Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

TENTH ASSEMBLY

10 May 2023

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Wednesday, 10 May 2023

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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.

Leave of absence

Motion (by **Mr Gentleman**) agreed to:

> That leave of absence be granted to Ms Orr for this sitting due to personal reasons.

Centenary Hospital for Women and Children—Fetal Medicine Unit
Correction to the record

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.01), by leave: Yesterday, in question time, Mr Cocks asked me a question about the Fetal Medicine Unit tender. During my response, I said:

> 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.

On reviewing the *Hansard* yesterday evening, I realised that I misspoke in saying, "I was not aware of the specific request for proposal before it was released." In keeping me up to date on the response to the Fetal Medicine Unit issue, on 20 March I was advised that a select tender had been approved and was undergoing probity advice and review by the GSO. I did not, however, see that request for proposal before it was released, in that level of detail that I had in mind when I answered the question yesterday.

For the information of the chamber, the response to the question about who approved it was: the executive director of Women, Youth and Children approved the tender, in consultation with the clinical director.

Youth—ACT Youth Week
Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.03): Madam Speaker, as Minister for Education and Youth Affairs, I welcome the opportunity to acknowledge ACT Youth Week, a 10-day celebration of young people in our community aged 12 to 25 years old. This year ACT Youth Week was held from 14 to 24 April. It provided young people with the opportunity to express their ideas and views, and to act on issues which impact them and their peers. It was also a time to celebrate, to have fun and to highlight the positive contributions young people make to our community each and every day.

This year the Community Services Directorate partnered with various entertainment and recreational businesses across Canberra to deliver large-scale, free events for young people. Priority was given to vulnerable and marginalised young people in our community to attend these events. The biggest of these days was a day out at the National Zoo and Aquarium, which around 200 young people were able to go along to. A total of 1,040 young people and their families were supported by ACT youth services to attend the free ACT government events held across Canberra.

Some of the other events that were available were trampolining, seeing *The Super Mario Bros. Movie* in Tuggeranong and Belconnen, bowling in Belconnen and Tuggeranong, mini golf in Yarralumla, a trip to the Canberra Reptile Zoo in Nicholls, and an ice-skating session at Phillip.

One young person, Aditya, who attended a youth event that week, said:

> Youth Week provides a platform for people to come together and try new things, it's always a great way to make new friends.

Nairwng Tripura, who is one of the members of the ACT Youth Advisory Council, said:

> The free events hosted for Youth Week 2023 were an incredible opportunity to engage with other young people all around Canberra without the stress of cost.
>
> At the Bounce trampoline park event, I felt happy to see many young people excitedly communicating with each other because of their enjoyment.
>
> Youth Week 2023 brought together Canberra's young people through accessible activities which have now created a stronger community.

It is wonderful to hear how ACT Youth Week brings young people together in new ways and helps forge friendships and social connection in our community.

The ACT government consulted and worked closely with the Youth Advisory Council to ensure that all ACT Youth Week events met the needs of young people in the ACT. In consultation with the council this year, Youth Week was programmed in a way that directly impacts young people and highlights issues that young people may be facing. The council put forward a proposal to develop care packages to support young people who may be experiencing or at risk of homelessness, given that nearly one in 20 young people aged 15 to 19 living in the ACT have experienced homelessness since the beginning of the pandemic.

During ACT Youth Week, on Youth Homelessness Matters Day, on Wednesday, 19 April, I was proud to launch the care packages, with the co-chairs of the council and ACT youth services. The care packages included toiletries, socks, underwear and other small items to help support and provide comfort and dignity to young people experiencing or at risk of homelessness. The care packages have been provided to ACT youth services to distribute. The council plans to expand the program by working with ACT schools to encourage them to raise funds or host donation drives to pull together packs for schools.

I encourage you all to acknowledge the immense contribution young people make to our city and our community as we reflect on the highly successful 2023 ACT Youth Week.

I present the following paper:

> ACT Youth Week 2023—Ministerial statement, 10 May 2023.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Government—delegation to United States and Canada
Ministerial statement

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.07): I rise today to provide the Assembly and the community with an account of the recent ACT government delegation visit to Canada and the United States of America. It has been eight weeks since I returned from the visit, connecting with law enforcement and public health colleagues in Vancouver, Ottawa and Washington DC. In those few weeks I have had an opportunity to reflect on what I learned there and what it might mean for the ACT.

My travel was undertaken at the suggestion of the ACT's Chief Police Officer, Deputy Commissioner Gaughan. I was joined by senior officials from the Justice and Community Safety Directorate and, for much of the time, by senior officials from the ACT Health Directorate, including the Chief Health Officer, Dr Coleman. We were all well supported by Australian Federal Police officers posted to North America. I wish to extend my genuine thanks to Commander Donoghue and his team and, in particular, Sergeant Jenner, who organised much of the delegation's program.

The purpose of our travel was to better understand and plan for the challenges ahead as we pursue a public health drive response to drug use in the ACT. In 2022 this government made a nation-leading change to the law, regarding possession of small quantities of specified illicit drugs. Rather than the traditional crime and punishment approach, this government decided that people in possession of small quantities of these drugs would not necessarily be charged with a possession offence, make their way through the criminal justice system and potentially be imprisoned. Instead, the government decided that our police officers would have important discretion in how they deal with the matter.

Instead of being subject to prosecution for drug possession, if a person is found to be in possession of a small quantity of these specified illicit drugs, police may use their discretion to issue a caution, refer them to a drug diversion program or issue that person with a simple drug offence notice, or SDON. Upon receipt of the SDON, the person with the drugs will be able to either pay the prescribed offence penalty of $100 within 60 days or satisfy the attendance requirements of an approved drug diversion program within 60 days. If the person receiving a SDON does neither, they can still be subject to prosecution for drug possession. The government also decided to reduce the maximum prison penalty where a person possesses a drug of dependence or prohibited substance in an amount above the small quantity threshold, from two years to six months.

The new system comes into effect in the ACT on 28 October 2023, and there is significant collaborative work happening across the ACT Health Directorate, ACT Policing, Canberra Health Services and our valued community partners to ensure that we get this right and deliver better health outcomes for some of our most vulnerable community members. It reflects a widely shared view that people who use drugs generally deserve compassion and assistance. It is the dealers, facilitators and manufacturers who deserve the full force of the criminal justice system. We are not the first jurisdiction to move down the so-called drug decriminalisation route, but we are the first Australian jurisdiction to do so. Learning from the implementation experience of international colleagues can help us to avoid the pitfalls and to optimise some outcomes.

On 23 February 2023 I joined the Chief Police Officer and the Chief Health Officer in Vancouver, Canada. They had already met with colleagues in San Francisco, California, and Portland, Oregon—both places where drugs have been decriminalised for some time. In San Francisco Proposition 47 was passed by 60 per cent of California voters, by referendum, on 4 November 2014. Proposition 47 reduces the penalties for some non-violent offences from felonies to misdemeanours. This included the downgrading of the offence of personal use of the most illegal drugs below a certain threshold weight.

In Portland the Drug Addiction Treatment and Recovery Act, known as Measure 110, was passed in November 2020 by Oregon voters, in a referendum. In passing Measure 110, Oregon voters recognised, among other things, that a health-based approach to addiction and overdose is more effective, humane and cost effective than criminal punishments. Like the new ACT arrangement, the Portland arrangement allows people found in possession of small amounts of illegal drugs to either pay a $100 fine or complete a health assessment to avoid paying a fine.

By all accounts, the decriminalisation experience in both jurisdictions has been mixed. Public drug use is widespread in some areas, and health services for people who use drugs are under extraordinary pressure. In San Francisco low-level theft has also been decriminalised, which means that some people are resorting to low-level theft to support their personal drug use without real risk of criminal sanctions. In some areas, police officers find themselves unable to respond effectively to citizen concerns about public drug use. Follow-up on people who neither pay fines for their drug possession nor complete drug-related health assessments is patchy at best.

It is worth noting at this juncture that North America has been and continues to be profoundly impacted by a fentanyl crisis, facilitated in the first instance by widespread prescription opioid overuse. Fortunately, to date, Australia has not been similarly impacted. However, at one memorable meeting, a law enforcement colleague wryly opined that there are three types of countries in the world: those in the grip of a fentanyl crisis which they are seeking to address, those in the grip of a fentanyl crisis of which they are unaware and those that will soon experience a fentanyl crisis. More on fentanyl a little bit later.

In Vancouver I met with officers and officials from Vancouver Police and Health Canada. Other members of the delegation also met with non-government organisations dedicated to drug harm minimisation, offering supervised drug use facilities and an innovative safe supply program. Safe supply programs do not necessarily involve interventions with a view to people who use drugs reducing or ceasing their drug use' rather, safe supply programs focus on ensuring that people who use drugs have access to pharmaceutical-grade street drug substitutes, rather than the toxic and contaminated drugs they might otherwise access. A dependable, safe supply allows people who use drugs to stabilise, to build functional relationships, including with medical professionals, and to find meaningful employment. The experience of non-government organisations is that with safe supply and stability comes improved openness to treatment.

In Vancouver I saw first-hand the terrible toll that drug use can exact. In some areas of the city, makeshift tents erected by people who use drugs line the footpaths, rendering them almost impassable. Fentanyl and other drugs are smoked and injected in plain view of passers-by, including uniformed police officers. We can all feel a deep compassion for these people, and I think we can also agree that locking them up through the criminal justice system is an inapt response. However, I think we can also agree that we do not want to see police officers powerless to engage when people are using drugs in plain and public sight.

Vancouver's Chief Police Officer, Chief Constable Palmer, led the Canadian Association of Chiefs of Police call for the decriminalisation of small quantities of drugs for personal use. Decriminalisation took effect in Vancouver only at the end of January 2023. Learnings from the Vancouver experience to date include the importance of drug treatment services and keeping people who seek support engaged until a service is available and the enduring expectations people have about the role of police officers, even where conduct has been decriminalised.

In Vancouver officers carry naltrexone kits—naltrexone is the drug that can reverse opioid overdose—and other drug service information. However, as police officers do not have even a simple drug offence notice equivalent available to them, there is no clear basis on which they can intervene when people are using drugs in public. In short, our police officers need to be able to engage with people who use drugs in a way that meets our community's expectations, and our drug treatment services need to be equipped to deliver on the public health promise at the heart of the changes made by this government.

In Ottawa I attended a series of presentations by officials from Health Canada, Public Safety Canada, the Royal Canadian Mounted Police and the Canadian Border Services Agency. Again, I thank everyone involved for their very considered, informative and generously frank presentations. In this series of presentations I was particularly struck by the work being done to reduce the stigma associated with drug use: not to destigmatise mainstream drug use and make it more acceptable but destigmatisation to combat the shame of drug use and dependence that can prevent someone from seeking assistance when they need it.

One memorable and successful destigmatisation communication campaign about which I heard was directed at blue-collar workers with what we would call fly-in, fly-out, or FIFO, working arrangements—for example, lumber and oil workers with a work hard, play hard ethos. Authorities in Canada had noted a disproportionately high rate of overdose deaths among their group, thought to be associated with the cyclical clean living when flown in, and drug use in a de-acclimated state when flown out. They developed the "Addiction can be a heavy load to carry" campaign, which I commend to your attention.

From Ottawa, the delegation travelled to Washington DC, in the United States, without Dr Coleman, for a series of law enforcement focused meetings. While marijuana has been decriminalised in a number of US states, it remains a highly regulated substance at the federal level. Few places have decriminalised or legalised illicit drugs. I met with officers of the Federal Bureau of Investigation and the Office of National Drug Control Policy, as well as a coalition of experts generously brought together by the International Association of Chiefs of Police.

These talks invariably touched on the fentanyl crisis that has swept North America, a matter to which I said I would return. Fentanyl is a synthetic drug manufactured from precursor chemicals that are perfectly legal. It is not dependent on the same vagaries

of land and weather as grown drug crops, such as coca and opium. Fentanyl is often pressed into tablet form, which means it can be swallowed, rather than injected or inhaled. It is highly addictive and a hundred times more potent than heroin—yes, a hundred times more potent than heroin. As fentanyl is cheap to make—around 10 to 13c per tablet—it is also highly profitable. Everyone to whom I spoke was confident that fentanyl would make its way to Australia.

The experience in North America is that fentanyl causes addiction by stealth and by deception. For example, fentanyl tablets will be pressed to resemble a prescription medication with which a prescription opioid user may be familiar, or fentanyl powder will be used to cut another opioid, like heroin, or a stimulant, like cocaine or methamphetamine. People can be addicted before they know what they have been taking, and people can be killed. The US is running the "One pill can kill" campaign, but we know that people show optimism bias; they tend to underestimate the likelihood of something bad happening.

At the forum convened by the International Association of Chiefs of Police, the ODMAP was presented. The ODMAP tracks and maps overdoses in real time, based on information provided from a range of sources, including first responders. Based on historical patterns and intelligence about drug distribution routes, overdose events in one location will trigger alerts in other locations so that people who use drugs in other locations can modify their behaviour. For example, by testing the product we can ensure that they know what they are doing before use. The ODMAP is a rich source of insights, including about the days and times overdoses are most frequent. Unsurprisingly, overdoses do not occur most frequently between 9 am and 5 pm, Monday to Friday. Even without an ODMAP of our own, we are reminded of the need to ensure that services are available when they are needed.

As I noted previously, we have not seen widespread use of fentanyl in Australia to date. We know this from wastewater analysis that tells us that the most commonly used illicit drugs in Canberra are cocaine and methamphetamine. Only trace amounts of fentanyl have been discovered. Fentanyl does have a legitimate role in medicine and surgery, so small amounts in wastewater are to be expected. But, as one participant in the International Association of Chiefs of Police meeting observed, we will likely see fentanyl deaths in Australia before we see wastewater results of concern. I can only urge people who use drugs to avail themselves of the fixed site pill-testing facility, the CanTEST Health and Drug Checking Service, being trialled by the ACT government.

I returned to Australia at the end of the IACP forum much better informed about the scourge of illicit drugs and the challenges that the illicit drug supply chain presents to policing. I returned to Australia with renewed compassion for the people who use drugs at the end of that supply chain and, most importantly, the determination to ensure that we combat the use of those drugs of dependence. I also returned to Australia with renewed optimism that, with careful planning and appropriate resourcing for our police officers and drug service workers, and with diligent follow-up on SDONs, we can realise the benefits of the public health approach to illicit drugs that underpins the changes that will take effect on 28 October 2023.

I present the following paper:

> Delegation to the United States and Canada (February 2023)—Update—Ministerial statement, 10 May 2023.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Environment—bees and other pollinators
Ministerial statement

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.23): I thank the Assembly for this opportunity to acknowledge the important role of bees and other pollinators as a fundamental component of Canberra's natural environment. Bees and other pollinators play a critical role in pollinating our food crops and native vegetation. They contribute hugely, both directly and indirectly, to the natural biodiversity which is critical to supporting the sustainability and resilience of our bush capital and our community.

On 12 December 2022 I was asked to report to the Assembly on seven government action areas related to supporting populations of bees and other pollinators, in alignment with World Bee Day 2023. This statement provides an update related to the government's work alongside the community in this space. Firstly, I turn to the variety and types of bees and other pollinators in Canberra. Canberra hosts important habitats for a great diversity of insects and other animal pollinators, including bees, butterflies, moths, beetles, flies, birds and bats. There are over 4,000 species of insects recorded in the ACT, many of which play an important role in pollination. Over a hundred of these recorded insect species are native bees. The ACT government continues to support the discovery of new pollinator species in the ACT and the mapping of their distribution through our investment in citizen science and the Canberra Nature Map platform.

The introduced European honey bee is well established in the ACT and plays an important role in the pollination of many important food crops which are grown locally in the Canberra region. The grey-headed flying fox is another important pollinator of many native woodland plants, including multiple species of eucalypt. Unfortunately, populations are in decline nationally and, hence, are protected under ACT and commonwealth legislation. Small woodland birds are another example of native pollinators in decline. We are working with our community partners in Canberra Birds to better understand these issues.

Secondly, I turn to the current populations and locations of hives. Different species of native bees occupy different habitat types. Some native bee species nest in the ground or in the hollow stems of native or introduced vegetation. Many native bees are solitary, meaning that they do not form cooperative hives like the more familiar European honey bee. Some social bee species, particularly the European honey bee, are kept in hives by

hobbyists and commercial beekeepers, but many colonies also occur in the wild, in tree hollows or other natural or artificial cavities.

Canberrans keeping European honey bees are required to register their hives. Registration is free and helps us to easily identify and contact beekeepers in the case of a bee-related disease outbreak. Over 1,280 beekeepers across the ACT are currently registered, and collectively keep around 12,000 hives. The ACT government encourages and monitors the reporting of wild bee colonies through an app called eWasp. Many wild bee colonies are also mapped by citizen scientists, using Canberra Nature Map. We encourage anyone who spots local pollinators to upload their sightings to help make this information available online.

Thirdly, I turn to how the ACT government currently supports our bee and other pollinator population. The ACT government is currently developing a biodiversity sensitive urban design guide to help protect and enhance connected urban habitat for native wildlife. This will contribute to the revised planning system for the ACT. This deliverable will be informed by expert scientific input and consider specific habitat requirements for native bees, as a representative insect pollinator. The development of a biodiversity sensitive design guide will help inform on-ground actions for a range of land custodians across the ACT.

