



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**9 May 2023**

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**Tuesday, 9 May 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.

## **Education and Community Inclusion—Standing Committee Report 8**

**MR PETTERSSON** (Yerrabi) (10.02): I present the following report:

*Education and Community Inclusion—Standing Committee—Report 8—Inquiry into Annual and Financial Reports 2021-2022*, dated 4 April 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to table the eighth report of the Tenth Assembly by the Standing Committee on Education and Community Inclusion. The report concerns the inquiry into the annual and financial reports of 2021-22 and was tabled out of session on 5 April 2023. During November 2022 the committee conducted four days of hearings. In the course of these hearings, 20 questions were taken on notice, while 21 questions were provided on notice by members following the hearings.

The committee makes 13 recommendations. These relate to child and family centres; the free meal program in schools; continued investment in government schools; the professional development of educators; Aboriginal and Torres Strait Islander community controlled public housing; advanced Welcoming City accreditation for Canberra; our national Multicultural Festival; the reintroduction of Auslan courses at the Canberra Institute of Technology; as well as seniors.

On behalf of the committee, I would like to thank all ACT government ministers and directorate and agency officials who appeared at the public hearings and participated in the inquiry. I would also like to thank my fellow committee members, Mr Davis and Ms Lawder, as well as the committee secretariat, for their contribution to the inquiry process and report. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Health and Community Wellbeing—Standing Committee Report 9**

**MR DAVIS** (Brindabella) (10.04): I present the following report:

Health and Community Wellbeing—Standing Committee—Report 9—*Inquiry into Annual and Financial Reports 2021-22*, dated 4 April 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

In my role as chair of the Standing Committee on Health and Community Wellbeing, I am pleased to speak to the report of the inquiry into the annual and financial reports for 2021-22. The report of the inquiry was tabled out of session and circulated to members on 6 April 2023. I wish to note a corrigendum—appendix B of the report notes that question on notice No 30 did not receive a response, when in fact the committee received a response on 9 March 2023.

The committee makes five recommendations concerning the collection of data on nurse- and midwife-to-patient ratios outside of conventional hospital settings; ongoing funding for the Room4Change program; an elevation of in-reach clinicians for patients with an eating disorder; a second residential facility for young people who are at risk of homelessness; and the collection of data on the number of vacant medical staff positions at Canberra Health Services and Calvary Hospital.

On behalf of the committee, I thank everybody for their contributions to this inquiry. In particular, I thank my fellow committee members, and Dr Paterson, who served as an additional member of the committee during this inquiry. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Petitions**

*The following petitions were lodged for presentation:*

## **ACT Policing—Gungahlin—petition 6-23**

*By Mr Pettersson, from 660 residents:*

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

Gungahlin is the fastest-growing district in the ACT, with an estimated population of 87,550 according to the 2021 census and as high as 100,000 after COVID. Gungahlin poses many challenges to ACT Policing, which has to be cognisant of many cultural, religious, and ethnic factors that are impacting the community and how it interacts. With fewer resources, the police are also required to act as ad-hoc counsellors, mental health responders, youth workers, and first aiders.

A Sergeant and eight team members make up each patrol team in Gungahlin. It is common for teams to operate at a lower capacity due to shortages and a lack of resources, consisting of a Sergeant and 4 to 5 members. With this reduced capacity, only two patrol vehicles can be deployed per shift. The majority of shift responses are to sudden deaths, suicides, property crimes, and domestic violence.

All other stations in the ACT have six teams consisting of a Sergeant and nine members on their teams (10 in total). This discrepancy is not isolated when it comes to policing in Gungahlin. Consequently, police officers are overwhelmed with stress, welfare issues, leave, court and training requirements, backfilling, and special events, such as government guests, protests, COVID responses, and other events. This means teams are rarely fully staffed. The community in Gungahlin is dissatisfied with the low resource levels to deal with juvenile and recidivist offending, commercial burglaries, stolen vehicles, etc., and that may have contributed to the decline in satisfaction.

Your petitioners, therefore, request the Assembly to call on the ACT Government to:

1. Provide an improved new office space within six months with adequate facilities, allowing for an increase in police numbers. Currently, desks and equipment are insufficient to accommodate a sustained increase in police numbers.
  - Provide a building facility that is conducive to providing privacy to victims of crime, witnesses, or persons in custody who are conveyed to the police station due to the lack of sufficient dedicated areas within the building, as well as an open parking lot at the rear of the building, flanked by apartments.
  - Provide dedicated meeting rooms, dining areas, and storage facilities to enable members to conduct business in a professional and safe environment.
  - Provide a facility that does not leak during periods of heavy rainfall, as the current facility is not adequately heated or cooled in winter and summer, and it is lacking a victim support space and additional interview rooms.
2. Increase the number of police officers in the ACT's budget for 2023–24 to meet operational needs as the ACT has the lowest police-to-population ratio in the country.

3. Develop and commit to a time line for increasing ACT policing resources to meet the demands of the growing Gungahlin community.
4. Ensure that a proper community consultation procedure is followed in order to mitigate the problem.

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

### **Casey—traffic management—petition 7-23**

By **Mr Pettersson**, from 158 residents:

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly the following issues of concern to The Grove Retirement Village Residents, Visitors, Staff, Tradespeople and Delivery Drivers.

The suburb of Casey, and surrounding Ngunnawal area, has grown considerably with roads, public transport, and community infrastructure all needing investment to cope with this growth.

The major road servicing the “Grove Retirement Village (Gungahlin Drive) is one-lane each way as it passes the Village (Monty Place Entry & Exit) and John Paul II College. There are also restrictions from Monty Place as you cannot turn right entering or exiting.

Monty Place is the only access to Gungahlin Drive, between the Barton Hwy and Gundaroo Drive that is not serviced by a Roundabout.

Congestion, vehicle accidents and near-misses (including with pedestrians) are common, particularly during peak commute and school drop-off/pick up times, around St John Paul II College, and The Grove (Retirement Village.)

DA approved for the Gold Creek Homestead site for 45 additional Villas to the Grove Village, Community Facilities and 160 bed Aged Care Facility. Additional traffic from an extra 45 Villas, access to the Community Facilities and visitors and staff for the Aged Care facility will further impact entry and exit from Monty Place.

Proposal for Multi-Unit Mixed Use Development (DA-202241107) planned for the Casey group centre is likely to be approved, bringing a further 200 units and 500 more residents (and their Vehicles) to an area already facing pressure.

Bus based public transport is inadequate, especially on weekends, to ease the Vehicle congestion.

Your petitioners, therefore, request the Assembly to call on the ACT Government to;

- Implement suitable traffic measures (Roundabout, Traffic Lights, Slip Lanes, or other suitable traffic measures) to improve entry and exit options to the Grove Retirement Village via Gungahlin Drive into and from Monty Place Ngunnawal
- OR: Conduct a feasibility study to implement traffic lights at the intersection of Monty Place and Gungahlin Drive, which would allow traffic to turn both right and left into Gungahlin Drive, which would only be activated when a car is detected This would ensure that vehicles on Gungahlin Drive would still have priority traffic flow.
- OR: Monitor traffic conditions at the Gungahlin Drive / Monty Place intersection and to suggest any improvements that could potentially be made to the intersection to improve safety and accessibility.
- Develop and commit to a time frame to fully duplicate Gungahlin Drive, and Clarrie Hermes Drive.

### **Environment—kangaroo management—petition 10-23**

*By Ms Lawder, from 254 residents:*

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

The following residents of the ACT draw the attention of the Assembly that the ACT Greens/Labor government has been needlessly slaughtering Eastern Grey kangaroos for over a decade. They claim that kangaroos are of pest proportions within the ACT, and that they are endangering other species and ecosystems. Recent research conducted by ACT community group “Save Canberra’s Kangaroos” contradicts these claims.

Among other things, the government’s methods of counting have been shown to be unreliable by biostatistician Ms Claire Galea, who specialises in the investigation of population time trends.

“There is insufficient data to provide any reliable population estimates or subsequent quotas for kangaroos in the ACT. Based on this review it is impossible to have any confidence in the population estimates provided, or that the subsequent quotas do not pose significant threat to kangaroo populations across the ACT”.

The ACT government must conduct an independent review into the management of kangaroos immediately. And, until the results of this review are made available, the culling of this beautiful, native species must be brought to a halt.

The ACT Greens/Labor government is seemingly content with wiping out one of our longest surviving native animals. Help us put a stop to this before it’s too late.



Your petitioners, therefore, request the Assembly to call on the government to conduct an independent review into the management of the ACT's current kangaroo population, and immediately halt the current culling program until this review is conducted and a report is made available to the Assembly.

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

### **Ministerial response**

The following response to a petition has been lodged:

#### **Tuggeranong—skate park—petition 34-22**

By **Ms Berry**, Minister for Sport and Recreation, dated 20 April 2023, in response to a petition lodged by Mr Davis on 7 February 2023, concerning the Tuggeranong Skate Park redevelopment.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter regarding petition 34-22, lodged by Mr Johnathan Davis MLA, regarding Tuggeranong Skatepark redevelopment.

The ACT Government continues to invest in new and upgraded facilities across the Canberra region through our program of suburban infrastructure upgrades. We have a strong track record of listening to the community as we deliver these upgrades, which include new and improved play spaces, sporting facilities, footpaths, seating, lighting and other important suburban infrastructure.

All requests for improvements to Canberra parks and play spaces are assessed and prioritised annually. Play spaces are considered for improvements taking account of factors such as demand, demographics, equity, sustainability, co-location and availability of funding. This process ensures that investments in public spaces are suitably targeted and meet the needs of all Canberrans.

In May 2022, the ACT Government released the ACT Play Space Strategy following community engagement and consultation. The Strategy provides a clear vision, supported by key principles, objectives and actions to guide the future planning, delivery and management of play spaces in the ACT.

You may be interested to know that the revitalisation of the Tuggeranong Town Centre is continuing with the next stage of improvements to be delivered along the Lake Tuggeranong foreshore precinct.

The ACT Government is investing \$5.648 million to design and construct improvements across the foreshore. This will create a more liveable, people focused and active public realm. As part of this revitalisation, the play space at the Tuggeranong Town Park, close by to the skatepark will be upgraded. During

community consultation, respondents indicated that their priorities were to provide more opportunity for accessible play, replacing dilapidated play equipment, improving play value by adding additional equipment and by providing more places for people to sit and picnic around the playground.

In addition, the Government is investing in Tuggeranong by delivering play spaces upgrades in Gordon and Chisholm and has just released a listening report regarding plans for a new Dog Park at Lanyon.

At this stage, there are no plans to construct a new skatepark in Tuggeranong. The ACT Government is working to deliver our current program of improvements and upgrades to recreational spaces across the Territory.

The Government will consider opportunities for Tuggeranong Skatepark in future stages of our suburban infrastructure program. Consultation will be undertaken to ensure community needs and priorities are identified and incorporated.

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

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

That the petitions and response so lodged be noted.

### **ACT Policing—Gungahlin—petition 6-23 Casey—traffic management—petition 7-23**

**MR PETTERSSON (Yerrabi) (10.08):** I seek leave to table an out-of-order petition containing 175 signatures, along the same lines as petition 7-23 just tabled.

Leave granted.

**MR PETTERSSON:** I table the following out-of-order petition:

Petition which does not conform with the standing orders—The Grove Retirement Village—Traffic management improvement—Mr Pettersson (175 signatures).

I rise today to speak to two petitions. First, I wish to thank the Gungahlin Community Council for bringing forward e-petition 6-23, calling for a new police station and increased police resources for the Gungahlin district. The GCC have done a stellar job to collect 660 signatures. I think that number speaks to the ongoing community interest in public safety and law enforcement in the district. I wish to reassure local residents that community safety is and will always remain a core priority of this government. The important role the police play in maintaining community safety cannot be understated. Every Canberran deserves to sleep easy, knowing that their property is secure and that they are safe in their home, as well as in public spaces.

In my time in this place I have had a steady stream of constituents reaching out to me after falling victim to criminal activities. I note the stark decline in these reports throughout COVID, but it appears that, now we have gone back to normal, some of the more sinister elements of society have re-emerged. I completely understand the desire

of local residents to have more ACT Policing resources in their district to respond to this trend. That is why the ACT government has committed to a long-term plan to support ACT Policing in taking possession of the whole Gungahlin JESC. This will increase their operational capacity. In the 2021-22 budget the ACT government announced that it was investing more than \$8.2 million to improve accommodation in the short term for our police and emergency services in Gungahlin.

The JESC project will be delivered in three phases. Phase 1 will be the relocation of the RFS and ACT State Emergency Service units from the Joint Emergency Services Centre to another site within the Mitchell precinct. This is currently due for completion in mid-2024. Phase 2 will be the refurbishment of Gungahlin JESC to increase the operational footprint of ACT Policing. Completion is anticipated in late 2024. Phase 3 will be confirmation of an agreed site for a new ACT Ambulance Service and ACT Fire & Rescue facility in the Gungahlin region. An initial roundtable meeting between EPSDD and Gungahlin Community Council representatives was held in March 2023 to discuss a potential site for this facility.

It is vitally important that Canberra has the right number of police to effectively enforce our laws. As a local member, I will always support local calls to make sure that Gungahlin gets its fair share. I look forward to ACT Policing continuing to grow its numbers and, even more so, locating them in Gungahlin.

I also wish to thank the residents of the Grove retirement village in Ngunnawal for their 158 signatures in order, and 175 not in order, requesting that suitable traffic measures be implemented at the intersection of Monty Place and Gungahlin Drive. Grove residents, rightly, experience ongoing frustration at the inability to turn right into or out of the Grove. This results in many journeys to and from home requiring the residents to turn around at one of the roundabouts on Gungahlin Drive so that they can approach the village from the correct direction. This issue will be further exacerbated when the Grove is expanded and even more residents must attempt this manoeuvre on one of Canberra's busiest roads.

Further, as Casey and Taylor grow, there will be more residents heading south on Gungahlin Drive each day, and it will become increasingly hard for residents to get out of Monty Place at peak hour. I understand the desire of local residents to address this issue. I encourage the minister to undertake appropriate studies to resolve it. Once again, I thank all residents of the Grove for signing this petition.

Question resolved in the affirmative.

## **Child and youth protection services—charter Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.12): I am pleased to have the opportunity to speak about the new *Charter for Parents and Families involved with ACT child protection services*. This work is a priority under Next Steps for Our Kids 2022-2030, the ACT's strategy for strengthening

families and keeping children and young people safe. It also progresses a commitment of the Parliamentary and Governing Agreement of the 10th Legislative Assembly.

The *Charter for Parents and Families* is another step in delivering the ACT government's ambitious reforms to the child protection and family support systems. Families involved in the child protection system often face multiple challenges in their lives, including poverty, housing instability, disability or health issues, substance misuse, and domestic and family violence. As a community, we share a responsibility to ensure that families who come to the attention of child protection services are supported to understand the process and have a voice in decisions that affect their children.

We know it can be incredibly hard for parents and family members to be involved with the child protection system. They may feel deep fear or anxiety about what will happen to them and their children, and they may be unsure about where to go for help if a process seems unclear or unfair. This can lead to stressful or unproductive interactions between parents and families and frontline child protection workers. The *Charter for Parents and Families* provides a framework to guide mutual understanding of what families, advocates and workers can expect when interacting. This aims to support positive and respectful ways of working together, to enable the best outcomes for children and young people and their families.

It is important to note that the *Charter for Parents and Families* aims to strengthen restorative approaches across the child protection system. It does not create new, legally enforceable rights, but, rather, seeks to clarify shared values and expectations. This approach has a strong focus on supporting positive interactions between parents and families, their advocates, and child protection workers.

In developing the *Charter for Parents and Families* we engaged closely with families who have lived experience of child protection services, and with child protection staff. We know that the conversations that take place between families and workers can often be very difficult. Parents and families may feel overwhelmed by processes that unfold quickly against a backdrop of heightened emotion. For workers, these interactions demand skillful consideration of the responses required by policy and legislation and each family's unique circumstances.

The charter for parents and families was informed by many conversations with families who shared deeply personal, and often painful, stories of their lived experience. Despite each family's diverse circumstances, this feedback delivered a consistent message about how they often experience an imbalance of power when engaging with child protection services. The charter for parents and families acknowledges the voices of parents and families and seeks to support them to feel heard. It also considers the complex and challenging circumstances under which child protection staff work with families.

While the key stakeholders are parents and families and child protection staff, in developing the charter the Community Services Directorate also spoke with a range of other individuals and groups with relevant expertise. These included community organisations that support families experiencing vulnerability, advocacy groups,

academics, and advisory and oversight bodies. The breadth of experience and knowledge was a critical basis for developing a charter for parents and families that would be a good fit for the ACT.

This government remains committed to collaborating with key stakeholder partners, ensuring that our work reflects diverse perspectives. At various points during consultation, the Community Services Directorate worked closely with expert groups to test and refine our working drafts. For example, the Aboriginal and Torres Strait Islander Co-design Network was generous in providing early guidance, working with CSD to make specific amendments to the text at several stages of the drafting process. Similarly, the Our Booris, Our Way Implementation Oversight Committee provided critical advice to inform the development of the *Charter for Parents and Families*, including suggestions for its implementation.

This government continues to learn from and be challenged by our expert partners, especially those with lived experience and those with expertise in working with Aboriginal and Torres Strait Islander families. This is an essential practice that has guided and strengthened our work in developing the *Charter for Parents and Families*.

I would like to acknowledge the seminal work of two academics from the Australian National University: Professor Valerie Braithwaite and Dr Sharynne Hamilton. Their 2014 charter of rights for parents and family members with children in the care of child protection services in Australia is the foundational work upon which our *Charter for Parents and Families* is based. We are grateful for their continued interest in and support for our work in this complex policy space.

Finally, I wish to acknowledge the many families who shared their stories with us, and the child protection staff who work with families every day, often under very difficult circumstances. Their insights have informed a charter for parents and families that is one element in a suite of reforms to strengthen the support that we provide to families who need it most.

I present the following papers:

Charter for Parents and Families involved with ACT child protection services—  
May 2023—

Charter, dated May 2023.

Charter (short version), dated May 2023.

Ministerial statement, 9 May 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Business—Better Regulation Agenda—update**

### **Ministerial statement**

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (10.18): In June 2022, I reported to the Assembly on how we are improving business regulation in the ACT, and at that time I tabled the *Better Regulation* report. This government believes that regulation done well can boost the economy and deliver the best outcomes for ACT business, consumers and the community at large.

Through the Better Regulation Agenda 2022-23 we are progressively implementing reforms that will make it easier to start, run and grow a business in the ACT. I am pleased today to report to the Assembly on our progress against key initiatives under this agenda, and our priorities for this year.

Through the policy and legislation stream of the agenda, or stream 1, we are making improvements to our current policy settings and legislative frameworks to improve outcomes for business. We are putting in place best practice regulatory settings which strike the right balance between achieving regulatory outcomes and minimising the burden.

A review of procurement legislation, policies and administrative procedures is underway, including a review of the local industry participation policy, or LIPP. We have identified options for reform aimed at continuing the government's commitment to local industry while also ensuring that the LIPP remains fit for purpose. The government is now considering next steps. The next phase of work on the LIPP will be led by Procurement ACT, with the task force's support.

We are also working to understand the cost to business of engaging in the tender processes. Not only will this provide a benchmark for evaluating how our reforms are improving outcomes for business, it will also help us to understand where businesses may need additional training or support to build capability to engage in procurement processes.

These projects give a flavour of how we are building a best practice procurement framework. Further work is underway on liability and insurance requirements, government panel arrangements, and a review of the Aboriginal and Torres Strait Islander Procurement Policy. We are increasing transparency, streamlining processes and providing our SMEs with more support during the procurement process, which will ultimately improve outcomes for business.

Another significant component of the policy and legislation reform has been readying the ACT for the commencement of automatic mutual recognition of occupational licensing. We have heard loud and clear that businesses need to access skilled, licensed staff and want it to be easier to recruit them from interstate, and we have delivered.

This project typifies how we have streamlined and simplified the regulatory burdens that businesses face. Today, interstate workers in 43 occupational registrations, including architects, security industry professionals, motor vehicle repairers, and many more, no longer need to laboriously apply and pay for an additional registration or licence when working in the ACT. Instead they save valuable time and money as their licences are automatically recognised across state and territory borders.

We have also developed options to improve existing regulatory arrangements and removed unnecessary barriers for ACT businesses. Interstate workers who have already completed responsible service of alcohol training in their home state now only need to do an ACT refresher training course every three years when their interstate RSA certificate expires.

We have heard overwhelmingly positive feedback from the community on our plans to introduce a revised set of model rules. There is broad support for a set of rules that caters for the diverse range of associations in the ACT, is technology neutral, and that makes it easier for associations to understand and comply with their core legal obligations.

We have recently concluded consultation on the licensing of employment agents, and we are now developing recommendations for the next steps. As we work through the list of policy and legislative reform actions on the agenda, we continue to talk to business about how our rules, regulations and processes can be improved. Our continually evolving regulatory landscape means that setting and forgetting is never an option.

Turning now to progress against the second stream of the agenda, these projects are focused on the business experience and regulator practice, and are aimed at making government and business interactions better, faster and simpler.

In developing the agenda, we heard from the sector that government and business interactions can be improved if government better understand the needs of business. We heard that businesses want the government to stand in their shoes when thinking about regulation and understand how regulation is experienced on the ground.

To better understand the business sector, we are developing a business sentiment survey. In late 2022 the task force and the Canberra Business Chamber began discussions to see how they could collaborate on this project. Although this measure is still at an early stage, the value of a survey which, if successful, could be regularly run to confirm that we are continuing to move in the right direction with our regulation is already widely recognised.

We are looking at ways to better measure regulatory burden and the value of regulation. The task force is partnering with the Australian National University to test a methodology to measure the value and burden of existing regulation for certain business types, such as the hospitality sector and the health and fitness sector. Although this is a challenging pilot project, if successful, it could lead to a new, data-informed approach to enhance ACT regulator practice. It will help to inform regulators on how communication,

culture and practice shape regulatory burden. It will also be a valuable contribution to the longstanding interjurisdictional and national conversation on regulatory burden.

Further work is also being undertaken on detailed mapping of businesses' experiences when dealing with government. We have undertaken a pilot project to map the end-to-end business user experience for selected business types who were heavily impacted by COVID-19. These included a range of eateries and alcohol-selling businesses and pop-up or temporary uses, such as events or markets.

This project led to a current-state blueprint which covers the research insights, pain points, opportunities and experiences of business, which help us to better understand the processes that businesses need to complete to comply with ACT regulations. It also led to a future state blueprint that includes a vision for refining our regulatory system to address the pain points and maximise opportunities.

When businesses have numerous interactions with multiple regulatory agencies, confusion can proliferate for all sides. Having a complete picture of the "journey" of businesses from their start to when they are well established means we can identify where best to reform regulation.

Under the business experience and regulator practice stream of the agenda, we are also improving government-business interactions by making it easier for business to access clear information applicable to their particular circumstances. Businesses said they need a single point of connection with the government to easily locate and access the information they need to thrive in the ACT. The revitalised business hub will provide a one-stop shop for ACT businesses to access the information from across government needed to start, operate, grow and manage their workforce.

For example, this will include links and materials relating to Access Canberra, EveryDay Climate Choices and relevant grants programs—and, additionally, links to commonwealth government resources. We expect the business hub project to be completed in this half of the year.

Through the business experience and regulator practice stream of the agenda, we have looked at how we can better support businesses in navigating regulatory requirements by providing targeted information, advice and support. Access Canberra has established the event coordination and business assist team, the ECBA, to provide proactive, one-on-one business support.

The ECBA works closely with licensing and regulatory areas in Access Canberra and across the ACT government to support local business to discover and navigate the approvals and endorsements needed to start or grow a business. We know businesses do not want to spend hours navigating regulatory requirements, and we also recognise that almost all businesses want to play by the rules and see the value in regulation. That is why we are continuing to find innovative ways to help business to better manage regulatory burden and get on with running their business.



A key priority for this government is building on Canberra's unique strengths and developing our city as a leading worldwide destination. We want to support tourism, business, trade and investment opportunities and provide a gateway to our diverse region. The Better Regulation Agenda will make a critical contribution to this priority in this year.

The task force is working across government to review the night-time and entertainment economy, with a view to implementing regulatory settings that enable this important sector of our economy to thrive. Canberra's night-time economy is made up of a broad range of businesses and activities, including restaurants, cafes, pubs, bars, theatres, galleries, festivals, markets and live music, as well as other culturally focused activities, and businesses operating in the retail and fitness sectors.

The task force will work with policy owners across government and industry to review the regulatory framework in relation to policy, legislation and process requirements in the core areas of liquor, sound and planning. Consistent with all of the task force's work, our review is shaped by the conversations we have had and will continue to have with business and the community. The review will be conducted with an awareness of broad urban management issues impacting the night-time economy, such as waste, accessibility, urban design and transport.

Noting the economy-wide issues involved, the review will use a staged approach to reform. Already, the task force is supporting work led by the Environment, Planning and Sustainable Development Directorate to establish an entertainment precinct in the city. This will provide a testbed for future entertainment precincts and night-time and entertainment settings more broadly. The government sees this work as a vital contribution to Canberra's continuing development as an inclusive, captivating city, underpinned by a strong economic foundation and offering a range of innovative business opportunities.

This update shows that we are approaching regulatory reform and achievement of best practice regulatory settings from a business-centric perspective, ensuring we listen to and reflect business needs and concerns as we develop a best practice regulatory framework for the ACT. We will continue to test and progress big ideas while delivering immediate improvements for business, and we will continue to commit resources to deliver this program of reform.

Thank you to all of the businesses and stakeholders who have continued to share their ideas and solutions, and who have made contributions in support of the delivery of this agenda. I extend that thanks to the task force and the many teams across government who have been working collaboratively and with the common purpose to address these challenges and meet our aims. I look forward to providing the next update in 2024. I present the following paper:

Better Regulation Agenda Update—Ministerial statement, 9 May 2023.

I move:

That the Assembly take note of the paper.

**MS CLAY** (Ginninderra) (10.29): I will be brief. It is great to hear about all of that excellent regulatory reform that will assist the ACT's economy, but I am a little concerned about the progress on entertainment precincts. We have been trying to regulate our entertainment precincts in a way that better encourages our night-time economy for a long time now. It is great to hear that we have a good model for Civic, but we actually have a night-time economy in lots of places around Canberra, and I am a little concerned that the answers we are getting in the Assembly are mostly only about Civic.

I asked the planning minister recently in the Assembly about how we would ensure that we had a night-time economy and entertainment precincts out near EPIC. I asked on the basis of the campaign that MusicACT have run. They have had hundreds and hundreds of submissions pour in from local musicians and performers who are really concerned about the impact of development near EPIC and whether or not that will shut down our ability to run festivals and have music festivals there. The only answer we got was about the entertainment precinct work that is happening in Civic. EPIC is not in Civic.

We have the same issue rolling out all over Canberra, and I know Belconnen better than most other areas, obviously. In Lathlain Street we have the Basement; that has been there for most of my life. They are a bit concerned about 500 apartments being put there without having any kind of entertainment precinct framework there.

I would strongly encourage government to progress as quickly as possible with this work. It has been quite a long time coming. Please also make sure that we roll it out to other areas, not just Civic—to EPIC, to Belconnen, to all of our town centres—as fast as we can.

Question resolved in the affirmative.

## **Dhulwa Mental Health Unit—inquiry—update Ministerial statement**

**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) (10.31): I rise to provide an update on the progress of the recommendations of the *Inquiry into the legislative, workplace governance and clinical frameworks of Dhulwa Secure Mental Health Unit—final report*.

The final report outlined 25 recommendations and 28 sub-actions, to which the ACT government agreed to all of them, every single one. Key areas identified for improvement included governance and assurance, clinical care and service delivery, workforce, training and support, work health and safety, and leadership, workplace culture and engagement.

An independent oversight board has been convened to oversee the Canberra Health Services response to the recommendations made in the final report. This will ensure that the process of meeting each of the recommendations has sufficient rigour, independence

and expertise, for me, as Minister for Mental Health, and the community to be assured that the recommendations have been fully implemented. The Independent Oversight Board is chaired by Ms Barbara Deegan, and held its first meeting on 19 April 2023.

Membership of the Independent Oversight Board includes representatives of the Australian Nursing and Midwifery Federation, Carers ACT, the Mental Health Consumers Network, the Health Services Commissioner, and an independent forensic mental health nurse. The CHS CEO, the Executive Director of Mental Health, Justice Health and Alcohol and Drug Services division of Canberra Health Services and the Office of Industrial Relations and Workforce Strategy are also invited to attend board meetings as observers.

As part of the work being undertaken to address the recommendations, Canberra Health Services has established a project management office and a senior-level working group to oversee the development and implementation of recommendations. This will ensure that the implementation of the recommendations is timely, achievable and sustainable.

Four working groups that are chaired by senior clinical leaders have been established. The working groups have been divided into workstreams that cover policy and security, governance and model of care, clinical and workforce, and education and training. An implementation plan has been developed, and progress has already been made on actioning the recommendations.

Consistent with my previous undertakings to the Assembly, the Independent Oversight Board held its first meeting in April. It considered evidence relating to the progress against five recommendations. Of these, the board has endorsed four actions as complete and requested further information about the fifth.

The implemented recommendations, which have already been translated into improvements to safety and patient care at Dhulwa, are: endorsement of the 2016 model of care; ensuring staff have access to responsive specialised psychiatric support when there is no psychiatrist on site at Dhulwa; developing a change management plan to ensure transparency for the delivery of the recommendations; and ensuring Dhulwa has a risk register that is monitored and reviewed, and that it captures work health and safety risks within the unit, including the psychosocial safety of workers.

These steps, along with other work in progress towards fully implementing all recommendations of the final report, have already improved the safety of every person at Dhulwa, and the care delivered to those undergoing treatment at the facility.

I am pleased to report that the Dhulwa working group is anticipating submitting evidence to the independent report that 20 recommendations will have been implemented by the end of July 2023. This will put the critical work required to improve safety and clinical care ahead of the anticipated schedule, and I am encouraged by the progress made towards implementing the recommendations to date.

I would like to take this opportunity to thank the members of the Oversight Board for being part of this critical project. Their work will help to ensure that Dhulwa provides

an appropriate standard of care and a safe environment for everyone at the facility. I would also like to extend my gratitude to everyone within the ACT government who has worked on implementing the improvements already made at Dhulwa. Although we still have work to do, I am proud of the progress we have already made and thank everyone who has been involved in making Dhulwa a safer facility that provides the care its patients need.

When the topic of Dhulwa has been discussed in this place in recent months, I have committed to being as open and as transparent as possible. Consistent with that undertaking, I would like to table the progress report that I received from the independent board following its first meeting. This was received in my office last week. Should any member require information over and above what I have provided in my statement today, they are always very welcome to contact my office, and I am always happy to have respectful conversations with any member on the complexities, nuance and importance of modern mental health services.

I present the following papers:

Dhulwa—Progress with implementing the recommendations of the Deegan report—Ministerial statement, 9 May 2023.

Report from the initial meeting of the Dhulwa Independent Oversight Board held 19 April 2023, dated 9 May 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Scrutiny report 28**

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

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 28, dated 3 May 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR CAIN:** Scrutiny report No 28 contains the committee's comments on five bills and nine pieces of subordinate legislation. The report was circulated to members when the Assembly was not sitting. I thank the secretariat for their work on this; and, of course, our expert legal advisers, Mr Daniel Stewart and Mr Stephen Argument, and my fellow committee members, Dr Paterson and Mr Braddock. I commend the report to the Assembly.

## Administration and Procedure—Standing Committee Report 8

**MS BURCH** (Brindabella) (10.37): I present the following report:

Administration and Procedure—Standing Committee—Report 8—*Report on the Conduct of Ms Vassarotti MLA*, dated 9 May 2023, together with a copy of the extracts of the relevant minutes of proceedings.

