at the cost of making real progress right now. That is why I am keen to see that funding from the federal government flow. It is funding that has not been seen before, that would have never been considered under the federal Liberal government, and that is now not been supported by the Greens. I call on the federal Greens, and I ask that the ACT Greens talk to their federal Greens partners, to stop delaying this funding from flowing so that we can build more houses in the ACT. That does not mean we

will stop advocating for more. We absolutely will, and we should, all of us together. It means that funding grows right now and makes a difference to our community.

On growing and renewing public housing, the ACT government will keep playing its part in improving housing affordability in the ACT. Having safe and affordable housing is a critical part of building a good life. Secure, safe and affordable homes ensure that all Canberrans get a decent and fair crack at happiness. Providing a reasonable choice in housing to meet the different needs of public housing tenants is equally as important, and we remain committed to ensuring that our housing stock is appropriate and reflective of their needs.

Just last week, members will have seen that I was able to announce the completion of 20 new public housing homes in Dickson. I want to thank Mr Davis for acknowledging that achievement in question time yesterday. These homes are close to schools, shops and public transport. They have seven-star efficiency, and they are designed to easily meet accessibility needs. This is part of our commitment to renew 1,000 old public housing properties and add an additional 400 new properties across Canberra. The ACT government will continue to do the heavy lifting to make sure that there are more homes available for Canberrans who need them.

In my other portfolio, suburban land development, we are working diligently to provide a range of affordable home purchase options for Canberrans who wish to purchase their home. As members would be aware, the Indicative Land Release Program prescribes a 15 per cent affordable housing target. I know there have been continued claims of land banking from some of those opposite, to artificially inflate the cost of land. This is simply untrue. The Suburban Land Agency continues to release land as part of the Indicative Land Release schedule. As a government developer, the Suburban Land Agency works to deliver this as part of its greenfield and urban development programs.

The Suburban Land Agency has offered affordable housing options, such as one and two-bedroom apartments, to meet the affordable housing target. In Ginninderry the flexi-living products provide a mix of one, two and three-bedroom homes to buyers who do not yet own a property, and who intend to reside in and not sell that property for at least three years after settlement. The government will continue to ensure that the SLA and our joint venture partners at Ginninderry provide more options for Canberrans to purchase their home.

Finally, I support the proposed amendments that have been put forward by the Chief Minister. I support them all and commend them to the Assembly.

I would also like to note, for the record, that Minister for Homelessness and Housing Services Rebecca Vassarotti and I work very closely together and collaboratively. We have achieved great things in the housing and homelessness space and will continue to work closely on our shared values to ensure that every Canberran, regardless of their background, gets into a home of their own—and particularly focusing on those people in our community who are most in need. Whilst there might have been questions at an event that I have not been able to discover, I can assure everybody in this place that Minister Vassarotti and I work very closely together and we will continue to work closely together.

**MR DAVIS** (Brindabella) (4.47): I have reflected long and hard, and I have spoken to my colleagues. It is through gritted teeth, it would be fair to say, that the Greens will support the amendments circulated by the Chief Minister.

**Mr Hanson:** Been lots of gritted teeth this week, that's for sure!

**MR DAVIS:** Mr Hanson, 20 seconds on my feet. You cannot help yourself. I want to get on record some of my reservations. First of all, I think it is fair to say that the Chief Minister and I are working off two different sets of figures. That is fine. There is a lot of conjecture and difference of opinion in this debate. That was why, more than a year ago, I moved a substantive motion, which all government MLAs supported, to refer this matter to a committee. I am not entirely sure what happened there.

My advocacy and commitment to achieving policy change in this area is known to everyone in this place, so a substantive motion in the Assembly, trying to achieve some reform, perhaps should not have come as a surprise. I agree with many of the speakers, and the Greens agree with many of the speakers, that this is not a panacea—far from it. I know this is not going to be a panacea for the housing crisis, in the same way that I know that my proposals for a vacancy tax are not going to be a panacea for the housing crisis.

It is the Chief Minister's responsibility to deliver on the government's commitment to build-to-rent. I trust he is doing that. It is the Deputy Chief Minister's responsibility to substantially increase the number of properties in the public housing portfolio, to bring the public waitlist down. I trust she is doing that. It is Minister Vassarotti's responsibility in this government to continue to secure more funding for homelessness services and to support tenants in public housing. I believe she is doing that. It is the Minister for Planning and Land Management's responsibility to continue to see through to completion the planning review and reform project so that this city can build more homes within our current urban footprint to meet our ongoing demand. I believe he is working on that.

But this problem is so wicked, it is so complex, it is so structural, that it actually requires all of us in this place to pick up a brick or two while we are trying to fix it. From my place in this Assembly, as a non-minister, without a directorate, without a chequebook and without public servants, I have examined the government's legislative policy and investment program in the space of housing and found a few opportunities in which I have sought to insert myself, genuinely to try and be helpful, to complement and build upon the government's suite of policies. These are areas that I have continued to advocate on that I feel are blind spots.

As the Deputy Chief Minister pointed out, I am not afraid to get up in this place, even when it gets me jeers and conjecture from the opposition, and heap praise and commendation on Labor ministers when they are delivering on things I believe in. The Deputy Chief Minister is delivering on an increase to the public housing property portfolio. I am really grateful to her for that. As someone who grew up in public housing and as someone who got elected to this Assembly on a platform of wanting to back public housing, I celebrate that. I think the Chief Minister's work on

build-to-rent is commendable and substantive and will make a substantial difference to rent prices in this city. It is really, really good work. But these are only some areas.

If we believe that the housing crisis is a crisis—and all three parties appear to agree; all three parties have said that multiple times—we have to attack this wicked problem from a range of different angles. This is the way I am trying to contribute to the government's suite of policies to tackle the housing crisis. I think it is very telling that, in Mr Parton's short contribution to the debate on this motion, he used the words "Mr Davis" three times more than "housing crisis". I think that demonstrates the emphasis from those in the opposition. I love the attention, but I would rather you direct it towards the crisis. That is where I am trying to focus my attention.

One thing does concern me, and I want it on record that it concerns me. In the amended motion—again, that I reluctantly support—I believe that the most modest intervention is to establish a registration scheme for full properties used in short-term rentals. That has been done in many other states—New South Wales in particular. I believe that is the most modest intervention, but I am prepared to accept that, by including that in the exploratory work the government will do and report back to the Assembly on by November, that will be strongly considered. I will be waiting with bated breath for the government's response to this motion in November, as I have no doubt the Chief Minister trusts.

I do not wish to end on a sour note, but I cannot help myself. It was not my intention today to speak on federal housing policy. I wanted my federal Greens colleagues and federal Labor to do their work. Given that Minister Berry got up today and highlighted, for the opposition's benefit, how well she and Minister Vassarotti collaborate, perhaps in their busy ministerial schedules they might consider hosting a workshop for federal Labor and federal Greens up on the hill, who seem completely reluctant to collaborate.

For Minister Berry's benefit, and for the benefit of everybody else in this Assembly, the Australian Greens are committed to working with an Albanese Labor government to strengthen the Housing Australia Future Fund. Unfortunately, that new housing fund that, it is claimed, will finance the construction of 30,000 social and affordable homes over five years will actually see the shortage of social and affordable housing continue to grow. Australia's shortage of 640,000 social and affordable homes will grow by 75,000 over five years under federal Labor's plan.

**Mr Rattenbury:** But there is money for submarines.

**MR DAVIS:** Tonnes of money for submarines, Minister Rattenbury. Stage 3 tax cuts too, I have heard. There are serious concerns about the \$500 million spending cap that will see a real-term cut in spending on housing federally every year. Federal Labor want to invest \$10 billion in the stock market—it is a gamble—through the future fund and only invest the returns on housing. This is not a \$10 billion investment in housing. It is a \$10 billion gamble on the stock market, with a \$500 million per year cap on housing. You do not fix the housing crisis by locking in real-term cuts to housing spending every year and subjecting it to the ups and downs of the stock market. Instead, what you do, if you are the federal Albanese Labor government, is take an example from Ministers Berry and Vassarotti and sit around the table and try to form a consensus.