For example, the importance of providing diverse floral resources with close proximity to suitable nesting sites will be communicated to community groups, government land managers and landscape designers alike, to help support an array of pollinator habitats across a range of urban forms. Lessons learned through this project will also be incorporated into government-led initiatives, including the design and delivery of new suburbs, urban renewal projects, habitat restoration initiatives and the ongoing management and enhancement of urban green space.

Over time, planting lists and guides will be updated with new species recommendations which are appropriate for use in the urban green spaces of Canberra and which support habitat needs for a range of native species. Government will also continue to support pollinator resource mapping by citizen scientists via the Canberra Nature Map platform. This resource is free to use for anyone with access to a camera and computer or smartphone, and supports a welcoming local community of nature lovers, photography enthusiasts and expert species moderators. Opportunities for the community to map their garden or local green space as a pollinator-friendly space will be explored as part of the upgrades on this platform, where community interest dictates.

Fourthly, I turn to the response to currently identified threats. Appropriate nesting sites and a diversity of floral resources are known to be important for most pollinating animals. Opportunities to enhance access to the diversity of plant types which provide important resources for pollinators will be explored as part of future government planting programs. The ACT government will seek to continue existing partnerships with Canberra Nature Map and ACT for Bees and Other Pollinators to enhance community awareness around appropriate plant selection and broader habitat management to ensure that all aspects of the pollinator's life cycle are appropriately catered for in our growing urban environment.

As part of the ongoing knowledge-building, citizen scientists are encouraged to upload images of local pollinators to the Canberra Nature Map platform, particularly images of pollinators using floral resources or urban nest sites, including purpose-built bee hotels. This information will help to inform future planning and protection of important sites and species. Support for our local pollinators will also be provided through the restricted use of pesticides and herbicides, as part of an integrated and evidence-based approach to managing ecosystem and human safety threats in the ACT. For example, wild urban colonies of European honey bee are collected by apiarists, wherever possible, for use in managed hives. The ACT government is also leading trials in trapping queens of European wasps as a non-toxic and non-pesticide control technique for this introduced and highly aggressive pest species. In 2022 a total of 1,551 queens were captured in 150 traps, representing a 300 per cent increase on the 2021 trial.

Under appendix 4 of the parliamentary and governing agreement, the ACT Greens' policy platform for the Tenth Assembly, there is a commitment to ban neonicotinoids and reduce the use of glyphosate and other pesticides. These are scientifically linked to a decline in honey bees. The ACT government is adopting alternative measures to reduce the use of herbicides in managing invasive plants on conservation estates. This includes the use of burning and manual removal. Further, adaptive land management practices within our extensive conservation estate aim to enhance ecological resilience, promoting healthy populations of native plants and animals while discouraging undesirable exotic pests and weeds.

The government will continue to support public education campaigns to reduce the use of harmful chemicals where more environmentally friendly alternatives are available. In all cases, the use of chemicals in the ACT should be in accordance with the approved label or permit. This information will include instructions on the appropriate disposal of such chemicals, many of which can be dropped off for free to one of the government's transfer stations.

Specifically on current biosecurity threats and the government's response, the ACT has recently participated in Bee Pest Blitz, an annual month-long national campaign held in April to increase awareness of the importance of bee biosecurity and to encourage beekeepers to inspect their hives for exotic pests. The government remains vigilant to the threat posed by the varroa mite, a major threat to introduced honey bees in Australia. Thirty ACT beekeepers are participating in a government-subsidised varroa mite surveillance program. Over 87 hives are being tested from locations all over Canberra, including Oaks Estate, Deakin, Spence, Wanniassa, Gungahlin and Coombs. Varroa mite was not detected in the latest round of testing. Restrictions around the movement of beehives from New South Wales into the ACT remain in place. The ACT has been involved in the national response to the detection of the varroa mite within Australia and continues to support any national response to this risk as capacity and need dictate.

Further, I turn to how Canberrans are educated on the importance and role of bees. The ACT government recognises and appreciates the important education and advocacy roles already played by community groups such as ACT for Bees and Other Pollinators, and the ACT Beekeepers Association. The sharing of information about

pollinators and their resource use via the Canberra Nature Map is also acknowledged and appreciated. The ACT government wishes to support this great work and identify future opportunities for government and community to collaborate in highlighting the importance of pollinators and conservation of pollination services in the ACT region.

Finally, I turn to ongoing activities and potential opportunities where the ACT government and the Canberra community can collaborate to better protect our bees and other pollinators. The ACT government's Connecting Nature, Connecting People initiative provides funding through to June 2024 specifically related to identifying opportunities for enhanced community and government collaboration as it relates to the identification, protection and enhancement of connected wildlife habitat within urban Canberra. Through this initiative, the government will continue to work with community groups to coordinate and improve outcomes for wildlife, including local pollinators, through enhanced engagement in citizen science and opportunities for input into on-ground project delivery.

I present the following paper:

> Bees and other pollinators—Assembly Resolution of 22 November 2022—Government response—Ministerial statement, 10 May 2023.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Planning—Age-Friendly City Plan—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) (10.37): I rise to provide an update on work progressed under the Age-Friendly City Plan. The Age-Friendly City Plan was launched in 2020, following significant engagement to determine and outline priorities for action, through a large-scale survey and a series of community workshops over 2019.

The Age-Friendly City Plan is the product of a shared vision and ambition of the Canberra community and ACT government. It is founded in, and charts our continuing progress on, the ACT government's longstanding commitment to older Canberrans. This includes being accepted as a member of the World Health Organisation's Global Network of Age-Friendly Cities in 2011.

As part of the ACT government's commitment to older people, articulated in this plan, I welcome the opportunity to table the third annual progress report in the Assembly today. This reporting covers the period January to December 2022.

I begin by updating the Assembly on progress against each of the four focus areas. A full progress report update against each action will be made available on the Community Services Directorate website. Of the plan's 33 actions, I am delighted to report that 17 actions are complete, 15 actions are in progress, and one action is yet to commence.

Since the last action status report, I am pleased to report that eight actions progressed in status, with six actions of these having been completed over 2022. This illustrates that delivery of the Age-Friendly City Plan is well underway as we enter the final years of the plan. The first of the four focus areas of the plan—involved, connected and valued—centres on fostering the active involvement and participation of older Canberrans and recognising the experience, wisdom and resources that older Canberrans bring to our community.

In relation to actions identified in the plan, I am pleased to report the following. The ACT government supported the ACT Children's Week Committee to hold 29 activities with an intergenerational focus in 2022. Through the 2022-23 Seniors Grant Program, Embraced Inc will host the ACT's first Centenarian Portrait Project by Teenagers—a life-affirming, intergenerational process where teenage artists are matched with centenarians for storytelling, reminiscing, joy and laughter, culminating in a unique portrait.

The ACT government commissioned and commenced a review of the ACT seniors card program. The seniors card demonstrates the difference that business and government can make, working together, to support older Canberrans. We know the program supports older Canberrans to engage in their local communities, and we will be using the findings from this review to enhance the delivery of the program into the future.

As part of World Elder Abuse Awareness Day 2022, the ACT government supported Meridian and COTA ACT to deliver a range of support and awareness initiatives on the abuse of older people.

Volunteering activities suitable for older Canberrans within libraries were promoted, with opportunities ranging across the ACT Heritage Library, homework tutoring, adult literacy, and the Home Library Service. These volunteering activities provide opportunities for social connection and community engagement for both the volunteer and the people they assist. Fifty of the Libraries ACT volunteers are over the age of 55. These opportunities align with the data that tells us that 29 per cent of Australia's volunteers are 55 and over.

Over 2022, older Canberrans remain well represented on the YourSay panel. Panel members aged 55-plus years make up more than one-third, or 36 per cent, of the entire panel. The proportion of panel members aged 75-plus years has also increased slightly, from four per cent to six per cent.

The second focus area—safe, secure and free from abuse—ensures that older Canberrans can live free from discrimination, abuse and violence, and exploitation. The following actions under focus area 2 are progressing. Significant interjurisdictional

work is underway to harmonise enduring power of attorney laws, in order to establish a national register.

The ACT government is carefully tracking what matters to older Canberrans through the annual community priorities survey. In 2022 older Canberrans were more likely to prioritise health services, local infrastructure, essential services and planning over other areas.

The capacity of frontline health staff to support older Canberrans experiencing abuse is being strengthened through dedicated resources on screening for and responding to elder abuse. We know health professionals have a critical role to play in identifying, responding to and preventing the abuse of older people in our community. Materials to enhance the awareness of ageism within the ACT public service are under development and due for release later this year.

As reported last year, the following actions have been completed. There have been amendments to record-keeping requirements, under power of attorney legislation, to ensure that they are consistent, regardless of the capacity of the principal. These provisions were made permanent through the Justice and Community Safety Legislation Amendment Act 2020. Elder abuse was made a criminal offence through the introduction of the Crimes (Offences Against Vulnerable People) Legislation Amendment Act 2020, which came into effect in April 2021. This work is complemented by initiatives under the Disability Justice Strategy to strengthen provisions to encourage supported decision-making, rather than using substitute decision-making as a default for people with impaired capacity.

The third focus area of the plan—information, services and supports which embrace diversity—sees efforts to ensure that older Canberrans have access to information and supports to promote wellbeing, active participation and independence. This also recognises the need for supports to be responsive to individual circumstances and affirming of older Canberrans' equal right to choice and control over their lives.

Achievements in this focus area include a bill, expected before the Legislative Assembly this year, to implement the national code on non-registered health professionals. This is particularly significant for older Canberrans, as non-registered health professionals make up a large proportion of the aged-care workforce.

Building on the dementia-friendly design of Access Canberra shopfronts, principles of dementia-friendly design are increasingly embedded as business as usual across government. For example, Floriade 2022 adopted a quiet hour for people with low sensory needs; the Canberra Museum and Art Gallery has rolled out a dementia arts program; the redeveloped emergency department triage and critical services buildings at Canberra Hospital have been designed with dementia-friendly principles; and the ACT government supported a well-received dementia-friendly film screening pilot, organised by the University of New South Wales, the University of New England and the National Film and Sound Archive, with support from Carers ACT.

The Re-envisioning Older Person's Mental Health and Wellbeing in the ACT Strategy 2022-26 was launched. The older persons mental health community team model of

care was also endorsed and implemented. In explicitly articulating the mental health challenges and solutions for older people together, this strategy and model of care directly challenges an insidious and too often permitted form of ageism—the idea that mental distress or ill health is an inevitable part of ageing; it is not. This strategy, along with the model of care, is working to support better mental health outcomes for older Canberrans.

Work has not yet commenced on the action to undertake targeted promotion of the nature prescriptions program. Options to implement this action are currently being actively explored through the Environment, Planning and Sustainable Development Directorate.

The fourth and final focus area of the plan—a city for all ages—centres on our city's infrastructure, such as transport, pathways and open spaces, enabling older Canberrans to be active and involved. This also considers access to appropriate and affordable housing for older Canberrans. Within this focus area, older residents in Reid, Scullin, O'Connor and Chifley and their visitors are benefiting from over $2 million in age-friendly suburb upgrades over the next four years. These upgrades have been informed by the input of older residents and support their activity and connectivity.

The importance of walkability for older Canberrans cannot be underestimated. As people age, research points to declining confidence in walking. Fear of falling limits the activity of older people and leads to isolation. Recent research from the University of New South Wales has highlighted the critical role of connected, accessible footpaths in older people's perception of neighbourhood walkability.

TCCS continues to upgrade bus stops to improve accessibility. Upgrades include connections to nearby footpaths, improved waiting areas and surface tactiles to assist vision-impaired customers. A total of 81 bus stops were upgraded in the 2022 calendar year as part of the Disability Discrimination Act bus stop upgrade program. Noting the importance of the quality of bus stop infrastructure for older users of public transport, I am pleased that COTA ACT has warmly welcomed these upgrades.

In 2021-22 over 750 public suggestions for tree planting locations were received through the YourSay interactive map, and 1,909 trees were planted in response to YourSay tree planting requests. The shade offered by trees is critical to building our city's heat resilience and ensuring an accessible, walkable city for older people, who are more vulnerable to heat stress and the effects of extreme heat. Transport Canberra completed its review of the flexible transport service, with the final recommendations now under internal review.

The Age-Friendly City Plan is more than the sum of its 33 actions. This plan is a critical statement of commitment by the ACT government to older people in our community. To this end, broader work of the ACT government that has supported older people in 2022 includes the Home Energy Support Program, launched in March 2022, with rebates for eligible home owners to install rooftop solar. Additional products, including electric heating and cooling, hot-water heat pumps and electric cooktops, were made available in September 2022.

Older Canberrans are a focus of this program, with pension concession cardholders eligible for the rebate. Research points to an inexorable link between the cost of household energy and the ability of Australians to age comfortably in their own homes. Addressing energy sustainability, affordability and accessibility for older Canberrans is key to ageing well.

Acton boardwalk was opened in November 2022. The boardwalk in Acton incorporates universal design principles and connects with a wider active travel network throughout the city, contributing to walkable environments that encourage active living and healthy lifestyles for people of all ages and abilities. Pleasingly, 34 per cent of people engaged on the Acton waterfront project were aged 55 and over.

In August 2022 the ACT Health Services Plan 2022-30 was released, an eight-year road map for improving the way our health services work together in the ACT. The plan identifies priorities for developing, investing in and redesigning the ACT's public health services. As we know from the community priorities survey, this is a key priority for older Canberrans.

In 2020 Palliative Care ACT established Leo's Place to provide non-clinical palliative care respite in a home-like environment. Further funding of more than $2.5 million over four years was allocated to Palliative Care ACT through the 2022-23 ACT budget to continue delivering the valuable support that this service provides.

I am grateful for the advice and feedback of key stakeholders, such as COTA ACT, local seniors centres, ADACAS and Carers ACT, to name just a few, who ensure that the voices and views of older Canberrans are front and centre. I would also like to extend my gratitude to the Ministerial Advisory Council on Ageing for their considered, active and engaged representation and advice on a broad range of matters. Their follow-up and engagement in the Age-Friendly City Plan is commendable.

I am particularly buoyed by the engagement of our community in the plan through the building an age-friendly Canberra governance workshop, held in November 2022. With another workshop set for September this year, I am committed to open and accountable feedback from the community on the achievements and areas for further attention of this plan, and as we look to the future.

I am cognisant of the work required to continue to fulfil our objective and ensure that older people are included, respected, valued and engaged in the life of this city. However, from what I have presented here today, it is clear that the strong commitment from the ACT government to support and enhance the lives of older people in Canberra is making an impact in our community. I present the following papers:

> Age-Friendly City Plan 2020-2024—
>
> Status of Actions (Third Progress Report)—Reporting Period: January to December 2022, dated May 2023.
>
> Third Annual Report—May 2023 (in response to Dementia-friendly infrastructure—Assembly Resolution of 21 April 2021)—Ministerial statement, 10 May 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Children and young people—mental health services—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) (10.51): The ACT government remains committed to improving support for the mental health and wellbeing of children and young people in the ACT. I am pleased to provide an update to the Assembly on the critically important work we are doing to improve support for children and young people in Canberra.

First of all, ensuring that appropriate mental health support is available to all young Canberrans who need it means making sure that we have an appropriately trained and experienced workforce to deliver these services. With mental health expertise in short supply across Australia, work is well underway on an ACT Mental Health Workforce Strategy, so we can be sure people can get the mental health support they need, when they need it, over the long term.

The ACT is not alone in facing the challenge of meeting demand in this area. Given the increasing demand for mental health services, especially after the outbreak of COVID, every government in Australia is struggling to support everyone who needs help with their mental health, especially young people. To give members an indication of these challenges, the commonwealth has identified a 32 per cent shortfall in mental health workers nationally. As part of addressing these workforce issues, the ACT Health Directorate is participating in a national mental health workforce advisory group, which is tasked with overseeing this important work at a national level.

The ACT Mental Health Workforce Strategy comprises three parts: a background review, a 10-year framework and an implementation process. Consultations are currently being undertaken across the sector to identify key actions under the priority areas, which include a specific focus on the peer and lived experience workforce. The ACT has also signed up to the 2022 commonwealth Mental Health Workforce Strategy, and we are committed to aligning our work with the national strategy, while making sure our services are fit for purpose in Canberra itself. We are working together with federal and state colleagues to learn from each other and deliver the best, most sustainable mental health workforce to meet the needs of young people in Canberra.

The development of a safe and sustainable peer workforce will be a key focus of the ACT Mental Health Workforce Strategy. Peer workers bring authentic lived experience to the sector, while providing highly valuable skills in community-based mental health support. I am really pleased that we are already making progress to embed the peer workforce across the ACT mental health services sector. For example, we are allocating

funding to establish two new mental health lived experience positions in the Office for Mental Health and Wellbeing. This will bring authentic lived experience to the vital work of helping young people in need of mental health services, while supporting the broader mental health workforce.

The ACT government recognises that COVID-19 has created new and unique challenges for young people's mental health, and that additional support and understanding are needed to meet these challenges. That is why, in early 2022, we developed a position statement on youth mental health recovery from COVID-19, to drive work in support of young people at this unique time in our history.

Young people reported poorer mental health and increased psychological distress during the pandemic. Around 60 per cent more young people have been in contact with mental health services, compared to pre-pandemic levels in 2019. Although levels of psychological distress and reports of poor mental health among young people peaked in May 2020, neither measure had returned to pre-pandemic levels by mid-2022, according to the latest available data.