**MS LAWDER** (Brindabella) (10.37), by leave: I move:

That the report be adopted.

Members can read for themselves in the report what has occurred in this instance. I want to point out that it appears to point more and more to chaos and dysfunction in the offices of the Greens members of the government, so that means there is chaos and dysfunction in the government generally.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.38): I rise to provide some information regarding the complaint that was made against me with respect to a potential breach of the code of conduct for MLAs. I take my obligations as an MLA really seriously and strive to meet the highest standards at all times. In this case, due to a mistake made by a junior staff member, this standard was not met.

On Monday, 28 March 2023, I became aware that an email was sent via my office by a junior staff member inviting members on a list of constituents to attend a snap housing rally the next day. I did not view the email prior to it being sent, nor did I authorise it. While we do have a standard authorisation process in place, in this instance the approval processes were not followed prior to the email being sent.

Obviously, this is a really regrettable situation and, when I reviewed the email, it was clear that the contents were inappropriate to be sent from the office, given the fact that it was political in nature. In addition, it should not have been sent to the list in question.

As soon as I became aware that this occurred, I investigated the circumstances under which the email had been sent. I immediately undertook specific actions to respond, including counselling the staff member who had sent the email, with further education provided regarding appropriate activities within the office, and a discussion about why an email of this nature should not be sent from my office.

I provided additional education to the whole staff team regarding appropriate content to be sent to the office and appropriate approval processes. I also undertook a review of the approval processes within the staff team and strengthened them.

Given the nature of what had occurred, I also deemed it appropriate to alert the Chief Minister. On the evening of the email being sent, I wrote to the Chief Minister alerting him to the breach and the action that I had taken, and sought advice on any additional action that was required. In addition, I sought advice from the internal ethics adviser regarding what had occurred; and, again, sought advice regarding any further action that I should take. This engagement resulted in written advice provided by the ethics adviser, who did not suggest any additional action was necessary.

Through the investigation of what had occurred, there was a question regarding the email address that was attached to the correspondence. The email went out via Mailchimp, which I am advised is an approved platform within the executive team. We have ascertained that my profile on this platform had been established prior to me being appointed to the executive and was attached to an older address. There had been a forwarding protocol attached to this email address. I have issued instructions to ensure this email address is not used in any communication from me.

Having been contacted by the standards commissioner regarding the complaint, I aimed to respond promptly and openly regarding the incident, providing a response the next day after receiving it. The information and explanation provided in this statement mirrors the information provided by the commissioner.

Since this initial action we have, as a larger organisation, worked to ensure that all staff have stronger guidance on the work that is appropriate to occur in the Legislative Assembly. Guidance has been developed and once again provided to the ethics adviser to seek advice on whether it appropriately covers the potential issues. This has been provided to staff and a briefing has been provided to the whole team to support them to undertake their duties within parliamentary offices.

As noted in my communication to the Chief Minister, I was extremely concerned about what had occurred and immediately tendered a sincere apology. I do take my responsibilities extremely seriously, and I am deeply disappointed that the actions of staff meant that we did not meet the appropriate standard in this circumstance. I have aimed to take action both to ensure that this does not occur in the future and to ensure that there is absolute clarity within my staff team of expectations.

**MR BRADDOCK** (Yerrabi) (10.42): I would like to take a moment to thank the Commissioner for Standards, Mr Ken Crispin KC, for investigating this matter and for his report. I believe that the admin and procedure report speaks for itself, but I do wish to say a couple of extra words in terms of noting that the commissioner did find that he was not satisfied there had been any breach of the code. I think that the member needs to be applauded in terms of the way she has taken accountability and responsibility for this, and for issuing an apology.

Question resolved in the affirmative.

## Minister for Homelessness and Housing Services—conduct Statement by minister

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.43): Madam Speaker, I tender a sincere apology to the Legislative Assembly regarding this unfortunate incident. I trust that members do understand that a mistake was made by a staff member, rather than any conscious action taken by me to breach standards. I further trust that actions following this incident demonstrate that I take my responsibilities seriously and that I am committed to ensuring that staff understand their responsibilities and appropriate approval processes.

## Health and Community Wellbeing—Standing Committee Report 10

**MR DAVIS** (Brindabella) (10.44): I present the following:

Health and Community Wellbeing—Standing Committee—Report 10—*Inquiry into Abortion and Reproductive Choice in the ACT*, dated 18 April 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

In my role as chair of the Standing Committee on Health and Community Wellbeing, I am pleased to speak to the report entitled *Inquiry into abortion and reproductive choice in the ACT*.

On 1 July 2022, the Standing Committee on Health and Community Wellbeing resolved to conduct an inquiry into the accessibility and affordability of abortion services and the protection of abortion rights in ACT legislation. The committee received 52 submissions from a range of organisations and individuals. The committee also conducted a public hearing and heard from 21 witnesses. The report of the inquiry was tabled out of session, on 18 April 2023.

The committee made 18 recommendations to the ACT government concerning the government developing a targeted and standalone sexual and reproductive healthcare strategy; further reproductive health training; workplace reproductive health leave; nurses being enabled to administer medical abortions; increased access to ultrasounds; medical infrastructure in the ACT to provide post 16-week abortions; targeted trauma informed support for those who experience reproductive coercion, social isolation or intimate partner violence; increased data collection; a trial of government subsidised vasectomies in the ACT; and the need for Calvary Hospital to provide full reproductive health services.

On 24 April 2023, the committee received a letter from Calvary Public Hospital in relation to the report. The committee would like to advise the Assembly of the following: an invitation to make a submission to this committee inquiry was sent via

email to the general manager of Calvary Hospital in Bruce on 12 July 2022. A media release announcing the inquiry was additionally issued. Due diligence was done by the committee to ensure the inquiry was widely advertised to the community through various mediums, including the Assembly's website, social media, news, radio and print media. The inquiry was well publicised, with numerous articles being written, including an article in the *Canberra Times* on 12 July 2022. While invitations are sent to potential interested parties for an inquiry, there is no restriction on who can lodge a submission to an inquiry and you do not require a personal invitation to make a submission.

Madam Speaker, I seek leave to table correspondence from the committee to Calvary Hospital.

Leave granted.

**MR DAVIS:** I table the following paper:

Inquiry into abortion and reproductive choice in the ACT—Copy of letter to the National Chief Executive Officer of Calvary Hospital from the Chair of the Standing Committee on Health and Community Wellbeing, dated 8 May 2023.

On behalf of the committee, I thank everybody who contributed to this inquiry. I want to particularly thank those who so courageously shared their personal experiences. I thank other members of the committee, Mr Pettersson and Mr Milligan, and in particular wish to thank Dr Marisa Paterson, who so generously served as a member of the committee during our inquiry and assisted greatly in our deliberations. I commend this report to the Assembly.

**MR MILLIGAN (Yerrabi) (10.47):** I rise today to speak to this report tabled by the Standing Committee on Health and Community Wellbeing on the inquiry into abortion and reproductive choices in the ACT.

I want to go on the record here today as stating that, whilst the report was a majority report, I do have concerns that the report does not fully reflect the submissions and leaves out some of the key items for consideration.

I want to start at the end of the report, on page 30, with the comment made by the chair that:

The majority of submitters did not address the Committee's terms of reference and instead applied the inquiry to a means for anti-abortion protest.

Please note that this is not the view that I support. The terms of reference were, of a necessity, quite broad to invite opinion across the spectrum, with the majority of those submitting clearly citing the terms of reference.

However, in dismissing these submissions, it is the majority committee who have then failed to fully represent those who took the time to submit their views on this important topic to the Assembly. As such, I wanted to thank everyone who contributed to this inquiry, particularly those who courageously shared their personal experiences.



There are some recommendations that I take particular issue with, and there are three that I would like to speak to today. The first is recommendation 8, which is too long to read out here but refers to what should be included in the government's communications package. Here, there should have been a reference to include adoption and pro-birth options, as there was significant support for this in the submissions.

These members of the community were referring to terms of reference No 4, which was to inquire about access to information to support a variety of possible reproductive choices, including choosing to give birth. There were in total 13 submissions out of 52—that is, one quarter of those who submitted—who specifically took the time to mention adoption and getting better adoption processes as an alternative to abortions. Four of those who were later interviewed similarly spoke in support of better information for parents who wish to carry to full term, including better information about the adoption process. This should have been included in the recommendations and also discussed in the report.

I also want to raise concerns about recommendation 13, which pertains to conscientious objections. Here, the majority of the committee recommended that an amendment be made to the Health Act to require a conscientious objector to provide a referral to an equivalent service. I have concerns with this position, and I will explain.

In this I am supported by the AMA, who stated in its submission that medical practices have an institutional right to conscientious objection, provided they make this clear to the public. The opinion presented by the AMA was to resource an ACT network or community practice to improve coordination of abortion service provisions. Surely this is a better approach than one that infringes the human rights of a person to conscientiously object.

The AMA's position is consistent with that of the Human Rights Commissioner, Ms Toohey, who, in her submission before the committee, noted that there needs to be a balancing of rights and that, if the person or organisation makes it clear that they do not provide the service in question, they have fulfilled their obligations.

Even the member of the ANU Law Reform and Social Justice Research Hub noted the difference, particularly for individuals. In fact, of those who submitted to the committee, many were reluctant to take away the rights of medical staff to conscientiously object or to require them to refer onwards, though some made the distinction for a publicly funded hospital such as Calvary.

I do want to raise the red flag now with Calvary Hospital and recommendation 14, that they provide full reproductive health services, even though this is against their ethical standards. This recommendation came as a result of a number of submissions which stated that they had the perception that Calvary does not provide care for those suffering the results of a failed medication induced abortion.

Note the word "perception". When I specifically queried one witness on this matter, they stated very clearly that, despite their initial perceptions, the care that they received at Calvary was excellent, without bias and very supportive of the patient. In their oral

submission to the committee, the Catholic Archbishop, who spoke on behalf of Calvary, stated very clearly that the publicly available submissions had been in error and that Calvary will at all times provide excellent health support where there is an emergency situation, though of course they do not provide termination of pregnancy services.

However, as was given in evidence by the Minister for Health herself, neither does the Canberra Hospital. To quote the minister, from evidence publicly available:

There is not such a disconnect there between Calvary and Canberra hospital because neither of them specifically provide surgical abortions.

Yet this was not included in the final report, nor in the recommendations. Maybe a recommendation to that effect should have been included.

There are other matters that concern me in the process of responding to this committee's report. There are of course many matters in the report that I do agree with. Those matters include recommendations made against reproductive coercion and the appropriate education in reproductive health, including men's reproductive health. But those other matters that I have raised today are matters of concern, and I hope that the government considers them in their response to the report.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Report 16**

**MR CAIN** (Ginninderra) (10.54): I present the following report:

Justice and Community Safety—Standing Committee—Report 16—*Inquiry into Dangerous Driving*, dated 20 April 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 16th report of the Standing Committee on Justice and Community Safety, tabled out of session, on 20 April 2023. The committee held public hearings on 26 and 27 October 2022, on 14 and 18 November 2022 and on 7 December 2022.

At the hearings, the committee heard from ACT government ministers and their accompanying directorate officials, ACT Policing, the Victims of Crime Commissioner and others statutory officers, victims of dangerous driving, families of victims of dangerous driving, the legal sector, peak bodies and various experts and members of the community. I acknowledge some members in the gallery who have been impacted by dangerous driving. Thank you for your attendance.

The committee made 28 recommendations. Some of these recommendations included seeking a broad-ranging review of things like sentencing; the operation of the Sentence

Administration Board; the presumption of bail; most importantly, support for families of victims and support for victims themselves; improved information sharing within government; and the operation of the Motor Accident Insurance Scheme.

While some of these recommendations do require some contemplation—and, obviously, we will get a response from the government in a few months time—some of the recommendations could really be implemented immediately, including, for example, allowing police to confiscate mobile phones at the scene of a dangerous driving incident.

Some of these recommendations really—in my opinion, and, in fact, in the opinion of the committee, because they are unanimous recommendations of the committee—do not require a lot of reflection. They actually can be implemented pretty quickly.

So I would urge the government to look at the range of recommendations. Obviously, as I said, some require some reflection. We are asking the government to review certain sentencing and other things, including support for families, and to report back on those particular recommendations at the time that they report on the report itself. Some of these recommendations really fall within the power of the government to act immediately.

On behalf of the committee, I would like to thank everyone who contributed to this inquiry. I would particularly like to thank and acknowledge the bravery, courage and vulnerability of witnesses and the families of those who had been killed by dangerous drivers who came before the inquiry. In particular, I would like to thank Mr Andrew Corney, Ms Camille Jago, Mr Tom McLuckie and Mr Bill Stefaniak, parents of victims, whose family members have died as a result of dangerous driving.

I also acknowledge the contribution of Ms Negar Barjestehmanesh, who was very seriously injured by a dangerous driver. And, of course, I acknowledge other victims of dangerous driving who were connected with the inquiry or who chose to participate by watching and, hopefully, reading the report.

I want to thank the other members of the committee and Dr Paterson and Mr Braddock for their consultative approach during this very serious inquiry. I also want to thank the secretariat for their very professional, ongoing and diligent support. I commend the report to the Assembly.

**DR PATERSON** (Murrumbidgee) (10.58): The inquiry into dangerous driving in the ACT was an inquiry that I felt very strongly needed to happen, and I am proud of the report being tabled in the Assembly today.

My heart goes out to all the families in the community, of which there are too many, who live with the devastating impacts of dangerous driving on a daily basis. My sincere thanks goes to all the families who gave evidence during the hearings and shared your stories with us. You are incredibly brave and I believe your voices were invaluable to our inquiry.

The committee received 50 submissions to the inquiry and held five public hearings. I express my sincere thanks to all who took the time to contribute. We also considered

a number of petitions from Mr McLuckie, all of which have been carefully considered by the committee through this inquiry process.

Last year there were 18 road deaths in the ACT. Through the inquiry, ACT Police reported that speed was a significant factor in many of these deaths. Any single death on our roads is one too many, and I hope that the recommendations from this report go some way in seeing fewer fatalities on our roads. I would like to thank ACT Police on their success with Operation TORIC and the long way it has gone to highlighting the problem of recidivism in dangerous driving in the ACT. I hope this inquiry and the recommendations take us a step further in addressing this.

I believe there is a need for a multifaceted approach to ensure the safety of our community, and there must be a focus on prevention. Ultimately, it is all too late when people face the criminal justice system—the harm has occurred. You only need to listen to the testimony of the victims who spoke to our inquiry to understand the devastating impacts of this. The response to this needs to be one of community investment. It is clear that much more work needs to be done to ensure that we have a trauma-informed system.

I want to outline some recommendations that I think are worth noting. The committee made 28 recommendations, including a review into past dangerous driving offences and sentences to determine if there is a downward trend of sentencing in the ACT; an update on the offence of culpable driving causing death, with a suggestion to change the naming of the offence to vehicular manslaughter; legislation for a neutral presumption of bail for serious recidivist dangerous driving offences; more transparency in the Sentence Administration Board's decisions; changes to be able to restrict or suspend drivers licences while an offender is on parole; new offences for passengers who flee the scene of an accident; and more police powers to confiscate mobile phones at the time of an accident.

The committee also called for a status report on the government's consideration of electronic monitoring options, which has also been a recommendation in previous inquiries by the Standing Committee on Justice and Community Safety Justice and Community Safety. The committee also recommended the establishment of a family room at the court, so loved ones of victims can minimise interactions with defendants through our criminal justice system.

In closing, I want to speak to the victims of road trauma in the ACT and the families impacted. My heart is with you. I will continue to advocate for you. I will continue to advocate for more to be done to address this dangerous driving in our community.

Further to this, I look forward to the establishment of the Law and Sentencing Advisory Council that the Attorney-General announced in October last year. I feel there are substantial challenges and questions that remain unanswered about sentencing issues in the ACT. I hope that this council is established and can proceed to work to better understand the issues and propose ways to improve our criminal justice system promptly, to ensure that public confidence in our judiciary does not erode.

On the weekend, Weston Creek again was subjected to dangerous driving, with green spaces around Rivett Oval all torn up thanks to someone doing donuts. I also expressly want to acknowledge the residents of Uriarra, who are subjected to an unacceptable situation of their township being overtaken on an incredibly regular basis of 50-plus cars descending on two particular intersections adjacent to the township, where these drivers tear up the road and leave a staggering amount of mess and shredded tyre and burnt tyres. The residents feel harassed and unsafe. I will continue to strongly advocate for this problem to be taken seriously and addressed with a long-term solution.

I would like to thank my colleagues, Mr Cain and Mr Braddock, on working collaboratively with me on this inquiry. I look forward to the government response and continuing to work on this issue.

**MR BRADDOCK** (Yerrabi) (11.02): Firstly, I would like to extend my appreciation to all those who have contributed to this inquiry and wish to particularly acknowledge the victims and their families. There is nothing this committee could do to remove the heartache, pain and suffering incurred, but I hope through this process there is some chance of respect, common understanding and perhaps a glimmer of what is possible for the future.

I wish to make some additional comments in response to subsequent media reporting about this inquiry's report and to provide some additional context and information on some of those matters. The first is on media reporting on recommendation No 2—that is, to change the offence from culpable driving causing death to vehicular manslaughter—as a central recommendation of the report. It really should not be, and I will come to why in a moment.

When examining offences such as industrial manslaughter and culpable driving causing manslaughter, it is worth remembering that someone has tragically died and that someone else's behaviour has led to that death involving some degree of culpability. The question behind recommendation 2 is how those offences should be framed, taking into account the level of culpability, any duty of care or protection that was owed to the person who died and whether this should vary depending on whether the death occurred in a workplace, on a road or on a footpath.

This is a complex question, as we also need to equip our prosecutors with the tools needed to prosecute an offence. Let us be absolutely clear: prosecutors currently have the ability to charge people with manslaughter when they cause a death through dangerous driving. In the experience of those who testified to the committee, this generally does not happen.

Simply updating the charge name and maximum penalty in isolation risks the opposite outcome occurring. It could easily have the practical effect of abolishing the charge of culpable driving causing death and see prosecutors elect for a less serious charge, rather than grapple with the potential for a manslaughter conviction, vehicular or otherwise.

What is required in thinking about this recommendation is to grapple with the broader theme running through this report and almost every recommendation that it makes—and that is that driving is dangerous.

Humans are notoriously bad at analysing risk, and driving is one of the most prominent examples. We are frequently blind to the inherent risk of vehicles moving at speed on our roads. This means there can be a disconnect between what victims see as a culpability in driving offences and what the court system sees.

The court system cares about driver intent and actual culpable behaviour. This helps explain why verdicts and sentences are rarely on the more extreme end of what is available to the court. But herein lies the rub. When people in our community get behind the wheel of a car, do they truly understand what they are doing is inherently risky? Did they understand how easily things can go wrong the further they bend the road rules? Do they understand the duty they have to contribute to the safety of all other people on the road?

Language provides an indication. It is called an “accident”—not a crash, not an assault; an accident—which implies a mistake. This disconnect, this cultural distance, between the perceptions of culpability, manifests right through almost every complaint you see about dangerous driving—about sentences, bail and parole and about recidivist reoffending.

We try to focus on someone else—anyone else, the wrong people, the bad people—so that we do not need to look at ourselves, our behaviour on the road, our moments of negligence, our dangerous habits and the times where we rush to make that appointment.

Playing with definitions and penalties alone will not get us out of a sad situation. It will not right the wrongs. It will not make people feel better. But we do need to examine the duty of care you have when you are behind the wheel—the duty of care to your passengers, to vulnerable road users and to people in other vehicles—and how we can ensure that every driver knows, understands and appreciates that duty of care every time they are behind the wheel.

Let us move onto something more optimistic. Let us talk about intelligent speed adaptation, or ISA. Human behaviour is a funny beast. We often think we know how cars work and how to drive them safely, but, as I pointed out earlier, the human ability to analyse risk is not great. A large number of developments in vehicle safety in the last few decades have been made specifically with this very human trait in mind, and ISA is one branch of this.

We are talking about generational advancements in cruise control and automated braking technology and incorporating feedback from GPS systems and traffic sensors equipped to your vehicle. These systems can alert you when you are speeding and even

automatically slow down your car when exceeding programmed limits, and they have potentially faster than human reaction times. If your car is new enough to have the tech and it is turned on, it will work.

In a trial in the Illawarra, the New South Wales Centre of Road Safety found that the active use of in-vehicle speed alerts reduced a median probability of a driver speeding by 30 per cent—but only when the system was turned on. They estimated that, if this technology was fitted to all cars, serious and fatal crashes would be reduced by 19 per cent. That trial was 13 years ago. This technology, as you can imagine, has come along in those 13 years and is still evolving. But drivers can find it annoying; so the challenge can be to ensure that we keep ahead of the curve and encourage its practical uptake and active use.

This is where the ACT government can come in. We have national vehicle standards which the ACT government has a role in influencing. There is, in fact, a lot we could do with national vehicle standards to incorporate the latest advancements in safety technology and normalise some of the long-existing ones.

Something that continues to baffle me is how trucks and other large vehicles have for decades been equipped with speed limiters that do not allow them to travel above safe speeds, but this technology has not found its way into personal cars. There is no reason why anyone should be travelling above 120 kilometres per hour on Australian roads. The default inclusion of such limiters would have a drastic effect on the number of crashes—or accidents, as you may like to call them. Why should employers allow their fleet vehicles to massively exceed the speed limit, particularly when they have a duty of care to their employees and their safety? So, yes, there is also another role here for the ACT government.

The availability of ISA technology and its active use could also be a useful ground for supporting decisions on bail and parole. The Greens are fierce advocates of building communities rather than prisons. Anything that can help get someone out from behind bars whilst providing the community with the assurances that their release will not threaten the safety of the community is something we can support. ISA can help provide those assurances, particularly in the case of driving-related offences.

Contrary to the reporting of at least one media outlet—that I will do the courtesy of not naming—we do not oppose the use of electronic monitoring bracelets. Where electronic monitoring is the difference between a day spent in custody and a day spent at home, we are very happy to look into that. Our principal concern with this technology is the way it would be implemented in order to ensure that it conforms to human rights, which, as a human rights jurisdiction here in the ACT, I would hope would be done.

In wrapping up, I would like to make one last observation. Currently before the Assembly, introduced by Minister Steel, is the Road Safety Legislation Amendment Bill. It proposes to implement the definition of “dangerous driving” and add to provisions which help better identify recidivous offenders. This bill provides the government with the opportunity to quickly advance some of the recommendations from this inquiry, and I and my colleagues are happy to work with the government to do so.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee Report 17**

**MRS KIKKERT** (Ginninderra) (11.13): I present the following report:

Public Accounts—Standing Committee—Report 17—*Inquiry into grants management*, dated 26 April 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 17th report of the Standing Committee on Public Accounts for the 10th Assembly. The Public Accounts Committee examined the process of grants management in the ACT, including the range and availability of grants programs, oversight of funding determinations and the effectiveness of how the programs are administered.

The committee held one public hearing on 2 February 2022 and heard from the Chief Minister, departmental officials and a range of community organisations. The committee made 18 recommendations as part of its inquiry. On behalf of the committee, I would like to thank those who contributed to the committee’s inquiry. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Environment, Climate Change and Biodiversity—Standing Committee Statement by chair**

**DR PATERSON** (Murrumbidgee) (11.14): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment, Climate Change and Biodiversity relating to a referred petition.

Petition 12-22, titled “New South Wales Government Proposal for Priority Waste-To-Energy Incinerator Site 35 km from the ACT border”, was received by the Assembly on 2 August 2022 and referred to the committee under standing order 99A.

As signatories to petition 12-22, 919 residents of the ACT requested the Assembly to call upon the ACT government to: publicly oppose the proposal and any waste-to-energy incinerator proposed near the ACT; ban ACT waste from being used as feedstock for waste-to-energy incineration; liaise with the New South Wales government counterparts to ensure ACT opposition is heard; lodge a submission to oppose the proposal during the public exhibition of the development application and environmental impact study; and conduct an awareness campaign to ensure Canberrans are informed and know how to object.



The committee notes that, in the government response to the petition, the Chief Minister has stated:

The ACT government will continue to closely monitor this proposed development and will actively engage with New South Wales as details are made available, including regarding any potential or direct risk to human health or the environment.

Given the Chief Minister's comments contained in the government response and the ongoing work the ACT government is undertaking to provide a submission to the public consultation process currently underway in New South Wales, the committee will not be inquiring further into the matters raised in petition 12-22.

## **Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023**

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

Title read by Clerk.

**MR RATTENBURY** (Kurrajong-Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.17):  
I move:

That this bill be agreed to in principle.

I am pleased to present the Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023 to the Assembly today. Currently across Australia, children as young as 10 years old can be charged, arrested and placed in detention on remand or if they are found guilty of committing a criminal offence. We know from the available evidence that, when children and young people become involved in the criminal justice system, particularly if they are incarcerated, it leads to worse community outcomes and higher recidivism rates.

Today is a very significant day for the ACT, marking a change in how we perceive criminality and how we approach young people engaged in harmful behaviour. Our approach will change to recognise that offending in young people primarily stems from difficult life circumstances, and that providing treatment and support benefits everyone in the community. The bill marks the culmination of years of work as we take steps to raise the minimum age of criminal responsibility in the territory. It implements a key part of the Parliamentary and Governing Agreement.

The bill will raise the minimum age of criminal responsibility from 10 to 14 years. The ACT will be the second jurisdiction, after the Northern Territory, to raise the age and the first jurisdiction in Australia to raise it to 14 years. Raising the age to 14 not only reflects international human rights standards and ACT community expectations but also aligns with the expectations of many Australians. For these reasons, I am immensely proud to present this bill to the Assembly today.

It is demonstrated by medical evidence and widely accepted that children under the age of 14 years are unlikely to understand the gravity of a criminal offence or be able to meaningfully engage in the criminal justice process. We know that children and young people aged between 10 and 13 years who engage in harmful, risky or violent behaviour often do so because of trauma, abuse, neglect, homelessness or unmet disability or mental health needs. The amendments in this bill will help address these risk factors and support young people rather than criminalise them.

The bill will also lead to better outcomes for Aboriginal and Torres Strait Islander people and other minority cohorts by ensuring children and young people are supported to remain connected to community, country and cultural heritage. These are critical connections that would otherwise be disrupted by the criminal justice system and incarceration.

The bill will support the aim of reducing the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30 per cent by 2031. This goal is outlined in the ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 and the youth justice targets of the National Agreement on Closing the Gap. The bill also supports our work under the Blueprint for Youth Justice in the ACT 2012-22, which commits to addressing the underlying causes of offending by children and young people through early support and therapeutic responses, and the ACT government's commitments to the reducing recidivism by 2025 plan.

We would not have been able to get to this position today, to introduce a bill to raise the minimum age of criminal responsibility, without the tireless work and advocacy of our community stakeholders. I am thankful for the years of engagement by all stakeholders who carefully considered these complex reforms at key stages and provided invaluable comments. The ACT government has developed several reports and papers throughout this process to help all contributors navigate and address the complexities of raising the minimum age.

In particular, the ACT government discussion paper released in June 2021 outlined raising the minimum age to 14 years as a way to respond to young offenders with an evidence based rather than a punitive approach. The paper prompted community discussion around several points, recognising the need for a comprehensive approach so that no child at risk is left unsupported under the new legislation.

The listening report, which followed the community consultation process, also provided valuable insights into community and stakeholder perspectives. It was fantastic to see that, out of the 52 submissions we received, 45 indicated strong support for raising the age to 14 years. The bill includes a number of amendments across criminal justice and child and youth protection legislation, including raising the minimum age in a staged approach to 12 years immediately upon passage of the legislation and then to 14 years by July 2025.

Exceptionally serious and intentionally violent offences will retain the minimum age increase to 12 years. These offences are inserted at schedule 1 of the Criminal Code and include murder, intentionally inflicting grievous bodily harm, sexual assault in the first degree, and act of indecency in the first degree. Section 25 of the Criminal Code will

reflect an increase to the minimum age of 14 years and provide that a child under 14 is not criminally responsible for an offence unless they are at least 12 years old, engage in conduct constituting one of the four exceptionally serious and intentionally violent offences, the schedule 1 offences, and also know that their conduct is wrong.

The bill establishes an alternative framework to respond effectively to the therapeutic needs of children and young people who engage in harmful behaviour. This will ensure a child or young person who engages in such behaviour is diverted from the criminal justice system and provided with supporting services that can help identify and address their therapeutic needs. The alternative framework includes the introduction of a new therapeutic support panel that will provide an independent, multidisciplinary decision-making forum responding to the therapeutic needs of children and young people who display harmful behaviour.

The panel will bring together people in a restorative way to agree a path forward with the child or young person and, where necessary, provide a mechanism to hold people to account. Within this framework, the bill creates an intensive therapy order which enables the Childrens Court to order appropriate treatment and to put in place conditions and restrictions necessary to ensure children and young people who engage in harmful behaviour are safe and that the community is also safe. The bill ensures that any criminal orders in place for children and young people under the current minimum age of criminal responsibility will no longer be enforceable once the minimum age is raised.

It extinguishes all convictions for offences committed by children and young people under the minimum age, except for the schedule 1 offences and for the purposes of a working with vulnerable people background check. The bill recognises and maintains the rights of victims of harmful behaviour by recognising victims' interests, providing for victim participation and support in relation to any harm caused by children and young people aged 10 to 13 years. The bill also introduces a new community based sentencing option, a therapeutic correction order, for children and young people under 18 years to support a therapeutic response to young people who are aged over the minimum age of criminal responsibility.

A key goal of this bill is strengthening human rights for young people and children in the ACT. The bill also supports a number of rights, including the protection of the family and children; the right to liberty and security of person; children in the criminal process; the right to work; and the right to culture and other rights of Aboriginal and Torres Strait Islander peoples. I note, however, that the inclusion of the exceptions raises human rights issues and that the Human Rights Commission and other stakeholders consider that this means there may be problems with human rights compatibility. Government advice, supported by the Government Solicitor, is that, on balance, the bill can be considered human rights compatible, and this is reflected in the human rights compatibility statement.

It is important to note that the exceptions apply only in situations regarding a handful of particularly serious offences committed with the intention of causing serious bodily harm. From the perspective of a human rights analysis, the exceptions are narrowly defined, and the bill has extensive other benefits, such as promoting the rights of children and young people. The bill will also, overall, promote the right of community members to security of person by helping to reduce the engagement of this cohort of children and

young people with the criminal justice system. The bill is intended to support a clear reduction in recidivism and criminal offending in the ACT as children will no longer be exposed to potentially damaging behaviours encountered in the criminal justice system.

The bill will address the immediate and ongoing consequences of children and young people's contact with the criminal justice system. In particular, the bill will ensure that any criminal orders and law enforcement action, such as sentencing orders, bail orders, warrants, police arrest and criminal proceedings, currently in place for children and young people under the minimum age will cease and no longer be enforceable once the minimum age is raised. If the law enforcement action is arrest or police custody, the chief police officer must ensure that reasonable steps are taken to ensure the safety of the child or young person on their release.

The bill provides that relevant entities, such as the Chief Police Officer or a judge or magistrate, may refer a child or young person who has been subject to orders or any law enforcement action to the therapeutic support panel. This will ensure that such children and young people can receive an appropriate and timely therapeutic response as soon as they are no longer engaged with the criminal justice system. These amendments will ensure that, once the minimum age is raised, children who are below the new minimum age will be removed from the criminal justice system and the consequences of any historical criminal record will be absolutely minimal and limited to disclosure in the interests of protecting vulnerable people.

Maintaining support to victims has been an important consideration for the government in developing this legislation. The bill amends the Victims of Crime Act 1994 and the Victims of Crime (Financial Assistance) Act 2016 to ensure that victims of harmful behaviour committed by children under the age of criminal responsibility are still able to access support services under the Victim Support Scheme and Financial Assistance Scheme. In addition, the bill enables victims to provide harm statements to the therapeutic support panel, explaining the impact of the harm that a child's behaviour has had on them. The panel is required to take a harm statement into account in exercising its functions.