We have made our policy position clear: a minimum \$5 billion invested in social and affordable housing every year, indexed to inflation, and removing that \$500 million cap; a national plan for renters, including the Prime Minister putting a national rental freeze on rental increases on the national cabinet agenda, and an immediate doubling of commonwealth rent assistance in the forthcoming budget; a \$1 billion investment in remote Aboriginal housing; and an assurance that all houses through the future fund should meet minimum inclusive design standards. All of this is possible if we do not give tax cuts to the billionaires and if we do not buy big nuclear submarines. If we want to turn this Assembly into a debate about federal policy, I am happy to have that debate.

**Mr Parton:** I don't think China's a problem.

**MR DAVIS:** Mr Parton, I will give federal Labor this: we are way away from where we need to be, but it is interesting to see something for the first time in 10 years on housing—something. One of my proudest moments in this place was getting you guys to make policy on the go and to back the Chief Minister's advocacy to the federal government to see the abolition of the ACT's historic housing debt. That was not a position the Canberra Liberals had until a substantive motion was brought to this Assembly by me to get that on the record, and now we have got the whole—

**Mr Parton:** You did that? Right!

**MR DAVIS:** It forced a conversation that you had not been having for many years, Mr Parton. It forced your hand, and I am pleased that I did that. I know it makes you uncomfortable that that was not your policy position prior, but I am glad that we got the chance to have that debate.

**Mr Parton:** You're amazing!

**Mr Barr:** There you go! Put that on your corflute.

**MR DAVIS:** I appreciate that we are all having a giggle, Madam Speaker. You know better than most that I like to be the joker in this place. I want any person listening to be assured that, while I do not take myself very seriously—as is evidenced by my contributions to this place—I take this policy very seriously.

That is why I wanted an Assembly committee to look at it. That did not happen. It is why I wanted an Assembly committee to look at the vacancy tax. It is why I am proud to advocate and commend the Deputy Chief Minister publicly—even if there are those in my political party who will grimace when I do it—because I actually think good work is happening. Let's continue to do that work. Let's wait for the government's response to this motion in November.

I have made it clear now, publicly, what I am expecting as a bare minimum. I think it is the bare minimum. Hopefully, the government, through its analysis and policy work and through continued collaboration, demonstrated perfectly by Ministers Berry and Vassarotti—a trip up to the hill no doubt is coming soon!—can actually get a little bit of reform for a part of the market that is a bit perverse at the moment.

**Mr Barr's** amendments agreed to.

Original question, as amended, resolved in the affirmative.

## **Health and Community Wellbeing—Standing Committee Statement by chair**

**MR DAVIS** (Brindabella) (4.58): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health and Community Wellbeing. On 7 February 2023 a petition was received by the Assembly and forwarded to the standing committee for consideration. The petition requests that the Assembly call on the ACT government to invest in building a freestanding birth centre on the north side of Canberra in order to keep well women out of hospital, reduce unnecessary intervention and offer career opportunities that support midwives.

The committee acknowledges and supports the collective wish of the petitioners. The committee also notes and acknowledges the substantive motion tabled in the Assembly by Ms Clay, also on 7 February 2023. The motion called on the ACT government to, among other things, collaborate with the maternity reference group and the University of Canberra to conduct early design and feasibility studies before August 2024 and to establish a co-designed, midwife-led freestanding birth centre, located alongside or fully separate to the new north-side hospital.

The Standing Committee on Health and Community Wellbeing is currently undertaking an inquiry into a recovery plan for nursing and midwifery workers which will rigorously consider workforce planning for midwives. The committee also notes that the establishment of a maternity reference group as part of Ms Clay's motion further denotes an associated and vital inquiry process to support the creation of the freestanding birth centre.

The committee considered the petition on 14 February 2023 and, given the aforementioned relevant consultative processes, the committee resolved not to undertake an inquiry. The committee thanks the petitioners and Ms Clay for their life-yielding health policy vision and shall keenly endorse, with active interest, the realisation of Ms Clay's highly considered motion.

## **Justice and Community Safety Legislation Amendment Bill 2022 (No 2)**

Debate resumed from 24 November 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (5.00): The Canberra Liberals will be supporting this bill, which makes amendments to 10 pieces of legislation and/or regulations.

I would like to speak in depth about the amendments to the Evidence (Miscellaneous Provisions) Act 1991. The bill will extend section 69 of the act, which relates to the giving of evidence in sexual, violent and family violence proceedings.

The amendments will allow evidence given in a courtroom to be treated the same as testimony given via an audiovisual link. Importantly, these amendments are aimed at ensuring that vulnerable witnesses in sexual assault and family violence matters are not forced to give evidence in a subsequent proceeding, which can be extremely traumatising. The Canberra Liberals fully support the intent of these amendments.

However, we do express concern over the timing and lack of consultation with the legal community around these provisions. Concerns were raised with Ms Lee and me that, at the time the bill was introduced, there had been only limited consultation with the legal community over what are significant changes to the way evidence is recorded and treated in a relevant proceeding.

As I said earlier, the Canberra Liberals do support these amendments in principle, as any changes will mean vulnerable witnesses will not have to be re-traumatised by giving evidence again in a related proceeding where that evidence has been recorded in a court proceeding. Not only do the Canberra Liberals support this; it is my understanding that the legal community in general supports these changes.

The lack of consultation in the development of these amendments is concerning. One thing that occurs to me is that hasty consultation often means there are missed opportunities for ancillary or even other substantive improvements to law. The feedback we have received from stakeholders is that no-one disagrees with the intent of these changes, but many remain concerned over the lack of sufficient time to properly consider these amendments before they were introduced into the Assembly.

The lack of genuine and meaningful consultation was also raised by the justice and community safety committee in its inquiry into the bill. The committee found that, while the intent of the bill was supported in principle, there had been significant issues raised during the inquiry, and the government should consult further with stakeholders on how the laws should apply and how the changes will be implemented. As I said, perhaps there were other related issues that could have been dealt with more fully. I note that the Attorney-General himself acknowledged this in his response to the JACS committee's findings, and I welcome his commitment to work closely with stakeholders on any future amendments.

In addition, a number of resourcing issues—including whether the courts had the necessary equipment—were raised during the committee inquiry, and with us directly, by stakeholders. In its report, the committee noted that other jurisdictions have been given substantial funding to improve the audiovisual equipment in courtrooms, so I will be interested to hear from the government, and I will be keenly monitoring, what resources will be given to the courts to ensure that they are adequately equipped so that these amendments can actually be implemented procedurally.

As I said, the JACS bill makes amendments to 10 pieces of legislation or regulations. Noting the time, I support the changes that are made to nine other pieces of legislation. They extend the clear policy intent that we support in those pieces of legislation, so the Canberra Liberals will be supporting this bill.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions

Reduction) (5.04), in reply: I am pleased to close the debate on this bill today. The bill amends nine pieces of justice-related legislation, as Mr Cain has noted, and includes an important amendment to the Evidence (Miscellaneous Provisions) Act 1991 relating to the giving of evidence by a witness in a courtroom during sexual, violent or family violence proceedings.

I thank all stakeholders who have been involved in the development of this bill for their valuable contributions to improving the operation of the territory's laws. I would like to thank the standing committee for their work and recommendations. The committee recommended that the Assembly pass the Justice and Community Safety Legislation Amendment Bill 2022 (No 2). This recommendation is a recognition by the standing committee of the ongoing need to reduce the unnecessary re-traumatisation of victims.

The passage of this bill will make important improvements to the administration of ACT justice legislation for the Canberra community. The bill will have a positive impact on the experiences of vulnerable witnesses navigating the justice system.

Specifically, the bill addresses an existing anomaly within the Evidence (Miscellaneous Provisions) Act 1991 that has the potential to unnecessarily re-traumatise vulnerable witnesses. The amendment ensures that all vulnerable witnesses, which may include children and young people, involved in sexual, violent and family violence proceedings have the right to have their evidence recorded and be admissible in subsequent related proceedings. This will ensure consistent treatment is afforded to all vulnerable witnesses, regardless of whether they provide their evidence by audiovisual link or inside a courtroom.