To meet this growing need, the ACT government is supporting young people through a wide range of community-based services. This includes CatholicCare's programs, such as the Youth and Wellbeing Service, which received additional funding in the 2021-22 budget, the Next Step program, and the STEPS residential program, supporting young people through early intervention and prevention strategies, which is a joint partnership between CatholicCare and CAMHS. Safe Haven has also provided support for young people, following its commencement in 2021. The commonwealth-funded headspace services also support young people with emerging mental health concerns.

The position statement on youth mental health recovery from COVID-19 will be updated in late 2024, taking into account updated data on child and youth mental health. This time frame will allow us to see beyond the acute phase of the pandemic and will allow for updated data to be collected and reported against, as per the current data collection reporting cycles. Our commitment to monitoring changes in the need for youth mental health services will ensure new initiatives are tailored to the evolving needs of young people in Canberra.

The ACT government is also providing online mental health support to young people in Canberra through a newly established 18-month trial of Orygen's MOST platform. MOST offers clinically enhanced digital mental health care for young people aged 12 to 25 years, fully integrated with clinical care offered through existing mental health services. Orygen is delivering MOST training to the Child and Adolescent Mental Health Service, the CatholicCare Youth and Wellbeing Service, and commonwealth-funded headspace centres, and has begun onboarding clients via CatholicCare and headspace, as of March 2023. Importantly, this trial will also be evaluated to better understand how MOST should be implemented to enhance and support community-delivered mental health services in the ACT.

The ACT and commonwealth governments are also committed to working together to improve the integration of youth mental health services. This includes headspace and

Primary Health Network-commissioned youth specific services, including by funding enhancements of one existing headspace service in the ACT to increase access to youth mental health services. This is an example of how the ACT government is improving services through commonwealth funding, through the bilateral agreement. The focus of this work is on ensuring that young people can access the appropriate levels of support, wait times are minimised and the transition between services is streamlined.

I would like to take this opportunity to provide an update on the social and recreational spaces here in the ACT, with a particular focus on Gungahlin. As Gungahlin grows, and given how many young people live in the district, we are working to ensure that youth services expand to meet the increased need for youth services, including mental health. This includes other programs, in addition to clinical support for young Canberrans, to enhance the wellbeing of young people.

The ACT government recognises the critical role and value of play in enriching the lives of Canberrans of all ages and creating a healthy, connected, vibrant and sustainable Canberra. 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. Ensuring that Canberrans of all ages and abilities can access exercise equipment, open spaces and sports and recreation infrastructure is important in promoting active living and supporting wellbeing. This is particularly important for the development of young Canberrans' physical, social, emotional and cognitive abilities.

There are currently 515 playgrounds managed by Transport Canberra and City Services in the ACT. In addition to traditional playgrounds, the ACT government manages several other types of play spaces, including 10 natural play spaces, 21 skate parks—five major skate parks and 16 parks with skate features—48 local basketball courts, 46 fitness equipment sites and areas, eight pump and bike skills tracks, and three community recreation parks which serve as district and central play spaces. This helps to ensure that there are appropriate spaces for all young people, particularly as teenagers, for example, may prefer more complex social interaction and activities with higher levels of physical and intellectual challenge.

In the rapidly growing Gungahlin district alone, there is one district play space, 13 central play spaces and 69 local play spaces. Projects being planned and designed include the Ngunnawal play space, the new Franklin dog park and the Casey community recreation park. This is in addition to sport and recreation facilities to improve youth wellbeing.

Projects in Gungahlin include LED lighting for Amaroo district playing fields and Bonner neighbourhood oval, construction of the "Home of Football" in Throsby, a new tennis facility at Amaroo, full-size two-court gymnasiums for new schools at Throsby, Kenny and Taylor, and upgrades to facilities at the Ngunnawal neighbourhood oval. These facilities in Gungahlin are examples of how we are ensuring young people have opportunities to be connected to the community, which we know helps to maintain their wellbeing and mental health.

I would also like to take this opportunity to provide an update on our continuing work to implement the recommendations of the August 2020 report on youth mental health. In total, 25 of the 44 agreed recommendations have now been completed. The ACT government's substantial and continuing work to improve eating disorder support services is an excellent example of this work.

In keeping our commitment to recommendation 49 of the youth mental health report, we launched the Eating Disorders Clinical Hub on 25 January 2022, providing a central referral point for all eating disorder services in the ACT. We established the Short-Term Recovery Intervention for Disordered Eating, STRIDE, a fully supervised postgraduate student-led clinic. We created a parenting or carer group to give parents and carers the psychoeducation and support they need, based on the best practice Maudsley Family-Based Therapy framework. We launched an early intervention service in early 2023 to provide support for people aged 16 years and over in the early stages of developing disordered eating behaviours, or who have not sought professional support before.

We are also committed to ensuring that the wellbeing of even the youngest Canberrans is supported. As per a recommendation of the August 2020 report on youth mental health, the ACT government released the *Best Start for Canberra's Children: The First 1000 Days Strategy*. The strategy aims to improve the way we identify those in need of early supports and provide better services to children, their families and the community.

The ACT Health Directorate will continue to monitor the remaining recommendations that were agreed to, noting that there has been a large amount of work undertaken over the past few years to enhance the mental health and wellbeing of children and young people since this report was released in 2020.

I am pleased to provide further information on the significant funding to provide mental health support that aims to reduce waitlists and duration of treatment for mild to moderate mental health conditions for young people. We know this is a major concern for the ACT and for the nation more broadly, and we are committed to ensuring that those seeking this level of support have appropriate services to meet their needs.

The ACT government is also committed to ensuring that young people do not fall through cracks in the mental health system, and that all young people can access the treatment they need. To this end, the Office for Mental Health and Wellbeing, in partnership with the ACT Youth Coalition and the Capital Health Network, released the *Missing Middle* report in August 2022. The report outlined the challenges facing children and young people seeking support for moderate to severe mental health conditions, while also outlining challenges faced by the youth mental health sector more broadly.

As part of this project, we have also identified the need to build connections, break down silos and ensure the sector collaborates to keep children and young people at the heart of all decisions. We have established the Child and Youth Mental Health Sector Network to bring experts together in support of Canberra's young people.

The first part of this project is the Head to Health Kids Hub. The ACT Health Directorate has commenced planning to deliver the hub as part of a national network of youth mental

health wellbeing centres for kids from birth to 12 years of age. The hubs will improve mental health outcomes for children and young people by providing comprehensive, multidisciplinary mental health care to kids and their families. The ACT government has allocated $9 million in joint funding over four years to support this vital work over 2025 and 2026. Although the Head to Health Kids program will be part of the broader national program of hubs, we are also consulting key stakeholders to make sure our version of the national service model fits the needs of the ACT community.

We are also working to meet the needs of the most vulnerable of our children and young people through the Child and Youth Mental Health Sector Network's Youth at Risk program. The ACT and commonwealth governments have jointly committed $8 million over four years towards the project, to deliver two key outcomes. First, there is an ACT government position statement on trauma-informed practice. This will help to support collaborative policy and operating frameworks for a territory-wide coordinated and collective-impact approach for youth with complex trauma. Second, there is a youth trauma service to fill identified gaps in the ACT service system to support young people aged 13 to 17 years with, or at risk of, moderate mental ill-health and complex needs, as identified in the *Missing Middle* report.

The ACT Health Directorate has commenced broad consultations since December 2022 to raise the awareness of this project and gather general feedback from the community and other government partners. The ACT Health Directorate is about to step into structured consultation activities for the position statement and the future project activities.

In addition to these two initiatives, the online youth navigation portal, MindMap, continues to provide the ACT community with navigation support to find the right services, ranging from prevention through to support for complex mental health needs. We know how hard it can be for a young person to wait for support. MindMap offers an active hold service, with a dedicated clinical youth navigator to work with young people and their carers to provide support whilst they are awaiting a mental health service in the ACT.

We recognise that not every young person has the same needs, and specialised help needs to be provided for young people with additional needs. For example, we have brokerage arrangements in place with Meridian to support young people who identify as LGBTIQA+, with another option should they prefer to seek support from a service specialising in LGBTIQA+ care.

Throughout the work underway to improve mental health services for children and young people, we have remained committed to consulting young people and listening to what they have told us they need. An example is the Office for Mental Health and Wellbeing's dedicated youth reference group, which provides advice and guidance on initiatives for the ACT. This group has supported the recent youth modelling project and MindMap and will provide support on the Child and Youth Mental Health Services Network to make sure young people have a say in designing the mental health system they need.

I am extremely proud of the work the ACT government is doing to support the mental health and wellbeing of children and young people in the ACT. I am confident that the new initiatives I have outlined today will serve to strengthen the level of mental health supports and services currently available for children and young people in our community, and I remain committed to continuing to improve these services for young people, their families and carers in the ACT. I present the following paper:

> Youth mental health support—Assembly Resolution of 1 December 2022—Government response—Ministerial statement, 10 May 2023.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Bimberi Youth Justice Centre—headline indicators report
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) (11.06): I am pleased to present the 11th *Bimberi headline indicators teport*. This report has been tabled biannually for over five years now, and demonstrates the ACT government's ongoing commitment to both transparency for Bimberi Youth Justice Centre's operations and performance and the safety, health and wellbeing of the young people detained there.

The 11th report provides data for the first half of the 2022-23 financial year. It provides for continuing scrutiny of a range of indicators relating to the safety and care of the young people in Bimberi and provides trend data to monitor performance against operational indicators.

The number of young people detained in Bimberi on an average day has increased when compared to the same period in the last financial year, up from eight young people in the first half of 2021-22 to 19 young people in the first half of 2022-23. This increase has also resulted in an increase in the total number of custody days served by young people when compared to the previous financial year. Bimberi saw a significant increase in young people in custody during the October to December 2022 quarter.

The government has committed further funding to support staffing at Bimberi, while watching this current trend in increased numbers of young people in custody. Bimberi's ongoing recruitment strategy saw three recruitment rounds held in 2022. Seven new youth workers commenced employment with Bimberi in December 2022 and an additional nine new youth workers commenced induction training in late March 2023.

I am pleased to report that, despite the increase in young people in detention on an average day and an increase in custody days, the number of incidents and the number of

assaults remained comparable to the same period in 2021-22. There were no category 1 incidents in the first half of 2022-23 and there were 55 category 2 incidents.

There was an increase in uses of force, up from 55 to 81. This was largely due to an increase in occasions of leave and the use of mechanical restraints, such as handcuffs, used to escort young people safely on leave in the community. With health services being open again, there was a significant increase in occasions of leave, up from 10 periods of leave in the first half of 2021-22 to 47 occasions of leave in the first half of 2022-23.

Due to the increase in young people detained in Bimberi, there was an increase in health segregations, when compared to the same period in 2021-22. All young people entering Bimberi are being placed on health segregation while precautionary COVID-19 testing is carried out by Justice Health Services. There were 105 segregation directions made in the reporting period. In addition, there were six safety and security segregations made in the same period.

In December last year I again had the opportunity to attend Bimberi and participate in the end-of-year Murrumbidgee School assembly and participate in celebrating the young people's achievements throughout the year. It was great to see one young person receive their year 10 certificate, 10 young people receive white cards, six young people receive asbestos awareness certificates, and one young person receive a certificate II in horticulture.

The first half of 2022-23 has seen a significant increase in young people detained in Bimberi. The Bimberi team worked incredibly hard during this period to ensure that the young people in their care remained safe and were able to continue to participate in programs and services that supported their health, wellbeing, personal development and education. Thank you to the Bimberi team, including their Justice Health and Education colleagues, who work tirelessly in supporting some of our community's most at-risk young people.

Madam Speaker, thank you for the opportunity to update the Assembly today on Bimberi Youth Justice Centre and the 11th *Bimberi headline indicators report*. I present the following papers:

> Bimberi Headline Indicators Report—May 2023—
>
> Report.
>
> Ministerial statement, 10 May 2023.

I move:

> That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Supreme Court 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) (11.11): I move:

> That this bill be agreed to in principle.

I am pleased to present the Supreme Court Amendment Bill 2023 to the Assembly. The bill amends the Supreme Court Act 1933 to create a new right to appeal a conviction on the grounds of fresh and compelling evidence.

Addressing wrongful convictions, or miscarriages of justice, is of considerable interest to the public. Wrongful conviction cases have inspired literature, film, music and podcasts and appeal strongly to our sense of fairness. These cases can be incredibly complex and highly emotive, especially where the relevant crime is extremely serious and the matter has received media attention.

Our criminal law system is underpinned by the right to the presumption of innocence. This right, contained in article 14(2) of the International Covenant on Civil and Political Rights, is reflected in section 22(1) of the Human Rights Act 2004. The burden of proving a charge beyond reasonable doubt lies with the prosecution and, until proved guilty, the person charged has the right to be presumed innocent.

However, our legal system is not infallible and sometimes things go wrong. While rare, issues can come to light which may later bring into question whether an innocent person has been mistakenly found guilty. Public confidence in the criminal justice system is essential to its operation. We need to be certain that each element of the system is working effectively and, if there are errors, that they can be corrected as efficiently as possible.

Currently, in the ACT, a person convicted of an offence may appeal their conviction where the jury verdict is unreasonable or cannot be supported having regard to the evidence; the judgement should be set aside because of a wrong decision of a question of law; or on any other grounds where there was a miscarriage of justice.

However, currently, a convicted person may only appeal their conviction once on these grounds. The convicted person may also request the executive to exercise the prerogative of mercy or seek an inquiry into the conviction, something which has only happened once in the ACT.

The difficulty with the current system is that, if a person has exhausted their appeal rights and new evidence emerges afterwards that points towards a miscarriage of justice, that person is not able to appeal again. New evidence could include DNA evidence that has become available because of improved forensic technology, new information about a person's capacity to engage and understand criminal law proceedings, contradictory expert evidence or even a new piece of evidence that undermines a circumstantial case and strongly suggests that the convicted person could not have committed the crime.

While a person could request the exercise of the prerogative of mercy, any such request relies on broad executive discretion and does not have the same clear pathways for judicial review. Part 20 of the Crimes Act 1900 also provides that a person may apply to the executive or the Supreme Court for an inquiry into a conviction in certain circumstances. This process, while an important safeguard, is complex and lengthy and does not follow the same rules of evidence as an ordinary appeal.

While these pathways are an important part of our criminal justice system, they are not a substitute for a right to appeal. Given this, the ACT government committed to consider amendments to the Supreme Court Act to introduce best practice right to appeal laws in the parliamentary and governing agreement of the Tenth Legislative Assembly of the ACT. This bill is the outcome of that commitment.

The bill will support the right of anyone convicted of a criminal offence to have that conviction reviewed by a higher court, in accordance with the law under section 22(3) of the Human Rights Act. Laws creating a new right to appeal on the grounds of fresh and compelling evidence have now been introduced in South Australia, Tasmania, Victoria and Western Australia. The ACT will be able to leverage off this jurisprudence.

In developing this bill, the government conducted a public consultation via the YourSay website in 2022 seeking submissions from the community about the new right to appeal. Closely considering the legislation in other states and territories, at the beginning of this year, the government consulted further with targeted stakeholders about technical elements of the bill and how best to ensure it is compatible with the Human Rights Act.

In recognition of the impact that a conviction or a finding of guilt can have on a person, including their ability to obtain work in a city such as Canberra, where many jobs require police checks and working with vulnerable people cards, proposed new section 68ZC of the bill makes it clear that the new right to appeal applies both to convictions and to findings of guilt of any offences in both the Supreme Court and the Magistrates Court.

Noting that new evidence can sometimes emerge many years after a conviction, proposed new section 68ZC makes it clear that the new right to appeal is intended to apply retrospectively. There will also be no limit on the number of appeals allowed under the new right to appeal.

The bill will allow the court to grant leave to a person to bring an appeal against any conviction or finding of guilt where there is fresh and compelling evidence in relation to the offence that should be considered on an appeal and it is in the interests of justice for the order to be made.

The test for allowing an appeal will be the same, except for the requirement that there has been a substantial miscarriage of justice. This is to ensure not only that there are no undue barriers to bringing an appeal in the first instance, but also to prevent vexatious and untenable appeals. This is consistent with approaches in South Australia, Tasmania and Victoria.

When an appeal is allowed, the bill will require the court to make orders to set aside the conviction or finding of guilt and either order a verdict of not guilty to be entered or order a new trial or hearing. The bill will adopt the existing powers of the Court of Appeal when it orders a new trial under section 37P of the Supreme Court Act to ensure consistency in court powers for any type of appeal. The court's existing powers in relation to granting bail under the Bail Act 1992 will apply equally to the new right to appeal.

I note that, although the new right to appeal will engage rights under the Charter of Rights for Victims of Crime in the Victims of Crime Act 1994, victims' rights will apply equally to the new right to appeal as they do to other criminal law proceedings.

It is difficult to estimate what proportion of convictions in Australia may be wrongful convictions. In other jurisdictions across Australia where a similar right to appeal has been introduced, the number of successful appeals has remained low. But, where they do occur, we can understand the impact of correcting a wrongful conviction and the types of people who are most affected by them.

It is important to acknowledge that wrongful convictions especially impact Aboriginal and Torres Strait Islander people and people with disability. Aboriginal and Torres Strait Islander people are already over-represented in the criminal justice system, and that includes wrongful convictions. A study in 2015 found that Aboriginal people accounted for 15 per cent of the acknowledged wrongful convictions in Australia—nearly five times higher than the proportion of Australia's total population who identify as Aboriginal and Torres Strait Islander.