The bill also allows for information about a child and the therapeutic response to be provided to victims in appropriate circumstances. The bill amends the Crimes (Restorative Justice) Act 2004 to allow for children who are under the age of criminal responsibility to be referred by the therapeutic support panel and other entities to restorative justice counselling. This will provide a further option for repairing harm to victims in appropriate cases.

The bill also introduces a therapeutic correction order as an alternative to the sentencing option for children and young people who are over the minimum age of criminal responsibility to address the risk factors that lead children to criminogenic behaviour. This will further reduce the numbers of young offenders who are sentenced to detention as it provides another diversionary sentence to assist offenders in dealing with the root causes of offending before they reach the point where they are sentenced to detention. A therapeutic correction order will be a community based sentence served without a sentence of imprisonment attached.

A community based sentence will allow a greater number of young offenders to have their underlying needs addressed by the order, providing a sentencing alternative for those young offenders for whom a good behaviour order does not have a strong enough therapeutic benefit. This sentencing option will be available to children aged over the minimum age and up to 18 years and to children aged 12 and 13 years who have been charged with a schedule 1 offence.

A key goal of raising the minimum age is to increase community safety by reducing ongoing harmful behaviour by children and young people aged 10 to 13 years. There is clear evidence that young people's involvement in the criminal justice system can solidify criminogenic behaviour and therefore increase their likelihood of reoffending. Raising the minimum age aims to reduce harmful behaviour and subsequent offending among children and young people by diverting them from involvement in the criminal justice system.

The objective of this approach is ultimately improved community safety as children and young people, who would have potentially gone on to commit further and possibly more serious offences, will receive intensive support to change their lives while they are still very young. This dual benefit for the individual and for the community will be further realised with each stage of this reform.

Under an intensive therapeutic order, the Childrens Court can order intensive therapeutic support and treatment, and, where necessary to protect the safety of members of the community and the child or young person themselves, impose other conditions such as authorising confinement as a last resort to prevent the child or young person from engaging in harmful conduct.

Police will retain their current powers to intervene to protect members of the community, including powers to arrest and detain a child or young person aged 10 to 13 years, where they engage in conduct that would be an offence or where there is imminent danger of injury to a person because of the child's conduct.

These reforms are ground-breaking for the ACT and indeed for Australia. They represent a recognition that our best evidence about children, young people and the disadvantage that leads to harmful behaviour must be reflected in our criminal laws. The reforms represent a timely change to the way we seek to reduce crime and harm in our community.

I would particularly like to thank my ministerial colleagues Minister Stephen-Smith and Minister Davidson for their dedicated contribution to developing this reform. As the Minister for Families and Community Services and the minister with responsibility for youth justice respectively, they have led the work to develop the alternative pathways that will be the platform for delivering a therapeutic response to harmful behaviour. Those alternative responses are vital to the success of this reform.

I would also like to again thank the many others who have contributed to the development of this bill: advocates, researchers and stakeholders. Thank you for sharing your

personal and professional insights to develop these reforms which will enable lives to be turned around and for our community to be safer. Finally, I thank the officials in both the Justice and Community Safety and the Community Services directorates, who have worked tirelessly to develop both the model and the legislation that is being presented today. I commend the bill to the Assembly.

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

## Visitor

**MR ASSISTANT SPEAKER** (Mr Petterson): Members, we are joined today in the gallery by former Attorney-General Gordon Ramsay. It is always a delight to have former members visiting this place. Members, please ensure that he is made welcome.

## Sexual Assault Reform Legislation Amendment Bill 2022

Debate resumed from 11 October 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (11.33): It is a pleasure to rise today to speak on the Sexual Assault Reform Legislation Amendment Bill 2022. This bill is a significant piece of legislation. It implements a number of key recommendations from the *Listen. Take action to prevent, believe, and heal* report. The report is an extremely comprehensive and important body of work.

I thank the members of the Sexual Assault Prevention and Response Steering Committee for their commitment to this process and for producing a report which will be instrumental in shaping policy to support victim-survivors. I would also like to acknowledge the many people who contributed to this report, whether it was by detailing their own personal experiences, those of family or friends, or those that are working in this area. Your courage and strength are to be commended, and I thank each and every one of you.

As many of us in this place would agree, the report was difficult to read. To see the harrowing effects that sexual violence has on all aspects of victim-survivors' lives is confronting. The report details how many victim-survivors and their families continue to feel disbelieved, disrespected and isolated, despite the best efforts of the tireless workers who have dedicated their lives to helping victims. Sadly, the report showed how too often victim-survivors feel that their needs have failed to be met, and many have expressed being retraumatised rather than supported.

As members in this place, we have an obligation to do better to ensure we have a system where victim-survivors, their families and the dedicated workers in this area feel that they are heard and supported. In this regard, I congratulate the government on this bill—the first tranche of a phased law reform program to implement the law reform recommendations contained in the report.

The measures in this bill are significant given that they go to the way our legal system responds to incidents of sexual violence and how victim-survivors are supported through the legal process. This bill includes amendments to explicitly provide that the evidence of prior family violence between parties may be admissible in sexual defence proceedings.

Another key element of this bill relates to the presumption of bail. The bill provides that the presumption of bail does not apply to a number of serious crimes, including sexual intercourse with a young person under special care, and persistent sexual abuse of a child or young person under special care. I welcome the government's commitment in relation to the recommendation from the Justice and Community Safety Committee's report on this bill to explore whether additional serious sexual offences should also have the presumption of bail removed.

In addition, the bill addresses the inconsistency highlighted by the report and introduces new special interim order schemes in the ACT under the Personal Violence Act 2016, which mirrors the Family Violence Act, to provide the interim personal protection orders and workplace protection orders can remain in place as long as there is a related charge outstanding in relation to the respondent and the offence is against the applicant. Importantly, this amendment will provide further protection for victims where there are related and ongoing criminal proceedings.

In acknowledging how important the law reform program is to the way victim-survivors are supported through the legal system, it is also important to recognise that these reforms are only part of the broader recommendations in the report. The Canberra Liberals look forward to working with the government in implementing further recommendations from the report. I reiterate once again that we are very pleased to support this bill today.

**DR PATERSON** (Murrumbidgee) (11.38): I stand to speak in support of this bill and in support of the ACT government's continuing response to addressing sexual violence in our community. As Ms Lawder said, the bill goes some way to address some of the recommendations made by the Sexual Assault Prevention and Response Steering Committee's report *Listen. Take action to prevent, believe, and heal*. I was also involved with the JACS inquiry on this bill. I thank the government for their response to our inquiry. I believe strongly that we need to continue to very proactively address sexual violence in our community, and I believe that this legislation goes some way to doing that.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.39): I am pleased to rise today to contribute to the debate on the Sexual Assault Reform Legislation Amendment Bill 2022, brought to the Assembly today by the Attorney-General.

Briefly, though I do not need to cover the contents and technical aspects of this bill, it implements some of the recommendations from the *Listen. Take action to prevent, believe, and heal* report, the Sexual Assault Prevention and Response Program's SAPR report. As the minister responsible for SAPR, my remarks will reflect the work that

has been done in this space since the ACT government responded in June 2022. This response included agreeing to 13 recommendations, agreeing in principle to nine, and noting one of the in total 24 recommendations, and establishing the Sexual Assault (Police) Review.

The recommendations agreed included the appointment of a Co-ordinator General for the Prevention of Sexual Violence in accordance with recommendation 24. Ms Kirsty Windeyer, the Co-ordinator General for the Prevention of Sexual Violence, was appointed in June 2022 to oversee the government's response to the SAPR report and the implementation of its recommendations.

In accordance with recommendation 15, the government established and funded an independent cross-agency taskforce to undertake a review of all sexual assault cases reported to ACT Policing that were not progressed to charge. This was established in May 2022. Since establishment, the review co-chairs, Ms Christine Nixon AO APM and Ms Karen Fryar, have worked collaboratively with the Director of Public Prosecutions, the Victims of Crime Commissioner, and ACT Policing to undertake a case review of sexual assault matters reported to the police between July 2020 and December 2021, in accordance with recommendation 15 of the SAPR report.

As at today, the review is ongoing. A researcher has been contracted to undertake a process review that will undertake an analysis of relevant cases for inclusion in the final report. I anticipate that the final report of the oversight committee will be provided to me in late 2023.

As members would be aware, I also represent the ACT at the Women and Women's Safety Ministerial Council with my commonwealth, state and territory colleagues. In October 2022, the ministerial council agreed to the National Plan to Reduce Violence against Women and their Children. I welcome the shared commitment to perpetrator accountability in an area where the ACT has been a leader in for some time. I look forward to working in partnership with my ministerial colleagues to implement the national plan and the first action plan, which is due in the second half of this year.

Finally, I would like to conclude my remarks with the following to provide information for anyone seeking assistance. You can contact 1800RESPECT, 1800 737 732; and Lifeline, 13 11 14. For anyone who is in acute need of support, you can contact the Domestic Violence Crisis Service on 6280 0900 at any time of the day or night, or the Canberra Rape Crisis Centre on 6247 2525 between 7 am and 11 pm. I commend the bill to the Assembly.

**MS DAVIDSON** (Murrumbidgee) (11.42): I am relieved to speak in support of this bill. We know victim-survivors have had to wait too long for this bill. They, along with academics and community sector experts, in report after report, inquiry after inquiry, have told us as lawmakers that there are things we can do to address sexual violence in this country. I know this because I was one of them, listening to victim-survivors share their story, trying to connect them with the support they needed, organising protests, gathering the evidence and the data, and trying to tell the story of the systemic change we needed to the people who had the power to act on it.



It is all well and good for lawmakers to attend rallies and protests, but we hold the power, in this place, to change outcomes. It should not have taken this long to use that power to create change; but, now that we are here, I am relieved to be working with an Attorney-General who is getting it done and doing it the right way.

With these legislative reforms, the ACT government draws a line in the sand. In responding to the recommendations made in the Sexual Assault Prevention and Response Steering Committee's 2021 report—the SAPR report—we are telling Canberrans, and the whole country: enough. Listen to the voices of victim-survivors and, if you have the power to make change, do it now.

As a result of the brave contributions of everyone involved in the SAPR report, with heartfelt gratitude to all of those over the years who have made similar contributions to other reports, I say: you have been heard. Thank you. This bill contains six legislative amendments that would not be here in this place without you.

People who experience sexual violence often also experience other forms of violence in a domestic and family setting. That is why we are moving to make evidence of prior family violence admissible in sexual offence proceedings. This will assist our courts and juries to understand patterns of behaviour and help overcome false impressions that an incident may have occurred in isolation when there could be relevant information.

Principles in common law permit the admissibility of evidence of uncharged acts of family violence as context evidence. We believe that if this evidence is relevant, it should be presented. This amendment will send a message to victim-survivors navigating the judicial system: your experience matters, and your story will be heard.

This bill clarifies that a person who is intoxicated through self-induced intoxication is to be treated as if they were sober in determining the fault element of a sexual offence consent provision. We know that drug and alcohol use are risk factors that increase the likelihood of sexual assaults. Intoxication is not an excuse or a defence. You might make the choice to take drugs or alcohol, but if your choice leads you to cause harm to someone else, you should be held to account for those actions, just as you would have if you were sober.

Alcohol-fuelled violence has terrified this country ever since the invasion of this land. Australian drinking culture should not be synonymous with rape culture. It is well past time that we took a look in the mirror. Self-induced intoxication is never an excuse for violence.

The bill introduces an amendment to remove the presumption of bail that applies to a person charged with sexual intercourse with a young person under the age of 16 years, sexual intercourse with a young person under special care, or persistent sexual abuse of a child or young person under special care. This amendment brings these offences in line with other equally serious sexual offences in the Crimes Act to which the presumption of bail does not apply.

The bill also introduces two new special interim order schemes. The amendment ensures personal protection orders and workplace protection orders can remain in force for as long as there are outstanding related criminal charges. This amendment prioritises safety and will improve court efficiency.

The bill will omit section 80D of the Evidence Act 1991 to dispel any misconceptions about the complainant's evidence and consent, and it allows the trial judge to give appropriate directions to the jury.

Amendments to the Crimes Act are life altering. Any unintended consequences should be quickly addressed to keep in line with the intent behind the amendments. The recent introduction of a positive consent model in our laws required the substitution of the term "sexual touching" with "an act of indecency" in the definition of "sexual act" to remedy an unintended consequence. This further clarifies the principle that consent to a sexual act is informed agreement that must be freely and voluntarily given and communicated by saying or doing something. Informed, clear, enthusiastic affirmative consent: it is that simple.

In commending this bill to the Assembly, I remind members of this place that what we do here reverberates around the country. Sexual and family violence is not an isolated issue. Sexual and family violence is not a new issue. Sexual and family violence is not inevitable. Enough.

I commend the bill to the Assembly, and I thank the Attorney-General for his work.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.47), in reply: I thank members for their contributions and for their support for this bill today. The bill is a significant one. As has been noted, it is the first tranche of legislative reform that the ACT government is making in response to the recommendations made in the Sexual Assault Prevention and Response Steering Committee's 2021 report entitled *Listen. Take action to prevent, believe and heal*, otherwise known as the SAPR report.

The ACT government is listening to the voices of victim-survivors who bravely outlined their experience to inform the recommendations in the SAPR report, as well as those victim-survivors who tirelessly advocate for change. I thank all stakeholders who have been involved in the development of this bill for their valuable contributions to enhancing the laws of the territory so that they better align with community attitudes and expectations regarding acceptable behaviour.

Sexual violence has life-altering impacts on a person, their family and their community. These impacts span across many domains and can have detrimental outcomes affecting mental, physical, sexual and reproductive health. This is a major issue in Australia, and not one isolated within the territory. Implementing the SAPR report recommendations reflected in this bill is a critical part of the ongoing work needed to prevent and respond to sexual violence within the territory.

The bill contains six significant and meaningful amendments to legislation that falls within my portfolio as Attorney-General, five of which are SAPR report recommendations. The bill explicitly provides that evidence of prior family violence may be admissible in sexual offence proceedings provided that this evidence is not unfairly prejudicial to the defendant.

The SAPR report revealed that many people who experience sexual violence also experience other forms of violence in a domestic and family violence setting. These forms of violence are not mutually exclusive, and established principles in common law permit the admissibility of evidence of uncharged acts of family violence as context evidence. However, this practice is not widely used or understood and is particularly problematic for victim-survivors needing to navigate our justice system.

By reinforcing this common law position, the amendment aims to assist police in how they investigate sexual assault matters, as well as assist our courts and juries to understand a pattern of behaviour, explain a delay for making a complaint or help to overcome false impressions that the incident in question occurred in isolation. This will have a profound impact on the lives of victims and victim-survivors involved in criminal proceedings as well as raising community awareness regarding rates and patterns of such violence.

Significantly, the bill clarifies that a person who is intoxicated through self-induced intoxication is to be treated as if they were sober in determining the fault element of a sexual offence consent provision; that is, whether the accused person had knowledge, was reckless or had a reasonable belief as to consent to a sexual act.

This amendment adopts recommendation 23(1) of the SAPR report. This amendment does not alter the presumption of innocence of the accused, nor the type of evidence that would be adduced or rules surrounding involuntary intoxication or drink spiking. We know that drug and alcohol use are risk factors that increase the likelihood of sexual assaults, and intoxication is not an excuse or a defence in this regard.

The bill also adopts recommendation 23(i) of the SAPR report and introduces an amendment to create a neutral presumption of bail for certain sexual offences that currently have a presumption in favour of bail. It will apply to a person charged with an offence contrary to the following sections of the Crimes Act 1900: section 55(2), sexual intercourse with a young person under the age of 16 years; section 55A, sexual intercourse with a young person under special care; or section 56, persistent sexual abuse of a child or young person under special care.

The amendment brings these offences in line with other equally serious sexual offences in the Crimes Act 1900 to which the presumption for bail does not apply. Again, this amendment promotes the message that sexual violence is unacceptable. Victim-survivors who offered their insights to inform the SAPR report recommendations raised the importance of bail, stressing the impacts to their safety and the offender's accountability. This amendment is imperative to achieving positive criminal justice outcomes for all members of the community.

The bill also amends the Personal Violence Act 2016 to introduce two new special interim order schemes in the ACT. This adopts recommendation 23(n) of the SAPR report. Mirroring the Family Violence Act 2016, the amendment ensures personal protection orders and workplace protection orders can remain in force for as long as there are outstanding related criminal charges. When a specific interim order has been issued, the application for a final order cannot be finalised until all related criminal charges are finalised. This amendment benefits all parties involved in protection order application proceedings under the Personal Violence Act 2016 and does improve court efficiency.

The bill will omit section 80D of the Evidence (Miscellaneous Provisions) Act 1991 and is in line with recommendation 23(k) of the SAPR report. This amendment is technical but crucial to dispel any misconceptions about the complainant's evidence and consent, and it also allows the trial judge to give appropriate directions to the jury.

The final amendment amends the Crimes Act 1900 to substitute "sexual touching" with "an act of indecency" in the definition of "sexual act" to remedy an unintended consequence. This gives effect to the intent of the recent amendments made by the Crimes (Consent) Amendment Act 2022, which uphold the principle that consent to a sexual act is informed agreement that must, firstly, be freely and voluntarily given and, secondly, communicated by saying or doing something.

Since the introduction of a positive consent model in our laws, it is imperative that any unintended consequences are quickly addressed, to keep in line with the intent behind those extremely important amendments.

Passing this bill will have significant and profound impacts on the lives of victims and victim-survivors of sexual violence within the territory, while also sending a clear message to the community; the message being that we, as a government and as an Assembly, hear the voices of the community. We hear the voices of victim-survivors, and we will seek to continually make efforts to reinforce that sexual violence is unacceptable and will not be tolerated in the ACT.

I table a revised explanatory statement, as part of today's debate, and 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.

**Sitting suspended from 11.55 am to 2 pm.**

**Questions without notice****Hospitals—emergency department waiting times**

**MR HANSON:** Madam Speaker, my question is to the Minister for Health. Minister, in an interview with ABC Radio on 4 May you said that you “understand what the challenges are in the health system” and that you are “getting on with fixing and addressing those challenges”. However, the Productivity Commission’s *Report on Government Services* in the ACT shows the worst wait times for the past five years and, each year, fewer than 50 per cent of patients have been seen within clinically recommended wait times. You also admitted in an interview with the ABC that you have “tried a lot of things in our emergency department that either haven’t been sustained or worked as we’ve wanted”.

Minister, if you claim to know what the challenges are, why have you not fixed these wait times over the past five years?

**MS STEPHEN-SMITH:** I thank Mr Hanson for the question. I know that Mr Hanson previously also commented on the AMA *Public Hospital Report Card* that came out recently. In relation specifically to Mr Hanson’s question about ED presentations and performance, clearly this has been a challenge across the whole country. The AMA made that very clear, in releasing their report card.

The ACT was in fact the only jurisdiction in the country to improve its performance for category 3 ED presentations. It was a small improvement, but that was in the context of a significant deterioration across the country, indicating the challenges that hospitals have been facing across the country after 10 years of neglect of primary care under a coalition government, which is creating significant challenges for the public hospital system.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MS STEPHEN-SMITH:** Now we have a federal Labor government that is working with the states and territories to address the challenges that we are all aware of.

**MR HANSON:** Minister, if it is all the feds’ problem, as you claim, why is the ACT the worst-performing jurisdiction in Australia?

**MS STEPHEN-SMITH:** The ACT is not the worst-performing jurisdiction in Australia.

**MS CASTLEY:** Minister, will you make a commitment to fix the ACT’s wait times by the next *RoGS* report?

**MS STEPHEN-SMITH:** As Ms Castley knows, and as Mr Hanson pointed out in his first question, there has been a lot of work going on across both our emergency departments. That work continues. While it will be a short period of time before we are able to release data generated under the new Digital Health Record system, officials

have indicated to me that the data is looking very promising in terms of improvements in the emergency departments. But that is not the only part of our health system.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson!

**MS STEPHEN-SMITH:** I quite often hear from consumers how frustrated they are that the opposition solely focuses on emergency department wait times to make its case. All of my colleagues around the country are facing challenges. The health systems are challenging across the country. Now we have a federal government that is sitting down with the states and territories, through the Strengthening Medicare Taskforce, through health ministers, through the work that we commissioned from Robyn Kruk to look at migration and pathways to bringing new medical professionals into the country and ensuring that they can practise in a timely way. There are a range of things that are happening across the country, and these will help to address the challenges that we are all facing.

### **Hospitals—gastroenterology and hepatology waiting times**

**MS CASTLEY:** My question is to the health minister. In an interview with ABC radio on 4 May, Minister, you said that you understand what the challenges are and are getting on with fixing and addressing those challenges. A 2014 Auditor-General's report into the gastroenterology and hepatology unit recommended that:

The Health Directorate should develop and implement an action plan to reduce the GEHU outpatient waiting list ...

The audit also revealed that the waitlist for this unit was 1,503 patients in February 2013 and the average wait time to an appointment was 64 days. The waitlist is now more than 7,000 patients and the average wait time across all triage categories is 399 days. Minister, if you were aware of the challenges and were working on fixing these issues, how come the patients and average days to an appointment have increased by almost five times their level in 2013?

**MS STEPHEN-SMITH:** I will not ask Ms Castley to repeat the question entirely, but I did miss some of the data in the early part of her question. In relation to endoscopy waitlists and gastroenterology more broadly, we went to the 2020 election with a commitment in relation to building and refurbishing new facilities at Canberra Hospital. We have got on with the design of that. That has been—

*Mr Hanson interjecting—*

**MS STEPHEN-SMITH:** I do not believe that the Canberra Liberals went to the 2020 election with any plan to address endoscopy at all. We are working very closely. We have, of course, made previous budget commitments to increase endoscopy throughput while we are doing the work on the physical infrastructure. We made a commitment in the last budget for an additional 900-plus endoscopies, and we are on track to deliver that.

**MS CASTLEY:** Minister, how long will Canberrans have to wait for you to start reducing the extensive waitlist for the gastroenterology and hepatology unit?

**MS STEPHEN-SMITH:** I have just indicated that the work is well underway to do that.

**MR COCKS:** Minister, do you acknowledge that the statistics referred to by Ms Castley are proof that you have failed to fix the significant challenges in this unit, despite claiming to be aware of the challenges?

**MS STEPHEN-SMITH:** We know that there are ongoing challenges with endoscopy. Fairly recently, in the last few months, I visited the gastroenterology team at Canberra Hospital, a very dedicated team who are really looking forward to the refurbishment of facilities so that they can get on with delivering more services. We have work underway to deliver that, and it is something that the Canberra Liberals did not commit to at the last election.

### **Transport—electric scooters**

**MR DAVIS:** My question is to the Minister for Transport and City Services. Minister, while I have many constituents who are excited to be included in the rollout of the ACT government's e-scooter program, I have also received emails from constituents in Bonython who are concerned about e-scooters.

I understand that e-scooters currently cut out in the middle of Bonython, resulting in e-scooters being left in assorted places throughout the suburb. Minister, what is the ACT government doing to ensure that e-scooters are not left in assorted places throughout the suburbs, particularly suburbs with boundary challenges, like Bonython?

**MR STEEL:** I thank the member for his question. I can certainly raise that issue with the e-scooter providers as we continue to discuss with them the continued rollout of e-scooters through the territory.

We have undertaken a review of the e-scooter scheme. This included a range of different recommendations that have been implemented, including a three-strikes policy, which is a nation-leading and world-leading approach to the management and compliance of e-scooters, particularly around locations where they are left and unsociable behaviour by e-scooter riders that may occur and how we manage that with the e-scooter companies. That policy seems to be working quite well.

The nature of the scheme means that e-scooters are parked around public spaces in the territory. It is really important that any feedback about scooters that are parked in places that are inappropriate goes directly to the e-scooter providers so that they can monitor compliance with the scheme on the basis of the three-strikes policy that I referred to before.

**MR DAVIS:** Minister, particularly to the review that you spoke of: does that review speak to any plans to extend the current range of services for e-scooters in Tuggeranong?

**MR STEEL:** I thank the member for his question. Yes, it did, and it recommended and resulted in an expansion of the scheme into Tuggeranong, which has now been implemented by both of the e-scooter providers in consultation with Transport Canberra and City Services.

We have seen around 6,000 trips undertaken—about 67 trips a day—in the Tuggeranong area. That is certainly not as high in terms of the e-scooter use that we have seen around the territory, where the number of trips taken per day since the introduction of the scheme has been around 3,000. So it makes up around two per cent of trips. We will continue to monitor the rollout and sustainability of that with the e-scooter providers. If there are opportunities to expand in the future, we will look at that with the providers to see whether that is sustainable.

**MR BRADDOCK:** Minister, could you also please look at the boundaries in Gungahlin, where there are similar issues that occur?

**MR STEEL:** I assume the issue that you are referring to is where an e-scooter rider is attempting to cross over a geofence that has been established in a particular region, and therefore terminates their trip and leaves an e-scooter on the boundary, which may result in more than one e-scooter being in a particular area.

That is certainly something that we can continue to work with the e-scooter providers on, and we can make amendments to the geofence locations around the territory, if necessary, to support sustainable parking.

### **Canberra Health Services—staffing**

**MS CASTLEY:** Madam Speaker, my question is to the health minister. In a letter addressed to you in December 2021, the ANMF said:

... there is no comprehensive workforce strategy to address current nurse and midwife staffing shortfalls at CHS and CPHB and there is no apparent urgency in developing one.

The Health Workforce Strategy 2023-2032 identified:

Current health workforce data in the ACT is inconsistent and insufficient for health planners to have a clear understanding of the current workforce, support anecdotal reports of service gaps, or deliver holistic, robust workforce plans.

How long have you been aware that the ACT does not have appropriate workforce data to deliver a holistic and robust workforce plan?



**MS STEPHEN-SMITH:** Yes, the ANMF did raise this issue with me, both in writing and in many of our conversations. They expressed concern about the fact that: (a) there was not sufficient data; and (b) the data was not territory wide. We, of course, as Ms Castley alluded to, released a comprehensive ACT Health Workforce Strategy last week, and that includes some commentary around the need to improve data. We are recognising that there is some further improvement to do, but we have also done work as part of the culture reform work—

**Mr Hanson:** I have a point of order on relevance. The question specifically was: how long has the minister been aware that the ACT does not have appropriate workforce data? Could she be specific to that? How long has she been aware that we do not have the data?

**MADAM SPEAKER:** She is within the policy area of the question, Mr Hanson.

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. I do not know that I can recollect exactly when the ANMF first raised this issue with me or anybody else, but we have known about this issue for some time. It was something that actually came through in the culture reform work as well. That is why, as I was saying before Mr Hanson interrupted, the Culture Reform Oversight Group has been working on a consistent dashboard to understand the presentation of workforce data and ensure that we have better data around the proportion of our workforce that is temporary and on contracts, the separation rates of our workforce and the incidents of occupational violence, so that we can get that data consistent across the three different elements of our workforce. We have made considerable progress on that, but we also recognise that we have more to do, and that is what is outlined in the workforce strategy.

**MS CASTLEY:** Minister, why has it taken your government more than 18 months to develop a workforce plan despite the union saying that it would help negate staff distress?

**MS STEPHEN-SMITH:** Of course, we work very closely with stakeholders and with staff to develop these strategies. We do not just whip it up overnight; we actually sit down and talk to people about what it is that is going to make a difference on the ground in supporting the workforce and recruitment and retention of the workforce, and that is what we have done. The team has worked really diligently with stakeholders, including our industrial partners, to understand what is going to make the biggest difference. That is the work that has been done to develop the workforce strategy, which of course now has been released and will continue to be supported with ongoing work, including the work that we are doing with the Australian National University and the Capital Health Network to really dig in and understand the workforce data, not only within our own health services but also across the ACT health system. This is a territory-wide health workforce strategy and therefore we have engaged territory-wide stakeholders, including our very important tertiary education partners.

**MR HANSON:** Minister, if it is okay to spend 18 months on a workforce plan, then why do you have concerns that a royal commission might take 18 months?

**MS STEPHEN-SMITH:** Mr Hanson, has, of course, proposed a royal commission in lieu of having any health policy at all for the Canberra Liberals! Their only health policy at the moment is to establish an expensive and time-consuming royal commission.

**Mr Hanson:** Madam Speaker, on a point of order: I ask whether the minister is being relevant or, indeed, is actually debating the answer. The question was very specific. She just argued for a workforce plan taking 18 months but is also arguing at the same time that you cannot spend 18 months on a royal commission, and that is the question I would like her to explain.

**Ms Orr:** Madam Speaker, on a point of order: I seek your advice on standing order 59, which says you cannot anticipate discussion. And we do have a motion on the notice paper going to a royal commission for debate today.

**MADAM SPEAKER:** The topics on question time and what could be also covered in the motion are wide and varied. I am very cautious of the line of questioning, particularly direct reference to a royal commission. There is no point of order, Mr Hanson. I am letting the question and answer stay. Minister, to the time you have left.

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. My main point was that the ACT government is, and remains, very committed to ongoing engagement and consultation with stakeholders, including our industrial partners.

### **Light rail—stage 2A**

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

**MR STEEL:** I thank Dr Paterson for her question and her interest in providing better public transport to the south side. As you may have seen, work is ramping up on the construction of raising London Circuit. We will soon begin earthworks to build a side track on the western side of the existing Commonwealth Avenue Bridge which will allow for two lanes of traffic to be maintained in both directions on Commonwealth Avenue during construction. This will require thousands of cubic metres of fuel to be brought onsite in stages, which is equivalent to four Olympic pools.

Further information about the project and traffic impacts is continuing to be made available on the ACT government's Light Rail to Woden website. Public consultation is also progressing on the light rail stage 2A works approval and the development application, which are due to close on Thursday, 11 May. The NCA and the ACT government have been holding a number of community information sessions in recent weeks, and I am looking forward to hearing the outcomes from that consultation.

Finally, I am very pleased to confirm that work has also been progressing on the light rail vehicle and depot modification contract, which I announced in August last year. Under that contract, Canberra Metro will be building an expanded light rail depot at Mitchell, providing five new light rail vehicles, and retrofitting the existing light rail fleet.

**DR PATERSON:** Minister, can you please provide an update on the light rail depot expansion?

**MR STEEL:** I thank the member for her supplementary. Major Projects Canberra and Canberra Metro have been progressing design works and planning approvals for the expansion of the light rail depot in Mitchell. The expansion of the depot will provide the space required to undertake the retrofitting of the existing light rail vehicles and allow for the ongoing maintenance of the full light rail fleet. The development application for these works was released by the ACT Planning and Land Authority for public exhibition last month through the notification process, with consultation due to close today. Construction of the light rail depot expansion is expected to begin later this year following development application approval.

These expansions will enable the depot to house five new LRVs, which are needed to support the extension of light rail to Commonwealth Park. These new light rail vehicles will come pre-fitted with batteries—on-board energy storage systems, which will power the vehicles in the wire-free section of the extension and beyond into stage 2B, in the parliamentary triangle, for that stage of the project as well. The new light rail vehicles will come into service progressively, with the first vehicle expected to be delivered in mid-2024. After extensive testing, we expect the new LRVs will commence operations progressively from late 2024. Once the new LRVs are in service, this will allow us to progressively retrofit the existing LRVs with on-board batteries so they can operate wire-free on stage 2A and beyond.

**MS ORR:** Minister, why is it important that we continue to invest in light rail to support our growing city?

**MR STEEL:** I thank Ms Orr for her question, and it is a very good question. It is driven by the need to respond to the population growth we are seeing in our nation's capital. We are now on track to be home to half a million people by 2027. We are no longer Australia's best kept secret. More and more people are choosing to call Canberra home; that is a great thing. But to maintain the status and liveability of our city, we will need transport solutions fit for a city that is home to a larger population. We will need to make future focused investments, not just for the decade ahead but for the decades beyond that, in the infrastructure that our city needs to support all modes of transport, including mass transit.