Such changes to the legislation will limit the potential for such witnesses to experience increased stress and the re-traumatisation of being required to give evidence again in related or subsequent proceedings. The ACT will be the first jurisdiction within Australia where consent for such recording will be sought from a witness and considered by the court. Currently, no other jurisdictions require such consent or allow a witness this type of agency in the process.

This amendment is particularly significant and meets an ongoing objective of this government in addressing systemic barriers and improving the experience of witnesses within our justice system.

This JACS bill also makes an important amendment to the Guardianship and Management of Property Act and the Powers of Attorney Act, which removes an impediment to individuals participating in low-risk clinical trials with the consent of a health attorney. This amendment is intended to allow people who are not able to give consent, such as some patients in critical-care settings, to have an option to participate in a low-risk clinical trial with the informed consent of their health attorney. This is subject to rigorous safeguards to ensure that it is consistent with the rights of people with impaired decision-making capacity.

A range of benefits would flow from ACT researchers being able to conduct this research for others in the community, nationally and internationally. Incremental improvements in treatment developed through low-risk research, such as comparative trials of approved products, can be lifesaving in an emergency context.



The ability to conduct research would also assist Canberra hospitals to attract and retain eminent emergency care specialists to ensure that Canberrans have access to the highest standards of health care.

These amendments aim to reinstate the original intent of the legislation and allow for low-risk research to be undertaken, including in critical-care settings, with the consent of a health attorney. The amendments ensure that health attorneys have access to independent advice and that the low-risk research is only of treatments that are already thoroughly tested and approved, and which are appropriate for the person's condition.

This bill will also promote and protect the safety of all Canberrans. When we come together as a community to connect and celebrate, we rely on security professionals to keep us safe; however, if a security professional were to act in a way that threatens rather than protects our safety, we would reasonably expect that they would be prohibited from returning to work until the incident has been fully and appropriately considered.

To that end, this bill amends the Security Industry Act by extending the period of time for which the Commissioner for Fair Trading may suspend a security professional's licence and confirms that, where appropriate, the ACT Civil and Administrative Tribunal, ACAT, is empowered to further suspend that licence.

Currently, the Commissioner for Fair Trading may only suspend a security professional's licence for a 30-day period. This means that a security professional may be suspended because they pose a safety risk, but may nonetheless return to work after 30 days, simply because the ACAT has not yet considered their occupational disciplinary matter. I think we can all appreciate that this presents a risk to community safety; and, as such, the bill extends the suspension period from 30 days to 60 days to provide enough time for the ACAT to properly consider the occupational disciplinary matter.

It is worth noting that the legislation has safeguards in place to reduce the risk of the commissioner suspending a licence for a period that ACAT would not have deemed appropriate. For example, under the act, decisions by the commissioner are reviewable by ACAT.

While these provisions may engage and limit the right to work in the Human Rights Act, I consider the amendment to be the least restrictive approach to achieving the public safety objective and note that it is balanced by protections for licensees subject to a suspension.

As I mentioned, the ACT government is committed to improving the operation of the territory law for all Canberrans and is committed to ensuring that our legislation reflects best practice where possible. This bill does that by amending the Land Titles Act and regulation relating to the documents used to verify an individual's identity in certain land titles transactions. The bill rectifies a legislative inconsistency between the regulation and the rules, which allowed some identity documents to be accepted at one stage of the land titles transaction but not accepted at another stage.

The amendments improve the operation of this legislation by providing that the registrar-general must accept any identity document in relation to land titles transactions which has been verified according to the rules. The rules reflect the commonwealth's National Identity Proofing Guidelines and are considered best practice.

While these provisions may limit the right to privacy in section 12 of the Human Rights Act, I consider the limitation to be reasonable and proportionate, as the amendments reduce the number of times that a person's identity needs to be verified, and therefore reduces the impact on the right to privacy.

Establishing confidence in a person's identity is critical to delivering a range of government services. These amendments help to support the effective operation of certain land transactions in the territory.

This bill amends the Agents Act and Agents (Transitional Provisions) Regulation by moving two measures in the transitional provisions regulation and one subsection in the Agents Act to part 22 of the Agents Act to ensure that all transitional measures are in one place, for ease of reference. The amendments streamline the legislation and mean that property agents and assistant agents who transition to the new licensing framework can easily identify the laws that apply to the exercise and functions under their relevant licence or registration.

This bill also amends the Liquor Act to make a minor administrative amendment, which provides that the member of the Liquor Advisory Board representing the Australian Federal Police is an ex-officio appointment to the board on an ongoing basis. This streamlining amendment means that the member does not need to be appointed by the minister each term and should provide a small efficiency by reducing the administrative burden currently associated with appointing an AFP member to the board.

Finally, this bill amends the Justices of the Peace Act to recognise the important role that JPs play in the ACT community by allowing a justice of the peace who has volunteered for 10 or more years to apply to the Commissioner for Fair Trading for authorisation to use the title "JP (Retired)". By authorising this title, we grant JPs who are ending their service the appropriate and enduring recognition of the time they have generously dedicated to our community.

While retired JPs will not be able to exercise the function of a JP under the act, if they are authorised to use the "JP (Retired)" title, they must continue to be of good character. This requirement will support the continued integrity of the JP office. This amendment ensures that retiring JPs are acknowledged for the valuable role they play in the ACT community and brings the ACT in line with New South Wales, South Australia and Victoria, which have also introduced the retirement title for justices of the peace.

I am pleased to say that the bill being debated today is a human rights compliant bill, and one which improves the operation and effective administration of the laws in the territory. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Urban Forest Bill 2022**

Debate resumed from 3 August 2022, on motion by **Mr Steel**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (5.14): I rise to speak on the Urban Forest Bill 2022. The purpose of this bill to give effect to actions in the Urban Forest Strategy 2021 to 2045 and provide a legislative framework for managing trees on private and public land in line with Canberra's tree canopy target of 30 per cent canopy coverage by 2045.

The bill will also replace the Tree Protection Act 2005, which sought to protect trees in the ACT. This bill will contain many of the elements from the Tree Protection Act including the establishment of a register of significant trees with appropriate levels of protection, approval requirements for tree damaging activities, approval requirements for groundwork activities within the tree protection zone of a protected tree, approval requirements for tree management plans, the ability to make directions with regard to tree protection matters and provide offences and enforcement provisions.

Some of the new elements this bill will introduce regarding the protection of trees include an:

... updated definition of protected trees...will extend legal protections to an increased number of regulated trees (being trees which meet minimum size requirements on leased land) and to registered and remnant trees in future urban areas.

The bill will extend legislative protection to all public trees, which:

... previously received limited protections under the Public Unleased Land Act 2013. This reform will provide greater legislative consistency in urban tree management and will provide appropriate protections and administrative processes for managing the protection of public trees.

It also introduces a canopy contribution framework to ensure:

... live trees approved for removal are replaced through establishing canopy contribution agreements with applicants as a condition of tree removal. Canopy contribution agreements will be established according to a hierarchy that requires replanting on site where possible, or equivalent financial contribution where replanting is not possible...The establishment of this framework provides a

mechanism for incentivising retention or onsite replanting of trees approved for removal.

And the bill introduces tree bonds to:

... support existing tree protection plans and requirements and promote clear understanding and equal application of tree protection requirements across industry and the community in the ACT.

The bill has been scrutinised by the Standing Committee on Justice and Committee Safety (Legislative Scrutiny Role), the scrutiny committee, and the subject of an inquiry by the Standing Committee on Planning, Transport and City Services.

Comments and concerns raised by the scrutiny committee include:

... the explanatory statement of potential limitations on privacy includes reference to the power given to the director-general to carry out work to repair damage done to a protected tree, or remove or replace the tree, where a person fails to comply with a tree reparation directive... There is no express authority for the director-general, their delegate, or other authorised person to enter private property to carry out such repair work. This can be contrasted with proposed section 47 which provides for entry by authorised persons to take action set out in a tree protection direction... The Committee asks the Minister for further information on why these protections were not similarly provided in the case of carrying out work under a tree reparation direction.

There is the inclusion of offences with a fault element of negligence which has not been included in the explanatory statement despite being included in the bill. The scrutiny committee also note:

Clause 144 will authorise the making of regulations which create offences with a maximum penalty of not more than 10 penalty units. The explanatory statement accompanying the Bill does not provide any justification for why a power to create offences in regulations is required.