This bill will ensure that, where new evidence comes to light that suggests a conviction may be unsafe, people who have been convicted or found guilty of an offence have the opportunity to seek leave to appeal it, even if they have exhausted other avenues of appeal.

This bill supports the right to liberty and security of person, the right to a fair trial and rights in criminal proceedings, and will help make our justice more fair. I commend the bill to the Assembly.

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

Biosecurity Bill 2023

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

Title read by Clerk.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (11.21): I move:

> That this bill be agreed to in principle.

I am pleased to present the Biosecurity Bill 2023 today. This bill represents a major milestone for the ACT government in legislative reform.

I would also like to acknowledge the traditional custodians of the land on which we are meeting, the Ngunnawal people. I respect their continuing culture and contribution they make to the life of this city and this region and also recognise other families who have a connection to this region.

Biosecurity relates to risks and threats due to pest animals, pest plants and plant and animal diseases which may adversely impact our environment, our economy and our community. They have the potential to threaten our way of life, our livelihoods, business confidence and the health of our local biodiversity and ecosystems.

Due to a range of factors globally, we are seeing an increase in biosecurity threats and risks. In recent times we have witnessed outbreaks of varroa mite in New South Wales, foot-and-mouth in Indonesia and the spread of Japanese encephalitis virus by mosquitos and its declaration as a communicable disease of national significance.

Factors that are affecting the spread of such diverse biosecurity risks are everyday activities like people movement and international trade in animals, plants and their products. Biosecurity threats do not recognise state borders; so, in our interconnected world, we can expect to be increasingly exposed to these risks.

Other factors like climate change are altering the very nature and scale of these risks. Scientists around the world are seeing evidence of the effects of a changing climate on the range, habitat and spread of plant and animal pests and diseases and the increased susceptibility of native flora, fauna, ecosystems and biodiversity to new and existing pests, weeds and diseases under these conditions.

In the territory, our natural assets contribute to our wellbeing and to our prosperity. Namadgi National Park, Canberra's urban forest, Canberra Nature Park and the biodiversity that they support all rely on biosecurity safeguards for their survival, as does our community for its access to goods and services and social amenities.

As we aspire to grow and develop our economy, the ACT government has been investing heavily in encouraging businesses and industries to establish and develop here. This includes aspirations for our agricultural and tourism sectors. Canberra is now home to an international airport, which has the potential to develop into an important regional hub for commerce and passenger travel. But all of these opportunities depend on an operating

environment which fosters trust and confidence in our ability to effectively manage and respond to biosecurity incidents, whatever their scale and whatever their impact.

For this, we need a modern and responsive biosecurity system. Such a system recognises that no two biosecurity events are likely to be the same and that risks and impacts can vary from small-scale individual incidents to multi-billion-dollar industry-wide impacts. Our future legislative framework needs to be able to support the ACT biosecurity system when faced with these extremes and everything in between.

There are also several gaps and inconsistencies in our existing biosecurity legislation which we will be addressing through this bill. For example, there are inconsistencies in quarantine and authorised people powers across our many biosecurity acts. We do not have the power to issue biosecurity certificates to meet interstate quarantine requirements, and we have been put in awkward situations due to limitations on the power to comply with national responses. A recent example of this occurred during the national livestock standstill for foot-and-mouth. We are also noncompliant with current national standards and requirements for fertiliser sale and use. We do not have sufficient powers to prevent the sale and supply of contaminated stock food. Our Fertilisers Labelling and Sales Act dates back to 1904. Need I say more?

But we are fortunate to be part of a robust and world-class national biosecurity system. As a landlocked jurisdiction, we benefit from the pre-border, border and post-border measures enforced across the biosecurity continuum by the Australian government and by other jurisdictions. Our unique geographical location within New South Wales also naturally establishes a close relationship between the ACT biosecurity system and the New South Wales biosecurity system.

We know there are many benefits in ensuring that cross-border operations are enabled. They encourage opportunities for collaboration, for more efficient resource use and for better on-ground outcomes.

The ACT government is also signatory to a number of national agreements and deeds, including the Intergovernmental Agreement on Biosecurity. Through these arrangements, we understand our system requirements and roles. Then we have the public. The ACT community has been expecting legislative changes following the release of a public discussion paper in 2018. Feedback from this consultation process indicated support for streamlining and modernising our legislation, promoting interoperability with the New South Wales system and better equipping legislation to deal with current and emerging biosecurity risks and challenges.

The Biosecurity Bill 2023 as drafted offers just that. It will be a new statute that will result in the repeal of the existing outdated and inadequate biosecurity acts. Streamlining our complex suite of legislation into a single act will make our legislation more user-friendly.

The bill's provisions support the implementation of the ACT Biosecurity Strategy 2016-26. They are also consistent with the legislative framework that I put forward in August last year. This framework was reviewed by the Expenditure Review Committee and endorsed by cabinet at that time.

I now propose to outline some of the key features of the bill. Let me start with the term "biosecurity matter". This holistic term sets the parameters for the scope of the proposed legislation. It includes pest animals, pest plants and diseases affecting animals and plants. However, it excludes biosecurity risks to the human population. These risks will continue to be regulated under the Public Health Act 1997.

The bill introduces the important concept of a general biosecurity duty. This duty would apply to people who specifically deal with biosecurity matter which could pose a biosecurity risk.

Other jurisdictional systems and the national system already recognise the role of multiple stakeholders within the biosecurity continuum to strengthen early response and collaborative strategies. This is an important change. It fosters an environment of care, shared responsibility and collaboration, and it supports us as a community with early detection and intervention opportunities, which are critical in helping to keep risk management costs low and reduce overall losses and harm.

It is important to note that biosecurity matter or a carrier of biosecurity matter by itself will not trigger a duty, obligation, requirement or response under the provisions of the bill. It will only do so in situations where it is likely that such a matter could pose a biosecurity risk to the environment, economy or community.

The bill makes provision for emergency and control declarations to prevent, eliminate, minimise or manage certain significant biosecurity risks for a defined time, and it provides a range of powers, including responsive emergency powers for authorised people, with no reduction in powers to those currently available in biosecurity legislation.

Current biosecurity powers and functions already include vesting public officials with powers of entry and information gathering and other powers required to manage biosecurity risks. This includes limited powers to search for and seize biosecurity matter and to regulate the movement of people when carrying out these functions.

However, it should be noted that all provisions that relate to the movement and the treatment of people are not designed for these purposes as such, but, rather, they are designed to take action in relation to biosecurity matters specifically. For example, powers to destroy certain biosecurity matter in the case of a significant biosecurity risk may require people to be kept away from the risk area.

These powers in the bill are underpinned by considerations of reasonableness and fairness and are relative to the level of likely biosecurity risk and impact in each case. The bill sets out clear and transparent terms and conditions for these powers to help us deal with biosecurity risk situations effectively but with due regard to the human rights of individuals.

These legislative provisions will also support us in participating in and dealing with local, regional and national biosecurity incidents. They complement our existing emergency management frameworks and have been designed to work alongside them.

Notably, these legislative reforms will mean that we will no longer be a weak link in the national biosecurity system.

The bill strengthens provisions for current and future biosecurity traceability schemes. It introduces a registration scheme for managing biosecurity risks associated with certain biosecurity matter or dealings—for example, the keeping of bees. It maintains the provisions for the National Livestock Identification Scheme but it also recognises that, as the livestock scheme evolves, further legislative amendments will be needed. So, as New South Wales has done, we are including these provisions in the regulations rather than in the bill itself.

Other provisions in the bill have been drafted to enhance options for certification, accreditation, permits, authorisations and audits. As an example, this includes a class of person permits to be issued. These permits would allow activities and dealings that would otherwise contravene the legislation to be undertaken under specific terms and conditions.

Another interesting feature worth highlighting is accreditation for third-party schemes. These schemes are evolving and are expected to become more commonplace in the future. Accrediting third-party certifiers will allow businesses that operate in the ACT to self-certify consignments to interstate markets under national self-certification schemes. An existing example of this sort of arrangement is the Interstate Certification Assurance Scheme. This scheme has been operating successfully for over 25 years and has significantly reduced administrative burdens on governments.

This whole bill focuses on early intervention and recognises the need for a robust enforcement system. Biosecurity is not about mopping up things after the event and saying that you have been a naughty person. The stakes are too high in this game. The bill establishes a new criminal law scheme with significant high penalties, alongside the powers of access enforcement and the powers to compel information to deal with a biosecurity risk. This also includes strict liability offences, executive liability offences and alternative penalties such as remediation orders and prohibition orders.

These provisions are there to deter parties from contravening the legislation. They also will give us some protection against the ACT perversely becoming a dumping ground for biosecurity matter, given our provisions are less stringent than those of other jurisdictions. Yet, as a human rights jurisdiction, our legislation also includes safeguards to ensure that powers granted by the bill are commensurate with need established through a biosecurity risk-based framework.

These are some of the key elements of the bill that will help strengthen and support our biosecurity system. But there are also other aspects which relate to revenue and financial implications which have been revised and refined to provide greater clarity and transparency.

They include provisions for the payment of compensation for certain losses. These payments will be made in accordance with the national emergency response agreements which the ACT is party to or where there is no applicable agreement, in accordance with a statutory compensation scheme subject to the ACT government policy agreement

through an Expenditure Review Committee process. Such provisions will ensure that in the future there is transparency in relation to what compensation is payable and what compensation is not payable. At present, this is not the case and the ACT government is somewhat exposed.

Cost-recovery options are also featured in the bill for costs that are associated with authorisations issued under the bill and for action taken following noncompliance with the bill.

I have shared with you a sample of the extensive and comprehensive provisions set out in this bill, a bill that is much awaited and much needed. If we were to become lackadaisical in our approach, we could see new pests and diseases establishing in the ACT. It may not seem like a big deal, but just look at the varroa mite situation in New South Wales.

If varroa mite were to become established in Australia, this would have significant impacts on the honey bee and pollination industries. With around one-third of Australian food dependent on honey bee pollination, these industries represent approximately $14 billion per annum to the Australian economy.

If there were a multi-jurisdictional outbreak of foot-and-mouth, it is estimated that it could cost the Australian economy up to $80 billion. Trade restrictions would ensue that could last for years, and we would have to endure significant long-term social and other impacts across the country. As can be seen, this bill is not dealing with small-order things.

The territory is currently free from a range of animal and plant pests and diseases that are present in other parts of Australia and the world. For us to sustain an appropriate level of biosecurity protection into the future, the ACT biosecurity system must be fit for purpose. This includes being well positioned to embrace better risk management practices and options as they become available.

This is why in developing the bill consideration has been given to the complex mix of factors that would affect its powers and purpose. As I have outlined today, these factors include policy and operational needs in the face of a changing operating environment; our very own legislative frameworks and guidelines, including human rights; framing of offences and emergency management as well as legislative and system reforms introduced nationally and in other jurisdictions; our unique relationship with the New South Wales system; and, finally, our reputation and credibility not only in the eyes of the community and businesses wanting to operate in the ACT but also as a reliable partner within the national biosecurity system. It has been a monumental task to develop this bill, but it is one that will hold us in good stead long into the future.

The overall purpose of the bill is to provide the necessary legislative framework to support the ACT biosecurity system in protecting the ACT environment, economy and community from current and emerging biosecurity risks and challenges. The biosecurity bill as drafted that I am proposing today provides a strong, progressive legislative framework to fulfill that purpose. I commend the bill to the Assembly.

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

Freedom of Information Amendment Bill 2022

Debate resumed from 21 September 2023, on motion by **Mr Steel:**

> That this bill be agreed to in principle.

MR CAIN (Ginninderra) (11.41): I want to thank the Special Minister of State for bringing this bill, the Freedom of Information Amendment Bill 2022, into the chamber today.

I think it is uncontested that transparency is a key tenet of our democracy. The Canberra Liberals, in reviewing this bill, have decided that some of the clauses should not be supported—and it will become clear to members which ones of those I have chosen on behalf of the Canberra Liberals—because we believe that the proposed clauses contradict the very objectives of the Freedom of Information Act.

Transparency does not come without work, rigour and a constant reassessment of context. The bill proposed today by the Special Minister of State does not highlight transparency as a key value. I think this is, distressingly, a clear indicator of the values of this Labor-Greens government.

Transparency, particularly in a unicameral parliament, is even more important to highlight due to the structure of our system. One of the reasons that the Leader of the Opposition, Elizabeth Lee, and the Canberra Liberals presented a second FOI bill was that we believed that the ACT government did not benefit from the usual checks and balances that an upper house provides and, therefore, it is incumbent on the ACT government to allow greater transparency and openness in decisions made by cabinet.

Other unicameral parliaments such as New Zealand are operating with greater concern for maintaining transparency. Professor Coaldrake, in the Coaldrake review in Queensland, which also has a unicameral parliament, cites that the proactive release of cabinet documents would be an important signal from the very top for an open and pro-disclosure culture in government, saying—and I quote:

> … it is a common sense proposition that citizens are likely to have more trust in their governments if they know that decisions that use taxpayers funds … are made in the open, and subject to scrutiny.

I want to focus on this concept of "pro-disclosure" as it seems to be one of the main intentions of the current Freedom of Information Act. Specifically, section 9 states:

> … it is the intention of the Legislative Assembly that this Act be administered with a pro disclosure bias and discretions given under it be exercised as far as possible in favour of disclosing government information.

That is a very bold and worthy statement, and it is disappointing to see many measures in this bill fly in the face of this commitment.

I would like to read just a few lines from the explanatory statement to the Freedom of Information Bill 2016, upon which the current act is based. I am reading from page 2, about the intentions of the current freedom of information regime in the ACT. It reads:

> Underpinning the Bill is the principle that a public right to government information is essential for an effective democracy. Consequently the Bill is designed to make information held by the Government more accessible—

I want to repeat that phrase: "more accessible"—

> to the community than it has ever been before. The Bill creates a statutory right of access to information held by the Government wherever it is not contrary to the public interest for that information to be disclosed and sets up a clear framework for determining the public interest in the disclosure or non disclosure of government information. Information will only remain confidential where it is on balance contrary to the public interest to release the information; that is there must be a clearly identifiable harm to the public interest from the release of the information that outweighs the public interest in disclosure and necessitates non disclosure.

That is from the explanatory statement to the FOI Bill 2016. It is unfortunate to see a bill that flies in the face of these very strong commitments; a bill of which many parts are anti pro-disclosure, in particular, by delaying disclosure.

It is a well-known phrase—and I think it is widely accepted—that justice delayed is justice denied. As we will see when I speak to these clauses later today, disclosure delayed is disclosure denied.

When I look at the clearly defined issues with the implementation of the Freedom of Information Act currently across the public service—I spent many hours with the Special Minister of State teasing this out in hearings—there are a few standout themes: a lack of resourcing to meet targets; a lack of training and education, which, as the Auditor-General said at the 2022 annual reports hearings, was what he thought was one of the main contributors to bad procurement practice and outcomes in the public service; and a lack of ICT transformation.

We need to get smarter. Unfortunately, the government's commitment to smart digitisation is not very high. A 2020 Deloitte report titled *The freedom of information review*, commissioned by the ACT government into FOI processes, highlighted several findings, and I will state a few of those, including:

- 2018/19 and 2019/20, an average processing time for FOIs across all the directorates of approx. 30 days.
- There should be consideration of flexibility in FTE to help increase processing, as variability in demand is hard to establish.
- There should be consideration of making temporarily funded FOI FTE permanently funded, to ensure there is enough trained staff. Currently over 40% of FTE responsible for processing FOI are temporarily funded, which has a negative impact on staff retention, productivity, and effectiveness.

- The threshold for partial release should be reconsidered, as currently the definition of partial release could be considered too strict.
- There should be consideration of technology that could be used to reduce manual processing and increasing efficiencies, as processing FOI requests is a manual process across all directorates. This could include use of automated emailing amongst other things.

This is Canberra in 2023. It continues:

- There is inconsistent use of record management systems across the Government.

This is a Deloitte report commissioned by the government. It continues:

- The awareness of FOI processes across businesses can be challenging
- There is a limited appetite for centralisation of the FOI processes
- The charging mechanism for FOI applications is ineffective
- There has been an increase in the amount of time taken on administration of FOIs due to the introduction of the new Act.

Not one of these recommendations, in my opinion, has been addressed in this new bill, except—surprise, surprise—the government wants to give itself longer to process FOI applications.

This is not proactive government. This is not pro disclosure. There is no money available, it appears, to increase the ICT infrastructure for processing FOIs, to invest in innovation and hire new resources, because of the government's massive debt.

It is laziness in policymaking from this Special Minister of State, because good policy addresses the causes of a problem. It does not just cover up the problem or move the goalposts. That is what we will be seeing, when I speak to the detail later today. It does not make excuses. It does not move the goalposts.

There are clearly identified pathways to improve the FOI process, and the Canberra Liberals already are bringing, and will continue to bring, these to the debate. I am really disappointed in the lost opportunity of this bill to recognise problems and address them to reform the FOI administration in the ACT. This is not a reformer's bill; this is a cover-up bill.

The Special Minister of State does not take innovation, the bureaucracy or transparency seriously. There are big problems, but we are elected officials here to solve problems. The government is clearly not up to the job of administering FOI applications.