This is not a debate about electric buses or light rail—a growing city needs both. We need to move more people around on public transport, with mass transit lines between the town centres integrated with electric buses servicing the suburbs. That is our vision for public transport in this city. We already have 12 electric buses which are operational on our roads. We are growing that number by purchasing a further 90 buses and making sure we have the capacity to charge up to 300 buses through augmentation of the electricity grid.

At the same time, we have been expanding light rail to the south side to create the central mass transit spine that our city needs from Gungahlin to Woden. This will allow

for all Canberrans to travel to key destinations, including employment centres from north to south, along the line in a single trip. Our government is making balanced and considered investments in public transport, roads and active travel.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR STEEL:** We are building the infrastructure that our city needs to support all modes of transport, including mass transit. The solution is not one or the other. We are doing both. We need to consider all solutions holistically as part of the integrated transport plan.

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

**MS CLAY:** My question is to the Minister for Planning and Land Management. Minister, many Canberrans and a parliamentary inquiry have called for a governance review as part of the planning review. Government has responded by saying there is no need to review governance arrangements but that a governance review will be undertaken. However, government has given no time frame for this review. ACT Greens Minister Shane Rattenbury wrote to you last week asking for assurances that the governance review would be conducted by a third party expert independent of government and that it would be completed and tabled within 12 months of the passing of the act, should the act pass. Will the governance review that you have already committed to be completed within 12 months of the passing of the act?

*Opposition members interjecting—*

**MR GENTLEMAN:** I thank Ms Clay for the question. Of course, the Planning System Review and Reform Project is one of the largest pieces of work that we will achieve this term of government. Work is well underway on the project. The government will be tabling the response to the committee's report, following the inquiry into the Planning Bill. In its report, the committee made a couple of recommendations regarding governance of the planning authority. In particular, as Ms Clay has said, there was a recommendation regarding the structure of the planning authority to be reviewed. We have agreed to that and it will be tabled just after question time.

I would like to note, though, from the outset that the planning authority is well governed and they have done an excellent job to this point, and they have my support into the future.

*Opposition members interjecting—*

**MR GENTLEMAN:** Ms Clay's colleague Minister Rattenbury, as she has indicated, recently wrote to me just last week—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, enough!

**MR GENTLEMAN:**—regarding his party’s support for this recommendation and for the review. I thank him for the letter and we will continue working with him to agree a pathway forward.

*Opposition members interjecting—*

**MADAM SPEAKER:** Mr Hanson. Quite enough.

**MS CLAY:** Will the governance review be conducted by an independent expert who is independent from government?

**MR GENTLEMAN:** The details of that review are yet to be finalised, but we did agree with the committee that it should be independent. The terms and time frame of any such review are yet to be finalised, so I am not going to announce government policy in question time, beyond what is already public. But we have committed, in the government response, to doing the review. The response will outline that the government has full confidence in the independence of the governance framework established to guarantee appropriate governance and separation of the roles of the Chief Planner and the Director-General EPSDD, and the professionalism and integrity of the delegated staff in the authority as well. Each role and function is clearly described and separated by legislation.

It should be noted that it is not uncommon for officers in the government to have a number of a responsibilities under their portfolio. Governance arrangements associated with the planning system are primarily concerned with the statutory decisions made by the Territory Planning Authority and of course the performance and accountability indicators and measurements associated with those decisions. Statutory decisions made within the planning system are currently subject to review by ACAT and the ACT Supreme Court, if needed. This will continue under the new system.

**MR DAVIS:** Minister, have you finalised the terms of reference for this review, and if so, can you update the Assembly on the terms of reference for this review?

**MR GENTLEMAN:** As I said in my previous answer, we have not finalised those specifications yet for that review. That will be done by government, as we move forward towards that time line.

### **ACT Health—Digital Health Record system**

**MS CASTLEY:** Madam Speaker, my question is to the Minister for Health. Minister, it has been six months since we have been able to receive any data for emergency departments or outpatient waiting times, due to the implementation of DHR. In answer to a recent question on notice asking for the number of presentations to the paediatric ED, you said:

The DHR Team continues to work with health services to complete interface and data field changes and improve the quality of reporting. This includes further quality assurance and validation for external reporting.

Have clinicians and executives within CHS been able to access data to assess the quality of services? If so, are there concerns that this data may not be valid?

**MS STEPHEN-SMITH:** Yes, they have been able to access some data, but there is an ongoing process of cross-checking and ensuring that that data is robust. Sometimes, through that process, things have been picked up where, clearly, the way the data has been reflected as it has gone from the clinician into the Digital Health Record and then into the data repository has not been accurate. Those things are feeding back through the data team and the clinical team to work through all of that. I will be making a further statement on Thursday in relation to these matters.

**Ms Castley:** On a point of order: I asked if there have been concerns raised about the validity.

**MADAM SPEAKER:** The minister has responded to some of the concerns.

**MS CASTLEY:** Minister, will CHS be able to retrospectively release data for AIHW and the Productivity Commission if there are concerns that the data does not have quality assurance or validity?

**MS STEPHEN-SMITH:** That is exactly the work that is currently underway. It is our intention that that data, to the greatest extent possible, will be able to be worked through for the entire period. There may be some datasets where that is not going to be possible, but that is exactly the work that the data team is doing at the moment.

**MR COCKS:** Minister, do you really think that six months without access to data on public hospital performance is acceptable?

**MS STEPHEN-SMITH:** I thank the opposition for the question. I think what we will end up with here, before too long, is a better dataset and more data and the capacity to update the community more regularly on what our data looks like. But it is really important, when we do this public reporting, that we get it right. My key message to the teams that are working on this data project is that I would rather get it right than rush it and end up putting out data that is not as accurate as we would hope.

I recognise Mr Cocks's concern in relation to this matter, but I can assure him that it is not affecting clinical care. What the team is trying to do is to work very diligently to ensure that, when we are able to release data—and so that we can do that with as much of the retrospective data as possible—it is absolutely as accurate as we can get. That will lead to robust systems into the future, to enable us not only to deliver more data but to update that data in a more timely way and on a regular basis.

### **Canberra Health Services—staffing**

**MS CASTLEY:** Madam Speaker—

**MADAM SPEAKER:** It is your question time today, Ms Castley!

**MS CASTLEY:** Yes—busy, busy!

My question is to the health minister. A recent question on notice revealed that this year only 59 doctors commenced with CHS from the ANU, despite 94 being offered a role, meaning that only 63 per cent have accepted an offer from CHS. Since 2016, the percentage of doctors who have accepted a job with CHS reduced by 22 per cent. Minister, why are fewer junior doctors choosing to stay in the ACT?

**MS STEPHEN-SMITH:** I do not have the question on notice in front of me. My recollection is that those numbers actually went up and down over the years, so I am not sure whether Ms Castley has picked one year and another to get her 20 per cent reduction. My recollection from that data is that the number of people who accepted positions in Canberra Health Services went up and down over the years.

**MS CASTLEY:** Minister, what is the current shortfall of junior doctors in the ACT?

**MS STEPHEN-SMITH:** I will take that question on notice.

**MR COCKS:** Minister, what is the government doing to increase the number of doctors who choose to join the CHS?

**MS STEPHEN-SMITH:** One of the things that has been consistent is that our people and culture team has worked with specialist capability to ensure that we are able to go out and secure new talent into Canberra Health Services. One area where that has been really apparent, of course, is cardiology, which has been the subject of some significant debate recently. I can advise that, out of the very strong field and very high number of people that applied for the positions that were advertised in cardiology, five staff specialists have been appointed from this process. The first of those has commenced. A further two staff specialists will commence in the next three months, and the remaining two specialists have somewhat longer lead times and the start dates are being finalised.

We have also seen recently the recruitment of some additional paediatricians into the women, youth and children's part of the hospital. This demonstrates that people and culture have been very focused on that talent acquisition skill set and really recognising that the way recruitment is done in a modern health service is much more targeted and much more specific.

We also need to ensure that we are able to get out and represent what ACT Health, and Canberra Health Services in particular, looks like. That is why we are also putting significant effort into a recruitment campaign in that space.

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

**MS ORR:** My question is to the Minister for Transport and City Services. Minister, how is work progressing to upgrade play spaces in Aranda, Ngunnawal, Gordon and Chisholm?

**MR STEEL:** I thank Ms Orr for her question. The government is delivering on the Labor election commitment to upgrade playgrounds in Aranda, Ngunnawal, Gordon and Chisholm, and it has recently released the final designs for each of those playgrounds.

The Burrumurra Avenue playground in Ngunnawal will receive new climbing structures, slides and accessible play equipment. Aranda's Banambila Street playground will get a new fitness station, a junior fort and a central nature play area. Down south in Chisholm, the Alston Street playground will see a new basketball hoop, a new nature play area with climbing equipment and a brand new nest swing installed. The Point Hut Pond playground in Gordon will also benefit from new nature play areas and new scramble nets and balance elements.

Playgrounds are important community spaces that bring together people of all ages. These designs reflect feedback that we received from the community about what will support an all-ages play space in their suburbs. Importantly, all new upgrades include new seating and nature play—two of the highest requests that we received from the community.

Construction will start later this year on all of the play spaces as we finalise preliminary designs for the upgrades in Lyons and Kaleen as well as getting on with works in Casey.

**MS ORR:** Minister, how do these designs align with the ACT Play Space Strategy?

**MR STEEL:** I thank Ms Orr for her question. Members may be aware that the ACT government undertook public consultation in November 2021 in preparation for the ACT's first Play Space Strategy. The strategy has identified a variety of actions for government to consider when upgrading play spaces, including building new ones across the city.

Each of these new play spaces addresses key elements of the ACT Play Space Strategy, particularly around ensuring that play spaces are accessible and inclusive for a diversity of users. We know that play spaces are used not just by small children but also by their parents, older children and the broader community. Upgrades will include a range of improvements to support children of all ages and those with accessibility needs.

The strategy has also identified the importance of aligning play space developments and enhancements to community aspirations, with focus areas on incorporating and reflecting Aboriginal and Torres Strait Islander culture. Each design includes incorporation of Ngunnawal cultural play elements and cultural artwork.

We are also ensuring that these play spaces are sustainable and resilient to climate change, in line with the strategy. This includes sustainable materials to be used in construction, incorporating permeable surfaces that absorb stormwater and path improvements to improve access and support active travel.

**MR PETTERSSON:** Minister, when can my constituents expect work to commence on the new Casey recreation park?



**MR STEEL:** I thank Mr Pettersson for his supplementary. I know that he, along with Ms Orr, is interested in the new Casey CRIP. I am really pleased to inform the Assembly that the community recreation park is underway, with the final design now complete and construction procurement underway.

The final design includes a very strong focus on new sporting facilities, including an irrigated kick-about area and a multi-sport court that can be used for a variety of different sporting activities. Other elements include a formalised car park, a flying fox, a toilet block and a new shade and barbecue area.

The final design has been informed by the feedback that we received from the community about the types of features that they wanted to see in the new Casey CRIP. The design recognises the importance to the community of a multi-space for all ages and abilities.

The government submitted a development application in March for the formalised sealed car park component of the project, with approval granted in late April. The improved car park delivers new disability parking, more lighting and better path connections and will enable us to get on with the construction of the entire project later this year.

I look forward to updating the community as the construction gets underway on this important community recreational facility.

### **ACT Health—Digital Health Record system**

**MS CASTLEY:** My question is to the health minister. Minister, last week my office contacted your office a number of times regarding a constituent who had an unknown person in their emergency contact details in their DHR record. The constituent had access to this person's personal information, including name and phone number. Also, another Canberran has noted that their upcoming appointments have been filled with someone else's appointments. How many breaches like this have occurred since DHR was implemented?

**MS STEPHEN-SMITH:** I will take the question on notice to see if we can provide a response to Ms Castley, but I would note that these are the kinds of human errors that occurred pre DHR—people, as a matter of being human beings and sometimes making mistakes, would transpose one person's information into another person's record. This is not necessarily a function of the Digital Health Record; it is much more likely to be a function of human error when those kinds of things occur. I will take the question on notice for Ms Castley in relation to the number of instances that Canberra Health Services or Calvary Public Hospital are aware of where someone has alerted them to the fact that they have been given someone else's appointment or they have the wrong contact information. But I think it would be a mistake for people to necessarily relate that to the Digital Health Record.

**MS CASTLEY:** How long will it take for this investigation to go on? And when will these people be assured that their information has not been shared further and broader?

**MS STEPHEN-SMITH:** Our health services act as quickly as they can to address any mismatches of information that may occur, as they did prior to the implementation of the Digital Health Record as well. I cannot answer Ms Castley specifically around how long it will take Canberra Health Services to gather that information, or indeed Calvary Public Hospital Bruce, if they are able to provide that information as well, but we will obviously do that as quickly as possible and within the time frame for the question on notice, if we possibly can.

**MR COCKS:** Minister, how many privacy breaches in total have been identified across the health portfolio since DHR has been implemented?

**MS STEPHEN-SMITH:** Again, I will take that question on notice. I did respond to a question on notice, which Ms Castley may not have seen yet—I signed it yesterday—in relation to privacy breaches. It did not have a specific number when it comes to those matters that are by human error. Those are reported through RiskMan and they are addressed as quickly as they can be. These are not deliberate breaches. I would caution Mr Cocks in drawing a connection between the Digital Health Record and these kinds of human errors that have occurred prior to the implementation of the Digital Health Record and obviously occasionally will occur following the implementation of the Digital Health Record. Again, I emphasise that these are human error issues.

**Ms Castley:** On a point of order, Madam Speaker: Mr Cocks was not blaming DHR. The question was just about how many breaches, whether they were by DHR or human error, have been identified since DHR has been implemented.

**MADAM SPEAKER:** Minister, have you finished answering the question? Thank you.

### **Trees—planting**

**MR BRADDOCK:** My question is for the Minister for Transport and City Services. Minister, following Tree Week I wanted to ask a question related to the *Urban Forest Strategy* at No 2.1.3: “Develop a sustainable planting program”. I applaud this government’s commitment to 54,000 trees over four years. I would like to ask: what work has the government done to develop that planting program?

**MR STEEL:** I thank the member for his question and his acknowledgement of Tree Week, which was a fantastic week full of activities educating the community about the importance of trees in the urban forest. We do have a fantastic urban forest here in Canberra—not just at the Arboretum, which celebrated its 10th anniversary on Friday, but right across the streets and parks of suburbs.

We certainly are undertaking a substantial tree planting program. That is obvious for anyone that drives around Canberra. There are trees on virtually every street, it seems, as you go around. We planted 18,000 of those last year, which went well beyond the target we had set of 10,000. We will, again, be reporting on the tree planting activities that we are undertaking in an annual report that will be presented to the Assembly and released to the public later on in the year—about where those tree plantings have occurred.

I know that Mr Braddock has an interest in that particular section of our Urban Forest Strategy, because it relates to how we support the growth of our urban forest and tree canopy cover in areas which have lower canopy cover. That is why, when we undertake the planting activities, we have a focus on planting locations that have low urban canopy cover and areas where the canopy target is at risk of decline with the ageing of the urban forests, with many existing trees planted in decades past now coming to the end of their life as they enter senescence. We are looking at those gaps in the existing tree canopy cover and to fill in those gaps with new trees. We are looking at the suburbs which are more vulnerable to the impacts of climate change as we undertake that planting program.

**MR BRADDOCK:** Minister, has there been any planning for the planting of trees beyond the achievement of the 54,000 trees that is the government commitment?

**MR STEEL:** I thank the member for his question. Of course we will be reflecting on how the program is going. We will be informed, in future plantings, by the updated LiDAR data. This has found that we have around 22½ per cent canopy cover across the ACT and in Canberra, which is higher than what was first expected under the previous analysis that had been undertaken. We will be informed by a range of different data sets in making further planting investments, as well as by how we are going with the current planting program.

We know it is important that we continue to reach the canopy cover level and the target we have set of 30 per cent canopy cover, or equivalent, across the ACT. There are a range of different ways that we will meet that target—not just through the planting program itself, which is focused on public land, but through improvements that have been made to the planning framework, particularly through the recent change to the Territory Plan with DV 369, and by further enhancing and educating the community about planting on their own leased blocks.

We know when we have been planting, particularly in areas of low canopy cover, that there has been some resistance in suburbs from residents about accepting trees on public land, particularly on nature strips in front of houses. That is why it is really important we continue the education with the community about the benefits trees provide not only for biodiversity but also for people themselves who live in our communities. We know the value of their block goes up if they have a tree or multiple trees. We know that it provides cooling benefits which reduce their cooling costs, particularly in summer. We know that it provides significant visual benefit. *(Time expired.)*

**MS CLAY:** When will the commitment to planting 54,000 trees be realised?

**MR STEEL:** We are already ahead of the planting program, which is fantastic, with planting 18,000 trees—I am told 17,999 in the last year. We will continue to report against the target, but we are ahead of it, so it could even be earlier than expected with the program.

## **Centenary Hospital for Women and Children—Fetal Medicine Unit**

**MS CASTLEY:** My question is to the Minister for Health. I refer the Minister to the ongoing debacle of efforts to recruit and retain staff for the Fetal Medicine Unit at the Centenary Hospital for Women and Children. Most recently by the attempt by Canberra Health Services to outsource one certified maternal fetal medicine specialist and/or certified obstetric and gynaecological ultrasound specialist, three sonographers, ultrasound services and reports and training services. I also refer the minister to her speech to the Assembly on 29 March 2023, in which she failed to mention this outsourcing, and to her subsequent explanations that she had indeed done so when she told the Assembly that:

... considerations are underway to build in existing resources through visiting medical officer arrangements.

Minister, how can you possibly maintain that you told the Assembly about the stopgap outsourcing of numerous positions and services by talking about visiting medical officer arrangements?

**MS STEPHEN-SMITH:** Just to be very, very clear with the Assembly, the contract — the tender—that Ms Castley is referring to was to contract some people to come in and work alongside the staff in the Fetal Medicine Unit. It was not outsourcing in the way that it was very unfortunately portrayed. It was very unfortunate the staff in the Fetal Medicine Unit were hearing in the media that potentially existing jobs were going to be outsourced. That was never, ever the case. I have been very clear when I have spoken about the Fetal Medicine Unit that work was underway in Canberra Health Services to support those staff to recruit and to find additional people, and this tender was part of that recruiting, including through visiting medical officers.

I can now advise the Assembly that a new visiting medical officer started this week and is covering every Monday. This is in addition to a recent start who is covering Fridays. Another visiting medical officer is visiting the unit next week to determine if they will come and work with Canberra Health Services. In addition, the CHS Chief Operating Officer is negotiating with the exiting or previous specialist about whether or not they wish to stay with the unit and will provide some further briefings in relation to that when there is an update.

The recruitment for the health professional level 5 position that was previously placed on hold has been reopened and short-listing in relation to that is underway. Canberra Health Services is working with unions to understand if there is further support and consultation that can be provided, but I would really caution Ms— *(Time expired.)*

**MS CASTLEY:** On what date Minister, did you become aware of Canberra Health Services plan to outsource these positions and what was your involvement in the decision to do so?

**MS STEPHEN-SMITH:** Again, I think that description of outsourcing is not accurate. It does make it sound like the work is being sent out of Canberra Health Services, and that was not the intention. The intention was to contract staff to come in and work in the unit.

It is my understanding and from what I have been briefed—I will take on notice when I became aware of that tender being put out—but as I have said, it is my understanding that Canberra Health Services was undertaking a range of measures to ensure that those dedicated staff in the Fetal Medicine Unit, who do such important work, were being supported.

I visited some of those staff and I know they were already impacted by the public commentary around the Fetal Medicine Unit, to which Ms Castley unflinchingly contributed in her descriptions of the Fetal Medicine Unit. So I want to acknowledge the very hard and important work those staff do and reassure them that Canberra Health Services is working hard to support them in continuing that important work.

**MR COCKS:** Minister, why was the request for proposal issued by Canberra Health Services and not advertised publicly or conducted through Tenders ACT?

**MS STEPHEN-SMITH:** I thank Mr Cocks for the question. These are specialist services and my understanding is that the number of organisations or people that could be able to provide this service is relatively limited, and therefore Canberra Health Services went out to those that had been identified as potentially being able to provide these services to Canberra Health Services.

### **Centenary Hospital for Women and Children—Fetal Medicine Unit**

**MS CASTLEY:** Madam Speaker, my question is to the Minister for Health. Minister, I refer again to the ongoing debacle in recruiting and retaining staff for the Fetal Medicine Unit at the Centenary Hospital for Women and Children, most recently the attempt by Canberra Health Services to outsource specialist sonography and medical positions and services. Did the request for proposal to outsource these positions and services contradict ACT government policy on insourcing? Was it evaluated under the government's insourcing framework? If so, what was the result?

**MS STEPHEN-SMITH:** My understanding is that it was not assessed under the insourcing framework. This was because the purpose of this request for proposal was, in the short term, to bring additional staff into the unit to support the existing staff, to ensure that they could do their very important jobs with some additional support for a short period of time. Again, I reiterate that to describe this as outsourcing a service is entirely and wholly inaccurate. I have said that many times publicly. It is very disappointing that Ms Castley continues to use that emotive and incorrect language.

**MS CASTLEY:** Minister, why was the CPSU not consulted on this decision to look elsewhere for these positions and services, and did this also contradict ACT government policy?

**MS STEPHEN-SMITH:** It is disappointing that both the CPSU and ASMOF, the Australian Salaried Medical Officers' Federation, were not consulted about this approach when Canberra Health Services was intending to put out this request for proposal. I think a lot of the public commentary that was quite distressing to staff could have been avoided if Canberra Health Services had engaged more closely with its industrial partners in relation to how it was going to resolve this matter.

I think everyone in Canberra Health Services acted with the best of intentions in trying to contract some additional staff to support the Fetal Medicine Unit team that do such important work, to ensure that they had the capacity to continue to deliver their very important services with a bit of additional support. It was disappointing to find out that they had not engaged very closely with industrial partners. I think that some lessons have probably been learned in relation to that process.

**MR COCKS:** Minister, who was responsible for the decision to outsource these positions and services, rather than advertising them publicly, and to not consult the CPSU? Do you take responsibility for the debacle?

**MS STEPHEN-SMITH:** Again, Mr Cocks's use of emotive language around this is not particularly helpful. I will take on notice whose decision it was. Going back to Ms Castley's earlier question, I was not aware of the specific request for proposal before it was released. I knew that Canberra Health Services was exploring a range of options to attract additional capacity to support the very hard working staff in the Fetal Medicine Unit. I will come back to the chamber with some advice about specifically who took the decision to go down this particular path.

### **Tourism—international flights**

**MR PETTERSSON:** My question is to the Chief Minister and Minister for Tourism. Chief Minister, last month it was announced that Fiji Airways will soon commence direct flights between Canberra and Fiji. What actions did the ACT government take to help achieve this outcome?

**MR BARR:** I thank Mr Pettersson for the question. These direct flights have indeed been several years in the making. The initial discussions took place pre COVID, in 2019, and resumed in earnest last year, as international travel resumed.

Establishing air routes of this kind, of course, requires a partnership between many parties. I want to acknowledge and thank the Fijian government, Fiji Airways, Canberra airport and Nadi airport for their work and collaboration with the territory government to get this new direct service operating.

The ACT government has partnered with Canberra airport to deliver a package of support for the route to ensure that we maximise the opportunities from this direct aviation service. From the ACT government's perspective, a key component of our support is tourism marketing activity promoting inbound services. Some of this will

be targeted into the Fijian market, but the majority will be focused on the US market connecting to Canberra through Nadi.

**MR PETTERSSON:** Chief Minister, what benefits will this new direct flight service bring to our economy and our community?

**MR BARR:** A key benefit of the route is improved access to North American markets. Flights out of Canberra, and indeed back into the ACT, will be timed to connect with Fiji Airways services that connect through to Los Angeles and San Francisco and, in the future, I understand, other North American cities.

From our pre-COVID figures, the US was the second-largest inbound market for tourism to the ACT, with nearly 25,000 visitors each year from the US to the territory. The US is, of course, a key business and economic partner for Australia and the ACT, so this new service is expected to be well supported across the public sector, business and through our diplomatic community.

Improved access to the American market will, of course, create opportunities for local exporters. We particularly look to take advantage of the opportunity to see Canberra produce, food and beverage—premium produce—in the Fiji holiday market, particularly across the range of resorts and accommodation that is provided in Fiji.

**DR PATERSON:** Chief Minister, what signal does this market entry send to other airlines?

**MR BARR:** Coming out of the pandemic, it is a sign of confidence in the Canberra market. Fiji Airways recognised the opportunity that was there, not only for their own domestic tourism market but also the opportunity to connect through to North America, which is a key part of their operations. Fiji Airways is a partner with Qantas. I understand that Qantas owns a significant share of the airline. This provides an opportunity for greater oneworld network connections throughout North America and through Australia for American tourists and tourists from Australia. The route works because there is an outbound market and an inbound market.

Other airlines have taken interest in this announcement. Having just completed some time at the Australian Tourism Exchange, meeting with many airlines, I can say that we look forward to some further partnership opportunities and the opportunity to directly connect Canberra with other international markets, including New Zealand and Singapore.

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

## **Answers to questions on notice**

### **Question on Notice nos 1127, 1129 and 1131**

**MS CASTLEY:** Under standing order 118A, I would like to seek a clarification from the health minister as to three questions on notice that are late: no 1127 on travel for executives, no 1129 on ratios and no 1131 on cardiology.

**MS STEPHEN-SMITH:** I thank Ms Castley for raising the question on ratios. No 1129 was signed today prior to question time and I understand it has now been lodged. In relation to 1127, regarding official travel, there have been some unforeseen delays, I am advised, in providing this information due to work that is required to crosscheck the data across the ACT Health Directorate. So, a bit of further time is required to provide an accurate response. Obviously, we will endeavour to do that as soon as possible.

Similarly, in relation to cardiac services—there have been some delays in providing information, noting the collection of data on a territory level has been extensive and, I understand, time consuming. So, again, some further time is required to provide an accurate answer, but we will endeavour to do so as soon as possible.

### **Question on Notice nos 1098 and 1108**

**MRS KIKKERT:** Under standing order 118, I would like to ask the Attorney-General for an explanation on overdue answers to questions on notice nos 1098 and 1108.

**MR RATTENBURY:** Those questions have arrived with me now. I am just seeking a little bit of clarification. The questions that Mrs Kikkert has asked involve some quite detailed data. I am seeking to understand and get a bit more information on the explanations provided, and I intend to have those to Mrs Kikkert as soon as possible.

### **Supplementary answer to question without notice ACT Health—Digital Health Record system**

**MS STEPHEN-SMITH:** In relation to a question that Ms Castley asked about some correspondence her office had provided to my office—my office has advised that a contact point was provided back to Ms Castley’s office. But for the information of the Assembly, we would encourage people who do have concerns about the accuracy of their data to call the Office of the Chief Information Officer on 5124 9000.

**MADAM SPEAKER:** Thank you—a useful number to have.

## **Papers**

**Madam Speaker** presented the following papers:

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

Bill—Inquiry—Modern Slavery Legislation Amendment Bill 2023—Copy of letter to the Speaker from the Chair, Standing Committee on Public Accounts, dated 5 April 2023.

Bills—Not inquired into—

Human Rights Commission Amendment Bill 2023—Copy of letter to the Acting Speaker from the Chair, Standing Committee on Health and Community Wellbeing, dated 17 April 2023.



Unit Titles Legislation Amendment Bill 2023—Copy of letter to the Speaker from the Chair, Standing Committee on Planning, Transport and City Services, dated 6 April 2023.

Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023—Copy of letter to the Acting Speaker from the Chair, Standing Committee on Health and Community Wellbeing, dated 17 April 2023.

Water Resources Amendment Bill 2023—Copy of letter to the Speaker from the Chair, Standing Committee on Environment, Climate Change and Biodiversity, dated 18 April 2023.

Education and Community Inclusion—Standing Committee—Report 7—*Inquiry into access to services and information in Auslan*—Speaker's response to recommendation 8, dated 4 May 2023.

Privileges 2022—Select Committee—Report—*Imposition of a prohibition notice by WorkSafe ACT*—Speaker's response to recommendations 2, 3, 8, 9 and 10, dated 4 May 2023.

Public Accounts—Standing Committee—Report 12—*Inquiry into the Work Health and Safety Amendment Bill 2022*—Speaker's response to recommendation 4, dated 4 May 2023.

Public Accounts—Standing Committee—Report 13—*Inquiry into Annual and Financial Reports 2021-2022*—Speaker's response to recommendations 1 and 2, dated 4 May 2023.

Standing order 191—Amendments to:

Background Checking Legislation Amendment Bill 2022, dated 5 and 6 April 2023.

Discrimination Amendment Bill 2022, dated 4 and 6 April 2023.

Justice and Community Safety Legislation Amendment Bill 2022 (No 2), dated 5 and 6 April 2023.

Long Service Leave (Portable Schemes) Amendment Bill 2022, dated 5 and 6 April 2023.

Professional Engineers Bill 2022, dated 5 and 6 April 2023.

Revenue Legislation Amendment Bill 2022, dated 4 and 6 April 2023.

Urban Forest Bill 2022, dated 5 and 6 April 2023.

**Mr Gentleman** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report—2022—Canberra Institute of Technology, dated March 2023.

Our Booris, Our Way Review—

Six monthly implementation update and Out of Home Care Snapshot Report 1 July 2017 – 31 December 2022—Government response, dated 2023.

Six-monthly Update (July – December 2022), dated May 2023.

Out of Home Care Snapshot Report—A presentation of data covering 1 July 2017 to 31 December 2022.

Planning and Development Act, pursuant to subsection 79(1)—Approvals of Variations to the Territory Plan together with associated documents—

No 383—Kamberra Winery Estate Lyneham Section 69 Block 8 and Section 71 Blocks 18, 25, 27 and 28—Zone Changes and Amendments to the Lyneham Precinct Map and Code, dated 8 May 2023.

No 384—Federal Golf Course Red Hill Section 56 parts of block 1 and Garran Section 10 part of block 76, dated 8 May 2023.

Planning, Transport and City Services—Standing Committee—Report 12—*Inquiry into the Planning Bill 2022*—Government response, dated May 2023.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2023 (No 1)—Disallowable Instrument DI2023-36 (LR, 17 April 2023).

Building Act—

Building (ACT Appendix to the Building Code) Determination 2023 (No 1)—Disallowable Instrument DI2023-67 (LR, 28 April 2023).

Building (General) Regulation 2008—Building (General) (Alternative requirements for unaltered parts) Determination 2023 (No 1)—Disallowable Instrument DI2023-69 (LR, 28 April 2023).

Building Act, Construction Occupations (Licensing) Act, Unit Titles Act and the Water and Sewerage Act—Building and Construction Legislation Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-7 (LR, 28 April 2023).

City Renewal Authority and Suburban Land Agency Act—City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2023 (No 1)—Disallowable Instrument DI2023-30 (LR, 27 March 2023).

Cultural Facilities Corporation Act and Financial Management Act—Cultural Facilities Corporation (Governing Board) Appointment 2023 (No 1)—Disallowable Instrument DI2023-35 (LR, 13 April 2023).

Electoral Act—Electoral Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-6 (LR, 1 May 2023).

Financial Management Act—Financial Management (Transfer of Funds from Capital Injection to Other Appropriations) Direction 2023 (No 1)—Disallowable Instrument DI2023-59 (LR, 8 May 2023).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2023 (No 1)—Disallowable Instrument DI2023-31 (LR, 27 March 2023).

Heritage Act—

Heritage (Council Chairperson) Appointment 2023—Disallowable Instrument DI2023-37 (LR, 17 April 2023).