The committee requested further information as to the provision outlined in the explanatory statement relating to the power of transitional regulations:

... why such a provision is considered necessary, particularly given the scope of the proposed transitional provisions already included in chapter 20, and what other options were considered to ensure an effective transition to the new arrangements under the Bill.

Finally, the scrutiny committee also requested further information on why it is necessary to allow the incorporation of instruments as in force from time to time and why notification of incorporated Australian standards has been displaced, requesting the explanatory statement be amended to include this information.

Then we had the PTCS committee inquiry. I know their report discussed many similar concerns to that of the scrutiny committee. However, it also provided 17 recommendations which related to the intent and implementation of the bill more broadly and other related elements such as the Tree Advisory Panel and resourcing of

the Tree Protection Unit. I note the final recommendation recommends that after considering and responding to the recommendation in the report the Assembly should pass the Urban Forest Bill 2022.

I recognise the minister has circulated amendments responding to the concerns outlined by both committees, which the Canberra Liberals will be supporting today. These amendments include: delaying the commencement by six months to provide more time for industry and the community to be informed of the changes; aligning the tree damaging and prohibited groundwork exemptions for activities under utilities legislation to protect significant trees whilst facilitating utility service provision; specifying that applicants for approval in urgent circumstances or for minor works are to be notified of a decision on their application as soon as practicable; enabling anyone to propose a tree management plan for any protected tree; providing the Director-General or delegated officers with the power to enter premises to issue or fulfil tree reparation directions; amending the provision relating to the incorporation of documents to remove the ability to incorporate an Australian standard in a way that displaces 47.6 of the Legislation Act; and removing the power for the executive to make regulations that contain offences of up to 10 penalty points.

As I indicated, the Canberra Liberals will be supporting these amendments and the bill as a whole. I would like to thank the directorate for their briefing late last year and the staff from Minister Steel's office for her communication with my office and work on this bill.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.20): I thank Minister Steel for the introduction of the Urban Forest Bill 2022. As we know, Canberra is known for being a city in the landscape and one of Australia's most liveable cities. Canberra's green open spaces and trees which fill our suburbs are a key element in connecting the community to our surrounding environment. Unlike cities such as Sydney and Melbourne, Canberra was planned from day one, embracing the environment and blending it into our suburbs. So this is an important legacy which has been front of mind as we have reviewed the planning system and developed the key reform documents.

The Urban Forest Bill goes hand in hand with the work that is taking place in the planning policy space, particularly the Planning System Review and Reform Project and the introduction of the draft district strategies to guide Canberra's growth. We know Canberra is growing. Our reform project is aimed at making this growth sustainable without compromising the characteristics of the city that we value. The new planning system will place greater emphasis on achieving solid planning and design outcomes which can better integrate with the natural environment across our suburbs. Our urban trees are a key element of our city's character and go a long way to what makes Canberra the city in a landscape. It is not just the trees in our suburbs but also how close Canberrans live to the nature that is around us. We also have grasslands, woodlands and wetlands on our doorstep, which is home to a diverse range of native flora and fauna.

As the bill outlines, it is important that we plan for a growing Canberra that protects and strengthens our unique environment, including our urban trees. The draft district

strategies recognise the importance of our trees, habitats and connection to nature and the role the planning system plays in protecting them. We currently conserve more than 70 per cent of the Territory's 236,000 hectares through nature reserves and national parks. There is also a further 6,600 hectares of public urban open space throughout Canberra. The draft district strategies aim to improve how our suburbs connect to the environment while improving biodiversity and conservation. This is on top of existing initiatives that have shaped the built and natural environment including the target for the 30 per cent urban tree canopy that underpins the Urban Forest Bill 2022.

Each of the nine district strategies include five big drivers that work together to support the proposed change and accommodate growth across the ACT. The environment heritage and biodiversity are represented in what is called the blue-green network, which is one of the five big drivers. The blue-green network refers to the vegetation, nature reserves, open spaces, water bodies and cultural heritage sites that provide the setting for the climate-ready and sustainable city in the landscape. Canberrans have told us that these are things that make Canberra special and a great place to live and should be the focus for the government in planning for the future. A great deal of work has been undertaken to develop the blue-green network maps in the draft district strategies that were released for public consultation between November 2022 and March 2023. They document existing ecological and cultural heritage values such as threatened ecosystems, areas that provide habitat for native species or facilitate habitat connectivity and how and where these may need planning consideration into the future. It is important to stress that many elements of our blue-green network are already protected under the Nature Conservation Act and existing government strategies like the ACT Nature Conservation Strategy, ACT Water Strategy and the ACT Climate Change Strategy. Including them in the District Strategy serves to bridge the gap between territory, district and local planning.

In the same way, the government is also delivering programs and initiatives to help our natural environment, including working with Ngunnawal traditional custodians to care for Country. The draft strategies highlight the range of sites of Aboriginal significance for ongoing and enhanced protection into the future, for example, the Umbagog District Park in Latham and the draft Belconnen District Strategy.

There are also other initiatives and ideas in the draft district strategies that will help increase and use the trees in our city. An example of this is the increasing tree canopy cover along our active travel networks for walking and cycling. This would enhance the experience for Canberrans using this network and make the uptake of active travel more appealing and easier.

The draft new Territory Plan proposes a range of measures to help protect and use our trees in a changing climate. There will be new requirements for commercial and community facilities-owned land as well as new subdivisions, for new trees to be planted to provide shade and reduce the amount of hard surfacing on blocks. Along with this, the government is also proposing to extend the requirements for tree canopy cover and permeability to all single dwelling and multi-unit development, irrespective of the age of the block. These changes will assist in reducing the urban heat island effect due to climate change and will reduce the stormwater runoff that goes into our drains.

Mr Deputy Speaker, as I mentioned, Canberra being a planned city from day one makes this city's connection to nature quite unique. Further protecting our city's trees through the framework in the Urban Forest Bill, along with the work that is underway with reforming our planning system, means our city in the landscape and the environment Canberrans love will remain front and centre of the work that we are undertaking.

**MS CLAY** (Ginninderra) (5.26): I would like to say a few words about the Urban Forest Bill. Now, we have heard today from a few speakers. This bill gives effect to actions in the Urban Forest Strategy 2021-2045 and it provides new legislation for the protection of trees on private and public land in the ACT. In many ways this bill is a big improvement for tree protection in the ACT, capturing a greater number of trees for protection. I would like to thank Minister Steel, his team and the directorate for all of their hard work on this.

This bill does several things. It updates the definition of protected trees, including lowering the size of protected trees from 12 metres to 8 metres. Whilst our protected sizes are still higher than those protected in other jurisdictions, this is an improvement. The bill includes trees on public land and that is fantastic. It includes enhanced protections for habitat trees, including dead trees with hollows, and for First Nations cultural trees of significance. The bill also adopts a few novel additions. It introduces a canopy coverage framework, which is designed to ensure that trees approved for removal will be, by agreement, replaced by additional trees or a financial contribution. I understand extensive work has gone into this addition to get it right and to make sure there are strong disincentives for tree removal. It will be really important to monitor this in the future to make sure that it is achieving what it is setting out to achieve.

This bill introduces tree bonds to ensure better protection for trees from people who interact with them, and it introduces an updated compliance framework. It also retains elements from the existing legislation. It keeps the register of significant trees. It keeps approval requirements for tree-damaging activities and groundwork activities within tree protection zones and within tree management plans. It retains the ability to make directions with regard to tree protection matters and it provides offences and enforcement provisions.

This bill has been a long time in the making. Community consultation on improvements to tree protection legislation commenced over three years ago, in 2019. It was a popular consultation, with over 270 contributions. The ACT government consulted on the draft Urban Forest Bill last year, with 66 submissions provided during the consultation period. An inquiry into the Urban Forest Bill took place within the Standing Committee on Planning, Transport and City Services last year, with 16 submissions and eight community and industry representatives appearing at the hearings in a day.