As I mentioned, the Canberra Liberals will be opposing certain causes in this bill to retain measures in the act that are reflective of the true purpose of this legislation—a pro-disclosure bias and a speedy application of FOI applications. We need to focus

on the clearly defined pathways already provided to resolve problems for FOI culture and management in the ACT public service.

The bill, as it currently stands, not only shies away from these resolutions; it does so because the resolutions are apparently too hard for the government to work out or they do not have the money needed to invest in solutions because of their massive debt.

As we will see later, when we move to the detail stage of this bill, I will be opposing certain clauses. I look forward to that part of the debate.

Debate (on motion by **Mr Gentleman**) adjourned to a later hour.

Sitting suspended from 11.53 am to 2 pm.

Questions without notice

Calvary Hospital—acquisition

MR HANSON: Madam Speaker, my question is to the Chief Minister and is about the shocking announcement to force Calvary Hospital to sell to the ACT government. Chief Minister, when did you decide to take this draconian step to force Calvary to sell?

MR BARR: The government has been engaged in discussions with Calvary for a number of years in relation to the new north side hospital. Cabinet considered the matter progressively, over a number of years, and reached a final decision in the last week or so.

MR HANSON: Chief Minister, when were Calvary informed that you had decided to forcibly acquire them?

MR BARR: Monday morning.

MS CASTLEY: Chief Minister, why have you kept this drastic step secret from the people of the ACT and the staff and providers at Calvary?

MR BARR: We haven't. We have been talking about the need for a new north side hospital and we have been engaging with Calvary for a number of years.

Calvary Hospital—acquisition

MR HANSON: My question is to the Chief Minister. Chief Minister, I refer to the appalling announcement to force Calvary to sell their assets to the ACT government. Some of the most drastically affected people in this are the staff. Chief Minister, we understand that no staff were consulted on this forced acquisition. Chief Minister, why were staff not informed before making this announcement and taking this drastic decision?

MR BARR: Staff were advised ahead of the public announcement by the government, and the government advised Calvary on Monday morning.

MR HANSON: Chief Minister, what message does this send to those workers, when you did not take them into account, instead of just telling them on the morning of the announcement?

MR BARR: We have taken the importance of a smooth transition very seriously, and put in place supports for staff and made very clear our support for staff and our support for their transition as the arrangements take place.

MS CASTLEY: Chief Minister, how can any staff trust you in any area when such a major move has been done in complete secret?

MR BARR: It has not been undertaken in complete secret. The government has been engaging with Calvary for some time now. We need to build a new north side hospital; it is very clear. The government has at its heart a desire to deliver better health services for Canberrans—

Opposition members interjecting—

MADAM SPEAKER: Members! This is, by your own approach, an important matter, so allow your questions to be answered.

MR BARR: The government is focused on the delivery of health services for our growing population. We have announced a billion-dollar-plus investment in a new north side hospital, and that is the important outcome—

Opposition members interjecting—

MADAM SPEAKER: Members! I don't want to have to warn people.

MR BARR: This government has built a new Centenary Hospital for Women and Children, it has built a new rehabilitation hospital at the University of Canberra, it is building an expansion to Canberra Hospital, and we have committed to a new north side hospital—four major pieces of hospital infrastructure. The Canberra Liberals' record on hospitals is to blow them up. We have built four. We have either built or are building four hospitals, and those opposite have blown one up!

Calvary Hospital—acquisition

MR HANSON: My question is to the Chief Minister and relates to the forced acquisition of Calvary Hospital. Chief Minister, we are aware that your government signed a contract with Calvary in 2011. We also understand that there are 76 years to run on that contract. Chief Minister, what is the cost of forcibly acquiring Calvary and paying out 76 years of a contract?

MR BARR: Those matters are obviously subject to negotiation with Calvary. But I would point out to the Acting Leader of the Opposition that all of the assets were

provided by taxpayers for free to Calvary. The land on which the hospital sits and all of the buildings and equipment have been paid for by taxpayers.

MR HANSON: How can any external contractor—health or otherwise—have any confidence in a contract with you when you will not only tear up that contract but also force them out by passing laws to force them to sell?

MR BARR: The government retains the right to deliver health services in accordance with legislation and the ongoing needs of our community. We have been very clear that our objective is to invest more than a billion dollars in a new north side hospital and for that to be run by Canberra Health Services as part of an integrated public hospital system in our city.

MS CASTLEY: Chief Minister, how can you possibly justify the hundreds of millions this process will cost to have the same hospital with a different branding?

MR BARR: I reject the premise of Ms Castley's question. It shows how little she understands the operations of the ACT public hospital system.

Calvary Hospital—acquisition

MR HANSON: My question is to the Chief Minister and relates to the legislation required to force Calvary to sell their operations to the ACT government. Chief Minister, when was this legislation drafted and when was it provided to the management at Calvary Hospital?

MR BARR: The legislation has been prepared over the last few weeks, finalised for cabinet, and has been provided to Calvary.

MR HANSON: Chief Minister, how could anyone trust doing business with your government when you have been developing secret legislation that obliterates a major provider of public services in the ACT and are going to be ramming it through the Assembly with no notice?

MR BARR: I reject the premise of the question.

MS CASTLEY: Chief Minister, what contingency costs are in place if this legislation is challenged in the High Court?

MR BARR: The government has taken into account all of the risks associated with this process and we believe that the benefits considerably outweigh any risks.

Calvary Hospital—acquisition

MS CASTLEY: My question is to the Minister for Health. Minister, the opposition has been hearing rumours for months of a secret team being assembled in ACT Health and that they were working on a special project. Minister, can you confirm there has been a team within ACT Health and, if so, if this was the project on which they were working?

MS STEPHEN-SMITH: I thank Ms Castley for the question. You would expect that, in making an announcement like this, considerable work would have been underway to prepare for such an announcement. We have had a team preparing for this announcement, preparing the legislation, and understanding all of the implications of this decision and the past negotiations with Calvary that have led us to this point. Of course, if you are going to make an announcement like this you have people working on it.

MS CASTLEY: Minister, when questioned about this team, did you tell Calvary management that the team were working on a different project?

MS STEPHEN-SMITH: To the best of my recollection, I was not questioned about this team.

MR HANSON: Will you clarify your record to confirm that you have not lied to Calvary management about what this team was working on?

MS STEPHEN-SMITH: I do not need to check my records. I have not lied to Calvary about what this team was working on.

Opposition members interjecting—

MADAM SPEAKER: Members!

Transport Canberra—bus shelters

MR DAVIS: My question is to the Minister for Transport and City Services. Minister, I was pleased to see recent announcements of upgrades to a number of bus shelters throughout Canberra, with upgraded seating, shelter, lighting and improved accessibility. Can you advise how many bus stops in Tuggeranong are receiving upgrades through this program?

MR STEEL: I thank the member for his question. He is indeed correct that we are upgrading a number of bus shelters across Canberra—31 concrete bus shelters are being improved with additional lighting. Of these, six bus stops are located in Tuggeranong and those are specifically: the Ellerston Avenue bus stop number 1007 at Isabella Plains shops; the 1150 bus stop at Coyne Street after Isabella Drive, Macarthur; the 1274 bus stop at Barritt Street after Kambah Pool Road in Kambah; the 1275 bus stop at Barritt Street before Kambah Pool Road in Kambah; the 1284 bus stop at Boddington Crescent after Bateman Street in Kambah; and the 1680 bus stop at Forsythe Street after Olive Pink Crescent in Banks.

This will see lighting in areas where there is currently not significant lighting and will make sure people using our public transport system feel safe. We have heard through a range of different consultative forums, particularly in the development of the gender sensitive design guide that we are releasing, that particularly women and vulnerable people in our community know the importance of lighting. We look forward to providing lighting at more of our bus stops in the future, particularly where there is currently a lack of light.

MR DAVIS: Minister, when do you expect the government to be able to provide covered, lit seating at every bus stop in Tuggeranong?

MR STEEL: I thank the member for his question. We have a number of bus stops; many, many thousands across Canberra, as evidenced by the numbers that I read out. Many of those already have ample lighting through our street lighting network but some of those do not and often those are in further flung locations. Kambah Pool is a good example of that. So, in those particular areas we are looking at innovative lighting solutions with the use of solar lights to be able to illuminate those stops for people using them, to improve safety and accessibility for the public.

MS CLAY: Minister, how many bus stops in Belconnen will receive these upgrades?

MR STEEL: I thank the member for her question. There will be some bus stops in Belconnen. I will come back on notice in relation to that question.

Occupational violence—emergency responders

MR PETTERSSON: My question is to the Minister for Police and Emergency Services. Minister, we have seen increasing reports of occupational violence against first responders both in Canberra and interstate. Can you please give an update on what the government is doing to address occupational violence against our first responders and frontline workers?

MR GENTLEMAN: I thank Mr Pettersson for his interest in our frontline workers. The frequency and severity of assaults against frontline workers in the ACT is a concern. Let me be clear: occupational violence has no place in our city or in society. Those who work in emergency services, ACT Policing and corrections do not have the easiest of jobs. I want to thank and acknowledge the personnel from all of these areas for their continuing delivery of good services to the ACT community.

The government will continue to provide support for these workers. We remain focused on their health and wellbeing, as well as their safety in the workplace. It is unacceptable that yelling, spitting, biting, hitting, kicking and punching are just some of the things that our frontline workers encounter every day when they go to work.

The Crimes (Protection of Frontline Community Service Providers) Amendment Bill 2020 sought to deter members of the community from engaging in this type of conduct and also to empower our emergency responders to clearly identify and report incidents which previously they may not have had the opportunity to do, particularly when they did not actually result in physical harm.

It is regrettable that, in the past, it was considered common to acknowledge verbal threats or abuse as part of their job. Since the introduction of the legislation, 215 people have been charged, with a total of 317 times, with assaulting a frontline community service provider. Forty-five charges have been laid against 30 individuals for driving a motor vehicle at police. This year alone, to date, 45 charges have been laid for assaulting a frontline community service provider, and one for driving a motor vehicle at police.

These statistics paint a stark picture of what our frontline workers need to deal with on a daily basis. We also know that similar issues are faced by those in health care and care and support roles across the community. The health and wellbeing of our emergency service personnel is— *(Time expired.)*

MR PETTERSSON: Minister, is the government considering any public campaigns to support this work?

MR GENTLEMAN: Yes. Earlier this year, the ACT Ambulance Service and ACT Emergency Services Agency launched a campaign against occupational violence aimed at paramedics. The tragic death of NSW Ambulance paramedic Steven Tougher last month shows us why campaigns like this are so important. His death at work was a shocking reminder of the dangers that our frontline staff face every day, every time they pull on a uniform.

The campaign advocates a zero tolerance approach to violent and aggressive behaviour, while empowering paramedics to take action, speak out and report unacceptable behaviour. This aligns with the ACT government's responsibility to ensure that all staff feel safe in their workplace at all times. The campaign encourages paramedics to withdraw to a place of safety and request assistance, particularly from their ACT Policing colleagues, if they do not feel safe. It builds upon the occupational violence framework that the ACT Ambulance Service introduced at the start of 2022. This occupational violence framework provides ACTAS staff with the knowledge and tools to assess the situation, identify risks and respond appropriately and consistently in order to de-escalate and prevent a violent incident from occurring.

The government also acknowledges that there is more work to do in this space, particularly as we continue to see increases in violence towards frontline responders. The government will continue to develop strategies and public campaigns to ensure that the community understand their obligations towards our frontline responders and all workers doing their jobs. The ACT community need to understand that it is unacceptable to physically or verbally abuse or assault any worker. If they do so, they will face consequences.

DR PATERSON: Minister, have we seen a reduction in occupational violence in any parts of the service?

MR GENTLEMAN: I thank Dr Paterson for the question. Whilst there are areas in the service where we have seen an increase in occupational violence, we have seen a reduction in incidents in Corrective Services. The introduction of the incentives and earned privileges policy has, while only being in operation for a short time, made a significant impact on the number of violent incidents being reported within AMC.

The policy went live on 1 September 2022 and aims to incentivise positive social behaviours from detainees by offering a structured program of incentives and privileges. Explicit behavioural exceptions provide detainees with transparent links to their behaviour and IEP status. IEP warnings and commendations establish a responsive, event-based mechanism for a review of the detainee's IEP status.

While it is still early days, this contributed to a decline in violent incidents in the last quarter of 2022, particularly in relation to disobeying a direction and, to a lesser extent, with threatening behaviour. It has also aided in the decline of RiskMan incidents, with 173 reported by ACTCS in 2022, down from 259 in 2021. It is a significant improvement. I would like to acknowledge the corrections commissioner, all corrections staff and the CPSU for their tireless work to ensure that corrections officers are safe in their workplace. As always, there is still more work to do. We, as a government, should be aiming for similar reductions in occupational violence across all our frontline responders.

Calvary Hospital—acquisition

MR HANSON: My question is to the Chief Minister. Chief Minister, was the option of compulsory acquisition discussed with Calvary ahead of the announcement today? And, if so, when?

MR BARR: Thank you. I obviously was not privy to every single discussion that the government negotiating team had with Calvary. Certainly, acquisition of land has been part of discussions.

Mr Hanson interjecting—

MR BARR: As you have identified, Mr Hanson, this is not the first time this issue has been considered.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, a supplementary?

MR HANSON: I ask again—take it on notice if you cannot provide it now—can you provide the details of when discussions were held with Calvary about the forced acquisition?

MR BARR: As I indicated, there are numerous discussions with Calvary over a number of years. They have included—

Mr Hanson interjecting—

Mr Cocks: On a point of order: the question on both occasions was very specific to a forced acquisition. The Chief Minister is attempting to debate an issue of when the overall acquisition was discussed. This is very specific.

MADAM SPEAKER: Please resume your seat. The minister is answering in line with the question.

Chief Minister, you have a minute more to go.

MR BARR: Pathways for the government to acquire the land in order to build and own the hospital have been discussed with Calvary.

Opposition members interjecting—

MS CASTLEY: Chief Minister, is this not the ultimate act of hubris that shows that, if anyone will not agree to your terms, you will wipe them out?

O*pposition members interjecting—*

MR BARR: What an absurd question!

Opposition members interjecting—

Calvary Hospital—acquisition

MR HANSON: My question is to the Chief Minister and relates to the billion-plus cost of the forced sale of Calvary Hospital. Given the massive cost of this acquisition—we do not know what it is; maybe you will tell us—and the possible legal challenges, why have you failed to deliver on the promise that federal Labor would be better for Canberra when there is no federal money in the budget to support this massive expenditure?

MR BARR: Mr Hanson has been around Australian politics long enough to know that there is almost no history of the Australian government funding public hospital capital builds in the history of the commonwealth. They might have done it once when John Howard acquired a hospital in Tasmania, from memory. The territory government is not asking the commonwealth for funding for the north side hospital—

Mr Hanson interjecting—

MR BARR: The commonwealth, with the support of the states and territories, announced at national cabinet at the end of April a review of the previous government's infrastructure program, and there was unanimous agreement by all states and territories. That review will take place over the coming months and will inform the commonwealth government infrastructure partnerships with the states and territories leading into next year's budget.

If those opposite paid any attention to what happens in Australian politics at any point it might help them to ask better questions.

MR HANSON: Chief Minister, why was the ACT short changed on infrastructure in the budget last night?

MR BARR: It was not—for the reasons I outlined. If you had been paying attention, Mr Hanson, you would be aware that national cabinet determined a complete review of all of the former government's infrastructure priorities. That will lead to a new set of infrastructure priorities and commitments in future budgets. The ACT, together with the other states and territories, is seeking to—

Ms Clay: Madam Speaker, I rise on a point of order. I actually cannot hear—and, as a member of this Assembly, I am really interested in the point. Can we have some quiet?

MADAM SPEAKER: I agree, Ms Clay.

MR BARR: The ACT, like the other states and territories, is participating in this infrastructure review that will take place over the next three months or so that will inform the future commonwealth infrastructure program.

We welcome the commonwealth's investment, in partnership with the territory, in light rail. We welcome the commonwealth's investment in our national cultural institutions. After 10 years—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, the next time I come to you, you will be warned. Do not encourage him, Ms Lawder.

MR BARR: After 10 years of underinvestment in our national cultural institutions, a top priority in the ACT government's engagement with the commonwealth was to see support for our national cultural institutions. They are critical to our tourism and hospital economy. They are major drivers of the millions and millions of visitors who come to our city, and their success underpins significant economic opportunity for Canberra. *(Time expired.)*

MS CASTLEY: Chief Minister, why did you wait until the day after the federal budget to make this announcement?

MR BARR: We made the announcement when we were ready to make the announcement, having advised the various parties and given several days notice of our intent to make this announcement, and at the conclusion of the federal budget process and, indeed, at a point within our own budget decision-making process that we could make this announcement.

Transport—active travel

DR PATERSON: My question is to the Minister for Transport and City Services. Minister, what is the ACT government doing to encourage more Canberrans to walk and ride more often?

MR STEEL: I thank Dr Paterson for her question and for her in interest in active travel. She has done a lot in this space, and the ACT government is doing a lot in this space, releasing our draft Active Travel Plan, which was released for public consultation last year. The plan outlines ways to make it safer, more accessible, convenient and enjoyable for Canberrans to choose walking, cycling or micromobility, whether for commuting, exercising or recreation. We know it is important to provide safer infrastructure, a more connected network, better end-of-trip facilities, and diverse enabling programs to encourage more people to use active travel and public transport more often.