Heritage (Council Deputy Chairperson) Appointment 2023—Disallowable Instrument DI2023-38 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 1)—Disallowable Instrument DI2023-39 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 2)—Disallowable Instrument DI2023-40 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 3)—Disallowable Instrument DI2023-41 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 4)—Disallowable Instrument DI2023-42 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 5)—Disallowable Instrument DI2023-43 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 6)—Disallowable Instrument DI2023-44 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 7)—Disallowable Instrument DI2023-45 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 8)—Disallowable Instrument DI2023-46 (LR, 17 April 2023).

Heritage (Council Member) Appointment 2023 (No 9)—Disallowable Instrument DI2023-47 (LR, 17 April 2023).

#### Land Tax Act—

Land Tax (Affordable Community Housing) Determination 2023—Disallowable Instrument DI2023-34 (LR, 30 March 2023).

Land Tax (Affordable Community Housing) Determination 2023 (No 2)—Disallowable Instrument DI2023-48 (LR, 20 April 2023).

Legal Profession Act—Legal Profession (Bar Council Fees) Determination 2023—Disallowable Instrument DI2023-65 (LR, 28 April 2023).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-5 (LR, 6 April 2023).

Residential Tenancies Act—Residential Tenancies Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-4 (LR, 29 March 2023).

#### Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2023 (No 1)—Disallowable Instrument DI2023-49 (LR, 20 April 2023).

Road Transport (General) Application of Road Transport Legislation Declaration 2023 (No 4)—Disallowable Instrument DI2023-53 (LR, 27 April 2023).

#### Taxation Administration Act—

Taxation Administration (Amounts Payable—Motor Vehicle Duty) Determination 2023—Disallowable Instrument DI2023-33 (LR, 30 March 2023).

Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 2023—Disallowable Instrument DI2023-32 (LR, 30 March 2023).

Utilities Act—

Utilities (Licensing) Exemption 2023 (No 1)—Disallowable Instrument DI2023-50 (LR, 20 April 2023).

Utilities (Licensing) Exemption 2023 (No 2)—Disallowable Instrument DI2023-51 (LR, 20 April 2023).

Veterinary Practice Act—Veterinary Practice (Fees) Determination 2023 (No 1)—Disallowable Instrument DI2023-52 (LR, 24 April 2023).

Water and Sewerage Act—Water and Sewerage (ACT Appendix to the Plumbing Code) Determination 2023—Disallowable Instrument DI2023-68 (LR, 28 April 2023).

## **Planning, Transport and City Services—Standing Committee Report 12—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) (3.03): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Planning, Transport and City Services—Standing Committee—Report 12—*Inquiry into the Planning Bill 2022*—Government response.

**MS CLAY** (Ginninderra) (3.04): I would like to speak about the next steps on the planning review, now that we have seen the Labor government response. I am speaking in my capacity as the ACT Greens spokesperson for planning.

The ACT Planning Review and Reform Project has been running for a long time. It began formally in 2019, but it came on the heels of several years of feedback from the community and from industry, and reform work from government. It has been on all our agendas for a while, and there has been a high level of engagement from many. Hundreds of people have dedicated a huge amount of volunteer work to discuss issues that require detailed consideration, that are technical and that can be very dry in nature. It is an incredibly generous donation of time and expertise from stakeholders and from our community. The Greens are grateful to every single person who has contributed.

Why have so many people dedicated their evenings and weekends to this planning review? This system will shape Canberra for decades to come. It will help us deal with some of the biggest problems we are facing, along with every other city in the world. It will help us tackle climate change, homelessness, housing affordability and the ongoing destruction of our habitat. We need to get this right.

Different people came into this review with a different focus, and that is partly why we have such a wide range of views about the problems and the solutions. There are those who want an affordable place to live, close to current services. They are worried about Canberrans who are homeless, and they are worried about those who cannot afford rent,

let alone afford to buy a home. They are worried about those who struggle to afford rising fuel costs to drive to work, the shops, appointments and the park.

There are those that ask for more medium density development in our suburbs. The missing middle campaign has highlighted one of Canberra's long-running issues: a lack of duplexes, town houses and low-rise apartments. Other cities around the world have this kind of development, but Canberra has been dominated by big houses on large blocks for increasingly small families, and high-rise apartments. We have very little in-between. Geographically, our city is the size of Sydney, but our population is only a fraction of Sydney's. That is because we have grown up without medium density of high quality, and it is causing problems. Some people cannot afford to live here. Some who are already here would like to downsize but cannot do it in their suburbs. Businesses are struggling to find workers.

Many people are also concerned about the impacts of climate change. We need to make changes to ensure Canberra remains liveable as our climate becomes hotter and drier. We know we will experience more extremes with climate. We know that increased concrete and hard building surfaces make that worse. The Greens have been working on this problem, and it is possible to develop well without increasing urban heat, but it requires careful choices and rigorous implementation.

Many people prioritise access to public transport and active travel, and this is particularly so for our younger people. They are less likely to want to own a car. Many of them do not even hold a licence. Any city with a growing population needs good, active and public transport. Canberra's congestion is growing three times faster than any other mainland Australian capital. If we do not get our mass and active transport right, we will all be stuck in traffic all the time.

Many people want our suburbs to be built with adequate schools, community facilities, public services and public transport, but unfortunately in Canberra we have seen residential development roll out without this. Molonglo has no group centre. People moved into Whitlam and Lawson before the buses did. Our Belconnen town centre is approaching 10,000 people, with around 400 children, but it has no school.

Canberrans also care deeply about our environment and many people do not want unending urban sprawl. They see the ongoing destruction of our biodiversity. They know that every greenfields development is on ecologically sensitive habitat. They see more species on the brink of extinction—like the Canberra earless dragon, the greater glider, the matchstick grasshopper and the golden sun moth—and they do not want to lose these animals for their children. They follow the Intergovernmental Panel on Climate Change's recommendations. The IPCC tells us what to do: we need better infill development that is close to transport corridors and public services. Many see how big Canberra is, how spread out we already are, and they do not want to see more sprawl.

The developers have also been calling for a review. They want an easier system to work with; and where that leads to high quality development that addresses our big problems, the Greens agree with them. But we do not agree with the set point for industry, which is to develop with maximum yield at minimum cost. We need to build what Canberra

needs, not what makes profits for industry. There are also many home owners and landlords who want to ensure that their property values remain the same or those values increase.

No individual or group has just one interest. All of these arguments are nuanced. We need to engage with what we are told. We need to hear the fears and hopes people are expressing that lie behind their ideas. Planning can be really divisive, and we need to avoid this divisiveness as much as possible. We should not set one side of the community against another. We cannot deal with the challenges we are facing if we play politics instead of looking after our people and our planet.

The Greens want to ensure we bring in good planning—a good system that meets the needs of our community now and for the next generations. That does not just mean ensuring a steady housing supply. It also means that we live in an environment, a natural environment and a built environment, that can stand the test of time. We need a planning bill that reflects the values and the outcomes that we want to see. The current bill is not yet ready to pass. The Greens said that late last year when it was tabled, and we left cabinet so we could work on the bill. I am currently briefing amendments to improve it.

Our planning bill needs to provide space for genuine community consultation on planning decisions. This means ensuring that there is sufficient time for people to contribute early enough in the process so that it can make a difference. That consultation must be run in accordance with good principles of consultation, and these must be embedded in the legislation.

We need the objects of the act and the principles of good planning to be part of decision-making. There is no point having these frameworks if decision-makers are not required to take them into account. Planners sometimes have to balance competing interests and views, and that means they will sometimes need to depart from entity advice, such as the advice of the conservator or the environment protection agency. Where they do this, it should be clear, considered and transparent, and they should publish the reasons for it. Transparency lets us learn. It lets us understand how decisions are made and lets us test them. It is a key part of trust.

We want a review into how this new system is functioning within two or three years. That is really important for any major reform. We want to restore the right for people to lodge a controlled activity order. These were very rarely used. There were only three in the past financial year and four in the previous financial year, but they are a very important tool that lets Canberrans take direct action against noncompliant development. Why would we remove such a useful, democratic and sensible option?

We need much better references to climate change and resilience, and that means a lot more than talking about net zero. Net zero means you look at the ongoing energy use of a building and you use offsets if you need to. A genuine understanding of our changing climate means that you look at embedded emissions and transport emissions, as well. It means you look at resilience and adaptation. You look at how we deal with heat and floods and hail. You look at how we make a just transition for those who will suffer most from those extremes.

We need a better understanding of biodiversity in our legislation. We are in an extinction crisis; we need to act like it. Our planning system also needs to prioritise housing affordability, and this does not just mean enough housing. It also means affordable housing, public housing, and social and community housing. This system introduces territory priority projects. Once declared, a territory priority project cannot be appealed. We Greens understand the occasional need for these, but we must strengthen the laws around them. There must be sufficient community consultation. Any territory priority project must meet the three public interest tests and have that consultation beforehand, and those declarations should have political accountability.

We members in here should be accountable for such major city-shaping decisions. We need a proper definition of “ecologically sustainable development” that should reflect international norms of that concept. It is defined internationally. We should follow that definition. We do not need to make up our own, and we certainly should not be prioritising the achievement of economic growth.

To live sustainably, we need to be integrating economic, social and environmental considerations, not constantly prioritising economic over everything else. We need ACT-listed species to be considered in any strategic assessment that is required under Commonwealth legislation. Those assessments traditionally occur where land is developed in new suburbs, and it is absolutely essential that we consider ACT species in those declarations, not just Commonwealth matters of national environmental significance. We have seen more of our local species added to those lists only in the last couple of weeks.

We need proper references to cumulative environmental impacts, and we need proper links to all of our environmental legislation. We should not be exempting greenfield development from merits appeal. We need to see some of the detail that has been promised but not yet released, such as the practical examples of how the decisions will be made under this new system.

It is a long list of changes. I am really looking forward to working with my colleagues in the Canberra Liberals and ACT Labor to get this right. We need to get the details right because this system has an enormous impact on Canberra now and in the future. We need to address climate change and housing affordability and look after our most vulnerable people and protect our environment. We need to do all of these things as we go.

The planning bill on its own cannot deliver all of these things, but the Planning Review and Reform Project as a package can deliver quite a lot of them. As well as amending the bill, we need a clear commitment to a governance review. This should have been done as part of the planning review, but the opportunity was missed. The planning review looked at many of the important aspects of the planning system but not this one. We need to look at it now.

Planning and development decisions are major decisions in Canberra. Our land is one of our largest natural resources. Once we have sold it, and once we have developed it, we cannot undo that. We need to have confidence in that system. Within 12 months

of passage of the bill, if the bill passes, we need an expert who is independent of the government, and independent of the agencies who have run this review, to review the governance arrangements.

The planning bill is supported by the new Territory Plan, the new district strategies, design guides and technical specifications. Government has consulted on these but has not yet released the results, so we need to see those results. We also need to make sure that we do not lose the progress we have made.

In the past few months, one of the biggest concerns I have heard from people who speak to me about this new system is confusion about how variation 369 will work now. Variation 369 places minimum requirements for tree canopy; it increases the proportion of permeable surfaces; it puts limits on site footprints on residential blocks. It is the key piece of reform we have made to make sure we leave enough space, and keep our trees and permeable surfaces, so that we are not building in heat islands. It was really important—to ensure that we meet our 30 per cent tree canopy coverage in the future and to make sure we are delivering our living infrastructure plan. Under the new system, people really need to see the trees and their cooling effect protected. They understand the need for density, but they understand, as well, the need to avoid an urban heat island effect. The Greens are paying particular attention to this. We need to make sure that it is really well integrated in this new system.

The review has already delivered some good results. We are really pleased to see government commitment to developing a training package for staff so they can undertake their duties well. This will be critical. We are pleased that the public will have more access to information on DAs. We welcome the inclusion of key threatening processes as a trigger for environmental impact statements. These are some of the really great things that have already been delivered, but there is still work to do.

This is a very complex system. We do not expect that it will be perfect the first day it commences—if, in fact, it passes. The Greens are working hard to improve it, and we will not pass it unless it is good enough to pass. That is why we have left cabinet to work on this bill, but we understand that any large and complex system will need ongoing review and accountability. That is why we think we need a governance review within 12 months. We need to ensure variation 369 is implemented not just on residential blocks but in similar terms within estate development plans and other zoning types, and we need to make sure we are measuring the impacts of that with really good LiDAR data.

We need parliamentary accountability on some of the key aspects, like the declaration of a territory priority project. We need a review of the interim Territory Plan. We need a comprehensive review of the new act and system.

Good or bad, planning affects everyone and everything in Canberra. This is a really difficult and detailed conversation but such an important one. I am really looking forward to the start of the debate in June.

Question resolved in the affirmative.



## Health—ACT health system

MR HANSON (Murrumbidgee) (3.18): I move:

That:

- (1) this Assembly notes that:
  - (a) ACTHealth has been experiencing significant deterioration in performance in areas such as waiting times, bed numbers, governance, culture, staffing, infrastructure, and funding;
  - (b) former Chief Minister, Jon Stanhope, and treasury official, Khalid Ahmed, have identified a 150-hospital bed shortfall across ACT Health;
  - (c) less than 50 percent of Emergency Department patients are seen within clinically recommended wait times in the ACT, with only 36 percent of urgent patients being seen on time; the worse performing jurisdiction in the country;
  - (d) the Australian Medical Association (AMA) has stated elective surgery patients are waiting up to several years on hidden waiting lists to see specialists in hospital outpatient clinics;
  - (e) in response to its latest report card on ACT public hospitals, the President of the ACT AMA stated “Another annual reminder of the suboptimal public hospital performance is not only disappointing to consumers in the Australian Capital Territory, it defies the efforts of healthcare providers in the ACT public hospitals who work tirelessly and often against a healthcare system that is geared to generate these less-than-ideal results year-on-year.”;
  - (f) more than 6,000 patients are overdue for an endoscopy, waiting an average of 400 days across all triage categories despite the Government being warned in 2009 that the number of suites needed to double;
  - (g) five private cardiologists stated that “the parlous state of cardiology services at the Canberra Hospital is in large part the result of poor managerial decisions made by senior members of the ACT Health Directorate.”;
  - (h) a review into the intensive care unit found “there was a lack of response or support from management to staff concerns” and “a negative workplace environment.”;
  - (i) the Fetal Medicine Unit lost its training accreditation on 31 August 2022; staff have since reduced their hours or left the unit;
  - (j) a 2022 review into Dhulwa identified significant dysfunction, including substandard care and a toxic workplace;
  - (k) it was revealed in 2023 that private patient medical records were being sent to a union, with Dave Peffer saying patients have been let down due to the “serious breach” in the privacy of patients, concluding “trust was on the line and we’ve let these patients down.”;
  - (l) the 2021 workplace culture survey revealed that 23 percent of nurses and medical officers experienced bullying in the workplace over the last 12 months, and one in eight nurses and one in four medical officers wanted to leave Canberra Health Services in two years;

- (m) a survey by the Medical Board of Australia into junior doctor training in the ACT found that 29 percent experienced bullying, harassment and/or racism;
  - (n) Canberrans have the most expensive cost to visit a general practitioner in the country, yet the ACT Government is adding payroll taxes to their costs that will worsen the problem;
  - (o) *The Canberra Times* editorial in 2023 noted that “there are systemic failures across the ACT health system on a depressingly regular basis.”;
  - (p) between 2015-16 and 2018-19 the Labor-Greens Government cut real health expenditure per person by 3.6 percent;
  - (q) repeated questions and freedom of information requests on these and other health issues have been blocked, dismissed, or avoided by the Government;
  - (r) the AMA have backed the call for an inquiry, with the head of the ACT Division saying the Territory’s system was at a “crisis point” and an independent inquiry could provide solutions; and
  - (s) *The Canberra Times* have stated the Government should consider an independent inquiry and “the idea has merit”;
- (2) this Assembly calls on the Chief Minister to establish a Royal Commission under the *Royal Commissions Act 1991* to investigate the failures, current needs, and future requirements of the ACT health system;
- (3) the Royal Commission terms of reference include, but not be limited to, the consideration of:
- (a) staffing shortages;
  - (b) cultural problems;
  - (c) poor results across key performance indicators;
  - (d) waiting times;
  - (e) management and outcomes in the mental health system;
  - (f) governance issues;
  - (g) infrastructure requirements; and
  - (h) funding shortfalls and priorities; and
- (4) the Royal Commission be established by 1 July 2023 and report by the end of 2024.

It is evident to everybody in our community that the situation in ACT Health cannot continue. It is the sad case that every week there is a new story, a new crisis in our health system, and every time a new problem is exposed the government refuses often to provide answers, or the answers that they do provide do not result in the situation being fixed. That is why we have chosen this path. We have chosen the path of a royal commission because over the past decade and more, all other avenues of accountability have been exhausted, but the problem still remains. The problem is that the ACT health system is broken, and it must be fixed. It is evident that since the agreement in 2012 between the Labor Party and the Greens to share power, ACT Health has been experiencing significant deterioration.

According to the Productivity Commission, between 2015-16 and 2018-19, this Labor-Greens government cut real health expenditure per person by 3.6 per cent. That figure is confirmed by none other than the Labor Party's former Chief Minister, Jon Stanhope. In a recent article entitled "Wake up, this is your healthcare they're trashing", the former Chief Minister said, and I quote:

... annual funding growth provided in ACT Budget forecasts was not sufficient to meet the costs of inflation and population growth or the increase in demand from ageing, and improvements in technology.

We have, in fact, shown quite clearly that once these drivers of demand and costs are considered, there has in each year since 2015-16 been a large reduction in operating funding for health services in the ACT, in real terms.

The former Chief Minister said:

The hospital redevelopment currently underway is on a vastly reduced scale to that initially proposed ... and will clearly not meet demand.

Madam Speaker, today less than 50 per cent of emergency department visitations—patients—are seen within clinically recommended wait times in the ACT, with only 36 per cent of urgent patients being seen on time, the worst performing jurisdiction in Australia. For context, in 2016-17, the proportion of patients treated in the ACT within national benchmarks fell from 62 per cent to 36 per cent today.

The Australian Medical Association has identified the same problem. Let me quote:

Chronic underfunding of our public hospitals is putting us all at risk ... There are just not enough beds or staff to deal with the demand ... The performance of our public hospitals has been declining for several years and after years of continued neglect, they are now at breaking point.

The 2022 report from the AMA showed the same story. As reported, the AMA hospital report card shows suboptimal ACT public hospital performance. I will quote from the *Canberra Times*:

The substandard performance of the ACT's public hospitals has been highlighted in yet another report, with the territory's emergency department wait times still among the worst ... Nearly half of all patients who presented to Canberra's emergency departments were there for longer than four hours. This was the highest of all states and territories.

The AMA said:

Another annual reminder of the suboptimal public hospital performance is not only disappointing to consumers in the Australian Capital Territory, it defies the efforts of healthcare providers in the ACT public hospitals who work tirelessly and often against a healthcare system that is geared to generate these less-than-ideal results year-on-year ...

That is the AMA! On elective surgery, the AMA revealed that patients are waiting up to several years on hidden waiting lists to see specialists in outpatient clinics. And we know that more than 6,000 patients are overdue for an endoscopy, waiting for an average of 400 days across all triage categories, despite the government being warned in 2009 that the number of suites needed to double. This was reported by the ABC on 6 March:

... doctors warn the long public wait times for the common cancer-screening test are ‘catastrophic’ ... the huge proportion of people overdue has worried health professionals ... Australian Medical Association (AMA) ACT president-elect Kerrie Aust, a Canberra GP, says having 6,021 patients overdue poses a ‘high risk’ ... ‘which potentially means that we are missing a very manageable cancer before it gets out of control ... I’ve had patients travel to Wagga for scopes, I’ve had patients who’ve taken out a loan’ ... She says that for patients to be seen within the clinically recommended time, they need to go private.

Shame! Shame, shame, shame!

The same story is repeated in cardiology. On 6 March this year, five private cardiologists wrote to the minister with their concerns. These are cardiologists! I will quote from their letter:

We feel it imperative that you are made aware of just how deficient the delivery of cardiac care in the public sector has become.

They said that services at the Canberra Hospital have “deteriorated to standards far below national and international guidelines”. This is our health system! This is our public health system! It is not the Canberra Liberals saying this. It is cardiologists. They said:

... we feel compelled to speak on behalf of the victims of such inequity.

How shameful!

It is happening across so many crucial areas—in intensive care. A review into the ICU found that there was:

... a lack of response or support from management to staff concerns ... and there was a negative workplace environment.

A negative workplace environment in ICU! The reaction to the report is incredibly telling:

A review into culture at Canberra Hospital’s intensive care unit has concluded staff are fatigued, feel unsupported, undervalued and did not feel they were ‘sufficiently skilled’ to take on duties allocated to them.

... staff have been voicing their concerns for years while no meaningful action had been taken.

This minister said that she knows where all the problems are and is fixing the problem! That is not true, and the staff will tell you that. The staff will tell you in reports that they have been voicing their concerns for years while no meaningful action has been taken. This is the same minister that says we do not need a royal commission because she is fixing all the problems; and the staff across area, after area after area, and the union and the AMA say that is not true.

The Fetal Medical Unit lost its training accreditation on 31 August 2022:

Sources familiar with the situation have expressed alarm at the loss of accreditation and are fearful more staff across obstetrics and gynaecology will leave due to current workplace conditions.

This is an area that we just talked about in question time—the debacle that is going on there.

The parliamentary inquiry into nursing and midwifery also heard from midwives, who say the system is broken. And no doubt the Greens will support the Labor party and back them in—“we don’t not need a royal commission”—and ignore the midwives. They are happy to go out there and join them in the protest. They are happy to take the public acclaim and suck-up to them, but when it comes to a solution, what do they do? Let me quote from one of those midwives:

I keep telling the crying women that this is bigger than us. It isn’t the midwives who are sacrificing their personal lives and mental health who are the problem, it’s this broken system and empty promises that stems far above us that needs to change.

That is a midwife in this system, where women are crying. No doubt Mr Davis will get up and make one of his hyper-political, snarky little speeches and ignore the fact that midwives are saying that it is this “broken system and empty promises” that stem “far above us that needs to change”. We know how far: right to the seat of the minister, because she is the one who is making the promises and breaking them, and that is what the staff are saying.

In mental health, a 2022 review into Dhulwa identified significant dysfunction, substandard care and a toxic workplace. An inquiry into the secure mental health unit has delivered a scathing report into governance of the facility, finding poor standards of care delivery. The report said that findings from other reviews of Dhulwa, including those about certain incidents, had made similar recommendations as the inquiry, but, again, no significant or lasting improvements had been made.

There has been the patient record breach, as we all litigated earlier this year, where it was revealed that staff had deliberately sent clinical records of mental health patients to the union, an industrial partner. A statement from the CEO said that patients have been let down with a “serious breach” of privacy, concluding:

... trust was on the line, and we’ve let these patients down.

In area after area and year after year, this system is breaking down. The 2021 workplace culture survey revealed that 23 per cent of nurses and medical officers experienced bullying in the workplace, and one in eight nurses and one in four medical officers wanted to leave Canberra Health Services within two years. A survey by the Medical Board of Australia into junior doctor training found that 29 per cent have experienced harassment and racism—not acceptable.

What is this government's answer? We do not need a royal commission, but what we are going to do is put a \$15 bill on every episode of treatment by a GP, which is already the highest in Australia! This will leave more people without medical care that they need, and more people diverting to the emergency department.

It is inconceivable to think that this government, that this minister, has the answers to fix this broken health system. She keeps saying that is the case, but we hear from clinicians, and I have quoted from some today, and we also hear from clinicians and nurses who are too scared to speak up. If I have time, I will go to some of that later. We hear from nurses. We hear from doctors. Do you think they want to put their head up above the parapet? They will not, because they know how vindictive this government can be.

A royal commission can provide a pathway forward. It really can. It can take the politics out of it. It can give the staff the confidence that there is a long-term solution to fix this ailing system. It is up to the Chief Minister to determine the exact terms of reference, but the things that we think it should look into are: staffing shortages, waiting times, management and cultural problems, the poor results across the key performance indicators, management and outcomes in the mental health system, governance issues, infrastructure requirements, and funding shortfalls and priorities. Just like we have seen federally, in terms of various things like veterans affairs and the banking system, and we have seen in Victoria with their royal commission into mental health, it can provide that pathway forward.

In my motion I have deliberately said “report by the end of 2024”. This is not so that we want to get a bad report, or something like that, in the lead up to the next election, because, quite frankly, whoever is in government after 2024 would benefit immensely from the results of a royal commission. It would provide whoever the minister is—Ms Castley or Ms Rachel Stephen-Smith—with a pathway forward to fix the system.

Why would you not take this opportunity? Because, quite frankly, it means that, politically, whenever there is a problem in the health system, and we seek to criticise it, they could say, “Well, that is why we're doing a royal commission.” It actually gives them a political out. But what we want to do is fix the system. What we want to do is see the system fixed. That is what the patients want; that is what the AMA wants; that is what the nurses want; that is what the media are calling for—the editorial of the *Canberra Times* says this idea has merit. That is what we are hearing from the clinicians who are too scared to speak. There is growing support.

Let me quote from the AMA in an article from the *Canberra Times*:

The Australian Medical Association has backed the idea of an independent inquiry into the ACT's health system, following opposition calls for a royal commission.

The association's ACT branch President Professor Walter Abhayaratna said the territory system was at a 'crisis point'—

The AMA President says the system is at crisis point—

and an independent inquiry led by health professionals could provide solutions.

'The call for an independent high level inquiry has merit and it is something that we would support, particularly if it's an initiative that will result in improved healthcare in the ACT' ... 'No matter what resources are put into it, this system is producing suboptimal outcomes despite the hard work of the clinicians.'

Obviously, that is the President of the AMA saying that with the support of his board. This is what doctors are saying: the system is in crisis and an independent inquiry—a royal commission—can provide a pathway forward. Let us take that opportunity. Let us fix our broken health system. Let us do a royal commission and, once and for all, let us fix this broken system. I commend my motion to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (3.33): I thank Mr Hanson for raising this issue. It does provide an opportunity to update the Assembly of the work of the council of the Australian federation and the national cabinet on health reform.

Health is the number one challenge for the nation. It is a challenge in every state and territory. It is a challenge of our federation and the joint funding responsibilities that our constitution requires of health system management. It is also an issue that requires the Australian government to be a partner as part of a significant reform project. Pleasingly, we are seeing some early signs of a willingness from the commonwealth to be at the table for reform of our health system. So I want to take the opportunity to highlight the work of the Council of the Australian Federation. For those who are unaware, it is the council of all of the states and territories. We meet regularly as first ministers and undertake a range of shared projects. The council has representation from both sides of politics. There are two health ministers who are also first ministers of their jurisdiction. Fortunately, both are small jurisdictions that have issues similar to the ACT, in the Tasmanian Premier who is also the health minister and the Northern Territory Chief Minister who is also the health minister. We also have a number of former health ministers who are now first ministers in the council of federation.

Our work over the past 12 months has particularly focused on delivering a health reform action plan underpinned by four guiding principles: around a more integrated health system; around addressing the funding streams and the challenges that currently exist within the federation, with different levels of government having different funding responsibilities; around a focus on prevention and early intervention; and around an effort towards continuous improvement within the health system.

We have outlined a range of immediate short-term priorities, a number of which have already been picked up at the national cabinet level in the meeting late last month. These short-term priorities include: supporting workforces to work at the top of their scope; introducing new incentives for the delivery of after-hours primary care; supporting patients to be able to register at their local GP; exploring innovative approaches to care and broader hospital funding arrangements to ensure they remain fit for purpose following COVID-19; providing flexible funding for multidisciplinary team-based models to improve the quality of care and better support treatment for chronic or complex conditions; to fast-track national GP workforce attraction; to cut red tape so that states and territories are not disadvantaged when delivering primary care in thin, failed or under-serviced markets; and working to support people with chronic conditions who are at risk of preventable hospital admissions by enrolling them with their local GP for coordination of team-based care. These are some of the ideas that the states and territories are bringing to the table to work on with the commonwealth.

At the national cabinet meeting that was held at the end of last month, the commonwealth supported a range of these initiatives and these were announced by the Prime Minister at the conclusion of the meeting. These include measures to strengthen primary care here in the ACT and right around Australia; it includes supporting health practitioners to work to their full scope of practice; it includes allowing pharmacists to undertake more activities; and it includes expanding the nursing workforce to improve access to primary care. National cabinet has agreed to the introduction of MyMedicare to support patients registered with their regular general practice and care team and to support new blended payment models. National cabinet has also agreed to providing flexible funding for multidisciplinary team-based models to improve the quality of care and to invest in digital health to improve health outcomes.

These are important first steps. They will direct people to the most appropriate setting for care and will often prevent the need for hospital care at all, freeing up beds for those who need them. We look forward to some further healthcare funding commitments in tonight's federal budget that will benefit the ACT and all jurisdictions. Pleasingly, the Prime Minister has also agreed to have a specific national cabinet meeting in the final quarter of this year, focusing solely on health and dedicated to agreeing on the necessary structures of support to ensure quality delivery of healthcare at both the state and territory and federal level. So we now have a pathway, a series of priority projects and a federal government at the table and work that is going to occur this year, decisions being taken this year, funding being allocated this year.

The forthcoming ACT budget will also focus on healthcare delivery and infrastructure. That is where we will see the ACT government playing its part in partnering with the commonwealth in the delivery of a number of reforms, and also making some very significant decisions about the future of healthcare provision in the ACT.

We will continue to support the roll out of our walk-in healthcare centre network that, I note, treats tens of thousands of Canberrans every year. It is an important part of delivering better healthcare close to where people live. It is a network that has prevented tens of thousands of unnecessary hospital presentations because we have invested in primary healthcare close to where people live.



We look forward to partnering with the commonwealth on the implementation of initiatives that have already been announced at national cabinet, some more that are coming tonight in the federal budget, the further work of the Strengthening Medicare Taskforce, the national cabinet focus on health reform, together with our own local initiatives. So it is a comprehensive program of reforming health that will be undertaken this year. It has already started. Funding in the federal budget tonight will flow into the ACT to support a range of initiatives that will take pressure off our hospitals and improve our ailing primary healthcare system. It is important that this problem is recognised as a national problem and that the solutions are shared between the states and territories and the commonwealth. And regardless of whether you are a Labor or Liberal Premier or Chief Minister, there is absolute unanimity across the federation on the need for this work to occur and for the commonwealth to be a partner in it.

For the first time in a decade we have a commonwealth government at the table working with us. This is the opportunity. This is the moment. And we intend to seize it. So these commonwealth, state and territory initiatives, together with some significant announcements that we will be making in our budget this year, will highlight the reform direction that the government is going to pursue.

We will get on with doing it now, because we know, because we have been working with the other states and territories on the necessary reforms to primary healthcare. We will continue that work. We will do so in a bi-partisan way, work that is involving our only remaining liberal state government in Australia. They are a welcome partner in this health reform project. I want to acknowledge Premier Rockliff's contribution as a current health minister to this work. That is the sort of bi-partisan work that is needed. Governments who have responsibility and resources and capacity, delivering now. Not waiting 18 months. Not looking for political cover. Getting on and solving the problems.

The issues that have been highlighted are not unique to the ACT. They are occurring in every state and territory. The principal reason for this is 10 years of underinvestment in primary healthcare. Year on year, relentlessly grinding down the most important part of our healthcare system. And we wonder, after the Abbott-Hockey budget of 2014 that slashed funding to hospitals and slashed the commonwealth's contribution to hospital funding, and then the primary healthcare decline overseen by the previous federal government—we wonder why we are in the position we are in now. The warning signs were there throughout. We have been saying for some time that our health system can only be improved with the commonwealth at the table. They now are. The reforms are rolling out. We look forward to partnering with the commonwealth and the other states and territories to deliver those reforms in 2023, 2024, and beyond.

We will not be supporting Mr Hanson's motion today.