There has been a lot of community and industry interest in this new law. I understand this. In my short time at the Assembly we have received many, many, many questions about trees. I have developed a much better understanding of how contentious trees can be in this short time. There are people who want to keep their local trees. There are people who want to remove their local trees. There are trees that are really

important for providing habitat. There are trees that can and have caused damage. There are trees that are really, really important for local species, for the ecology of our country and for our local endemic wildlife here. There are trees that cause damage because they are exotic invasives. There are trees that some people find inconvenient because they want to build there or they want to park there.

There is the importance of tree canopy to cool and heat our properties in summer and winter, and that is getting more and more important as our climate changes. There are a lot of different scientific benefits for old trees, from improving our climate resilience, cooling us through respiration and shade, storing carbon and giving us oxygen, compared to the newer, younger trees that do not perform these functions as well. There are a lot of opinions about trees. It is really important we have a robust legislative framework in place to navigate different issues as they arise.

It is particularly important that we have a strong tree protection framework that is grounded in our science and in our local ecology. Trees give us life. We need them as much as they need us—more. They provide homes for threatened species. They clean up our environment. If we do not have older, mature trees, we do not have a habitat for certain animals to live here. We know Canberra is changing. Some animals that were never threatened before are becoming threatened now. Some of our common species are becoming less common. We all saw the influx of birds in Canberra after the 2019-2020 fires. It was a delight to see them and it was also a tragedy to see them. A lot of those birds should not have been here. They were fleeing destruction from the fires and from the smoke in other regions. That habitat destruction has a huge impact on our threatened species and on our common species and we can expect to see more of that. It is so important we are on the side of caution and more protection for our urban forest.

We have a few concerns about this bill. We are really, really supportive and very happy to see it, but we have a few reservations. We would love to see really, really good effectiveness measures in data tracked for this legislation. We know there is LiDAR data. It is taken at periods of five years apart. It would be great if we could have a data baseline right before this measure came in and if we then could have those more regularly than five years apart. That would give us much, much better data and a much better sense of whether this new system is actually doing what it is intended to do. That would also let us genuinely see on the ground whether our canopy coverage is increasing in the way that we are wanting it to increase. I understand we can assess tree canopy coverage through applications received, and I am really glad we can do that; it does not go far enough. It is not an on the ground sample of what is actually happening. It is merely reports of what is happening.

The Greens are also really, really concerned about the delay to this legislation. It is not starting until the beginning of 2024. Given the community and industry have been involved in consultations since 2019, we feel that everybody has had a pretty long lead time to learn and understand the new obligations and to learn the importance of this legislation and how it will impact on us. We are concerned this long lead time provides the wrong incentive. We are concerned it sends a signal that you have a window in which you can cut down your trees that you will not have in a year's time without an application. I do understand we need to educate industry and our community about this but we also really need better tree protection laws.



We are really sad these could not have been brought together sooner in such a long consultation so that we did not have this delay.

Lastly, I have a short reflection on the government response to the recommendations from the committee inquiry that Ms Lawder has already referred to. Speaking as a Greens MLA and as a local member for Ginninderra I am really glad to see that many of those recommendations were agreed to or agreed to in principle. It is so important that we periodically review this legislation—to see if there are any issues in processes or any issues in the implementation, to see whether it is actually doing its job on the ground, to see whether our canopy coverage is in fact increasing, to see whether we are in fact protecting our mature trees and whether we are creating more habitat.

It is great that the government has agreed to consider the appropriateness of tree species as part of our future urban planting with regard to the risk from severe weather events. We would like to see this extended to a review of all the tree species that are exotic invasives to make sure we are not accidentally planting the wrong trees in the wrong place.

The ACT Greens do welcome this bill. Despite the delay in the commencement, this is a huge step forward for trees in Canberra. Better protections through improved legislation is something we Greens have been working towards for a very long time, and it is another really, really good example of what we can get done in here. I want to make a shout out to Caroline Le Couteur, one of our former MLAs, who worked long and hard on tree canopy coverage and the measures in this bill. I think she will be pleased to see some progress. Although, knowing Caroline, I think she will also be quick to point out the flaws and point out the concerns we have outlined today. But we are genuinely looking forward to watching how this law is implemented, making sure it actually makes the changes on the ground and that it protects Canberra's trees.

**MR BRADDOCK (Yerrabi) (5.36):** We know that trees provide priceless benefits to our community. Academic research shows that adults with 30 per cent or more of their neighbourhood covered in some form of tree canopy had a 31 per cent less chance of developing psychological distress, and a 33 per cent less chance of developing fair to poor general health. We know that walks through tree-filled spaces reduce blood pressure, improve mental acuity, boost memory recall and reduce feelings of anxiety. These are just some of the scientifically demonstrated benefits for humans. Once we open up the scope to the many different species we share our city with, the habitat and biodiversity outcomes from trees multiply.

In stark contrast, suburbs with lower tree canopy cover experience a greater urban heat island effect, with consequential impacts on dwelling comfort, energy use and cost. In built-up areas, the surface urban heat island at night can create temperatures up to eight degrees warmer in summer months than in surrounding rural areas. As we move into the winter months, it is also worthy to note that trees reduce cold extremes as well, due to their impact on wind chill.

In Canberra, the central suburbs with the highest wealth are generally the leafiest, greenest suburbs with the highest level of tree canopy cover, whilst locations such as apartments and town centres, or newer outer suburbs, are more vulnerable to the heat island effect. Indeed, of the 16 suburbs in Canberra that have less than 10 per cent tree canopy cover, half are in in my electorate of Yerrabi.

This is an environmental justice issue; it is a climate justice issue; it is a safety issue; and it is a public health issue. It is a losing battle if we plant a million saplings while developers can still cut down mature trees that provide essential shade, habitat and food for people and animals that call Canberra home. We need to enhance and maintain our urban forest. In other words, we need to plant more trees as well as keep and look after the healthy ones we already have.

I also want to take the time to thank everyone who works tirelessly to protect and enhance our urban forest, whether it is through mulching, planting, watering or laying the groundwork for the implementation of this legislation.

A target in a glossy brochure is all well and good, but now we can drive real increases in the tree canopy cover target across Canberra's suburbs, particularly in those suburbs which have the lowest levels of tree canopy cover. Today we are passing legislation that will help make this a reality. I welcome this bill as one more step to improve the protection of trees in Canberra.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.39), in reply: As Canberra grows, more and more development will take place; that is inevitable, and it is important there is a robust legislative framework in place to protect and enhance our urban forest to retain its benefits and the character of our city that we love.

I want to thank members for their support of this legislation today. The bill represents the next step in pursuing the Urban Forest Strategy vision for an urban forest that is resilient and sustainable and contributes to the wellbeing of the community in a changing climate.

The bill will improve tree protection in the ACT both on public and private land by introducing a contemporary legislative approach to protect trees and ensure that, when trees are removed, they are replaced. It will ensure that government, industry and community work in partnership to support a sustainable urban forest.

I would like to thank all those people who took part in our industry workshops and all the individuals, businesses and community groups who provided submissions to consultations on the review of the Tree Protection Act, to the Urban Forest Strategy and to the bill as part of the standing committee's inquiry. We have heard very strong support for the bill since it has been introduced, and a range of views on how the details of how its main elements should operate.

I will be moving some amendments in the detail stage, but the bill provides a significant step forward to support the government's target to achieve 30 per cent canopy cover or equivalent in urban areas of the ACT by 2045. It ensures as we grow and develop that we protect, enhance and grow our urban forests so that Canberrans can enjoy the benefits of healthy trees now and for future generations to come. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail stage**

Bill, by leave, taken as a whole.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.41), by leave: I move amendments Nos 1 to 51 circulated in my name together, and table a supplementary and revised explanatory statement to the government amendments to the bill [*see schedule 1 at page 1031*].

The amendments that I have moved will further enhance the Urban Forest Bill and respond to recommendations made by the scrutiny committee and in the report on the inquiry into the bill. I will detail the proposed amendments, which will change the commencement date; refine the provisions relating to tree management plans, notifications under urgent circumstances, power of entry, exceptions to tree-damaging offences; and create subordinate legislation.

The proposed government amendments will result in the bill commencing on 1 January 2024, as opposed to 1 June 2023. The revised commencement date addressed feedback from the inquiry report by providing additional time for the government to work with the community and industry to raise awareness of what is changing under the new legislation and how it affects residents and businesses, and that is something that we heard through the inquiry was important. But it will also support the ACT government to prepare a seamless implementation of the bill with delivery of critical software systems, finalisation of new procedures and engagement materials, and to prepare the workforce successfully to administer the bill and the changes.