The draft plan sets out how we can deliver this as our city continues to grow and change. A key action of that plan is to develop a new best practice intersection design guide to ensure that our intersections and streets are designed to support all modes of travel. I am really pleased to confirm that that design guide was released for community consultation on Saturday. The Active Travel Plan and the design guide aim to make active travel more accessible and appealing for all members of the community so that more Canberrans can choose to walk and ride more often.

DR PATERSON: Minister, how will the new design guide improve safety for pedestrians and cyclists?

MR STEEL: I thank Dr Paterson for her supplementary question. The new draft design guide has been shaped and informed by best practice examples and research from cities around the world. It will ensure that our intersections and streets are designed to safely support all forms of transport, including walking, cycling and driving. The design principles balance safety and efficiency, depending on the function of a street, which is determined using the movement and place framework—a framework that has been adopted nationally by all states and territories. Some places are important for movement and other places are important for people.

Our intersections and streets should be designed based on their unique environments and transport users. A key objective of the design guide is to improve pedestrian and cyclist safety by separating the different modes of transport on the streets. Some of the methods for achieving this will be through pop-up cycleways, safe separated paths, and protected intersection designs. The designs aim to passively encourage slower vehicle speeds in key areas where there are more vulnerable road users and more potential for conflict points. This makes the movement of pedestrians and riders more visible to drivers and improves the likelihood of a pedestrian or cyclist surviving a collision.

I am looking forward to hearing the community's feedback on the draft design guide and seeing the design principles applied to our streets and intersections.

MR PETTERSSON: Minister, when can we expect to see these new street and intersection designs around Canberra?

MR STEEL: I thank Mr Pettersson for his question. The ACT government will release the final version of the design guide following the completion of public consultation. This will become the blueprint, the new standard for Canberra's future streets, intersections, paths and cycleways, as we build public transport infrastructure and road infrastructure to move more people around our growing city. These new designs will not be implemented overnight. They will, instead, be gradually applied to new and upgraded streets and intersections. We will not be retrofitting existing intersections immediately. We will, instead, be using these designs to inform new and upgraded streets. Further updates to the ACT government's municipal infrastructure standards will be informed by the guide becoming the new standard for any new street in Canberra.

I am pleased to advise the Assembly that designs submitted as part of the light rail stage 2A works approval include two of Canberra's first new protected intersections.

These are at London Circuit, at the intersection with Northbourne Avenue and also the intersection with Commonwealth Avenue, which are reflective of the design guide principles. I would encourage all Canberrans to look at the new best practice design guide and have their say via the YourSay conversations website. I look forward to making sure that we have better and safer streets and better and safer infrastructure to encourage more people to walk and ride more often to improve quality of life in our city.

Trees—urban canopy

MR BRADDOCK: My question is for the Minister for Transport and City Services and continues the theme of Tree Week. Minister, the Urban Forest Strategy highlights the challenges presented by trees that are reaching the end of useful life and that need to be removed and renewed. Can you please explain the government's approach to removing and renewing these street trees?

MR STEEL: I thank Mr Braddock for his interest in trees and his question. Trees are living infrastructure, and they do come to the end of life for a range of different reasons—naturally, through senescence, through the result of climate change and through other tree damaging activities. It is important we manage that process appropriately so we are not losing tree canopy—so we are growing our overall tree canopy cover and can get the benefits of that for our community. It is why we have a big tree planting program, and that also involves a focus on replanting trees that have to be removed because they have come to the end of life.

We value the role trees have in our urban environment, and as a result our strategic approach is a conservative one. We do not want to remove trees which appear to be healthy or sound, as far as we can, and we need to appropriately manage the trees we have, particularly through tree maintenance and selective pruning to try and retain trees where possible. When a tree requires removal, the adjacent resident is informed, either via phone or email—provided the removal was requested at the residence. We do talk to the community about those removals, and if the tree has been placed on a future removal program, the adjacent resident is notified. We also notify the broader community through signs on the trees as well.

We have a huge tree planting program, but we are also investing in our tree maintenance staff and a program you would have seen in the previous budget to expand the Holder depot to take care of extra staff, who will be helping to manage the growing number of trees we have in the community. We are looking forward to continuing that maintenance program into the future under the strategy Mr Braddock referred to.

MR BRADDOCK: Minister, how do we prevent the wholesale requirement for tree removal and renewal in the suburbs that have been established for a long period of time?

MR STEEL: I thank the member for his question. It goes to the legislation that this Assembly has supported through the Urban Forest Act, which is about protecting the trees we have—the mature trees we have in our urban forest. We have taken a decision, as an Assembly, to want to protect more of the trees, reducing the height limit to capture trees as "regulated trees" over eight metres tall. That means there will be greater protections in place.

Importantly, what we have also done is put in place the right incentives to make sure that when development occurs, and when design of new development occurs, we try and retain as many trees as possible during that process. That is what the canopy contribution framework is about—to make sure that, hopefully, trees are not removed in the first place, particularly through design. But if they have to be removed—and we have not weakened the criteria in any way—they should be replaced, and they must be replaced under the canopy contribution framework either on the block or, if they cannot be replanted on the block, on another block in the community so we can get the benefit of that tree canopy cover in the future. But it is not a one-to-one replacement either.

Tree protection is critical, and there is an opportunity and pathway through the act, as there was through the prior Tree Protection Act, to be able to register significant trees. They will have even better protections under legislation to ensure we retain so many of the beautiful and significant trees around Canberra.

Land Development Agency—project financing

MR HANSON: My question is to the Chief Minister and relates to the report of the ACT seeking Middle Eastern funding for infrastructure through a letter from the LDA. Chief Minister, you were the responsible Minister at the time a letter was signed, yet in the article, you are quoted as follows:

> … Mr Barr was not aware of the Land Development Agency's authorisation to begin talks about financing from sources in the Middle East and did not endorse that authorisation being made.

Chief Minister, as Minister or as Chief Minister, why were you not aware of a letter signed by a senior official in your directorate, or meetings held by the International Commissioner of the ACT, seeking hundreds of millions of dollars for vital ACT infrastructure?

MR BARR: My understanding of the origin of this is that a contractor to the LDA was the signatory of the letter. It was not even at an ACT government directorate level. So it was not something that was brought to my attention. In relation to the second part of Mr Hanson's question, I understand that the commissioner was approached by some, shall I say, Canberra lobbyists—I think that is how they have identified themselves—subsequent with an unsolicited proposal in relation to infrastructure. Neither approach has gone anywhere. It is not endorsed by the government.

But I will say that we routinely receive these sorts of unsolicited proposals. Some of them are made very public and have local co-signatories, some seek to publicise their unsolicited proposal through the local media. We have in place an unsolicited proposals framework. Should private sector entities, who wish to put forward an unsolicited proposal to the government, wish to see that proceed and go through an assessment process, we have a framework for that to occur.

MR HANSON: Chief Minister, did the signatory of the letter from the LDA have the authority to sign such a letter and make such a request?

MR BARR: I do not believe so. Certainly no authority from me. It is more than a decade ago and I understand the individuals at that time do not have a recollection of providing that. The individual was a consultant, not a government official.

MR PARTON: Chief Minister, have you investigated if there are any other instances like this, given you claim to be unaware of this one?

MR BARR: Certainly none that I am aware of and none that have been brought to my attention. But clearly, as I indicated in my answer to Mr Hanson's first question, we do receive unsolicited proposals and there is often publicity around these sorts of unsolicited proposals. If I had a dollar for every time someone said I will build you a stadium or a convention centre and all of that—

Opposition members interjecting—

MADAM SPEAKER: Mr Hanson.

MR BARR: Not from the LDA. From a consultant to the LDA. But let me be clear: it was not endorsed and the obvious point is that it went nowhere. It is not in any way government endorsed and nothing has come from it, and nothing should have come from it. It is not how the ACT government seeks to either procure infrastructure or indeed raise finance. So it is not approved and not something that I would like to see happen again, and the LDA was abolished.

Planning—Territory Plan

MS CLAY: My question is to the Minister for Planning and Land Management. Minister, you have announced your intention to bring the Planning Bill on for debate in early June. You have said that, after that, if the bill passes, you intend the Territory Plan to come into place on an interim basis. You circulated a draft of that Territory Plan and you consulted on it until the end of March. The community made over 400 submissions. How will you address those comments?

MR GENTLEMAN: I thank Ms Clay for the question. We responded yesterday to the committee's inquiry and we will be responding to the community's input into the Territory Plan over time. Quite a bit of work has occurred over the last couple of years. In the final couple of months we will be reacting to some of the major milestones in the delivery of the new planning system for our city. In the coming weeks, as Ms Clay has said, we will debate and pass the Planning Bill. Following that, the Territory Plan will be presented to the Legislative Assembly for its approval.

Consultation on the plan, as indicated, occurred between November 2022 and March 2023 and provided the community with an opportunity to give feedback and have input into the Territory Plan. We are considering all of the feedback received as part of the

work to produce the new Territory Plan. Copies of public submissions are available on the YourSay site.

As required in the Planning Bill, the government is preparing a consultation report, which must include all the issues raised during the consultation on the draft Territory Plan. The Planning Bill also outlines the transition provisions to the new planning system, which will include further opportunities for community consultation through the Assembly processes, such as an inquiry into the interim Territory Plan.

MS CLAY: Minister, when will you publicise the updated version of the Territory Plan and when do you intend to notify it?

MR GENTLEMAN: There is still a bit of work to do. The next step is to pass the Planning Bill. I look forward to Ms Clay and her colleagues supporting that. Then, in the coming weeks, we will be able to release the details of the response to those inputs.

MR CAIN: Minister, why won't you adjourn debate on the Planning Bill until after the committee inquiry into the interim Territory Plan?

MR GENTLEMAN: We put forward a proposed agenda for the delivery of the new planning system and reform program. That was quite detailed.

Mr Cain: It's foolish to lock the law in before the review is over.

MR GENTLEMAN: I know that Mr Cain doesn't support it. The Canberra Liberals have said quite blatantly that they will not be supporting any change to the planning system.

Opposition members interjecting—

MADAM SPEAKER: Members!

MR GENTLEMAN: I am confident that we will get the support of our colleagues in the Greens, as opposed to the "no-alition" on the opposite side of this chamber.

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

Taxation—general practice clinics—payroll tax waivers

MS CASTLEY (Yerrabi) (2.43): I move:

That this Assembly:

(1) notes:

(a) data from Cleanbill shows that:

(i) only 5.5 percent of general practitioner (GP) clinics in the ACT bulk bill, the lowest percentage in the nation;

(ii) average out-of-pocket cost for the 94.5 percent of clinics that do not bulk bill is $49.11 for a standard 15-minute consultation, the highest in the country; and

(iii) the Federal electorates of Bean and Canberra have the second and third highest out of pocket costs in the country;

(b) in 2020-21, 4.7 percent of people in the ACT avoided seeing a GP due to cost, which was double the national average of 2.4 percent;

(c) according to the Productivity Commission's report on government services for primary and community health, ACT had the lowest number of GPs per capita of any jurisdiction between 2015 and 2019; and

(d) the Royal Australian College of General Practitioners' *Health of the Nation 2021* report shows that fewer graduates are choosing to specialise as a GP since 2015;

(2) further notes:

(a) in an interview on 2 February, the ACT Health Minister stated:

(i) "The primary care system they really need to kick in significant resources to make primary care more of a viable and sustainable place for people to go."; and

(ii) "We have invested more than $12 million over the last six years to try and grow bulk billing practices in the ACT.";

(b) in an article on 6 January, the Chief Minister stated that, "As far as I can see the best solutions will need to include more than just augmenting hospital services, they need to include holistic reform of primary health care, and boosting capacity.";

(c) in an opinion piece on 2 April in the *Canberra Weekly*, Federal Member for Canberra, Alicia Payne stated:

(i) "Our bulk billing rate is lower than the national average of 42.7 percent, which means that every time Canberrans need to see their doctor, they'll be out of pocket around $50 for a 15-minute consultation or $66 for longer consultations."; and

(ii) "With the cost of living rising across all aspects of daily life, this means many Canberrans simply can't access the primary care they need.";

(d) these statements are inconsistent with the decision of the ACT Government, following a NSW Supreme Court decision, to extend ACT payroll tax to the incomes of doctors contracted to ACT medical practices;

(e) reports that ACT Revenue has been contacting general practices to advise them of their liability for increased payroll tax, including backpay;

(f) the President of the Royal Australian College of General Practitioners, Dr Nicole Higgins, has said this "sick tax" is, "expected to add around $15 per consult" and "will put more pressure on hospitals, worsen the health system crisis, and undermine the Federal Government's Medicare reforms.";

(g) Garema Place Surgery Practice Principal, Dr Felicity Donaghy, has said, "We would have no way of absorbing these extra costs. Our only option

would be to pass it on to patients. Profit margins in general practice sit at about 5 percent and payroll tax is 6.85 percent in the ACT."; and

(h) comments by the ACT Health Minister, reported on ABC Radio Canberra on 18 April that, "this is not particularly an area that we see as an area of significant concern," and in *The Canberra Times* of 19 April that, "asking states and territories to wear the cost by exempting a particular group of professionals from payroll tax is something we're not considering at this point."; and

(3) calls on the ACT government to exempt general practices from the new interpretation of payroll tax that applies to contractor/tenant GPs.

Improving primary care in the ACT is crucial to improving health outcomes for Canberrans. I know that I am not alone in thinking this. In my motion, I have included quotes from the Chief Minister, the health minister and federal Labor ministers, all of whom have asserted similar claims.

The Chief Minister and health minister were very quick to point to access to GPs and boosting primary care when the annual Productivity Commission's Report on Government Services released its report, confirming again that the ACT has the worst emergency department wait times in the country. My motion today is a simple one: to see if the government is serious about improving access to GPs.

Cleanbill's report into the health of the nation was timely in laying out the significant challenges the ACT faces in primary care. The report shows that in the ACT only 5.5 per cent of GPs bulk-bill, the lowest percentage in the nation. Two out of three of the ACT's federal electorates rank in the top five of the most expensive electorates to see a GP in the country. The average out-of-pocket cost to see a GP who does not bulk bill is $49.11 for a standard 15-minute consultation, the highest out-of-pocket cost in the nation. The national average is $39.75.

The ACT had the lowest number of GPs per capita than any other jurisdiction between 2015 and 2019. The latest figures show the ACT as the second-lowest jurisdiction, with around 21 GPs below the national average per 100,000 people. A RACGP report titled *Health of the nation* highlights the fact that fewer graduates are choosing to specialise in general practice each year.

The health minister told ABC Radio that she thought that the ACT government "had spent around $12 million over the past six years to try and grow bulk-billing practices in the ACT." You do not need a degree in economics to understand that if supply is restricted, costs will go up. Twelve million dollars over six years is not a genuine effort by this government to improve access and increase the number of bulk-billing practices in the ACT.

Dr Norman Swan said, on the ABC before yesterday's budget, that it is not the case that people are presenting to emergency departments when they could have seen a GP; they are presenting in complex conditions in ambulances. High costs and a lower number of GPs per capita, which causes long wait times, mean that Canberrans avoid seeing a GP.

The Canberra Liberals want to encourage more GPs to the ACT and remove the barriers we can to encourage more people to access primary care.

On the other hand, the government have kept to the usual order of business and watched as the statistics have spiralled out of control to a point where the ACT is yet again at the bottom of the list. Back in 2015, the AMA called on the territory government to strengthen primary care. An article stated:

> AMA ACT president Elizabeth Gallagher said the drop in ACT health funding with the end of the National Health Reform Agreement will hit waiting times and put more pressure on a system already under strain.
>
> "As expected, the government has not done anything this year to address that [funding] shortfall" …

That was in 2015.

ACT Medicare Local chief executive officer said, "Some of the trends seem to be that the 85-year-old-plus cohort is starting to have significant increased visits to the ED, so we need to look at how we can best support the elderly in the community through primary health care." Yet, still, the government has done nothing. Sure enough, ED wait times have been hit. The ACT's wait time for the 2016-17 year was 11 per cent below the national average. Following this, the ACT had the worst emergency department wait times every year for five years in a row and saw less than 50 per cent of patients within the clinically recommended wait times.

Despite the AMA and ACT Medicare Local's CEO's calls for the territory government to make investments in primary care, the Labor-Greens government made no improvements to bulk-billing in the ACT. The current AMA ACT president, Walter Abhayaratna, renewed these calls in his first *Canberra Times* article, where he said:

> What happens is, because we haven't got the services in the community to provide to patients with complex and chronic conditions, I think people come into the emergency department as a one-stop shop.

This is a similar position to what the Chief Minister outlined in an article on 6 January. He said:

> As far as I can see the best solutions will need to include more than just augmenting hospital services, they need to include holistic reform of primary health care and boosting capacity.

It seems pretty clear to the Canberra Liberals that, if in the ACT there is the lowest number of GPs per capita, fewer graduates choosing to specialise as a GP and the highest cost to see a GP in the country, then Canberrans are unlikely to utilise primary care, unless these issues are addressed. I am sure the minister will paint this as a federal issue, and there are indeed aspects that fall under their control. However, I note that, following calls from the AMA in 2015 and 2021, they are now calling out the ACT government's lack of action and support.