**MR DAVIS** (Brindabella) (3.44): I thank Mr Hanson for the motion and Mr Barr for his update on national cabinet works. The Greens will not be supporting this motion, but I do want to take the opportunity to address Mr Hanson's reasons for proposing a royal commission and show why those reasons for holding such an inquiry are already being addressed by the government.

I want to stress that the Greens take the concerns that are raised by people in the community who rely on our public healthcare system, and the workers in our public healthcare system, very seriously. We stand for universal access to free, secular high quality health care and good workplace culture, health and safety. I understand that the ACT government is working hard to achieve these qualities in Canberra's public health services. The minister and her officials would know that I, along with Ms Castley, as the opposition spokesperson, regularly ask questions on these things through the appropriate forums: budget estimates, annual reports, committee hearings and this place.

I regularly hear people's concerns about our healthcare system. I will not stand here and pretend that everything is okay. People's concerns are real and valid, people's experiences should be heard and understood, and people should have faith that people in this place, and their government, listen closely to their experiences and are committed to continuous improvement.

I have heard many inquiries into health services in my role as Chair of the Standing Committee on Health and Community Wellbeing. I have led an inquiry into reproductive choice and abortion services, I have sponsored the biggest petition in this Assembly term, calling for a recovery plan for nursing and midwifery workers, receiving more than 2,600 signatures, and I am pleased to lead the subsequent inquiry into that issue.

These inquiries, and the committee process more broadly, provide a real opportunity to explore these challenges and find ways of improving health services in the ACT. They allow communities, experts and all members of this Assembly to engage constructively to inform the policy design and delivery of government health services. They allow for appropriate and effective scrutiny of executive government.

When it comes to our public healthcare system, there are challenges. But I believe we understand these problems and the government is implementing the solutions. Mr Hanson's representation of issues in the healthcare system is disingenuous. Of the handful of supposed reasons for proposing a royal commission into health care, a number have already been raised by the Canberra Liberals through motions in this place. That is the right way to do things, and I am pleased that they have done that.

We have discussed the Fetal Medicine Unit, cardiology services and endoscopy/ colonoscopy services. These areas of service delivery have had challenges which the Liberals have taken upon themselves to weaponise in a scare campaign, without any consideration for the people that they have harmed along the way. In addressing these issues, I have consulted extensively with the health minister and frontline healthcare workers and have sought briefings regularly from Canberra Health Services. I would like to correct the record on these issues.

Let us start with the Fetal Medicine Unit, which had its training accreditation suspended because there were not enough staff to support the training to continue. I reiterate: the training was suspended, not the important service delivery. Recruitment challenges have occurred due to there being only 80 or so subspecialists accredited in the entire country who could fill that necessary position. In the meantime, I understand that

Canberra Health Services is supporting training to occur in another jurisdiction. Training accreditation will be restored when the appropriate staff are secured and the issues have been reviewed by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. This shows an understanding of these issues and a demonstration of the work committed to resolve them.

On the issues of cardiology services that were raised in previous Liberal motions, it was clarified then that the private cardiologists weaponised by the Liberals had actually met with the health minister to discuss their concerns. That situation was created by the appropriate decision to suspend or let go of staff who, we understand, were creating or perpetuating a negative workplace culture. I reiterate my absolute support for those difficult decisions, and the Greens' zero tolerance for workplace bullying or harassment. At that time, the health minister assured the Assembly that recruitment of outpatient nurses and cardiac scientists to support the unit to deliver its services was occurring. This shows further understanding of these issues and the work ongoing to resolve them.

I will now address issues with endoscopy/colonoscopy services raised in a previous motion by Ms Castley. The minister informed me, during a briefing that I sought, that almost \$8 million has been invested recently to deliver more than 2,700 additional endoscopy procedures before 2024 and that a feasibility study on expanding the existing unit will be undertaken. The minister shared the results of an audit of the endoscopy waitlist with me, which showed that the waitlist had reduced by one-quarter. This showed an understanding of these issues and the work commencing to resolve them.

Meanwhile, my Greens colleague Minister Davidson has delivered numerous improvements for the ACT's mental health service system, including working on a mental health workforce strategy plan for the recruitment, training and retention of the best possible professionals, amidst a nationwide staff shortage. Minister Davidson helped people to avoid emergency rooms by accessing mental health supports through the Safe Haven in Belconnen. And Minister Davidson had secured a \$47 million funding partnership with the last government to deliver a broad range of new support services. This work will continue to address mental health challenges in our community and make sure that our services are delivering the best help for our people.

These are challenges of course. Data from the Australian Institute of Health and Welfare shows that we have not yet seen improvements in the number of patients leaving emergency within four hours, or improvements in the number of planned surgery category 2 patients being seen on time. We must address these issues. We will continue to seek briefings from the minister and Canberra Health Services, ask questions through appropriate forums and propose alternative solutions on these issues. We have, however, seen improvements in access to emergency treatment and improvements in the median wait time for planned surgery.

The government is undertaking the single biggest investment in infrastructure in the history of self-government, with the Canberra Hospital expansion project. I was pleased to confirm in briefings with officials during annual reports that this project is on time and on budget. Given the national restrictions on building infrastructure, I think it is a

credit to the minister and her department that this massive investment is on time and on budget. I would encourage the minister to counsel some of her cabinet colleagues to deliver their projects on time and on budget.

The ACT government recently released the ACT Health Workforce Strategy 2023-2032, which had significant input from health professionals, public and private healthcare providers, unions, consumers and carers, and it outlines a pathway for rebuilding a sustainable healthcare workforce. The government is committed to delivering an addition 400 health professionals in this term of government.

I understand that the government recently held roundtables with health students to help ensure that the ACT can position itself as a destination for newly graduated healthcare professionals. I also understand that the ACT government has implemented all 20 recommendations from the 2019 review into health services workplace culture and is committed to continuing this important work. These initiatives will make a real difference to our health system. I will continue to prioritise the concerns of Canberrans, and my constituents in Tuggeranong particularly, to deliver better outcomes in our public healthcare system.

I return to the call for a royal commission. A number of questions remain unanswered. How much would it cost is just one. Victoria's recent royal commission into mental health services cost their taxpayers \$13 million. Their inquiry into family violence cost their taxpayers \$2.6 billion. South Australia's royal commission into early childhood education and care cost their taxpayers \$2 million. The possible price tag for such a public inquiry has a huge range.

This is money worth spending if there are issues that need to be better understood and if communities and stakeholders need new avenues to contribute to policy solutions; but, as I have outlined, I believe that the government has a good understanding of these issues and is implementing a range of policy and investment decisions to improve upon them. I find it hard to believe that any Canberrans would like to see the amount of money I have just suggested other subnational governments have spent on their royal commissions spent on an inquiry here, rather than invested in infrastructure and frontline healthcare services. That is where I think that money ought to be better spent.

The issues raised here have been rehearsed by the Liberals time and again for political gain. Meanwhile, they have stirred up genuine fear and anxiety in the community about the safety of our public healthcare system in Canberra, and that puts real lives at risk.

*Mr Hanson interjecting—*

**MR DAVIS:** I think it is pretty impressive that I got 10 minutes in before hearing from Mr Hanson. That is a new record.

Previous motions on these issues have told people that they should be worried about going to seek help from the public health system or attending their specialist appointments. I believe it is irresponsible to weaponise these issues. I believe that the

government understands these problems, and we are getting on with the job of fixing them. I implore the Liberal Party to keep their scare campaigns from interfering with the delivery of public health care in our city.

The *Canberra Times* editorial referred to by Mr Hanson in his speech states that the idea of a royal commission might have some merit, but it also says:

The Liberals simply can't hide behind a Royal Commission or rely on the simplistic argument that money saved from building light rail will be redirected into our health system.

I wonder if Mr Hanson and his colleagues agree with that assessment. In fact, it was in Mr Hanson's speaking remarks that he suggested a royal commission, as proposed by the Canberra Liberals, would not see its findings released until the beginning of the next parliamentary term. A cynic's reading of this might suggest that the Canberra Liberals are prepared to spend \$12 million of ratepayers' money to phone out their policy development. I am not prepared to waste that kind of money. I would encourage the Canberra Liberals to do their own work and present, in the lead-up to the next election, their own alternative, fully costed healthcare policies.

In this Assembly I have tried to make significant efforts to understand the challenges being faced in the public healthcare system and what measures are being taken to address those challenges. I have made an almost annoyance of myself to the minister's office by consistently seeking a range of briefings on a variety of issues. Such is my job as a non-executive member. Minister, I intend to continue to be annoying.

I would encourage other members of this place who profess to have a genuine interest in the delivery of public health care to get the full story and seek those briefings too. It is disingenuous and dishonest to come into this place with argument and political pointscoring without seeking the fullness of information to inform your argument. I will continue to consult with the health minister, her senior officials, my constituents and healthcare workers in my electorate, and I will continue to make significant efforts to understand the issues and better understand the solutions being implemented.

The Canberra Liberals have failed to listen to what the government is doing to improve our healthcare system. It is either that they have not been listening or that they would prefer to pretend that these things are not happening, to seek a political point. They do not want to know about the things that the government is doing to actually fix the problems. Anybody would think—again, perhaps another cynic's reading—that the Canberra Liberals are perfectly happy with these problems existing and go out of their way to remain ignorant to the solutions that are being implemented. Otherwise, what would they have to talk about in this place?

The Greens will be voting against this motion, but I do want to assure every single Canberran that we take very seriously your experiences with the public healthcare system in Canberra; that we will continue to work hard to invest in, review and critique, where necessary, our public healthcare system; that we believe in a free, universally accessible, equitable and secular public healthcare system; and that we support the

minister in the substantial investments happening in this portfolio space—in particular, the single biggest investment in the history of self-government, the delivery of the Canberra Hospital expansion project.

**MS CASTLEY (Yerrabi) (3.57):** What the public health system needs is not a rebrand; it is a royal commission. We want a root-and-branch review, with recommendations for improving the governance, administration, outputs and the culture. Whether we hear about the ballooning outpatient elective surgery and emergency department waiting times, dysfunctional or deficient cardiology, fetal medicine and gynaecology oncology services, serious privacy breaches or widespread cultural issues, the public health system in Canberra has been in decline for 10 years and is now in crisis.

For years, we have heard excuses from the health minister about what she is doing to fix the health system—that things are getting better, when they are not. We have seen denial, blame shifting, gaslighting, quick fixes, PR stunts and spin, and now we have a \$1.5 million rebrand. Everyone knows that a crisis is not a reason for a rebrand. Most consumers and employees have seen right through it. They know that this is just a cover-up. The government needs to fix the product.

The Canberra Health Services half-yearly report showed that for the six months to 31 December 2022, the government failed to meet two-thirds of its own targets across output classes of health and community care, cancer services, and subacute and community services. Tens of thousands of ACT outpatients are waiting in pain and discomfort. Some are forced to pay for private surgery or to go interstate, rather than waiting, sometimes for thousands of days.

A patient who required an outpatient appointment with the neurosurgery unit was told by administrators that he was unlikely to be seen in his lifetime. That was for neurosurgery. Just imagine if that was your family member.

Reducing outpatient appointments has not been a government priority. The acting CEO confirmed in February that there is no target to reduce the percentage. The minister said, “We are doing better overall,” but the latest figures show that, in the seven months to October 2022, the percentage of outpatients overdue for their appointments rose from 81 per cent to 84 per cent.

Mr Hanson has already covered the 6,000 patients overdue for endoscopy services—nearly 400 days. I have spoken about one patient who contacted my office and who had been waiting for 6½ years. He finally got that appointment this year, and it was found that he had six lesions. We have heard that can mean having a higher chance of developing cancer in the interim. This is a disgrace. Imagine, again, if this was your family member. Private providers in the ACT did confirm that they have capacity to help clear the backlog but the government rejected this.

CHS set a target to see 80 per cent of semi-urgent elective surgery patients within 90 days; however, the midyear report for the six months to 31 December 2022 showed that only 44 per cent of patients were being seen within clinically recommended time frames. Again, Mr Hanson covered ED—there is too much to squeeze into 10 minutes.

One elderly gentleman contacted my office during winter. He arrived at ED suffering with COVID-like symptoms. He was put out in the tent. It was raining, late at night; there was one seat to sit on and it was wet. He waited for hours. He was in his 70s and, when his test results came in as positive, he was sent home. He could not get public transport, and he had to walk. Subsequently, with COVID, that did not go well. He was struggling to breathe and he did end up with pneumonia. It is a disgraceful story, and it should not be brushed away, as it was by the minister.

Embarrassingly, the health minister has not been able to report up-to-date figures for outpatient appointment and ED wait times, as we heard in question time, because issues with the implementation of the digital health record mean that data must be extracted manually; not to mention the confusing messages that we received on the DHR project status. A March brief to the minister on the February program report said that the DHR program was reporting an overall red status, with 35 open risks, including 10 with a high rating. The vendor, Epic, rated DHR implementation at a watch status score of three out of five. However, the minister came in and gave a glowing report on how things went with DHR.

We know Canberra Health Services and ACT Health continue to underspend their capital works budget year on year. By contrast, spending on building the light rail to Woden exceeded the \$45 million budgeted by Major Projects Canberra.

We have also been through privacy breaches.

With the cardiologists, I will make a couple of extra points on that. One of the senior clinicians said to me the other day, “We used to be world class.” One of the additional points that the cardiologists wrote in their letter was that the services had deteriorated and that this was largely as a result of poor managerial decisions by CHS or the ACT Health Directorate; that there was no functional central waiting list system; referrals disappeared, while some waiting lists had become critical. The health minister depicts this as a communication problem—that cardiologists do not understand what the government is doing.

We have talked about the Fetal Medicine Unit and our trainee doctors having to go elsewhere for that training. Of course, there is the debacle with the outsourcing of work in that unit.

There was the minister’s recent announcement of a travelling clinic for gynaecology oncology from Sydney. This was a desperate measure to save face. We all know that last year a subspecialist withdrew his application to run a clinic here in Canberra because CHS refused to give him the surgery hours to meet demand for what Canberra women needed.

The minister continues to play hardball, leaving Canberra women in the lurch, with a fly-in, fly-out service. The clinical director said that maintaining current arrangements would have clinical risks of fragmented care and multiple instances of delayed treatment and poor outcomes. Women with complex cancers are forced to travel to Sydney while waitlists continue to increase.

Sadly, only last week, in a Facebook post, a woman living through a miscarriage on that day reached out to her Facebook community and asked, “Am I better off going to Sydney?” She said this was because of previous experiences she has had with miscarriage. She went on to say, “I just don’t want to go through the same trauma again. The heartache of the miscarriage is one thing, but the torture of our health system will break me.”

Let us be clear here. The Canberra Liberals are not talking about the staff. There is no problem. Our frontline workers are amazing, and I am so grateful to them every day. They are aware, as we are, that they are working in a broken health system.

The health minister said that the December culture survey in CHS got the best results. Thirty-five per cent, though, of staff answered the survey. The provider said that, to be statistically valid, a 40 per cent response rate was needed. With the concerns that the doctors have raised, they have said they have experienced and witnessed bullying. These figures are well above the national average, and they are our hardworking frontline workers. This is not a good news story here.

With respect to the survey of the digital solutions division, obtained under FOI, it was redacted of all negatives, and only positive comments were released. ACT Health claimed that this was about participants fearing retaliation. Good grief; what sort of retaliation could they be talking about? There is no doubt that there is a culture of secrecy.

Let us not forget about the midwives and nurses having to protest out the front here. We have had a few quotes, but I will pick up the fact that they are not getting sufficient toilet breaks, and they are afraid that they might find patients dead in the corridors. They say they are terrified to come to work, they are burned out, drained, angry, disheartened, exhausted and fed up.

What we have here, undeniably, is a public hospital system in crisis. The ACT AMA President, who we have often referred to, Professor Walter Abhayaratna, has said that it is suboptimal and that it is time to ensure that short-term fixes are not put forward and implemented when they have an adverse effect on the fundamental reforms required to address the whole-of-system challenges and promote integrated and high-value care.

As I said earlier, what we see from this government is denial, excuses and blame shifting. We have had this year “name the cranes”. We have had a topping-out ceremony and the rebrand. This is not good enough for the people of Canberra. The figures and stories I have spoken about involve real people. They are parents, they are your neighbours or your grandparents. There have been far too many instances of suboptimal care. The Canberra Liberals do care for Canberrans, and that is why we are calling for a royal commission into the ACT’s public health system.

**MS STEPHEN SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (4.07): I think I will start with Mr Hanson’s claim that this is not about politics and it is not a



stunt. Mr Hanson, I have seen the video. Nice voice over, Mr Parton. It looked pretty political to me, I can tell you. I will take the opportunity to put on the table some different facts from Mr Hanson's cherry-picked facts. Then I will address the question of a royal commission.

Mr Hanson, I know that you have picked the same short period of time that others who have entered into commentary about real health expenditure in the ACT have chosen; the 2015-16 to 2018-19 period is very specifically chosen. The overall hospital funding base has in fact increased by an average of seven per cent per annum if you look at the bigger period between 2013-14 and 2022-23. Even between 2013-14 and 2018-19, prior to the pandemic, growth averaged 4.9 per cent per annum. Mr Hanson, you completely ignored more recent measures. The 2021-22 budget reflected a real step-change in our health system investment, with an additional \$461 million over four years. This reflected the changed environment that we recognise that our health system faces. This year's budget has only built on that investment.

The most recent *Report on Government Services* showed that the ACT government had invested almost \$500 million more in hospital services in 2020-21, compared with 2014-15. That is a 40 per cent increase over that period. The AMA hospital report card shows that ACT per person spending on public hospitals has grown between 2014-15 and 2019-20. You can cherry-pick your little period, but I need to put some actual facts on the record there.

I also want to put some facts on the record in relation other matters, like bed numbers. The ACT had the highest number of available beds, at 2.8 per 1,000, as at 2020-21. The ACT bed number per 1,000 has grown over the decade, whilst the national average has declined. The rate of available beds in ACT public hospitals has been higher than the national rate since 2012-13. That is not taking into account the care closer to home project, which wound up in July 2022 in terms of expansion, but still remains in place. In 2021-22 the combined Hospital in the Home programs admitted almost 2,450 patients and saved more than 16,000 bed days. There has been not only significant investment but also significant innovation in the way that we deliver our services. We continue to provide nation-leading numbers in that regard.

We also have the highest number of nurses per thousand of population, and the second highest number of salaried medical officers. We have the second largest improvement in elective surgery waiting times, at the ninetieth percentile, with patients waiting 72 fewer days between 2020-21 and 2021-22. That is according to the *Report on Government Services*.

The recently released AMA Public Hospital Report Card shows, as I said in question time, that the ACT was the only jurisdiction to improve performance for category 3 presentations in a very, very difficult year. Canberra Hospital had the highest proportion of presentations for category 2 seen on time, among principal referral and women's and children's hospitals. Waiting times for elective surgery are actually improving.

Mr Hanson, you can cherry-pick your data and I can provide some alternatives out of the same reports, when we look at the specific numbers. The reality is that we are

investing and we are continuing to invest. We are investing in services and we are investing in capital works. We have invested almost \$1.8 billion over the past decade.

That includes the University of Canberra Hospital, which opened in June 2018. Ms Castley, just the other day, claimed that we had failed to build a subacute hospital on the north side. She toured it recently. We opened the University of Canberra Hospital, a fantastic facility, with fantastic patient feedback. Ms Castley toured it and then went on radio and put out a press release saying, “They didn’t build a new hospital. They said they were going to build a new hospital.”

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MS STEPHEN-SMITH:** Her statement was pretty clear, Mr Hanson. I would go back and look at it, if I were you. Maybe you can do some clearance processes in your office while you are acting leader.

I turn to the royal commission. The Chief Minister talked very eloquently about national work and work under the Council for the Australian Federation that is underway. I want to talk about the plans and structure that we have in place. We have established in the ACT a very clear framework and structure, with a set of actions that are being taken, starting with Accessible, Accountable, Sustainable: A Framework for the ACT Public Health System 2020-2032, which was released in 2020.

Obviously, we have been impacted by the pandemic, but we released the ACT Health Services Plan 2022-2030 in August 2022. That is now supported by the ACT Health Workforce Strategy. These are supported by the Digital Health Strategy, Maternity in Focus, the Canberra Hospital Master Plan, the ACT Preventative Health Plan, the Health Quality Strategy, the Disability Health Strategy, and the work that is underway on the child and adolescent clinical services plans. We have a structure for this work. That represents close engagement with clinicians, stakeholders and consumers, and lays out a framework for the work that we are doing.

A royal commission would take a big picture approach. That is absolutely the case. It would probably come up with a lot of very high-level recommendations, which would take years to implement and would probably be: “You know what? You should have a structure. You should have a framework. You should have some strategies for this, that, and the other thing. And you should improve services.” That is the way in which we are already working to improve.

Mr Hanson has claimed that this would provide an opportunity for health workers to have their say. The most recent of the health surveys in Canberra Health Services, which Ms Castley has referred to, included an opportunity for staff to provide a message in a bottle to the CEO. The CEO received 1,393 messages in a bottle, equating to 48 per cent of survey responders, from the latest 2022 Pulse Survey. That is almost 1,400 pieces of information, and those are acted on. The issues that Mr Hanson and Ms Castley have touched on have been specifically identified, publicly, as a result of the action

that Canberra Health Services has taken in response to that feedback from staff, and in response to feedback from consumers. That has been meaningful action in response to the issues raised by staff and by consumers.

I just want to go to one person who responded to Mr Hanson's op ed. I do not know who Jack D is, but Jack D says:

I know the Opposition has a job to do but it gets a bit much to hear them constantly denigrate the Canberra health system as the worst in Australia. I have family members who work in the ACT's health system. They work hard and are very proud of the work they do. I have also been receiving treatment at the Canberra Hospital over a number of months and can't fault the care I have received. Yes there are problems in this multi-faceted and constantly expanding health system, as with any in Australia's state and territory health services.

He does not support the royal commission.

Mr Hanson really belled the cat on how the Canberra Liberals would manage this. He said that, if we accepted his recommendation, whenever we were criticised we could just say, "Well, that's why we're having a royal commission." Clearly, if the Liberals are elected, that is what they will do. They will have a royal commission and then they will say, "That's why we're having a royal commission. We can't do anything."

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**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) (4.17): There are many pressures and challenges in our health system here in the ACT. Some of those pressures have resulted from many years of neglect of primary health care by federal Liberal governments. Some of them are workforce challenges that all of our states and territories are experiencing right now. Some of them are unique to particular workplaces within the ACT's mix of public, private and NGO-run health services. If you want to run a royal commission into all of this, it will be expensive, it will take a lot of time and energy, and it is not the only way to make service improvements.

As this Assembly knows, I do not shy away from a challenge. When the ANMF told me last March that there were issues that their members were very concerned about in Dhulwa, I listened. On 2 May 2022, I announced an independent inquiry into Dhulwa's legislative, governance and clinical frameworks. The final report from that inquiry was tabled in the Assembly on 1 December, just seven months later.

On the first sitting day of 2023, I tabled the ACT government response to that report, accepting all 25 recommendations. Today, I provided an update, following the first meeting of the Independent Oversight Board, which occurred on 19 April, showing that we have already completed some of these recommendations and that we are on track, or even ahead of schedule, to complete all of the recommendations. We acted swiftly

and with focus to understand the issues, and we are acting swiftly and with focus to resolve those issues. We ensured independence in the investigation of the issues, and we ensured that the recommendations would be implemented. We are both accountable for our work and we are transparent in how we address these issues.

Meanwhile, we are getting on with the job of improving mental health services in the ACT more broadly. As you have already heard, there has been an increase in funding for mental health services. The ACT government committed \$47 million, through a funding partnership with the commonwealth government, of additional investment into a range of support services, from acute mental health treatments through to programs that support the wellbeing of Canberrans.

This includes funding for improvements to adult and youth mental health services, universal after-care to support people following suicide attempts, and improved perinatal mental health screening. We are expanding the headspace program. This provides early intervention and support to young people aged 12 to 25. We have also established the MindMap navigation portal to help young people to find the supports and services that they need.

Work is continuing on the ACT Mental Health Workforce Strategy, and we are working with our federal partners to ensure that we have a long-term plan to train, recruit and retain the professionals that we need to deliver mental health services in the face of nationwide shortages of staff.

We have already improved eating disorder services in the ACT through the establishment of the eating disorders hub to connect people to services, the STRIDE and parenting support programs and the early intervention service for eating disorders, and we are soon to begin construction of the new residential treatment centre for eating disorders in Coombs.

We have also been working towards improving mental health services for Aboriginal and Torres Strait Islander community members in the ACT. This includes consultation currently underway with the community to co-design a new Aboriginal and Torres Strait Islander suicide prevention program.

We are improving crisis support. The ACT government has focused on improving crisis support for people experiencing a mental health crisis. This includes establishing a 24/7 crisis line and the expansion of the mental health triage service, as well as the PACER program. We are helping people to avoid emergency rooms and access support by establishing the Safe Haven in Belconnen. We are working to expand this valuable service, including plans for a new Safe Haven at the Canberra Hospital campus on the south side.

It is important to know that there are a diverse range of mental health services across the ACT, and that many of them are doing a fantastic job in supporting people closer to home in the community and at an earlier stage on their mental health journey.

I have heard praise for the healthcare workers and gratitude for the care that people have received from people who have been to the Safe Haven, as well as people who

have been to our step up, step down residential mental health services, the Way Back Support Service for suicide prevention and postvention, the subacute mental health inpatient care in ward 12B at the Canberra Hospital, and mental health inpatient care at the University of Canberra rehabilitation hospital, which people have described to me as being the gold standard for that type of care.

These are just a few of the many healthcare services delivered across our community by dedicated workers doing a difficult job every day, and doing their very best to provide care that meets the needs of individuals who sometimes have really complex combinations of physical and mental health needs.

To hear the way that those opposite speak about the quality of care that these workers provide is really difficult and challenging. I would like to remind members opposite that our health workforce in the ACT has been through the most intense three years recently, with COVID, and they have continued to provide support every day to people who need health care, whether it is for COVID or for a range of other physical and mental health needs.

It is important that, when we are talking about our healthcare service, we are thinking about the complexity of the work in those services, the empathy and the care that we need to have for our nurses, doctors, administrators, cleaners and the many other workers across our healthcare system, and the ability to put that understanding and that empathy into practice, to work on improvements to services and to health policy that genuinely puts patients at the centre of what we do. That is why I will not be supporting this motion today.

**MR COCKS** (Murrumbidgee) (4.23): I wish it was not necessary to talk about failures in our health system all the time in this place. It feels like far too much time in this Assembly has been wasted on talking about problems that should not have happened. As the Canberra Liberals member with portfolio responsibility for mental health, it would be remiss of me to allow this debate to pass without discussing the deep and systemic issues in the mental health system, or to allow this debate to neglect the multiple crises in Canberra's mental health system which contributed to our conclusion that a royal commission into Canberra's health system is not only justified but necessary.

Canberra's health system and, in particular, the mental health system, has needed attention for a long time. More than 20 years ago, in 2002, alarm bells were ringing when the Mental Health Council of Australia highlighted the deficiencies of the first Labor ACT government's mental health plan, which failed to address the key problem—the shortage of services and clinicians to support those responses. Since then, a procession of Labor and Greens ministers have released a succession of plans and reports, made positive-sounding statements and made plenty of funding announcements; yet, after more than 20 years, deep, systemic issues in mental health seem to be the rule rather than the exception.

It is time for a royal commission, which will take a holistic view of the health system, understand what is going wrong, find the things that are working well and be able to provide integrated, strong ways forward in a positive way.

Things are not good now. In just the last 12 to 18 months, we have seen in mental health a workplace safety crisis in a critical mental health facility with a deeply problematic culture, and a ministerially endorsed mental health workforce strategy, which I am glad has been brought up a couple of times, because it took 18 months to develop—18 months, the precise length of time that we are talking about here today, to develop a plan on a page which consisted mostly of pictures. It might be a little bit more worthwhile to invest that effort into an independent royal commission which could provide evidence-based solutions for our health system.

Those who have contributed to the debate from Labor and the Greens seem to think there is a problem with that. They seem to think it is too much money to spend on a royal commission, on an evidence-based approach to fix our health system. Let me tell you that you cannot heal in a broken health system. Let me ask you: how much money is it worth to save lives in health and mental health?

We have seen families of children with eating disorders giving up on the Canberra health system to seek help interstate. We have seen confidential patient records of vulnerable mental health patients being shared outside the health system. And we have seen the violent death of a patient at the hands of another inside one of our mental health facilities, which should be a place where people feel safe and where they can recover.

These things alone would justify a royal commission, but they are just the tip of the iceberg. There are so many stories that do not make the cut for the media cycle. I hear, from so many people, stories of personal heartbreak and pain—people who are just trying to get help for themselves and for their loved ones.

In recent weeks I have heard stories, including that of a person at high risk of suicide whose doctors had to fight for their admission into the mental health system, who was simply discharged without any supports in place. I have heard the story of a person becoming lost in the mental health system, with a member of their household unable to track down precisely which ward they were in. I have heard from parents bereaved by the suicide of an adult child who was discharged from hospital without support, while it was known that that person had a plan to take their life—which, ultimately, they did.

I have heard from members of our emergency services who suffer from a disproportionate burden of post-traumatic stress disorder. Just today, members of Canberra's Aboriginal and Torres Strait Islander community shared personal stories of loss, including one of a family member who took their life during a short break from the adult mental health unit in Woden. They told me of the terrible wait times for support, the cripplingly tight eligibility requirements for support programs and the yawning gap that too many people are falling through.

Maybe these are the stories that ministers need to hear. We cannot continue to accept failure in health and mental health. It is not good enough to pretend that the issues do not exist, and it is not good enough to persist with bandaids, rebranding and restructures. Those are not solutions.

Of course, Canberra is not alone in experiencing problems in mental health and health. We have already heard about Victoria's royal commission. That royal commission shed

light on problems in the system. It made significant recommendations. Unlike what the health minister suggested, they were specific. They went to precisely the types and locations of services which were needed.

Today, I am proud to stand with my Canberra Liberals colleagues and call on the government to take a similar step in Canberra. The key difference here is that the royal commission we are proposing would enable mental health to be considered in the context of the overall health system. It is critical to see health and mental health as one. We have to be able to address problems that stop people with mental health receiving adequate treatment for their physical health problems. We have to be able to consider the whole person, and we have to have a system which is engineered to do so.

This motion that we are bringing today is a positive motion. I am proud to stand here because it will provide a once-in-a-generation opportunity to look at the system from the ground up, a holistic review, an evidence-based review, where people are not scared to come forward.

This is a motion that will enable us to move forward on health instead of continually being distracted by failure after failure and cover-up after cover-up. A royal commission is a chance for experts to shine a light on the real situation. Canberrans deserve a health system, including a mental health system, which they can be proud of, and we need this royal commission so that we can get there.

**MR HANSON** (Murrumbidgee) (4.31), in reply: I thank members for their contributions. I would like to particularly thank Ms Castley and Mr Cocks for their contributions. I thank you for your passion, for your support and for your understanding of this system and where it has its problems and for your understanding of the solution that is required here.

It is quite clear that Ms Castley is doing a good job. We know that because she is getting under the minister's skin. That is pretty evident. If you listened to the minister and to Mr Davis, you would think all of the problems in the ACT health system were because of Ms Castley's scaremongering. Apparently, the AMA, the cardiologists, the nurses presenting to inquiries, the patients and everybody else—what did Mr Davis say; that the Liberals have weaponised the cardiologists?—are all Ms Castley's puppets in this town! All of those doctors, all of the nurses and all of the patients are Ms Castley's puppets, apparently. I guess that is what you do.

**Mr Parton:** It is what Jack D said.

**MR HANSON:** That is a good one, Mr Parton: you are right. In our motion we have quoted from comments on the record from doctors, from patients, from nurses, from inquiries and from media reports. But what did the minister do? She went scratching around the Riotact trying to find someone and found Jack D!