Under these amendments, utilities exemptions will be restored to align with the Tree Protection Act 2005. Utility services will be permitted to conduct standard works that impact regulated and public trees and will be permitted to conduct critical works that impact registered and remnant trees where necessary to protect life, property or the environment. The changes to utilities exemptions will streamline utility works while protecting our most valuable trees. This will balance the needs of utility and living infrastructure, both of which provide important services to the Canberra community.

Tree management plans will be able to be created for any protected tree and be proposed by anyone under these amendments. Plans will be assessed by the decision-maker and plans for a tree on leased land will require proof that the tree owner is aware. The changes to tree management plans will standardise decision-making and allow for anyone working near a tree to propose protection measures.

Under these amendments, the decision-maker will be required to notify applicants of urgent circumstances or minor works approvals as soon as practicable. It is the current and intended process that decisions on urgent circumstances applications be notified to the applicant as soon as practicable. However, this amendment ensures that the legislation reflects this process.

Authorised persons will be permitted to enter premises under specified conditions to issue or fulfil the overdue works required under a tree reparation direction.

This would occur in cases where a person issued with a tree reparation direction fails to comply with it and the territory needs to undertake the repair of damage or removal and replacement of the tree, as specified in the direction. This amendment aligns with scrutiny comments.

Minor technical changes clarify which directions are exempt from tree-damaging offences, which authorisations may require a tree bond, and which decision-maker may seek Tree Advisory Panel advice. These also refine and reduce powers relating to the incorporation of documents and the making of regulations. These technical amendments will ensure best practice legislative practice and alignment with other legislation.

These amendments are responsive to the comments from the justice and community safety committee in its legislative scrutiny role and recommendations from the Standing Committee on Planning, Transport and City Services inquiry into the Urban Forest Bill 2022, report 11.

I would like to take this opportunity to thank officials from Transport Canberra and City Services and the Environment, Planning and Sustainable Development Directorate for their input into this bill, colleagues in the Assembly, members of cabinet, and those who have been involved in the committee inquiries and reviews that have led to this point. We are looking forward to continuing to work with the community and industry on the implementation. I commend these government amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Adjournment**

Motion (by **Ms Cheyne**) proposed:

That the Assembly do now adjourn.

## **Construction industry—parental leave**

**MS ORR** (Yerrabi) (5.46): I would like to take the opportunity today to talk about an incredible individual named Jess. I happened to meet Jess recently at the CFMEU breakfast barbecue for International Women’s Day. At the time Jess shared that she is the first project-based construction worker from her company to take parental leave, although she stressed that this did not extend to office workers, managers or other professionals within the company. However, as you can imagine, Mr Deputy Speaker, I still found this to be a striking first and, with her permission, shared it on my social media.

The community response was significant and entirely positive, so I have since asked Jess if she would be comfortable with me sharing her story today. In her own words, this is what Jess had to say:

Lendlease is a global construction investments and development company who employ construction workers across the country. Our ACT regional business unit told me that in 2019 I was the first female construction worker to take parental leave. I was well supported from the beginning of my leave and received 18 weeks' paid parental leave from Lendlease. I returned after 12 months to an agreed part-time arrangement three days per week.

I have also been well supported since, being a part-time construction worker during this time with professional development and flexibility of work hours. Since beginning with Lendlease in 2017, there has been a commitment to employ women and create a diverse workplace. I have noticed more women being employed in Lendlease but also more broadly in the industry, and this is especially true at the current CIT Woden project.

I have taken parental leave twice now. With two young children, and my husband owning a small business, the demands of juggling this is complex. I was nervous recently, having just returned to work from maternity leave, of having to take time off after sick children, but my managers could not have been more supportive.

Up until working in this industry, I have worked in sectors that are traditionally female-dominated. I have nursing and physiotherapy degrees and worked in the public service for five years. All sectors I have worked in have had their challenges. However, working as a construction worker with Lendlease has been the most enjoyable and balanced to date. I feel respected and listened to by my male colleagues and have never felt I cannot assert myself.

Those are Jess's words and that is her experience. As we have spoken about in the most recent sitting, International Women's Day and the principles of upholding women's achievements, recognising challenges and maintaining a greater focus on women's rights and equality in this place are very important. Part of what makes Jess's story so important to these principles is that it touches on every single one of them. Particularly in a workforce that has been so heavily male-dominated for so long where women have not got a look-in, it is encouraging to see how the sector is changing to support women and bring more women into more diverse fields, allowing them to be not only workers but also mothers.

I am incredibly grateful to Jess for finding time in her extraordinarily busy schedule to share her story with me and the community. I wish her and her family the best, moving forward.

### **Veterans—Invictus Australia**

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (5.50): Mr Deputy Speaker, I am once again asking for your patience for a few moments so that I can talk about sports in my electorate of Murrumbidgee.

In particular, I want to talk about the great work being done by Invictus Australia. I had the joy of joining them at Stromlo Forest Park on a rainy Saturday afternoon last

weekend, at a mountain bike skills program for veterans. It was a wonderful opportunity to meet with Debbie from Invictus and 36 serving and ex-serving Defence community members. I heard some great feedback from them about Peta, their skills trainer from Dynamic Motivation. She demonstrated to them off-bike what they needed to do and helped them put it into practice on a muddy downhill mountain bike track, where everyone had a great time. One of the veterans who joined in the workshop told Invictus afterwards:

It was an excellent opportunity for us all to get together, exercise and use the great facilities in Canberra. I personally made a bunch of new friends and have new like-minded people to ride with in the future. I'll be first to sign up if we do this again.

What I most loved seeing was how connected everyone was with each other, how much they appreciated participating in something positive with people who understand their experiences and the constraints on their lifestyle that come with being a veteran, and the benefits for physical and mental wellbeing of getting out on the mountain and doing something fun.

Canberra has a very high concentration of veterans per capita compared to other cities. According to the census data, the ACT has a rate of 5.98 per cent of residents aged 15 and older who have served or are serving in the ADF. This is higher than the 2.8 per cent average across Australia, and means we have 11.2 per cent of households with a veteran in the ACT compared to 5.3 per cent nationally. It is also an incredibly diverse veterans community, with serving and post-service members and their families across the full age range, and with a broad range of different skills, thanks to the wide range of work across all three services based in Canberra.

That is why I have been talking to federal ministers, including a recent meeting with Minister McBain, about the importance of ACT veterans and their families, and the full diversity of ESOs and VSOs providing support and services to veterans and their families, being able to access the veterans wellbeing centre being planned for the ACT and Queanbeyan region.

If the commonwealth government were interested in seeking a suitable location on the ACT side of the border, I would be very happy to help them in any way I can. But as they have been quite public in their commitment to this centre being in Queanbeyan, I was pleased to be reassured in the conversations I have had with my federal counterparts that the intention is that veterans and their families on both sides of the Canberra-Queanbeyan border should be able to access it.

I want to thank Invictus Australia for the opportunity to learn more about their programs, and I look forward to joining them on the track next time they are at Stromlo. I wish them all the best for their ACT Defence Community Sports Day on Saturday, which will include archery, bowls, indoor rowing, table tennis, pickleball, and one that I am really looking forward to seeing soon, I hope—wheelchair sports. You all rock, and I hope you have a great time.

**Aboriginals and Torres Strait Islanders—Voice to Parliament  
National Apology for Forced Adoptions—10th anniversary  
Ms Amanda Tobler**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (5.53): I would like to take this opportunity to briefly update the Assembly on the publicly available detail on the Voice to Parliament, as we continue towards a historic referendum in the latter half of this year.

I firstly acknowledge the clarity on the position of the Canberra Liberals on the Voice, provided by Ms Lee on 17 March; that is, as an institution, the Canberra Liberals have no position. It will be up to each MLA to determine their own positions, as they did with the marriage equality vote.