The decision of the ACT government following a New South Wales Supreme Court decision to extend ACT payroll tax to the incomes of doctors contracted to ACT medical practices will impose further costs on Canberra medical practices, and these costs will be transferred to patients. The Royal Australian College of General Practitioners has said that this sick tax is expected to add around $15 per consultation and will put more pressure on hospitals, worsen the health system crisis, and undermine the federal government's Medicare reforms.

Garema Place Surgery practice principal, Dr Felicity Donaghy, says:

> We would have no way of absorbing these extra costs. Our only option would be to pass it on to patients.

The release from the College of GPs urged political leaders to intervene after general practices in Canberra were threatened by a new tax grab. The RACGP has been informed that the ACT Revenue Office has started contacting GP clinics in Canberra regarding payroll tax.

This increase in payroll tax is firmly in the Chief Minister's control. Payroll tax is levied by the state and territory governments on business payrolls above a certain threshold. In the ACT, the rate of payroll tax is 6.85 per cent, which is applied on payrolls in excess of $2 million per annum. While $2 million is a relatively high threshold compared to most other states, with the exception of Tasmania, 6.85 per cent is the highest rate in the country.

The Chief Minister should put his money where his mouth is and reduce one of the many barriers to primary care in the ACT by preventing further increases to out-of-pocket costs. It would be relatively simple for the government to amend the ACT Payroll Tax Act to provide a carve-out for medical practices, to cover this new circumstance. The decision of the New South Wales Supreme Court, which is being applied with gusto by the ACT government, will push many medical practices above this threshold and dramatically increase the payroll tax liability of those already paying payroll tax.

What is more, there are reports that the ACT Revenue Office has been contacting general practices to advise them of not just their liability for increased payroll tax but also their liability for back tax. The New South Wales Court of Appeal judgement harked back to moves by that state's revenue commissioner to secure more than $795,000 in tax liabilities dating back to 2013. Matthew Cridland, partner at law firm K&L Gates, said:

> Ideally, any new interpretation of the law, based on this case, should apply to future tax periods only.
>
> If payroll tax assessments are issued retrospectively, which in a worst case could go back five years and include interest and penalties, the financial viability of some clinic operators will be threatened.

I call on the government to confirm whether the ACT Revenue Office is seeking to extract retrospective payments for payroll tax and, if so, on what basis, and how far

back are they trying to impose liability? This motion calls on the Chief Minister to exempt this increase in payroll tax for GPs for all the reasons that the Chief Minister and the health minister have outlined in the media.

Further costs being pushed to patients will not make primary care more viable and sustainable or provide holistic reform to boost the capacity of primary care. In an opinion piece on 2 April in the *Canberra Weekly*, federal member for Canberra Alicia Payne stated:

> Our bulk billing rate is lower than the national average of 42.7 per cent, which means that every time Canberrans need to see their doctor, they'll be out of pocket around $50 for a 15-minute consultation or $66 for longer consultations.
>
> With the cost of living rising across all aspects of daily life, this means many Canberrans simply can't access the primary care they need.

As a result of this extension of the payroll tax, private operator Cornerstone Health has flagged possible moves by bulk-billing medical centres to switch to private billing amid growing operational costs and overheads. AMA New South Wales president, Michael Bonning, has put this threat in its starkest terms, saying:

> Some practices will be forced to close their doors, while others will have to charge patients increased fees …
>
> The decision to levy payroll tax will turbocharge the decline of bulk billing.
>
> The impact on patients will be significant. As practices close, access to healthcare will diminish …
>
> Other practices will be forced to stop bulk billing and increase fees for patients. Payroll tax is a patient tax.

Today, we will see if the government is committed to bolstering primary care so that more patients, whether they are sick or have chronic conditions, can access GPs and avoid our emergency departments. It is a first step that the government can take to prove to Canberrans that it is serious about primary care and reducing the pressure on public hospitals. The health care of Canberrans, particularly those who are already facing high costs of living, is too important. Exempting GPs from the new interpretation of payroll tax applying to contractor-tenant GPs is a simple measure that the government can take to prevent what is to many the prohibitive cost of seeing a GP in Canberra from increasing even further.

I have to say I was distressed to hear the comments by the ACT health minister on ABC Radio Canberra on 18 April. She said: "This is not particularly an area that we see as a significant concern." That is really out of touch. Canberrans are struggling. I would draw the minister's attention to a few statements by the AMA President, Professor Steve Robson, in January this year. He said:

> … practices across the country were in financial limbo not knowing whether they would now be slugged with millions of dollars in the payroll tax …

> Several legal cases have led to huge uncertainty about whether payroll tax will be applied when GPs work under a service agreement …
>
> The clinic doesn't pay their wages, superannuation or leave so it's preposterous now for many clinics to be thrown into chaos and not know whether they will be facing retrospective bills for payroll tax of potentially millions of dollars …
>
> General practices pay payroll tax for their employees—reception staff, nurses, allied health practitioners and administration staff—but they shouldn't have to pay it for GPs who are essentially clients of their business …
>
> This is the last thing practices across the country need as they struggle with increasing costs …

I would also draw the minister's attention to the fact that the Queensland government announced last month that it will provide a payroll tax amnesty on payments made to contracted GPs until 30 June 2025. Medical practices that successfully apply for the amnesty will not be required to pay payroll tax on payments made to contracted GPs up to 30 June 2025 and for the previous five years—that is, 2018 to 2025.

Today, this Barr-Rattenbury government has a clear choice. It can persist with the application of this sick tax, which will drive up the cost even further for Canberrans seeing their doctor. It will force more practices to stop bulk-billing. It will add pressure on medical practices and maybe they will need to close their doors. And it will add pressure on our emergency department—there is no doubt. Or the government can support my motion which will relieve some of this pressure. After all, this sick tax is not money that the ACT government has been getting before. This will be new money, which will no doubt go to subsidise the tram, again at the cost of Canberrans' health.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (2.58): I move the amendment circulated in my name:

> Omit all text after paragraph (2)(c)(ii), substitute:
>
> "(3) additionally notes that the Federal Labor Government's 2023-24 Budget, released on 8 May 2024:
>
> (a) will triple the bulk billing incentive for most common consultations with children under 16, pensioners and other Commonwealth concession card holders, better supporting GPs to bulk bill around 157,000 eligible people at the 105 practices already providing bulk billing in the ACT; and
>
> (b) will significantly reduce costs for general patients by up to $180 a year if their medicine is able to be prescribed for 60 days;
>
> (4) finally notes:
>
> (a) payroll tax is payable by employers on all taxable wages paid to their employees;
>
> (b) payments to contractors who provide services to a business are considered taxable wages under the *Payroll Tax Act 2011*;

(c) there has been no change to the law regarding the application of the contractor provisions. Recent court cases have found in favour of state revenue offices in relation to the application of payroll tax to medical businesses (Thomas and Naaz in NSW (2022) and Optical Superstores in Victoria (2019));

(d) payroll tax is a self-assessed tax regime;

(e) there are currently taxpayers operating GP clinics who are registered and paying payroll tax in the ACT; and

(f) the contractor provisions are generally harmonised across the states and territories; and

(5) calls on the ACT Government to:

(a) investigate how payroll tax applies to various models of General Practitioner clinic arrangements with respect to engaging General Practitioners, and their payment arrangements;

(b) consult with key stakeholders in General Practice, and other potentially impacted industries with relevant contractor provisions, before changing the application of existing payroll tax legislation;

(c) explore the risks of retrospective application of payroll tax on General Practice clinics owing on wages for General Practitioners who fall under the contractor provisions raised in the NSW and Victorian tribunal cases; and

(e) update the Assembly on any changes to the implementation of payroll tax by the last sitting day of August 2023.".

The amendment that I have circulated omits the second half, essentially, of Ms Castley's motion and adds a few more contemporary and relevant points, mostly acknowledging the tripling of the bulk-billing incentive that was announced last night in the federal budget and noting the savings that will come for patients through the extended prescription arrangements under the 60-day arrangement.

It also notes the arrangements in relation to payroll tax. I think it is important in moving this amendment that the facts are on the table in relation to recent policy decisions and, indeed, the implications of some interstate case-specific court rulings with other state revenue offices. The addition in my amendment highlights how payroll tax operates and it is very clear that there has been no change in the law regarding the application of contractor provisions, as it relates to payroll tax collection in the territory.

It notes that there are currently taxpayers operating GP clinics who are registered and are paying payroll tax in the territory, but there is only a very small number because of our $2 million payroll tax threshold. The extent of the payroll tax liability for general practice in the ACT, because of that $2 million threshold, is very low. In fact, there is a handful of taxpayers in total who have very large payrolls and are, indeed, larger corporate entities.

I observe the irony of Ms Castley bringing forward a motion about bulk-billing and GP access in light of last night's decision and how that contrasts with nine budgets by her federal colleagues that did nothing at all on bulk-billing incentives and, indeed, froze

Medicare rebates. So the problem that we as a nation find ourselves in in primary health care is as a result of a decade of her party's administration of the primary healthcare system. With the release of the federal budget last night, we acknowledge the importance of having a progressive government that will tackle primary healthcare issues alongside the states and territories.

I am really pleased that the commonwealth will triple the bulk-billing incentive for most common consultations to support GPs to bulk-bill more. What that means in practical terms in the ACT is that there will be around 157,000 eligible consultations at 105 practices that are providing bulk-billing in the territory. This is the largest ever increase to bulk-billing incentives. The commonwealth has also reduced costs for patients by up to $180 a year if their medicine is able to be prescribed for 60 days. It is very clear that, with a federal government prepared to make the necessary investments in our primary healthcare system, there can be a meaningful difference to the rate of bulk-billing and reducing costs for patients in the territory.

When it comes to payroll tax, let me be crystal clear: no change has been made to the ACT's payroll tax arrangements. And, as set out in my amendments to the motion, payments to contractors who provide services to a business are considered taxable wages under the Payroll Tax Act. Here in the territory, we have an exemption on any payroll tax applying to the first $2 million of payroll—not of revenue or of turnover but of payroll.

We have the highest payroll tax-free threshold in the country. Let me repeat: most GP practices are not captured at all by payroll tax. There are some corporate arrangements—a small number—that are currently paying payroll tax. They may be captured but only on their payroll above $2 million. So, for someone to be paying millions of dollars of payroll tax, their payroll would have to be in the tens of millions of dollars. I am not aware of a GP practice in the ACT with a payroll of tens of millions of dollars, so that assertion is factually incorrect.

The current issues in relation to payroll tax have arisen from a ruling on a specific matter in another jurisdiction. Let me be clear: there is no change to our payroll tax arrangements in the ACT. We will investigate the application of payroll tax through the various models of GP arrangements and consult with stakeholders on the relevant contractor provisions. We will do this investigation whilst also exploring any risks associated with any retrospective application of payroll tax and we will update and report back to the Assembly on this piece of work. There has been no government decision or directive around the pursuit of any retrospective tax liabilities. Let me be very clear on that point.

What we are not going to do off the back of Ms Castley's motion is make a decision around a complex payroll tax application for large corporate entities. Instead, we will focus on a proper investigation of any impacts of interstate rulings here in the ACT whilst keeping in mind the importance of harmonisation between the states and territories.

Ms Castley, in one of her other portfolios, regularly calls on the government to reduce the regulatory burden on businesses. If we had different interpretations of payroll tax

liabilities between the states and territories, it would place a significant regulatory burden on businesses that operate across jurisdictions.

For as long as I have been a member of this place, there have been calls for greater harmonisation of payroll tax. In elections and legislation, this has been an area that has been on the agenda of almost every federal government's Federation reform programs. Over two decades, we have been moving between the states and territories to harmonise so that most businesses that operate across state and territory borders face the same payroll tax rules.

Ultimately, the only points of difference within the Federation in relation to payroll tax are the threshold at which payroll tax is payable and the rate of payroll tax. Here in the ACT, we have a model with a $2 million threshold, which is the highest in the country, and then a higher tax rate once you get over that threshold. What does that mean in practice? It means that large national and multinational businesses make the biggest payroll tax contributions in our jurisdiction.

Businesses that often find a way to get around their tax liabilities to the federal government at least make some contribution back to the community through payroll tax, but they are not small or medium sized businesses; they are businesses with a very large payroll.

My amendment is very clear about the current situation—the fact that nothing has changed in the ACT—and outlines a process to investigate the implications of some of the individual case decisions in other jurisdictions. What has been put forward by Ms Castley is not based on fact. It is not based on any rational assessment of who actually pays payroll tax in the ACT. I have been very clearly advised by the revenue commissioner that most GP practices are not captured within the payroll tax net because of the higher threshold. There are a handful that are and they have been paying payroll tax as appropriate.

We will investigate any further implications from these individual rulings and we will report back to the Assembly later in the year, but at this point the scare campaign that is being run has no basis in fact—none whatsoever. I think there is a fundamental misunderstanding of how the payroll tax system works and how much payroll tax a GP practice would possibly pay. It is 6.85 per cent of payroll above $2 million. The first $2 million is tax-free. So for someone to suggest that a GP practice would be paying millions of dollars in payroll tax each year implies that their payroll is in the tens of millions of dollars. Just do the maths. It is pretty straightforward. This scare campaign should stop and should stop now.

The amendment I have put forward to the motion outlines a sensible pathway forward to address any implications from the interstate rulings, as they may relate to the collection of payroll tax in the ACT. I commend the amendment to the Assembly.

MR DAVIS (Brindabella) (3.09): I rise to speak to Ms Castley's motion on payroll tax for general practitioners. The Greens will support the Chief Minister's amendments and will vote for the amended motion.

I would like to start by saying that I acknowledge and I understand the genuine fear and anxiety that reporting on this issue has caused our community, among patients, doctors and clinic managers. That fear and that anxiety has instigated a number of conversations from my office with key stakeholders, healthcare consumers and government officials, and it informs my contribution to today's debate.

The issue of payroll tax being applied to general practitioners has arisen after the New South Wales tribunal decision last year, which upheld the state Revenue Office and provided clarity on the GP-clinic relationship, in terms of how they are considered as contractors or employees, what money is considered wages for payroll tax purposes, and the implications of this for understanding and accurately implementing payroll tax legislation. I understand that a very similar case was settled in 2019 in the Victorian tribunal, related to optometrists. These tribunal decisions occurred outside of the ACT, but states and territories across Australia made clear their intention, more than a decade ago, to harmonise the implementation of payroll tax. A commitment was made by the Council of Australian Governments, as a key pillar of a national seamless economy. Therefore, decisions made in other states have important implications for our tax protocols here in the ACT.

Despite this, there remains widespread uncertainty about what changes in other jurisdictions will mean for patients, general practitioners and clinics here in the ACT. A payroll tax of 6.85 per cent in the ACT applies to wages of a business or employer group where total wages exceed $2 million per year. This threshold has been raised significantly through the ACT's ongoing progressive tax reform project. To understand this issue fully, I have consulted extensively with patients, general practitioners, clinic owners and stakeholder bodies, including the Australian Medical Association and the Royal Australian College of General Practitioners.

Across the board, people are concerned that clinics have not been factoring the cost of payroll tax on general practice into their accounting—a new cost on a business that has to be found somewhere. Therefore, we have heard that this cost will be transferred to patients and could raise the gap fee charged by general practitioners. I have also heard from stakeholders that if clinics cannot absorb this cost, then they will be forced to close due to the thin profit margins that general practice clinics operate on and that a new cost of a 6.8 per cent payroll tax simply does not fit into their existing accounting methodology.

We are in a cost-of-living crisis and I do not think anybody in this city would think that an increase in the charge put to patients who need to see their GP is palatable. We need to find ways to ensure that this situation is handled carefully and methodically, and with particular consideration for healthcare outcomes in the community and the future viability of general practice clinics in the territory.

Since I was elected, I have consistently heard from constituents about their difficulty in accessing free or affordable primary health care in Canberra. We know that we have some of the lowest bulk-billing rates in the country and that, even when GPs are willing to bulk bill patients in specific circumstances, there are huge barriers for people relying

on the goodwill of individual GPs to make sure they can access the services they need. Even with that goodwill, I have heard from GPs in my own electorate that female practitioners in particular bulk bill at higher rates, meaning they are more likely to have lower incomes in order to deliver care to people in need. It saddens me that our primary healthcare system has to rely on the goodwill of, in particular, female healthcare experts to make up for the historical failures in Medicare.

I am therefore extremely relieved to see funding changes for Medicare and general practice committed to in the federal budget last night. I welcome both the increase to the Medicare rebate and the tripling of the bulk-billing incentive for GPs for consultations with children, pensioners and concession card holders. I hope these reforms will result in increased access to health care for those vulnerable cohorts in our community.

Moving forward on the issue of payroll tax, it must be done with the utmost care. I have consulted with the Chief Minister's office and expressed my concerns about the risks associated with any change to the way payroll tax is applied. I want this decision to be made with the genuine consultation of patients, stakeholders and relevant experts so that we fully understand the implications of any changes that are made in the future. I am also very supportive of the amendment's commitment to explore the risks associated with any retrospective application of changes in the way payroll tax is applied.

There are still many unanswered questions which I will continue to work on with the Chief Minister's office, such as how many GPs and clinics in the ACT would the potential charges apply to; how do we anticipate the new costs will be managed by general practitioners and their clinics; and how will changes in last night's budget ease any of those pressures?

I welcome the Chief Minister's assurance that the Revenue Office is investigating this issue thoroughly. We cannot let tax and revenue decisions have detrimental impacts on the health of Canberrans. I thank the Chief Minister for his commitment to update the Assembly on the changes made on this issue in such a short time frame, in August this year. I look forward to working with healthcare practitioners and people needing health care in the ACT to ensure that we can continue to deliver improved services for everyone.