Some of us read the Riotact, so we know who Jack D is. He regularly comments on posts. When you want to quote someone, you have to be careful—because, in that same post, he said of Ms Castley “Yahoo Princess!” Is that the sort of person you should quote from? We quote from the president of the AMA and you quote someone anonymously on the Riotact who is going to make abusive comments about Ms Castley. And that is all you have got.

Let me tell you a little story, a sad story. I have been here a long time—but that is not the sad story! In 2008, at the election, there was a dodgy secret little deal that was done by Ms Gallagher, as she was the health minister then, with the Little Company of Mary in a plan to buy Calvary Hospital. They did a heads of agreement and it fell over after the 2008 election.

We had an inquiry into Canberra Health and Calvary and what was going to happen, and the government came up with a plan. There were lots of options and they came up with option E that they delivered in February 2011, I think. They said, “We are going to do a number of things. We are going to put 200 beds into Calvary.” Where are they? They said they were going to do that in 2011. Where are those beds? Where are they?

They said they were going to deliver a sub-acute hospital in the north of Canberra. Well, they did half of that. So we will give them that—they did a little bit more than half. We had a debate in here where we asked, “Where are the 200 beds that you promised?” They said, “Well, a bicycle, if you are doing therapy, is a bed—a treatment space.” It was bizarre—but the sort of spin that you get from this government.

What they principally agreed to do and what they said they were going to do is rebuild the Canberra Hospital and they were going to spend \$800 million—and this was part of the capital asset development plan. They went to the 2012 election with that. They put \$41 million into the 2011 budget for design and pre-work. They put \$375 million in the outyear for stage 1 of the capital asset development plan, which was to demolish building three, and built a new tower block. That was the plan.

What then happened is there was an election in 2012, and the Labor Party and the Greens did their dirty little deal where they said, “No, we want a tram. We do not want to rebuild the Canberra Hospital; we want a tram.” Ms Gallagher said, “Yes, okay. I want to be in government and I want to stay as Chief Minister; I will go along with that”, and she went and ripped \$41 million out of the budget.

So she took the \$375 million that was identified for the Canberra Hospital—and where did it go? It just so happens, coincidentally, that for stage 1 of the tram, the first availability payment was—have a guess—yes, \$375 million. Mr Parton, I know it was on the tip of your tongue. Who would have thought? So that was \$400 million. Mr Stanhope backed this up, as did Dr Ahmed, and they ripped that money out of the health system and put it on the tram.

They degraded the health funding and tried to blame it on the federal Liberals. Mr Stanhope and Mr Ahmed have in fact pointed out that that is not true. If you rip \$400 million out of the health system and put it on the tram, there is a consequence, and we are paying the price right now.

In 2016, Mr Corbell, who was the health minister at the time, was talking about this in estimates on 29 June 2016. You can read it in the *Hansard*, if you like. It is in the transcripts of the report of the Select Committee on Estimates. Mr Corbell said, “We are going to risk manage for the next decade. That is our plan.”



The Canberra Liberals went to that election with a plan to do what Katy Gallagher had once promised, which was to build stage 1 of the capital asset development plan, to rebuild the Canberra Hospital. That was the plan, and we are now five years behind where we should have been.

The Labor Party then did a bit of polling. They did a poll in the field that said, “Hang on; this whole tram versus hospital thing is not playing out very well”, and they presented a one-page plan to build the SPIRE Centre. That is now the rebuild of the Canberra Hospital.

So we are a decade behind where we should have been—a decade of decline! Why? Because the mob opposite and their mates in the Greens decided to rip money out of the Canberra Hospital and put it on the tram. If you do not believe me, I will give you a copy of page 1020 of the Select Committee on Estimates of 29 June. Have a read. If you look at my Facebook page from December, I have linked all the media articles that prove that case. Have a read of it.

So do not come in here trying to blame someone else for the problem in the Canberra Hospital system and say that your only reference, your only source that will back you up, is Jack D from Riotact—as your singular source. Let us see what other people have said, shall we?

I quoted from the AMA: “No matter what resources are put into it, the system is producing some sub-optimal outputs despite the hard work of the clinicians.” The Australian Nurses and Midwifery Federation said that “change was needed and previous inquiries had not worked”. That is the union. The head of the union said: “We need something significant to change in the ACT in the public health system.”

Let me read from the *Canberra Times* editorial, which said:

The Canberra Liberals’ call for a royal commission into the health system could easily be dismissed as a political stunt—

*Opposition members interjecting—*

Yes, Jack D, the minister and Mr Davis will, but everybody else—the AMA, the union, the nurses and the media—will not. The article goes on:

... however, the idea has merit.

Systemic failures across the ACT’s health system have been a regular occurrence and there is no denying the performance of the system has declined over the years.

The government says they are fixing the problems but evidence would suggest otherwise. Emergency department wait times are becoming worse, doctors are expressing concerns about a deterioration in cardiology services and people are waiting years for necessary procedures.

Health Minister Rachel Stephen-Smith said a royal commission was not needed. She said the government knew what the problems were and all they needed to do was implement the plans they have.

If only most Canberrans could be so confident. The health system has been declining for the better part of two decades.

A royal commission would also allow the health bureaucracy and government to be removed from the process. This would be welcome, given the reputation the territory's health bureaucracy has earned in the past several years. It is one of the most secretive and least transparent of government agencies.

Health workers are also terrified of repercussions if they speak out about the state of the system.

The *Canberra Times* receives regular calls from anonymous health workers—

as does the opposition, I might add—

who are at breaking point and want to share their stories but are so fearful about what it will mean for their jobs if they do so.

It is a culture of fear that you have created, and our health workers—our hardworking doctors and nurses—are scared to come out.

The *Canberra Times* and other sections of the media get these reports and we get them, and these staff are scared. It is a disgrace. As the *Canberra Times* editorial said, “A royal commission would allow these workers to feel heard and protected.” When did the Labor Party start hating nurses and start hating doctors? When did it start putting itself first? That is what you are doing. Respect our nurses; respect our doctors; and respect our patients. Stop this culture of fear and instigate a royal commission.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 8

Noes 15

Mr Cain

Ms Berry

Ms Orr

Ms Castley

Mr Braddock

Dr Paterson

Mr Cocks

Ms Burch

Mr Pettersson

Mr Hanson

Ms Cheyne

Mr Rattenbury

Mrs Kikkert

Ms Clay

Mr Steel

Ms Lawder

Ms Davidson

Ms Stephen-Smith

Mr Milligan

Mr Davis

Ms Vassarotti

Mr Parton

Mr Gentleman

Question resolved in the negative.

## Environment—C40 Green and Healthy Streets Accelerator

MS ORR (Yerrabi) (4.45): I move:

That this Assembly:

- (1) notes that:
  - (a) the ACT Government has an ambitious strategy to address climate change and is committed to net zero emissions by 2045;
  - (b) Canberra has become the eighth major city in the world, and the first outside of Europe, to transition to 100 percent renewable electricity in 2020;
  - (c) the ACT Government is committed to reducing the number of polluting vehicles on our streets and transitioning to zero emission vehicles, as per the plan outlined in the *ACT's Zero Emissions Vehicles Strategy 2022-30*;
  - (d) the ACT Government is leading the way with this transition by committing to achieving a zero emission public transport system by 2040, as per the *Zero-Emission Transition Plan for Transport Canberra*;
  - (e) over 20 percent of public transport trips are already powered by 100 percent renewable electricity, with the introduction of light rail and 12 new battery electric buses in the Transport Canberra bus fleet;
  - (f) the ACT Government is working towards achieving a zero emission public transport system by procuring an additional 90 battery electric buses, undertaking critical electrical infrastructure works to providing the depots with the energy required to charge up to 300 buses, and extending the light rail network to Woden;
  - (g) the ACT Government is committed to increasing walking and riding in Canberra and transforming our city through people-friendly planning policies. The new draft Active Travel Plan will make walking and riding safer, more accessible, convenient, and enjoyable, and the accompanying Design Guide will ensure our intersections and streets are designed to support all forms of transport; and
  - (h) the ACT Government has committed to growing Canberra's urban forest and achieving an ambitious target of 30 percent tree canopy cover or equivalent by 2045 by implementing the Urban Forest Strategy 2021-2045, planting 54,000 new trees by 2024, and passing the Urban Forest Bill 2022 to protect Canberra's trees;
- (2) further notes:
  - (a) C40 Cities launched the Green and Healthy Streets Accelerator in 2017 where signatories pledged to procure only zero emission buses from 2025 and ensure a major area of their city is zero emission by 2030;
  - (b) signatory cities of the C40 Green and Healthy Streets Accelerator are committed to transforming their cities into greener, healthier, and more prosperous places to live, with a focus on increasing the rates of walking and cycling and the use of public and shared transport that is accessible to all citizens; and

- (c) signatory cities of the C40 Green and Healthy Streets Accelerator make a commitment to report on their progress to achieve these outcomes every two years; and
- (3) calls on the ACT Government to sign the C40 Green and Healthy Streets declaration for the City of Canberra.

I rise today to introduce my motion to the Assembly calling on Canberra to be a signatory city to the C40 Green and Healthy Streets pledge.

I acknowledge that members of the Assembly may not have heard of the C40 Cities Green and Healthy Streets pledge. For context, C40 Cities launched the Green and Healthy Streets Accelerator in 2017, where signatories pledged to procure only zero emissions buses from 2025 and ensure a major area of their city is zero emissions by 2030.

Signatory cities of the C40 Green and Healthy Streets Accelerator are committed to transforming their cities into greener, healthier and more prosperous places to live, with a focus on increasing the rates of walking and cycling and ensuring the use of public and shared transport is accessible to all citizens. These are some of the ambitions goals to have and will help to ensure that the ACT government is working to make our city livelier and more sustainable.

I have always been proud of the work we do as a government to try to leave less of a footprint on the world around us. We have an ambitious strategy to address climate change and are committed to net zero emissions by 2045. I personally cannot wait until we reach that day and that we reach this goal.

I see that the work required to meet the C40 Cities Green and Healthy Streets pledge as an extra motivation to do better and be better. Signing this pledge will also go towards better recognition of the work we do in this space from other cities all around the world. This will help to put Canberra on the map, so to speak.

Canberra became the eighth city in the world and the first outside of Europe to transition to 100 per cent renewable electricity in 2020. This was a momentous achievement and one that, to this day, encourages me to consider other ways we can show not only other Australian cities but also the world how we can better protect our environment.

I cautiously acknowledge that there are in fact people in our community who do not believe in climate change. They believe that humanity has no impact on the environment and the increase in temperatures is a naturally occurring event that we are powerless to do anything about. Respectfully, this is a poor argument which becomes weaker by the minute and one that I completely disregard.

As previously mentioned, Canberra has, since 2020, been powered by renewable energy through a combination of our own solar and wind farms that generate more electricity on the grid than we can consume. These technologies harness the power of an infinite resource, such as the sun and wind, unlike burning fossil fuels.

In case I must spell it out, fossil fuels are a finite resource, and we will run out of them. In the meantime, their continued use remains a deeply harmful, toxic pollutant to our environment. Why would you want to continue using a fuel source that is finite over a just transition into a clean alternative that is free and much more efficient to harvest and maintain?

A big call on in this pledge is to ensure that, from 2025, cities may only procure zero emissions buses. This goal is only a year and a half away. Members in the chamber will know from my countless speeches over the years on the topic that I am a strong advocate for good public transport. I frequently use our various public transport options, particularly the light rail from Canberra's best region to live—in my humble opinion—Gungahlin, and I was encouraged to learn that currently over 20 per cent of public transport trips are already powered by 100 per cent renewable electricity, thanks to our light rail and the 12 new battery electric buses in the Transport Canberra bus fleet.

I acknowledge that the ACT government is working towards achieving a zero emissions public transport system by procuring an additional 90 battery electric buses, undertaking critical electrical infrastructure works to provide the depots with the energy required to charge up to 300 buses, and extending the light rail network to Woden. Signing the C40 Cities Green and Healthy Streets pledge therefore makes complete sense and will encourage us to meet these goals as soon as possible.

The electric buses still amaze me for how quiet and convenient they are. You only know one is around by the dinging that they necessarily produce when they are in operation. I look forward to seeing Transport Canberra's electric bus fleet continue to expand. The ACT government is committed to reducing the number of polluting vehicles on our streets and transitioning to zero-emissions vehicles, as per the plan outlined in the ACT's Zero Emissions Vehicles Strategy 2022 to 2030.

While we are working on transitioning our public transport network, I also want to note the work we are undertaking to help members of the community switch to an electric vehicle. As of 1 April 2023, there are 4,223 zero-emissions vehicles registered in the ACT, which is very encouraging to see.

I note that the government offers a number of incentives for people and businesses thinking about buying an EV, including not paying stamp duty when purchasing an EV for the first time, providing two years registration for free, and eligible households can access up to \$15,000 to buy an EV under the Sustainable Household Scheme's zero interest loans. I am proud to be a part of this government which is working to ensure that our public transport infrastructure transitions to zero-emissions vehicles and helping to encourage members of the community to make that switch too.

In the beginning of my speech, I mentioned that signatory cities of the C40 Green and Healthy Streets Accelerator are committed to increasing the rates of walking and cycling and the use of public and shared transport. I have touched on my excitement for improving our public transport. But I am also encouraged to see how active travel will be improved around the ACT.

The ACT government is committed to increasing walking and riding in Canberra and transforming our city through people-friendly planning policies. Indeed, the new draft Active Travel Plan will make walking and riding safer, more accessible, convenient and enjoyable. The accompanying design guide will ensure our intersections and streets are designed to support all forms of transport.

Whenever I am out and about in Canberra, it is always pleasant to see many Canberrans choosing to use their bike to get around. I noticed during the week how many people commute on their bikes to and from work. I also witness how many people use active travel means to travel from the Gungahlin Town Centre. In my capacity as a local member, I also have heard constituents suggest places where they would like to see active travel connections either established or improved around my electorate.

I trust that the signing of this pledge will further improve rates of walking and cycling around Canberra and complement the draft Active Travel Plan that the ACT government is working on with the community.

As members would also know from my speeches and work here, I am very passionate about trees, particularly in my electorate of Yerrabi, where there are a lot of new suburbs that do not have the tree canopy covering like the other older established suburbs enjoy. I was very pleased to see all the new trees that were planted around Canberra this year as part of an ongoing initiative to increase our tree population.

The ACT government is responsible for over 809,000 public trees in streets and urban spaces across the ACT and has committed to an extensive tree planting program across Canberra to grow our urban forest. I am proud that the ACT government has committed to achieving an ambitious target of 30 per cent tree canopy cover or equivalent by 2045, through the Urban Forest Strategy 2021-2045. We have a goal to plant 54,000 new trees by 2024, and we are ensuring that we are better protecting Canberra's trees through the passing of the Urban Forest Bill 2022.

As noted in the C40 Cities Green and Healthy Streets pledge, you have to be committed to transforming your city into a greener, healthier and more prosperous place to live. So signing would also make perfect sense in this regard. Planting more trees is a great way to help achieve this aspect of the pledge, even now in established suburbs.

I have constituents wanting more trees planted in their local parks to improve the space and provide more shade for themselves and others. As I briefly touched on a moment ago, there are large areas of my electorate where the tree canopy is lacking. I appreciate the ACT government's priority in planting more trees in these vital areas and look forward to the continual planting of trees around Canberra.

In closing, it is very encouraging to see that there were quite a few significant cities around the world that have already signed this pledge, including, but not limited to, Paris, London, Los Angeles, Amsterdam and Tokyo. Currently there are no Australian cities that are signatory to this C40 Green and Healthy Streets Accelerator. If Canberra were to sign the pledge, we would be the first to do so and further codify our standing as a nation-leading jurisdiction in environmental action.

I must say that I am liking this trend of Canberra leading the way in showing other Australian cities how to be a good, progressive government. We have used the phrase nation-leading, and it is true; there are a number of areas in which Canberra currently is leading the nation on good progressive reform.

Signatories of the C40 Green and Healthy Streets Accelerator make a commitment to report on their progress to achieve these outcomes every two years. I look forward to receiving these updates and experiencing how the ACT government plans to make Canberra a healthier and more attractive place to live.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.54): Canberra is proudly Australia's most progressive city, and under our government's leadership, we have taken nation-leading steps towards becoming a more sustainable and healthier city.

We have been named as one of the most sustainable cities in the world, and the ACT government is recognised as a leader in this field, nationally and internationally. Our emissions reduction targets, our 100 per cent renewable electricity target and our work to accelerate the transition to zero emissions are recognised as global excellence in climate action. The ACT government is already an Australian leader in transitioning to zero emissions vehicles and our commitment to building vibrant and sustainable streets. It is why we are proud to support Ms Orr's motion to sign the C40 Green and Healthy Streets Accelerator Pledge, to join other leading cities around the world who are committed to transforming their cities into greener, healthier and more prosperous places to live.

Since October 2017, as Ms Orr noted, C40 cities from around the world have made an ambitious commitment to buy only zero emissions buses from 2025 and to ensure a major area of their city is zero emissions by 2030. Cities report regularly on progress towards the commitments, collaborating and sharing knowledge. Australia is represented in the C40 cities by Sydney and Melbourne, but no Australian city has signed the pledge. Canberra should be recognised for our nation-leading efforts as we demonstrate what is possible but also acknowledge that we have a lot to do and we have a willingness to learn from other cities who are also taking ambitious, collaborative, and urgent climate action.

When it comes to transport, the Climate Council have declared the ACT as front runners. Their clean transport scorecard report 2022 declares the ACT as the number one ranked jurisdiction in Australia, achieving their Clean All Rounder award, with the lowest emissions per person in Australia at 1.65 tonnes of carbon dioxide per year, showing other places how the actions we are taking are leading to a reduction in our emissions. The award is because the ACT government is taking significant steps towards achieving its goal of becoming a zero emissions city. We have been powered 100 per cent by renewable electricity since 2020, becoming the first city outside of Europe to do so. This achievement starkly outlined that transport emissions now make up the huge majority of remaining emissions and that the transition to zero emissions vehicles is a priority area to ensure we are on track to meet our target of net zero by 2045 at the latest.

One of the most important initiatives we have undertaken to address this is the Zero Emissions Vehicles Strategy 2022-2030. This strategy sets a clear vision for the ACT to be a leading jurisdiction in the adoption of zero emissions vehicle technologies. This includes the phase-out of light internal combustion engine vehicle sales from 2035 and is supported by nation leading incentives for electric vehicles.

The Electric Vehicle Council's *State of electric vehicles - March 2022* report found that the ACT government provides the most support of any jurisdiction in the country with an approximate total incentive of \$6,708 to transition to an EV compared to \$4,500 in New South Wales, which is running second. This includes the ACT's zero registration for two years, zero stamp duty, and zero interest loans under the Sustainable Household Scheme. These actions have seen zero emissions vehicle registrations in the ACT triple over the past year, rising from six per cent of new vehicle registrations in 2022 to 18 per cent so far in 2023, making Canberra the zero emissions vehicle capital. As per the green and healthy streets initiative, the ACT is leading by example by procuring zero emissions vehicles for our city fleets as quickly as possible, both for light and heavy vehicles.

One of the key parts of the C40 cities pledge is a commitment to procure only zero emissions buses from 2025. In fact, the ACT has already committed to purchase only electric buses from 2022, or zero emissions buses. We have outlined specific plans to transition to zero emissions public transport. Our Zero-Emissions Transition Plan for Transport Canberra set out the strategic pathway for Transport Canberra to transition to a zero emissions transport fleet by replacing legacy diesel and compressed natural gas buses from the territory's public transport network by 2040 or earlier.

According to the Australia Institute, in their report, *Stuck in the Slow Lane*, the ACT is leading the country on a per capita basis on the rollout of battery electric buses delivered. Transport Canberra has already procured 12 battery electric buses which are operational, and supporting charging equipment, and we are currently undertaking the purchase of 90 battery electric buses which is in the final stages of procurement. We are also building the necessary infrastructure to support the growth of zero emissions public transport into the future. We have completed "inside the fence" electrical upgrades at Tuggeranong depot to support the charging of the 12 battery electric buses. "Outside the fence" feeder augmentation works are also underway, in partnership with Evoenergy, to provide more charging capabilities in the grid for up to 200 buses at Tuggeranong depot as well as the new bus depot currently being constructed in Woden, which will have the capacity to charge around 100 buses.

Importantly, we are investing in our workforce to ensure they have the necessary skills to maintain and operate zero emissions buses. Over 40 Transport Canberra workshop staff have completed the connect and disconnect training through the Canberra Institute of Technology's Electric Vehicle Training Centre. Workshop staff have or will undertake an additional two days of study at CIT to obtain further competencies over time which will enable the employees to obtain a trade qualification in the diagnosis and repair of battery electric vehicles. Twelve trainers, 110 drivers, six refuelers, nine field officers and five communication centre staff have also undertaken bus familiarisation training, which is being delivered in-house by the Transport Canberra bus operation trainers in



relation to the battery electric buses. This training focuses on how to drive the vehicle safely as well as how to identify any errors.

Canberra Institute of Technology, in particular, has led the way in Australia in developing training on electric vehicles and hydrogen fuel cell vehicles. Again an example of how we are leading here in Canberra. This training will later expand into Australia's first certificate III courses in Automotive Electric Vehicle Technology, including an apprenticeship, with enrolments expected to commence very soon. CIT's nation-leading Electric Vehicle Training Centre is also supporting the private automotive industry to skill and upskill to support the economy-wide transition.

Our efforts do not stop there. We are also committed to expanding our zero emissions light rail network, expanding the existing line between Gungahlin and the city to create a mass transport spine to the southside that will be tightly integrated with a future electric bus fleet. With more people living and working in Canberra, it is vital that we find new ways to efficiently move our larger population around sustainably and avoid the same problems of congestion that other cities face. We need to encourage more people to take up public transport. That is why the ACT government is making a long-term, future-focused investment in our city, by building Canberra's first mass-transit system in light rail.

A key part of the commitment to green and healthy streets is also to transform our cities through people-friendly planning policies and to increase the rates of walking, cycling and the use of public and shared transport that is accessible to all residents. We have fantastic tree-canopy cover in Canberra. It makes our city a fantastic, beautiful place to live. We have a very ambitious agenda through our Urban Forest Strategy and Living Infrastructure Plan to support, protect and grow our canopy cover for biodiversity benefits and for the benefits for people as well.

We have released our Active Travel Plan, which outlines the ACT government's strategic intent to encourage more people to walk and ride more often. A key action of that has now been delivered with the release of a draft design guide, which was released for consultation last week. The guide presents the principles and examples for best-practice design of intersections and streets that support all forms of transport including walking, riding and driving. We are looking for community feedback on the new design guide which ensures that intersections and streets are designed to safely support all forms of transport and improves pedestrian and cyclist safety by separating different modes of transport at intersections, where most conflicts and crashes occur. These concepts balance safety, efficiency and attractiveness depending on the function of a street. It has been informed by best-practice examples and research from cities around the world, including those who have signed the pledge and are members of the C40, like Auckland. We are looking forward to further collaboration with those leading cities as we continue our program of significant road and active travel upgrades, particularly to make sure that we have safe infrastructure for walking and cycling in the future.

Canberra shows that designing a sustainable city is complex but doable. We are prepared to join with other leading cities to collaborate, share and embrace the challenges and opportunities to build a sustainable and prosperous city.

**MR PARTON** (Brindabella) (5.04): I love talking about transport. I mean, I would not describe myself as like a transport nerd, but in the time that I have had carriage of the portfolio, I have sort of been sucked into the space a little because it is fascinating. I was at the Deakin public transport futures for Canberra seminar yesterday, sitting there with my mate Ms Clay. You should have been there, Mr Steel! There were some fascinating things discussed. So I am most pleased that Ms Orr has brought this motion forward today.

Sometimes I wonder why Labor members come down here and want to talk about transport when their record is, well, a little questionable in this space! I would have thought that they would rather talk about other things! I love it when Mr Steel says, “We are in the final stages of procurement”! Whatever it is that he is talking about, “We are in the final stages of procurement,” means “We are going to get it within the next decade.”

Labor are the party that have privatised so much of our public transport, through the removal of bus routes to be replaced by a privately operated trams, through constantly farming off excess and special event transport to a private interstate operator, and of course, through continuing with their bold plan to remove buses from the most important routes in Canberra and replace them with a privately operated tram. I understand why so many TWU members are getting a little annoyed with the party that used to support them. Let me promise you, they are very—have you guys got a problem with the TWU, because I am happy to mediate if you want, quite seriously. Because I want everyone to get along, I am happy to put a call into Klaus for a sit down. The last thing that we would want in an election year is a falling out! We want to see people getting along, so, if there is a problem, feel free to call me, and I am happy to try and bring people back together!

In the transport space, Labor and the Greens promised to build the tram to Woden by 2025. Those words came directly from the Chief Minister: “We will get to Woden by 2025.” We know that is not going to happen. The only real time lines on that project have come from my office. I think the general public have accepted that our assessments are the most accurate and that we are not likely to see this slow tram to Woden roll into the station before 2034, unless we can actually change the government next year and inject a bit of reality into this space. But with the greatest respect to Ms Orr, this motion is not about reality; it is about fantasy!

When Labor and the Greens declared that they would have a new ticketing system by 2021, that was just a fantasy, because we are not really much closer to that now than we were when Meegan Fitzharris was off touring the planet looking at systems elsewhere. The Labor-Greens government was given a 10-year lead-up time to comply with the mandatory retirement of the old Renault buses under the national accessibility standard. We had a decade to comply. Transport Canberra even put out some flash videos detailing how and why we were going to do it. But like this motion, it was just a fantasy. The reality is that despite the deadline passing five months ago, the dinosaur Renault buses are still out on the road in great numbers! So why would we, as an Assembly, sign up to more utopian promises? Why would we stand here and pledge that we are going to do

all these warm and fuzzy wonderful things when the overwhelming record in this space is of making pledges that are simply not fulfilled?

So what is the C40 Green and Healthy Streets Accelerator? What is it that we are being asked to sign up to? This is a pledge that has been signed by a number of cities around the globe, most of them much larger than Canberra. As has been pointed out by Ms Orr, there are two main things that are committed to in the pledge. One is that as a city we only procure zero emissions buses from 2025. Mr Steel and I have a unity ticket on that. That is cool. I am happy with that, and we are not going to get an argument from Ms Clay; we are all on board there. We have got no problem at all.

The other main component is that we must ensure that a major area of our city is zero emissions by 2030. How are we going to do that? You are asking us to sign a pledge that says that we are going to rope off a major area of our city and make it zero emissions in a little over six years from today! How does that work? I can tell you how they are doing it in Barcelona. In Barcelona, they have declared a massive chunk of the city as a zero emissions zone from now, so it is against the law to drive a petrol or diesel-powered vehicle in that zone. You would be thinking it will just be a little tiny section of CBD, two or three blocks or something. It is 13 kilometres long and four kilometres wide. If, for argument's sake, we took the Barcelona zero emissions zone and we just laid it out over the top of Canberra, we are talking about a zone that would stretch from Woden to Mitchell, and within that zone it is against the law to drive a petrol-powered car.

I urge Ms Orr in her closing speech on this debate to declare just where our zero emissions zone will be. Where will it be? Will it be that big? Will it stretch from Woden? Because Gungahlin is apparently the best place, will it be restricted to Gungahlin, or is it going to be in the city? We just want to know.

The C40 pledge commits us very clearly to a massive zero emissions zone in our city in a little over six years. You wonder why no other Australian city has signed up to this? I will tell you why: that zone is why. Can Ms Orr detail in her closing speech exactly where she is intending to ban the driving of petrol-powered cars in six years time? The sensible people of Canberra are keen to know just where those zones are. If you are not going to ban petrol-powered cars from certain sections of the city, as is outlined in the C40 pledge, how is that going to work? Or will this be like every other pledge that you guys do in this space? Is this going to be just another pledge that you say hand on heart that you have committed to in your heart but that you actually know you are never going to do? You are not going to do it.

Who are you trying to convince here, exactly? Are you trying to convince the Greens? We have not heard from the Greens yet, but I am looking forward to it. I am looking forward to seeing what your power-sharing partners—is it just me, or have I detected a little bit of tension going on there? Anyway, I am looking forward to hearing what the Greens have got to say.

The motion is fantasy, as is much of the C40 pledge. I was reading through the C40 papers earlier and, if you want to hear about fantasy, let me lay this on you: there is a section here where they are talking about all the great benefits that arise from the

C40 pledge, and they go through city by city. It talks here about Barcelona and noise reduction—have you read this, Ms Orr, or not? “The noise reduction from Barcelona’s superblocks could avert an estimated 160 preventable cardiovascular deaths.” What? The noise reduction! Do you think they might be grabbing at straws there, or not?

Amsterdam is a signatory to the C40 pledge. They too have a large zero emissions zone in which it is illegal to drive a diesel-powered vehicle. London has an even bigger zone in which it is still legal—you can still, if you want, drive a petrol-powered vehicle—but for the privilege, the lower socioeconomic battlers from the outer suburbs have to pay the equivalent of \$A50 each time they enter the zone. They have to pay \$1,000 per month for the privilege of working in the city centre, if they cannot afford an EV. Sounds fair, I think!

All that being said, I move the amendment circulated in my name:

Add new paragraph (3)(b):

“(b) calls upon the ACT Government to rule out a petrol-powered car ban in any specific section of the city over the next decade.”.

My amendment calls upon the government to rule out a petrol-powered car ban in specific sections of the city over the next decade—simple. That is all. I think this motion is a very clear message that this government is preparing to ban petrol-powered cars from entering areas of the city. The ball is in the government’s court: prove me wrong or show to the rest of Canberra that my assertion is correct.

**MS CLAY** (Ginninderra) (5.15): I rise today to speak to Ms Orr’s motion on the C40 Green and Healthy Streets Accelerator initiative, and I thank Ms Orr for moving this motion today. I love it when the ACT leads the way in Australia on climate action, and we often do. We are leading the way in a lot of areas involving climate change. We were the first to switch to 100 per cent renewable electricity, we have a full pathway to electrification, and we are phasing out fossil fuel gas and petrol and diesel cars in a nice, measured phase-out.

I have been in politics for a short period of time, and I remember the 2020 campaign very well. The Greens were the first and the only ones to bring an EV policy and a fossil fuel gas policy to that election, and both of those policies were labelled as crazy. A couple of years later, we now have mainstream government policy, and we have programs in place that are helping people with education and helping people to phase those out. It is really good to see that quick progress can be made.

I am not as confident that we are leading the way on active and public transport. I am really pleased to see that we have a lot of active and public transport initiatives and goals in this C40 pledge, because that is probably an area where we need to work a lot harder.

In the Australia Institute’s February 2023 report entitled *Stuck in the slow lane—electrification of buses in Australia*, there was a call for the ACT and every other jurisdiction in Australia to sign up to the C40 Green and Healthy Streets pledge. I think it is great that this issue has been brought to the Assembly today. It is really good to see us progressing on that call.

I would like to focus on some of the specific calls where we have not actually lived up to the targets we set. This pledge calls on the ACT government to bring forward our 2040 bus fleet target in line with leading states, and in recognition of scope for the ACT to rapidly scale up, given our operating context. It calls on us to resolve our grid capacity issues and commit at least \$200 million towards the first phase of a rapidly scaled transition to e-buses in Canberra and beyond.

These are the sorts of initiatives that we should be pursuing. In the last sitting I asked whether Minister Steel has been working with his commonwealth colleagues to get more federal funding for these initiatives, noting that Perth received \$125 million from the federal government to fund a zero emissions bus depot over there. I am looking forward to the ACT getting more traction on this issue, noting that we are hearing very enthusiastic talk from our local federal Labor representatives about their commitment to climate change and their commitment to Canberra. I am looking forward to seeing some more federal funding to help us to deliver these initiatives.