I also note that the Leader of the Opposition described her own position as, “Well, if you told me you’re going to vote yes or no right now, I would say that I would have to have a think about this.” As the Leader of the Opposition is still making up her mind, I would direct her to a few helpful sources to inform her decision. Firstly, there is [yes23.com.au](http://yes23.com.au), the website of the yes campaign. This website includes helpful information on the process, including a printable yes guide to help inform conversations.

Another helpful resource is the commonwealth government’s Voice webpage, at [voice.niaa.gov.au](http://voice.niaa.gov.au). This website includes significant detail on the Voice process and how the Voice will function once established. Interested members could read the *Indigenous Voice Co-design Process Final Report* released in December 2021, or pore over the considerations of the Referendum Working Group over the past 18 months.

Last week the Prime Minister released more detail, including the design principles of the Voice and the final wording of the question to be put to the Australian people. The principles confirmed that the Voice will give independent advice to the parliament and government. The Voice will be chosen by Aboriginal and Torres Strait Islander people based on the wishes of local communities. The Voice will be representative of Aboriginal and Torres Strait Islander communities, gender balanced, and include youth. The Voice will be empowering, community led, inclusive, respectful and culturally informed. The Voice will be accountable and transparent. The Voice will work alongside existing organisations and traditional structures. The Voice will not have a program delivery function, and the Voice will not have a veto power.

This morning the commonwealth Attorney-General introduced a bill to parliament that will trigger the referendum. I say to those Canberra Liberals who are still considering whether they will support the yes campaign: I implore you to make use of the resources available. I say to those Canberra Liberals who do support the Voice: given you do not have institutional support from your party, you would be more than welcome to join me on the campaign trail as we have this important conversation with our community.

I turn to two other matters. First, I want to recognise the recent 10th anniversary of the National Apology for Forced Adoptions that was delivered so powerfully by then Prime Minister Julia Gillard on 21 March 2013. If members have not heard or read this apology, I would strongly encourage them to do so. I was privileged to attend a dinner last week to mark the anniversary and to hear from people who were intimately involved in the long process of examining the shameful practices of forced adoption in Australia, and developing a response, including the apology.

We heard last week that there is more to do to address the enduring impacts on those who were, to quote from the apology, “forced to endure the coercion and brutality of practices that were unethical, dishonest and in many cases illegal”. Minister Rishworth recognised this, and I am confident she will continue the important work to “redress the shameful mistakes of the past”.

Finally, I want to take a few moments to recognise Amanda Tobler, who steps down as CEO of Community Services #1 next week. As members would be aware, CS#1 is a large and vital service provider in my electorate of Kurrajong. As such, Ms Tobler was one of the first people I met when I was campaigning for election in 2016, not long after she had taken over the reins of the organisation in October 2015.

In the years since, I have greatly appreciated Amanda’s engagement on many issues, as well as her welcoming me almost every year to help open CS#1’s NAIDOC Week exhibition of artworks by Aboriginal and Torres Strait Islander detainees at the Alexander Maconochie Centre. I thank her for her dedication to the community, from Narrabundah locals to growing services across the New South Wales region, and wish her all the best for whatever comes next.

### **Hawker Men’s Shed—Hawker repair cafe**

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (5.57): I want to congratulate the Hawker Men’s Shed on a very successful Hawker repair cafe on Sunday, 19 March.

These repair cafes are held quarterly and are becoming increasingly popular, and it is not hard to see why. The repair cafe has a sausage sizzle, cakes and drinks for sale; and, most recently, new additions of market stalls and an art exhibition. Of course, the most important part of a repair cafe are the repairs. Repairs are free, undertaken entirely by volunteers in their own time, and using their various skill sets. Those wanting an item repaired merely have to provide a gold coin donation.

Everything from furniture to electrical items, toys, mowers, clothing and bikes is repaired. The Hawker repair cafe has an extraordinary repair success rate of 89 per cent over the course of their many repair cafes, and 96 per cent at the most recent one in March.



One of those successful repairs was this very dress that I am wearing. I do not think it counts as a prop. If it does, I am in trouble! I want to take a moment to put on the record my thanks to Jill Whittaker for the very careful and considered way that she repaired this dress, which, as you can see, is made of quite delicate material. It had some snapped elastic in the sleeve and a very small tear in the side, due to my carelessness, given I only got the dress in November last year. Jill patiently showed me how to thread elastic in the sleeve, and even more patiently took over that job when it got too hard for me. She repaired the tear so carefully that I now genuinely have no idea where it was.

I congratulate Jon Wells, of the Hawker Men's Shed, and all those involved in the Hawker repair cafe, including Jill, on creating such a wonderful, giving community; and, of course, on their contributions more broadly to the circular economy.

The most common question I heard on the day was, "When is the next repair cafe?" I am happy to share that it is on Sunday, 18 June.

Question resolved in the affirmative.

**The Assembly adjourned at 6.01 pm until Tuesday, 9 May 2023 at 10.00 am.**

## Schedule of amendments

### Schedule 1

#### Urban Forest Bill 2022

##### Amendments moved by the Minister for Transport and City Services

1

##### Clause 2

Page 2, line 5—

*omit*

1 July 2023

*substitute*

1 January 2024

2

##### Proposed new clause 18 (1) (d) (iia)

Page 17, line 3—

*insert*

(iia) a tree reparation direction; or

3

##### Clause 18 (1) (e)

Page 17, line 8—

*omit*

protected tree

*substitute*

regulated tree

4

##### Clause 18 (1) (f)

Page 17, line 15—

*omit*

protected tree

*substitute*

public tree or a regulated tree

5

##### Proposed new clause 18 (1) (f) (iii) and (iv)

Page 17, line 24—

*insert*

(iii) a network protection notice given under the *Utilities (Technical Regulation) Act 2014*, section 32; or

(iv) any of the following provisions of the *Utilities (Technical Regulation) Act 2014*:

(A) section 41D (Clearance from aerial lines—vegetation);

(B) section 41H (Maintenance of electrical infrastructure within network boundary—powers);

(C) section 41I (Inspection of electrical infrastructure outside network boundary);

6

**Clause 18 (1) (g)**

Page 18, line 1—

*omit clause 18 (1) (g), substitute*

(g) anything done in relation to a registered tree or a remnant tree under any of the following provisions for protecting life or property if it is not practicable, because of the urgency of the situation, to obtain an approval under section 32:

- (i) either of the following provisions of the *Utilities Act 2000*:
  - (A) section 106 (Maintenance of network facilities);
  - (B) section 232 (Maintenance of territory network facilities);
- (ii) any of the following provisions of the *Utilities (Technical Regulation) Act 2014*:
  - (A) section 41D (Clearance from aerial lines—vegetation);
  - (B) section 41H (Maintenance of electrical infrastructure within network boundary—powers);
  - (C) section 41I (Inspection of electrical infrastructure outside network boundary);

7

**Clause 18 (2), proposed new definition of *remnant tree***

Page 19, line 7—

*insert*

***remnant tree*** means a remnant tree located on land outside the built up urban area.

8

**Clause 24**

Page 22, line 13—

*omit clause 24, substitute***24 Approval application—advisory panel advice**

The conservator may ask the advisory panel for advice in relation to an application under section 21.

9

**Proposed new clause 32 (5A)**

Page 28, line 20—

*insert*

- (5A) The decision-maker must give notice of a decision on the application to the applicant as soon as practicable after making the decision.

10

**Clause 32 (6)**

Page 28, line 21—

*omit*

approval

*substitute*

notice

**11**

**Clause 32 (6)**

**Page 28, line 22—**

*omit*

oral approval

*substitute*

notice given orally

**12**

**Clause 48 (2)**

**Page 39, line 22—**

*omit*

The authorised person

*substitute*

An authorised person

**13**

**Clause 50 (2)**

**Page 41, line 1—**

*omit clause 50 (2), substitute*

- (2) The authorised person, or anyone else authorised by the decision-maker for the protected tree for this section, may—
  - (a) enter the land where the tree is located; and
  - (b) do the thing required to be done under the direction.
- (3) The reasonable costs incurred by the Territory in doing anything under subsection (2) is a debt owing to the Territory by the person to whom the direction was given.

*Note* An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see Legislation Act, s 177).
- (4) The authorised person, or anyone else authorised by the decision-maker for this section, must give written notice of the action proposed under subsection (2) at least 1 working day before the day the action is to begin to—
  - (a) the person given the tree reparation direction; and
  - (b) the lessee or occupier of the land where the tree is located.
- (5) The authorised person, or anyone else authorised by the decision-maker for this section, may give written notice of the proposed action to anyone else considered appropriate.
- (6) The notice must include the following:
  - (a) a statement about the operation of this section;
  - (b) the purpose and nature of the proposed action;
  - (c) the time or times when the action is proposed to be taken;
  - (d) a statement about the obligations of the authorised person and the Territory under subsection (8).
- (7) A person may waive the right to all or part of the minimum period of notice under subsection (4).

- (8) Section 129 (Damage etc to be minimised) and section 130 (Compensation for exercise of enforcement powers) apply to any action taken under subsection (2) as if—
- (a) it were the exercise of a function under part 7 (Enforcement) by an authorised person or a person assisting an authorised person; and
  - (b) any changes prescribed by regulation, and all other necessary changes, were made.

14

**Clause 78 (1)**

**Page 60, line 4—**

*omit everything before paragraph (a), substitute*

- (1) A decision-maker in relation to a protected tree may, on their own initiative, propose a plan (a ***tree management plan***) for the tree that may—

15

**Clause 78 (2) and (3)**

**Page 60, line 12—**

*omit clause 78 (2) and (3), substitute*

- (2) Anyone else may apply, in writing, to the decision-maker for a tree management plan for a protected tree.
- (3) If the application is for a protected tree on leased land and the applicant is someone other than the lessee of the land where the tree is located, the application must include written evidence from the lessee that they are aware of the application.

16

**Clause 78 (4)**

**Page 60, line 22—**

*omit*

*conservator*

*substitute*

*decision-maker*

17

**Clause 79 (1)**

**Page 61, lines 3, 4 and 5—**

*omit*

*conservator*

*substitute*

*decision-maker*

18

**Clause 79 (2)**

**Page 61, line 7—**

*omit*

*conservator*

*substitute*

*decision-maker*

**19**

**Clause 80**

**Page 61, line 10—**

*omit*  
*the conservator*  
*substitute*  
*a decision-maker*

**20**

**Clause 80**

**Page 61, line 11—**

*omit*  
conservator  
*substitute*  
decision-maker

**21**

**Clause 82 (1)**

**Page 61, line 26—**

*omit*  
*the conservator*  
*substitute*  
*a decision-maker*

**22**

**Clause 82 (2)**

**Page 62, line 1—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**23**

**Clause 82 (3)**

**Page 62, lines 8 and 9—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**24**

**Clause 83**

**Page 63, line 4—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**25**

**Clause 83 (a)**

**Page 63, line 6—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**26**

**Clause 85 (1)**

**Page 63, line 17—**

*omit*  
*the conservator*  
*substitute*  
*a decision-maker*

**27**

**Clause 85 (1)**

**Page 63, line 18—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**28**

**Clause 85 (2)**

**Page 63, lines 20 and 22—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**29**

**Clause 85 (4)**

**Page 64, line 1—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**30**

**Clause 85 (4) (d)**

**Page 64, line 7—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**31**

**Clause 86 (1)**

**Page 64, line 16—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**32**

**Clause 86 (2)**

**Page 64, line 19—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**33**

**Clause 86 (3)**

**Page 65, line 1—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**34**

**Clause 86 (4)**

**Page 65, lines 3 and 4—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**35**

**Clause 87**

**Page 65, line 7—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*

**36**

**Clause 89 (1)**

**Page 65, line 19—**

*omit*  
*conservator*  
*substitute*  
*decision-maker*



37

**Clause 91, proposed new definition of *authorisation***

**Page 66, line 12—**

*insert*

**authorisation**—*see section 92 (1) (a).*

38

**Clause 92 (1) (a)**

**Page 66, line 18—**

*after*

*any of the following*

*insert*

**(an authorisation)**

39

**Proposed new clause 92 (1) (a) (iia)**

**Page 66, line 21—**

*insert*

(iia) a work approval under the *Public Unleased Land Act 2013*, section 19;

40

**Clause 92 (1) (b)**

**Page 67, line 3—**

*omit*

*the plan, permit or development*

*substitute*

*the authorisation*

41

**Clause 92 (2)**

**Page 67, line 7—**

*omit*

*the plan, permit or development*

*substitute*

*the authorisation*

42

**Clause 92 (2) (a)**

**Page 67, line 11—**

*omit*

*the plan, permit or development*

*substitute*

*the authorisation*

43

Clause 92 (4)

Page 67, line 18—

*omit*  
*a plan, permit or development*  
*substitute*  
*an authorisation*

44

Clause 93 (3)

Page 68, line 6—

*omit*  
*a plan or permit*  
*substitute*  
*an authorisation*

45

Clause 95 (3)

Page 69, line 21—

*omit*  
*a plan or permit*  
*substitute*  
*an authorisation*

46

Clause 114 (1) (a) (ii)

Page 81, line 14—

*after*  
*tree protection direction*  
*substitute*  
*or tree reparation direction*

47

Clause 114 (1)

Page 81, line 20—

*insert*

Note *An authorised person also has power to enter premises in relation to tree protection directions (see s 47) and tree reparation directions (see s 50).*

48

Clause 142 (2) and note

Page 100, line 15—

*omit*

49

Clause 144 (2)

Page 100, line 26—

*omit*

**50**

**Clause 316**

**Page 108, line 10—**

*omit clause 316, substitute*

**316 Transitional regulations**

A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.

*Note* A transitional provision continues to have effect after its repeal (see Legislation Act, s 88).

**51**

**Dictionary, proposed new definition of *authorisation***

**Page 112, line 24—**

*insert*

**authorisation**, for division 5.2 (*Tree bonds*)—see section 92 (1) (a).

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## Questions without notice taken on notice

### Canberra Health Services—data security

**Ms Davidson** (*in reply to a question by Mr Cocks on Thursday, 23 March 2022*):

The Head of Service alerted the Chief Minister's Office of the data breach on Monday 13 February 2023.

The Chief Minister was verbally briefed by the Head of Service on Monday 20 February 2023 upon his return from a trade mission to Singapore.

### Planning—ACT Planning System Review and Reform Project

**Mr Steel** (*in reply to a question by Mr Cain on Wednesday, 29 March 2023*):

The Planning System Review and Reform Project has received funding through the 2018-19, 2019-20 and 2022-23 Budget cycles, details of this funding can be found in the Budget Statements online at the following links –

[https://www.treasury.act.gov.au/\\_data/assets/pdf\\_file/0020/1318151/2018-19-Budget-Review-Web-Version-PDF.pdf](https://www.treasury.act.gov.au/_data/assets/pdf_file/0020/1318151/2018-19-Budget-Review-Web-Version-PDF.pdf),

[https://www.treasury.act.gov.au/\\_data/assets/pdf\\_file/0006/1479975/2019-20-budget-review.pdf](https://www.treasury.act.gov.au/_data/assets/pdf_file/0006/1479975/2019-20-budget-review.pdf)

and

[https://www.treasury.act.gov.au/\\_data/assets/pdf\\_file/0014/2051303/2022-23-Budget-Outlook.pdf](https://www.treasury.act.gov.au/_data/assets/pdf_file/0014/2051303/2022-23-Budget-Outlook.pdf).

Contracts for consultancy services engaged by the ACT Government as part of the Planning System Review and Reform Project can be found on the Tenders ACT website (<https://www.tenders.act.gov.au/>).

### Municipal services—play spaces

**Mr Steel** (*in reply to a question and a supplementary question by Mr Davis on Thursday, 30 March 2023*):

166 individual pieces of feedback were received during phase one of the community engagement process on the preferred location and play equipment preferences for the Alston Street playground in the suburb of Chisholm. Feedback was received via online survey, email, social media and a face to face pop up session hosted by the TCCS delivery team.

Feedback received informed the preliminary design for the play space and confirmed the location for the upgrade. The preliminary design was shared with the community in late 2022 ahead of design finalisation for construction commencement in 2023.

Further information detailing community engagement and feedback in relation to the play space upgrade can be found on the ACT Government's your say conversations site via the following link: <https://yoursayconversations.act.gov.au/chisholm-play-space>