Ms Orr's motion states that the ACT government is leading the way with this transition by committing to achieving a zero emissions public transport system by 2040, as per the zero emissions transition plan for Transport Canberra. There are some really good elements of that plan that are in check, but with some elements of that plan we are not actually keeping pace.

Light rail is a big success. It is all electric by design. That is one of its many benefits. People like it. It is working. It is great to see that our patronage numbers are high. But our buses are not yet all electric. We only have 12 of our 458 buses switched to zero emissions, so 2.6 per cent of our bus fleet has switched.

We took an electric bus election initiative to the 2020 election. I am glad that we got support from our colleagues on that, but implementation across the fleet is slow. I know that we need to get the charging infrastructure right. I know that it is difficult to work through these issues, but we need to do it, and we need to do it more quickly than we have. We still have the old orange Renault PR2s on the road. They are not compliant with our Disability Discrimination Act requirements. They do not meet any kind of emission standards. Our climate-conscious and progressive national capital needs us to move quicker on this.

As well as needing lower-emissions buses and electric charging for electric buses, and buses that suit people with a range of different abilities, we need more buses. We do not have enough buses to provide the services that Canberra needs. As I set out in January, we have fewer buses today, in 2023, than we had in 1990, and we have more people and more suburbs for those buses to service.

Edmonton City Council in Alberta, Canada has a fully electric bus depot with 60 electric buses already in service. They have been rolling out their electric fleet since 2020. Leichhardt, in Sydney, has 55 electric buses up and running. China and Europe are ahead of us in Australia on the uptake of electric buses. There is a lot more we could be doing now and in the coming years to electrify and expand that fleet and to do it really quickly.

I am particularly concerned about another aspect of the zero emissions transition plan for Transport Canberra. We did not see the new bus depot in Woden completed in 2022, as my colleague Mr Parton has pointed out. We are now told that it will be completed in 2026. It is another delay to expanding our bus fleet.

On 21 March this year, we were told that, as a result of Tuggeranong bus depot being electrified, the government is now reconsidering the time line and the need for a fourth depot in the immediate future. Why must one delay the other? We need both. Any delays to the delivery of the new north side electric bus depot being planned for completion in 2026 will undermine our public transport uptake and our ambitious climate reduction targets. They will mean more cars on our roads for longer. They will mean more congestion and more emissions while our services decline and our population and urban footprint grow.

We need to electrify and expand. We need to do both of those, and we need to do it fast. We cannot just have zero emissions buses if we are not growing our bus fleet as well. We need more services more frequently if we want people to be able to use public transport, use it easily and well, and use it instead of cars.

If we do not grow our bus fleet, if we focus solely on electrification, that will actually increase our emissions. It will do that by increasing car travel because people will not use a bus service that does not meet their needs. Our existing depots are full. We need to build new depots, plural, to expand and electrify, and we need all of those new depots to be electric from the start.

Last year I was pleased to put a motion to the Assembly to see a return to the full timetable in 2022 and to move to hourly weekend bus services from 2023. We were expecting to have that delivered at the start of this year, and we have not seen it. Instead we saw more cuts in the most recent bus timetable, at the start of 2023, and we do not have a time line for getting to those hourly weekend bus services. We do not have hourly services, we do not have a full timetable, and people are not using our buses in the way that they use our light rail. We know what they need to have a really convenient public transport system. We need to deliver it.

Ms Orr's motion also mentions that the ACT government is committed to increasing walking and riding in Canberra, and transforming our city through people-friendly planning policies. It mentions the new draft active travel plan and how that will make walking and riding safer, more accessible, convenient and more enjoyable. It mentions the accompanying design guide that will ensure that our intersections and our streets are designed to support all forms of transport.

This is a really great aspect of what the ACT government is delivering. I wholeheartedly welcome that draft plan and that draft design guide. We are massive supporters of a rapid implementation of this new plan and the new standards. They are essential and they are long awaited. I am hearing good feedback about all of these. They are well overdue for our city, and they will help people to walk, ride and roll around our city.

They are ambitious draft plans. We are hoping that we see them implemented to the same degree as we see in the draft at the moment. We sometimes see good drafts, but we do not end up with good results being built at the end, so we are really encouraging the government to follow through on these plans. They will actually help our current and our next generation of active travel users to find that to be a convenient mode of transport.

We are also simply not spending enough to maintain that active transport at the moment. We are not spending enough to expand it to where it needs to be, and we are not spending enough to keep it in the sort of condition that people expect. We know that we need to spend more than we currently spend to maintain and expand that network, and I cannot say that often enough. A significant improvement to the design guide is fantastic, but we also need to invest in and make sure that what is actually on the ground meets those standards.

We should be striving to spend at least \$20 million per year on active transport infrastructure. The UN's Environment Program advises governments to spend at least 20 per cent of their transport budget on non-motorised transport, on active travel. Currently, our maintenance budget looks, in our office, more like a few per cent, not that 20 per cent. We simply cannot see the numbers being spent, and we are noticing it in the results on the ground.

We have heard from government that we had a record \$77 million investment in active travel. It was good to hear that announcement. That was fantastic. But when we looked at those numbers, we found that not all of that money was spent on what we would consider to be active travel. Not all of that money was spent on dedicated and separated active travel infrastructure. We saw \$16 million spent on a sealed highway shoulder on the 100-kilometre-per-hour Monaro Highway. That project did not meet Austroads standards for bicycle infrastructure because you simply do not mix bicycles in unseparated infrastructure with cars that are driving down the road at 100 kilometres per hour. It is not a safe and pleasant environment to ride in. We do not consider \$16 million spent on a sealed shoulder on a major highway with a high speed limit to be part of that active travel spend. It is good and important work, but we actually need to spend another \$16 million somewhere else, on genuine separated infrastructure.

I thank Ms Orr for moving this important motion. I am really happy to support it. The Greens are very happy to support this motion and this pledge, and we are keenly looking forward to seeing more local action progress to make sure that our active and public transport are meeting Canberra's needs and genuinely helping us to reduce our transport emissions.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.25): Of course, as has been mentioned this afternoon already in this discussion, the ACT is a national and global leader on climate action. We have some of the most ambitious greenhouse gas reduction targets in the world and we are showing good progress towards achieving them. We met our 2020 target—we have gone beyond that—and,

whilst we still have a lot of work to do, we are making good steady progress as we think about how to decarbonise our future.

We are part of various climate alliances and networks, including the Cities Power Partnership, Repowering Past Coal Alliance, the Under2 Coalition, the Global Covenant of Mayors for Climate and Energy, and RegionsAdapt. We have also signed several declarations, including the COP26 declaration, the Climate Emergency Declaration, the Climate Leadership Declaration, the Birmingham Declaration on Zero Emission Vehicles, the Mobility Declaration, the Carbon Zero Cities Declaration, and the Under2 MOU.

That sounds like a lot, but I think these alliances and declarations are a really useful way of sharing information, inspiring greater ambition and learning from other global leaders. The people who have signed up to those various declarations and memorandums of understanding work together to share knowledge and to at times tell the war stories of things that did not go how people had hoped they would, but in doing so there is a lot of learning going on and it is lifting everybody up by sharing that knowledge and experience. I think there is significant merit in these partnerships and these declarations for the various reasons that I have outlined.

The C40 Green and Healthy Streets Accelerator is a commitment to making our streets safe and accessible for everybody and to make our air clean and free from harmful emissions. I think everybody in this Assembly would sign up for all of those things. The intent is to improve the quality of life for all residents and help tackle the global threat of climate change. Again, if you went out and asked people on the streets of Canberra if they wanted to do these things, of course they would support it. The accelerator asks cities to pledge to procure only zero emissions buses from 2025 and to ensure a major area of the city has zero emissions by 2030. These are projects the ACT already has underway. When you think about our all-electric suburbs, they are making a significant impact in achieving those sorts of things. As we continue to work through a range of projects, more and more of Canberra will become areas of zero emissions. I think this is quite consistent with the sort of work that we are trying to do.

C40 describes areas of zero emissions as providing a means for cities to pilot innovations in urban mobility; prioritise walking, cycling and public transport; increase the use of zero-emissions vehicles; engage residents; and more. Again, these are very consistent with the ACT's 2019-25 Climate Change Strategy and the way we are implementing a range of policies that we are working through. This is the style of work that we want to do. C40 cite a range of examples. I had to duck out of the chamber briefly when Mr Parton went through some of what the other cities are doing as well.

In terms of the ACT's climate action, we have heard tonight about the ACT being powered by 100 per cent renewable electricity since 2020, and we have committed to maintaining that in perpetuity. So, as our electricity demand grows, as our population grows, so too will our supply of renewable electricity so that we can continue to provide that zero emissions electricity to every citizen and for the various needs that we have in this city, whether it is for transport, for business purposes or for simply our residential homes.



As I have spoken about in this place before, having decarbonised our electricity supply, our two big challenges now are transport, at more than 60 per cent of our greenhouse gas emissions, and the phasing out of fossil fuel gas, which is now responsible for more than 20 per cent of the ACT's greenhouse gas emissions. I will not speak about gas tonight, because it is really not a focus of this particular discussion. We have spoken of that before.

Certainly when it comes to transport, we need to think about a range of responses. It is not a singular solution. It is about decarbonising our transport fleet, it is about improving public transport, and it is about improving walking and cycling infrastructure. At the end of the day, it is about making it easier for people to get around town in a range of different ways—in a range of ways that give zero emissions. That is ultimately what we need to achieve. It is a simple thing to describe; it is much harder to achieve on the ground, and that is why it will take us a number of years to get there. But, as set out in the ACT Zero Emissions Vehicles Strategy, the ACT government is intending to embrace that challenge, and we have been very clear about the pathways we see to get there.

Certainly, when it comes to the decarbonisation of our transport fleet, we have set a goal of 80 to 90 per cent of new-line vehicle sales being zero emissions in 2030 and committed to phasing out internal combustion engines vehicles from 2035. Knowing the way that some of my colleagues across the chamber talk about this, we have been perfectly clear. That does not mean people's vehicles will be taken off the road, but there will be no new vehicles coming onto the road from 2035, and we will work through the transition, as we are doing with gas. It is about working with our community to get this job done, because our community needs us to tackle climate change. Anyone who says, "Yes, sure. We support the climate targets. We have no actual policies to get there," is talking out of both sides of their mouth. That is what we—

**Mr Parton:** Which is difficult.

**MR RATTENBURY:** It may be difficult, Mr Parton, but some people in this place are quite proficient at it when it comes to climate policy. When it comes to climate policy, we have seen a consistent approach to that.

The ACT government is working with our community. We are offering generous incentives to help people drive the electric vehicle revolution. We are installing the public charging infrastructure that is needed in this community. We are currently delivering 53 new public charging stations across the city and we are committed to ensuring there are at least 180 charging stations across the ACT by 2025. Minister Steel has spoken about the plans for the zero emissions bus fleet, and of course the ACT government is doing work on its own passenger vehicle fleet.

I am really pleased to report to the Assembly—it has been released publicly, but I now have a chance to talk about it in this place—that the ACT community is on board for this transition. The efforts are paying off. In the first quarter of 2023, electric vehicles made up 18 per cent of new vehicle sales in the territory, and in the month of April, in the next set of data, it was 21 per cent of vehicles. One in five new vehicles on the road in the ACT

already in 2023 is a zero emissions vehicle. Canberrans understand this challenge. Those who can afford them at this point are embracing the electric vehicle challenge, and this will drive the ability for those who perhaps never buy a new vehicle—only buy second-hand vehicles—to join this revolution as we progress our way through the transition.

This is the hallmark of ACT government policies when it comes to tackling climate change. We are clear in our ambition and we are clear in the imperative of action, but we are conscious of the need to do it in a way that takes our community with us and enables a fair and adjust transition over time. There will be early adopters and there will those that need government assistance, and that is the pattern we are working through as we ensure that this entire city can decarbonise, cut its emissions and make our contribution to the global effort to tackle climate change. The ACT has made good progress in our climate emergency response so far, but we know that there is more to do.

I am aware that Mr Parton has moved an amendment. I am conscious that he has a certain way of talking about these things. I am looking forward to the Instagram video on this one, where he is going to walk out of here and say—

**Mr Hanson:** TikTok.

**MR RATTENBURY:** Maybe TikTok as well—whatever platform he is on. But we are going to get the very serious tie-ins where he is going to tell the community some very scary story about the ACT government, “You are not going to be able to drive your car” or some utterly fallacious argument that Mr Parton is going to seek to scaremonger in our community.

**Mr Hanson:** Support his amendment.

**MR RATTENBURY:** We have a serious job to do here, and then we have the comedians who are putting their entertainment out on social media. In the real world, where there is real work to be done—

**Mr Hanson:** Support the amendment, then.

**MR RATTENBURY:** the comedy on social media does not particularly help. We have had constant interjections for the last 2½ minutes, which tells you we are getting close to the mark, because suddenly Mr Hanson’s mouth is going like this the whole time. That tells you that you are getting a little close to the bone. It started when I talked about talking out both sides of your mouth. That is when the Liberal Party started to get excited, because they know that it is a little too close to the bone.

We will not be supporting Mr Parton’s amendment, because we will not be supporting the sort of scaremongering tactics that he brings to this place.

**MR HANSON (Murrumbidgee) (5.35):** It did provoke me, Mr Rattenbury—you are right. I will speak briefly. If you look at the evidence that Mr Parton has presented, this is not a scaremongering thing. This has happened in other jurisdictions throughout the world, and we want you to have the ability to assure Canberrans that this is not part

of your plans. You could assure them of that, and your refusal to do so leaves some big question marks over what your plans are. Why would you not support Mr Parton's amendment? It clarifies the fact that you are not going to have a petrol car ban in the city over the next decade. Why would you not support this amendment, unless you are planning to do it.

**MS ORR** (Yerrabi) (5.36): In closing, I will not be supporting Mr Parton's amendment. I will get to the reasons why in a moment. But I do thank my colleagues today for their comments. It was interesting listening to Mr Steel, who outlined a lot of the work the government is already doing to achieve what we would be signing up to through this pledge; and also listening to Ms Clay and her comments about all the things we can continue to do. As I said in my opening remarks, this is very much about continuing to push the boundaries on what we have always led the way on and what we will continue to work towards. This has been an important debate today to start to look at the challenges we face and how we can actually start to get there.

I really value Mr Rattenbury's input to this as someone who is working quite hard to reduce emissions in what is a tricky policy area. As he says, it is something that the community is coming along with and that we need to continue to work with.

Now I go to Mr Parton's comments. The thing I found most amazing about Mr Parton's comments was not that he is now the best friend of the workers movement nor that he is of the view that the government always does a bad job on anything, because we have heard him say that quite a bit more; it was that in his remarks he never actually mentioned climate change or the need to take action against climate change in how we go about our day-to-day lives. I found it interesting because we know that the Liberals have—

*Opposition members interjecting—*

**Mr Gentleman:** A point of order, Mr Assistant Speaker. The opposition continued to interject over Mr Rattenbury's comments and now the closing comments of Ms Orr. It is entirely inappropriate and unparliamentary. I would ask you to ask them to cease those interjections.

**MR ASSISTANT SPEAKER** (Mr Cain): Thank you. Ms Orr?

**MS ORR:** Thank you, Mr Assistant Speaker. As Mr Rattenbury said, the noise does start to get a bit louder when the opposition gets uncomfortable with what you are saying.

Back to where I was. We know that we need to take action against climate change, and we know that the opposition, as with many of the motions I have brought in my time in this place, have always come up with some very interesting commentary around climate change and the need to take action, and how we will have to adjust what we do in our day-to-day lives because we need to take away the harmful actions that are leading to climate change. What I found interesting about this speech was that we did not even get a discussion on that. Usually, we have a couple of colourful comments. Now we did not even have it mentioned!

I put it out there: I tend to agree with Mr Rattenbury's comments that this amendment is not actually about being constructive. It is not actually about wanting to do due diligence in scrutinising government pledges. It is actually just about scaremongering. Mr Parton came in here and read a few examples. It is great that he has at least read some reports, but, if he read a few more and looked at the detail in them, he would know that signing up to this accelerator can take many different forms. There are many different actions and many different approaches. He cherry-picks some of the individual parts that are within the reports that he thinks sound alarm bells, rather than looking at the very sensible things like putting in more walkways, putting in more cycling paths, and looking at how you can actually start to help people transition, including those on lower incomes, to vehicles that do not have emissions. He does not look into all the positive things but rather just at one or two parts, and he says, "Hey, I do not like this," or "I do not like that," or "I am now a medical professional and want to question this outcome." We can start to see what is going on here. There is no interaction with climate action; there is just one particular focus on a particular thing he knows will get a sentiment within the community. That is just scaremongering.

While Mr Parton is trying to tell us all that this cannot be achieved, that the government is terrible, and that he is the best mate of the workers movement and really cares about everyone, we actually need to get on with taking climate change action. We can leave the scaremongering to Mr Parton. We can even get him a Fred Flintstone cave mobile if he needs one, to run around Canberra trying to tell everyone that it is all a bit of a gimmick and it is not going to work. He can do what he is going to do, but the adults in the room will get on with actually making the changes we need to make to achieve climate change action.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 8

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

Noes 15

Mr Barr  
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

Amendment negatived.

Question resolved in the affirmative.

## Adjournment

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

That the Assembly do now adjourn.

### Aboriginals and Torres Strait Islanders—health services

**MRS KIKKERT** (Ginninderra) (5.45): This morning a group of Aboriginal and Torres Strait Islander people and their supporters gathered at Haig Park and walked to the Legislative Assembly. This march was entitled “A Voice for the Dead and the Failed”. It was triggered by the recent death of a young Aboriginal woman who I met in my office just a few weeks before her tragic passing. Family members and friends today marched in honour of 12 different young Indigenous people who all passed away whilst waiting for or struggling to access crucial services, such as mental health help and drug rehabilitation.

One of the participants shared that her brother had been on the waiting list to access a residential rehabilitation program for more than a year before he lost his life. Two days later, the family was informed that a bed had finally opened up for their loved one, but it was too late. What a dreadful, awful and terrible situation.

Two years ago, I sponsored a petition stating that specialist alcohol, tobacco and other drug services in the territory could no longer meet demand. For families who participated in today’s march, difficulty in accessing services disastrously halted all hope for successful treatment. The petition also called on the ACT government to conduct a thorough inquiry into specialist drug and alcohol services to assess current and future demands and recommend models that would better meet people’s needs.

This inquiry was agreed to but was then lost in Labor and the Greens’ mad rush instead to decriminalise dangerous drugs. Meanwhile, specialist services, including mental health services, remain inadequate. Families whose loved ones had been crying out for help feel and know—for they have experienced it—that the ACT government has failed them.

Today’s march culminated in the delivery of a letter to the Chief Minister. I wish to read out the contents of that letter:

We, the people present here today as citizens of Canberra and the surrounding regions, call on all Australian governments, particularly the ACT and New South Wales governments, to “walk the talk” and genuinely respect everyone’s inherent right of self-determination. So on behalf of those that have lost their lives, their voices, through death or continual systemic failure of the systems here to help and protect them:

We no longer accept the lack of responsive services we are receiving, including culturally responsive. They continue to fail our people.

We demand the paternalism stops! We demand the systemic, overt and covert racism stops! We demand the lack of compassion stops!

We request all systems and services respond appropriately to the adversity that patients, clients and humans present when asking for help.

We want to see active efforts and measures implemented alongside us, to change the current failing of these systems.

We're tired of burying our loved ones or watching a loved one die slowly before our eyes because they couldn't get the appropriate help they needed.

The faces of our dead and failed haunt us daily.

Every life matters. And many loved ones we have buried—their deaths could have been prevented had these systems not failed them.

Enough is enough. We call on Australian governments to walk the talk. We want our voices genuinely heard. We want action so we can stop burying the voices of our people who've cried out for help, and having it land on deaf ears.

We ask this in peace.

This letter is an important reminder that when services fail, are overwhelmed or are not culturally safe, it has direct impacts on the lives of real people, sometimes even the loss of loved ones.

With the permission of their families, I conclude by speaking aloud the names of the dead. I speak the names of Brother, Shaun and Nikkita, all from a single family. I also speak the names of Nick, Shane, Charli, Dougie, Nathan, Colin, Nada, Duane and BJ.

I urge Mr Barr and his ministerial colleagues to read this letter, to respond, to listen to the families' stories, and to urgently engage in mental health reform for families and for victims—past, present and future—who were, and are victims, of this failed mental health system.

### **Trees—Tree Week**

**MR BRADDOCK** (Yerrabi) (5.51): I would like to recognise Tree Week, which occurred last week. Canberra Tree Week commenced in 2014 as an annual event celebrating all things trees. Tree Week provides the opportunity for the Canberra community to learn more about the value of the trees in Canberra, because our city is full of beautiful, unique and exceptional trees and forests that provide many positive benefits to the community. At last count there were over 809,000 public trees in streets and urban open spaces across the ACT.

I would like to give a shout-out to all of the community groups who are helping to plant and nurture the trees of Canberra. I would like to thank the Crace Landcare Group for the successful event that they held last Saturday. The free tree that they provided to me has already been lovingly planted. I hope it may flourish and thrive. I particularly enjoyed their competition calling for residents of Crace to write love letters to their favourite tree in the suburb. I congratulate the winner, Isabella Burn,

who got the most likes for her entry about a tree in the Crace Landcare sensory garden at the recreational park.

I also attended the Friends of ACT Trees dinner. The guest speaker was Tim Johnson, the Director of TREENET. He provided a thought-provoking presentation on how to create vastly improved planting conditions for street trees. He provided some examples of best practice around Australia that included the use of permeable pavements overlaying a loose large aggregate sub-base. This allows the fine tree roots to grow into the sub-base and soak up any water that may have collected there. These fine roots will naturally die off at the drain-out of the aggregate, preventing large woody roots from developing that could damage the surface. The benefits of this include less damage to the surface above. It is also cheaper and it is vastly better for tree growth. I would encourage all members to attend these events and learn about how we can help our city and its trees.

I will be joining the Kaleen Landcare Group and the Ginninderra Catchment Group for tree planting this Sunday. This planting event, and many others like it, will help to regrow our urban forest, make our suburbs more amenable and resilient to climate change, and provide habitat for other animals who call our city home.

I would also like to thank the TCCS Tree Unit for its work in promoting Tree Week, and also for overachievement in its planting goals in these La Nina years. I would be remiss if I did not acknowledge the challenges that it is facing, which include how to remove and renew the parts of the urban forests that are reaching the end of their life. This needs to be done in a staged way so as to prevent a whole-scale removal down the track. Also, how do we conduct the necessary maintenance so as to ensure that trees are in good shape and are healthy? I appreciate that this is challenging, given so much planting that is going on and so much growth in the current weather conditions. It is through these measures that we will be able to achieve the canopy targets which we have adopted for Canberra, those being 30 per cent.

## **Roundabout Canberra**

**MR CAIN** (Ginninderra) (5.54): I would like to speak about a volunteering session that I and two other Canberra Liberals MLAs attended last Monday at Roundabout Canberra, Holt, in the electorate of Ginninderra. Ms Lawder, Mrs Kikkert and I, as well as our advisers—I think there were close to 10 of us all up—made the trip to Holt and spent a few hours in the afternoon assisting this wonderful organisation.

For those unfamiliar with the service that Roundabout Canberra provide, Roundabout Canberra procure, package and distribute pre-loved, high-quality, safe and culturally appropriate baby and children's items to families in need across the ACT. They also recycle and reprocess, after cleaning and repairing, car seats and cots. Through a network of not-for-profit and community organisations, thousands of families in Canberra, and in the ACT, get access to essential baby and children's clothing and other items.

I want to give a special and heartfelt thank you to Roundabout's volunteer coordinator, Ms Lynn Bloomfield, for hosting our team for that afternoon. I also want to especially thank Ms Hannah Andrevski, CEO and founder of Roundabout Canberra, for her

ongoing contact with our office to see how we can assist them in promoting their worthy cause.

As Roundabout is powered by volunteers, I encourage any other MLAs or people in the community to make a visit to Roundabout, to volunteer and assist in this wonderful endeavour. It is a great corporate team-building exercise. Further, Roundabout Canberra also accepts monetary donations, member may choose to make a contribution. Roundabout Canberra is a major asset to our community, a wonderful charitable activity, in the electorate of Ginninderra. I look forward to continuing to support and promote their wonderful charitable work.

### **Heritage Festival 2023**

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (5.56): I rise this evening to briefly reflect on the wonderful months that I have had since we last came together in the Assembly, as I explored the heritage and history of this beautiful city during the 2023 Heritage Festival. As I have noted before, I believe that this is the hidden gem of the annual Canberra festival program. It really is the case that there is an event for everyone, no matter what your age or what your interest is.

This year we saw more than 160 events join the program, provided by a wide range of organisations, ACT government agencies, the National Capital Authority, education institutions and a wide range of our valued community partners. This year's theme was "Sharing Stories". The festival certainly delivered in telling the stories of our region—from the stories of the Ngunnawal people that commenced a millennium ago, to the stories of contact, the stories of planning the nation's capital, and many expressions of her story and stories that aimed at engaging our youngest community members, particularly through Youth Week.

What have I done and what have I learnt? I participated in the Heritage Polaris this year, with my colleague Minister Rattenbury. Not only did I learn that you can ride 42 kilometres without any training and not having been on a bike for a number of years; I also discovered the founding stone of Parliament House, the ancient fossils at Pialligo, ventured into Majura Pines, visited wetlands of the inner north and visited the Carillon.

I walked around the Radburn project in Curtin, visited the Round House in Deakin, discovered the native gardens around Parliament House, explored our oldest standing building at Duntroon Dairy, learnt about the history of education in Canberra, experienced the Railway Museum, participated in a peace vigil at the top of Mount Ainslie and participated in a bush tucker walk at Mulligans Flat.

I have met so many people who love this city and the history of the place and who are focused on conserving and celebrating its history. I have learnt about the careful planning that has shaped our city and how spaces, landscapes and buildings can build community, hold memories and be reimagined. I have once again learnt that this city, that I have lived most of my life in, still has so many stories to tell.



Thank you to the hundreds of volunteers who worked to bring the festival to life—for your work not only in putting on events but also in delivering the projects that many of these events have highlighted. Thank you to the staff of Heritage ACT, particularly the ever enthusiastic Linda Roberts, who has once again curated and organised an amazing array of events. Thanks to the community, which has once again embraced this fantastic festival, now in its 40th year. I hope that members of the Assembly did get to explore our city through this festival, and I look forward to seeing you next year, in our 41st year.

### **Justice—sentencing**

**DR PATERSON** (Murrumbidgee) (6.00): On April 26 I launched a discussion paper to garner perspectives from the legal sector and the community regarding potential changes to allow sentencing submissions in court proceedings. The discussion paper is proposing an amendment to the ACT Crimes (Sentencing) Act to allow for recommendations on sentencing to be made by both the prosecution and defence in criminal proceedings.

There has been significant public discussion about sentencing in the ACT over the past couple of years. It is important that, as a jurisdiction, we continue to look at ways to improve our criminal justice system. One aspect that has not been publicly explored in the ACT is introducing sentencing submissions.

In ACT criminal proceedings, the prosecution cannot make a recommendation on their own determination to the judge as to the sentence they feel would be appropriate. This is due to a 2014 High Court decision, *Barbaro v the Queen*, which set a legal precedent to disallow sentence recommendations from the prosecution.

An amendment to allow sentencing submissions would override the High Court decision. The provision of a sentencing submission is not a complicated reform and would provide an avenue that law reform experts and victim advocates suggest may go some way to alleviating the often disempowering experience of the criminal justice process.

The call to introduce sentencing submissions was a recommendation of the 2021 Sexual Assault Prevention and Response Steering Committee. I commend the Attorney-General on delivering some of what was recommended—the recommended reform this morning, with the passing of the bill. The law reform committee stated:

... limiting such submissions has been criticised as potentially leading to an unnecessary increase in appeals based on manifestly inadequate or excessive sentences. Protracted appeals may continue to traumatise victim survivors and do not provide closure.

The ACT government noted in their response to the report that it did not see that there was evidence in sexual assault sentences to suggest that this was a problem but would reconsider if further evidence arose.

As mentioned, this morning, the Standing Committee on Justice and Community Safety tabled the report of the inquiry into dangerous driving. The inquiry heard much debate around community expectations of sentencing for dangerous driving offences.

Pulling all the evidence together over the past couple of years, I see a great opportunity and a need to do something new. The sentence, as a decision, is still entirely at the judge's discretion. However, this is an opportunity for the prosecution and defence to provide more information, if they see fit, contributing to greater transparency and more robust representation.

This is reform that is strongly supported by the ACT Director of Public Prosecutions. The DPP's 2021-22 annual report highlighted an increased focus and success rate in sentencing appeals, particularly appeals to address sentences for murder and child sexual offending that were considered to fall clearly short of community standards for offending of this type. The annual report suggests a record number of High Court appeals for the 2021-22 period. The DPP's annual report highlights that it is important that appeals remain rare and exceptional; however, it is equally important that sentencing practices reflect legitimate community standards and expectations.

The High Court ruling has been challenged in Queensland. In 2016 the Queensland government legislated to reverse the High Court decision. Queensland legislation currently allows prosecutors the opportunity to make a sentencing submission and defence on their view of an applicable sentence or sentencing range. There appear to be no unintended consequences reported in the literature or commentary as a result of allowing either party to provide a submission.

Putting this evidence together over the past couple of years, we are presented with a timely opportunity to try something new in the ACT. My discussion paper is out for comment until this Friday, and I welcome all feedback. The paper is on my website, and I look forward to hearing from the community.

### **Organ and tissue donation—Donor Heroes' Night**

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (6.05): I want to speak briefly tonight to draw the community's attention to a very important occasion next week. That occasion is Donor Heroes' Night. Donor heroes are the 25,000 men, women, and children who have given the gift of life or improved life by donating their organs and tissue. Donor Heroes' Night honours and commemorates all those heroes and serves as an important reminder of the importance of organ and tissue donation.

This is a national event, led by Donor Families Australia. It began with, and it continues to be driven by, the efforts of Graham Harrison. On 18 May 1993 Graham donated the organs of his 10-year-old son, Ben, after Ben died unexpectedly during surgery. Since 2020, 18 May has been the day on which we commemorate the contribution that Ben

and tens of thousands of other organ and tissue donors have made to the lives of their recipients—those who have given the ultimate gift so that others may live.

It is also an important occasion to have the conversation with your loved ones about your wishes to donate and to sign up, or to check that you are signed up, to the National Organ and Tissue Donor Register. This has never been more important, with donation rates and consent rates both down right across the country, while there are more than 1,700 people waiting for a transplant at any one time. In the ACT, consent rates are above the national average but sit at 58 per cent, and only 27 per cent of Canberrans have put their name down on the organ donor register—far below the national average.

To participate in this free event on 18 May, the community is encouraged to turn on a porch light or to light a candle from 6 pm for all donor heroes, if you are a donor family, if your mate was a donor hero, if you know of a donor hero, if you are a recipient, if you are a recipient family, if you need a transplant, if you have signed up to the National Organ and Tissue Donor Register, or if you support organ and tissue donation.

Donor Families Australia warmly encourages all those who take a moment to shine that light to take a photo and to upload a photo and add a note of remembrance or gratitude for their donor hero on Donor Families Australia's Facebook page or to post on their own page and tag Donor Families Australia. Last year they had 260,000 supporters. That is simply incredible when you consider that this only formally began in 2020. This year they hope to surpass it.

I want to take a moment to thank Donor Families Australia, now in its 10th year, and its very hardworking board for all they do in advocacy, engagement, and support. This is the only organisation of its kind in Australia specifically dedicated to donor families, and the value of the organisation is clear. I look forward to joining with hundreds of thousands of Australians on Donor Heroes' Night next week.

Question resolved in the affirmative.

**The Assembly adjourned at 6.09 pm.**