MS DAVIDSON (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors) (3.15): Mr Assistant Speaker, we have spoken before in this place about the fact that GPs, as primary care specialists, are mostly an issue for the commonwealth to deal with. The commonwealth holds all of the biggest levers on what makes these businesses viable, but they have been suffering from a decade of Liberal federal neglect.

I know that the AMA has been campaigning on this for quite some time, particularly on the need for the MBS to be paid in line with actual operating costs for GP clinics. I know that this has been going on as a campaign from the AMA for quite some time. It was happening a decade ago while I was at the AMA.

I would like to point out a couple of explanations from the AMA about why these MBS payments are so important to their viability as practices. In 2016, when Sussan Ley was the health minister, Dr Michael Gannon from the AMA said in the *Australian* that the nation deserved a more sophisticated debate about the future of health care, and he called for better investment in those GPs who are spending time with their patients to initiate high quality preventative care. Also in 2016, on Sky News, Dr Gannon described the Medicare freeze from that federal Liberal government as a "rotting carcass". He said that investment in primary care is an investment that ultimately results in reduced spending in the much more expensive public and private hospital systems. I know that our opposition in here are very concerned about the issues that happen in our hospital system and really want the best for it.

The MBS tripling of bulk-billing for concession card holders and for children is really a good thing. It is very helpful. I know that it is going to be particularly helpful for women in the ACT. A 2016 survey from the Women's Centre for Health Matters showed that affordability was the most reported barrier to accessible health care, and, specifically, finding a GP who bulk-bills. This might make it a little bit easier.

It was not just in that period of time. A year later, when the Women's Centre for Health Matters was surveying ACT women aged 18 to 50 with chronic conditions, again, they were talking about affordability and GP bulk-billing, and the compounding effect of multiple visits per year. In their 2018 survey on sexual and reproductive health, again, the biggest accessibility barrier was affordability and bulk-billing GPs. In their 2019 survey on health needs for same-sex attracted women in the ACT, again it was affordability.

In 2018, the Women's Centre for Health Matters did a survey on why some women are looking at women-only health services. Of the majority of respondents to that survey who were earning between $56,000 and $100,000 per year for gross household income, 31 per cent of them in that bracket said that affordability was a barrier to accessing services. This is where things are interesting, because it means that it is not just about concession card holders. Actually, there are a whole lot of people who do not have concession cards that also want better access to bulk-billing GPs. One woman, in particular, in that study said, "It takes me three buses to see my GP, but he bulk-bills." That was causing her to have to travel so far.

The fact that 31 per cent of women in that middle income range of $56,000 to $100,000 per year indicated that affordability was a barrier may be more closely linked to cash flow than to income itself. Women talked about needing to pay for other household expenses like housing or food as a higher priority than health care, and this is a problem that is experienced by women in middle income households, as well as those on the lowest income. So it would be really good to see an increase in support for accessing bulk-billing services for everyone who needs access in our health system.

Payroll tax is not the main driver of GP clinic financial viability. How we fund primary care, and how we integrate primary care with chronic condition specialists and allied health and tertiary care in hospitals, is what we really want to be working on. Those

MBS increases in last night's budget are good, but it does not remodel how we think about health care. There is still some more work to do there. Certainly, though, playing around the edges with payroll tax is not going to do that either; that is not going to solve a fundamental structural problem.

What is going to do it is federal and state governments working together on a structure that supports quality primary care, that integrates care for chronic conditions and that is patient-centred—where we can work with our primary care GP network on how we put it all together, make it functional, patient-centred and fit well. For this reason, I will be supporting the Chief Minister's amendments to the motion. I look forward to continuing to talk about how we can all work together to make sure that patients get what they need.

MRS KIKKERT (Ginninderra) (3.20): I thank Ms Castley for bringing this very important motion before the Assembly. Talk is cheap. It is easy for those opposite to state publicly that the primary care system needs to be a more viable and sustainable place for people to go. It is likewise easy for them to speak about growing bulk-billing practices in the ACT or boosting the capacity of primary health care.

Earlier this week, I spoke to a couple of GPs: one who works in my electorate and one who lives there. One works out of one of the very few medical practices in the territory that still bulk-bills. He spoke with soberness about his colleagues who are already doing everything they can to make a GP visit affordable and who simply cannot absorb a new tax. The cost of that tax, of course, will have to be passed on to clients, and in a very real sense, then, this is a tax on the sick and injured.

One obvious solution is to agree not to pursue collection whilst consultations are ongoing—according to the amendment of the Chief Minister. The other solution we have heard in the past is that the sick and injured stop going to GPs, where they will have to pay a newly imposed tax, and instead head to the ED for free—further worsening the nation's worst waiting times.

Minister Stephen-Smith knows that this is already happening. Eighteen months ago, in answer to a question from Mr Hanson, she stated:

> … we are seeing people attend the emergency department who would and could be treated in primary care.

These additional presentations, she explained, were putting undue pressure on Canberra's struggling emergency departments. She then assured the Assembly that she was frustrated by this situation. Obviously, her frustration was all but a performance. Increasing the cost of seeing a GP and forcing more people to crowd the emergency department is not what those opposite say they want, but they are the government, and that means they have the power today to choose whether Canberrans will have to start paying even more to access primary health care. Again, it is that simple.

Minister Stephen-Smith has already publicly blamed this situation on the commonwealth, but payroll tax legislation and policy belong fully to the territory, with the ACT

government literally able to take away any financial assistance that the commonwealth government gives to primary care providers. Let me illustrate: the new federal budget increases the bulk-billing incentive in Canberra by $14.05 per consultation, although only with clients under the age of 16, concession card holders and pensioners. At the same time, the Royal Australian College of GPs estimates that imposing a new payroll tax on medical practices will add an average of $15 onto the cost of every consultation.

Let me be very clear: it is the very definition of grubby hypocrisy to publicly demand that the federal government increase its funding for general practitioners and then turn around and subtract every dollar of that additional funding through a newly discovered tax grab. It is the height of irresponsibility. Of course, this is true only for the 5.5 per cent of clinics in the ACT that are able to bulk-bill. For everyone else, Labor is just adding another $15 on top of what are already the largest gap fees in the nation.

Minister Stephen-Smith has tried to defend her government's determination to take advantage of a recent reinterpretation of tax law by speaking out against exempting a particular group of professionals from payroll tax. I remind those opposite that the ACT's Payroll Tax Act already exempts particular groups of professionals. Part 4 of the act makes exemptions for charitable organisations, employment agents, educational and training services, and hospitals. Why? Because those who drafted the act understood that it would be foolish to make hospitals, charitable organisations, employment services and educational services more expensive to operate and, therefore, more difficult for Canberrans to access. The act also exempts independent contractors. The same logic demands that this government not make it more expensive to operate a medical practice or more difficult for Canberrans to access a GP. For decades, the Payroll Tax Act was interpreted as not including tenant GPs.

What I and my Liberal colleagues are calling for today is not radical at all. It involves no loss of previously established tax revenue. It is simply a heartfelt cry from struggling Canberrans who, caught up in a cost-of-living crisis, see no need for this Labor-Greens government to make a bad decision even worse. Whilst a court might reinterpret tax law, no government is then compelled to start taxing critical health services. I commend Ms Castley's motion to the Assembly.

MS CASTLEY (Yerrabi) (3.27): In closing, it is true there was an announcement last night that the federal government will increase bulk-billing across the country; however, as the RACGP has noted, this increase in payroll tax threatens to undermine federal government Medicare reform. If an increase in payroll tax is to be passed on to patients, it will negate reductions in payments. Seeing a GP will be more expensive than it would be, and that is just going to put up barriers to Canberrans who need access to primary health care. We already know this is a problem.

The ACT, New South Wales and federal AMA, and the RACGP and law firms, have all spoken against this payroll tax. They have clearly outlined the issues that GPs will have if this new interpretation is applied. Costs will be passed on to patients, as most general practices have no way of absorbing these costs—profit margins for these businesses are about 5 per cent compared to payroll tax, which is 6.85.

The stakeholders have argued that this increase could cause GPs to close their doors. For reasons I have outlined in my speech earlier, this is disastrous for our hospital; there is no doubt. Fewer graduates are choosing to specialise as GPs, and the ACT already has significantly fewer doctors than the national average. It is sending a clear message to GPs to stay out of Canberra, which is exactly the opposite of what the Canberra Liberals want.

A vote against this motion, through these amendments that have been circulated, when this government is aware of these implications, is a clear message that they are not interested in improving primary health care. What the government is saying is that, again, it is up to Canberrans to foot the bill. You know what? I am not fooled, the AMA are not fooled, GPs are not fooled, and wait until the ACT residents have to start paying an additional $15!

The government could have at least, as one of their amendments, offered to give an exemption period—but no! There is no certainty for GPs in these amendments—none at all. If we look at a couple of the amendments, it looks as though they almost want to get involved in all clinics just to ensure that they can get as much tax as they can, and (5)(c) does not give any confidence that retrospective payments will not be extracted out of the already bleeding clinics we have got. So no, we are not accepting these amendments. We will divide and vote against them. I believe that what the Albanese government gives, the Barr government takes away.

Question put:

> That the amendment be agreed to.

The Assembly voted—

Ayes 14		Noes 7
Mr Barr	Dr Paterson	Mr Cain
Mr Braddock	Mr Pettersson	Ms Castley
Ms Burch	Mr Rattenbury	Mr Cocks
Ms Cheyne	Mr Steel	Mrs Kikkert
Ms Clay	Ms Stephen-Smith	Ms Lawder
Ms Davidson	Ms Vassarotti	Mr Milligan
Mr Davis		Mr Parton
Mr Gentleman		

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

Rental ombudsman—proposed establishment

MR DAVIS (Brindabella) (3.34): I move:

That this Assembly:

(1) notes that:

(a) the ACT's housing crisis negatively impacts the ACT's rental market:

(i) Canberra is among the most expensive capital cities in Australia to rent;

(ii) there are high rates of rental stress amongst essential workers, including nurses, teachers and aged care workers; and

(iii) there are no affordable rentals for people on income support payments such as Jobseeker, the Disability Support Pension or Youth Allowance;

(b) for a tenant to challenge a breach of their rights under the Residential Tenancies Act, the dispute must be escalated to the ACT's Civil and Administrative Tribunal (ACAT); and

(c) potential barriers for renters relying on ACAT to enforce their renters' rights or to resolve disputes include:

(i) lack of awareness or understanding of rental laws;

(ii) lack of understanding of the tribunal system;

(iii) financial barriers;

(iv) power imbalance, intimidation and reluctance to confront a landlord in an adversarial legal environment; and

(v) reduced capacity to engage with ACAT, such as difficulty taking time off work;

(2) further notes that:

(a) the ACT's strong renters' rights are most effective if those rights can be applied in practice without barriers, including through:

(i) information, communications and engagement with renters, lessors and the real estate industry; and

(ii) monitoring, enforcement and easy resolution of disputes;

(b) efficient and effective enforcement of rental laws requires a multi-tiered system for dispute resolution between renters and landlords;

(c) a rental ombudsman or commissioner would ensure renters in the ACT experience the benefits of their nation-leading renters' rights under the Residential Tenancies Act;

(d) rental commissioners and statutory bodies around Australia and internationally provide the following functions:

(i) investigate breaches of rental laws;

(ii) maintain a register of landlords and renters who have breached their obligations under local rental laws;

(iii) issue infringement notices;

(iv) provide free, voluntary mediation or conciliation between renters and landlords;

(v) commence legal proceedings;

(vi) provide community education on the rights and responsibilities for landlords and renters;

(vii) undertake research and data gathering related to the private rental sector; and

(viii) advise and advocate to government on behalf of renters, including for the improvement of renters' rights;

(e) research shows that resolving disputes outside of tribunal processes has broad benefits, such as:

(i) providing a less challenging and intimidating process;

(ii) alternative dispute resolution processes can be better for maintaining a productive relationship between parties by preventing the escalation of some types of disputes;

(iii) disputes can be resolved earlier;

(iv) improve the accessibility of dispute resolution for renters; and

(v) reduce demand on ACAT to enable the faster resolution of complex disputes and other categories of disputes; and

(f) with the establishment of a rental ombudsman or commissioner, ACAT would still play a necessary role in resolving complex disputes; and

(3) calls on the ACT Government to:

(a) investigate the role that rental commissioners, ombudsmen or statutory bodies play in other Australian states in supporting the enforcement of renters' rights, breaches of rental laws and the resolution of disputes outside tribunal processes;

(b) consider options for developing a rental ombudsman or commissioner in the ACT, with powers and responsibilities such as:

(i) ability to investigate breaches of rental law;

(ii) free mediation or conciliation to resolve disputes;

(iii) issue infringement notices;

(iv) advise government to improve renters' rights;

(v) monitor rental markets and undertake research; and

(vi) provide information, communication and engagement to increase understanding of legal responsibilities for renters, landlords and real estate agencies; and

(c) report back to the Assembly by the final sitting day of 2023 on the progress of establishing a rental ombudsman or commissioner in the ACT.

Mr Assistant Speaker, renters in the ACT have it tough at the moment. Thirty-one per cent of Canberra households are renters, and, in the last census, one-quarter of those renters said they paid more than 30 per cent of their household income on rent,

putting them into rental stress. The housing crisis is having an incredible impact that is disproportionately burdening Canberra's renters. The ACT has some of the highest median rents in the country, and our vacancy rate is still at an unhealthy level, meaning a tight market for renters looking for a new place to live.

I am proud to represent the ACT Greens, a party that has delivered to Canberrans some of the best renters' rights in the country. My Greens colleagues have continued in the legacy of former Greens member for Murrumbidgee, Ms Caroline Le Couteur, who consistently called for improvements to renters' rights, a vacancy tax and for an end to no-cause evictions. It was Ms Le Couteur who also secured concessions on the land tax scheme for philanthropic landlords willing to provide their property to market at an affordable rate. Let this be heard by every landlord in Canberra who will inevitably email my office about the rates of land tax: we have designed a system to discount your land tax to zero on the commitment that you provide a home to a family at an affordable rate.

Greens Minister Shane Rattenbury recently secured substantive improvements to the Residential Tenancies Act: finally putting an end to no-cause evictions, prohibiting solicited rent bidding and providing for minimum energy efficiency standards. These improvements mean the ACT now has some of the best renters' rights in the country. Now we must make sure those rights are always implemented and that they are delivering real-life benefits for Canberra's renters. Having strong renters' rights will help Canberrans the most if they are effectively and consistently enforced, if they are widely understood by renters, landlords and real estate agents, and if there are as few barriers as possible to resolving breaches of rental laws.

At the moment, if your landlord does not repair your heating, rocks up to your place unannounced or does not give you your bond back for reasons you disagree with, they have breached their obligations to you under the Residential Tenancies Act. Despite our rental laws prohibiting these kinds of behaviours, they are far from uncommon. You need only take a look at the Canberra Reddit page to get an idea of how often our rental laws are broken. One renter said that it took their landlord five months to fix their broken toilet. I do not know about you, Mr Assistant Speaker, but a toilet is an essential part of my home! Their landlord would turn up for inspections without warning and left piles of rubbish in the backyard for their tenants to deal with. There are stories of renters being told they were difficult because they dared to ask for smoke alarms to be installed in their property. These are fundamental rights and there should be no exceptions.

I have heard countless rental horror stories in my consultation with my constituents who rent and from renters throughout Canberra. I would like to share some of the specific stories Canberrans have generously shared with me, with the permission of the individuals who the stories belong to. Their names and identities will remain anonymous.

A renter told me that they contacted their property manager to say they were worried about the structural integrity and safety of the carport attached to their home and

provided photos to demonstrate their concerns. Ten days later, after no action from the property manager, not even a reply, the renters contacted an emergency roof repairer, but they were advised that it would be a few days before any repairs could be undertaken. The renters removed their cars from the carport, just to be sure. The next day, the roof repairer asked for approval from the property manager. A day later, the property manager finally acknowledged the email and said they would take action as soon as possible, but it was too late, because later that day their entire structure collapsed. There was no action taken to repair or replace the carport for another five months; that was until the renter engaged Legal Aid and threatened to lodge a dispute with ACAT if the owner refused to pay compensation. Later, the owner agreed to pay compensation, followed by serving them with an eviction notice.

Another renter shared with me that their landlord used to show up unannounced and let themselves into their home. They tried to tell the tenants that they could not have sleepovers or beds larger than a king single in any of the rooms. Another renter told me that they had no heating in their house for four months. As a born and raised Canberran, I could not think of anything more challenging. When they turned the front yard from an overgrown jungle into a beautiful flower garden, the landlord tried to use this as an excuse to raise the rent, because the value had appreciated. These stories are deeply unfair. They break my heart, and they should concern everybody in this place.

To make things even worse, the recurring theme with these stories, and the one thing that binds them, is that in all of these situations the renters did not take their matter to ACAT. Where breaches to rental laws occur, putting the onus on renters to hold their landlord or real estate agents to account assumes that renters are actually aware of their rights in the first instance, and that they are willing and able to lodge their dispute with ACAT and see the process through to a full resolution. This process can work, but it is not without difficulties. In reality, there are a wide range of reasons someone might be unwilling, or unable, to take their landlord or real estate agent to ACAT.

Some of those reasons are: not understanding how the tribunal system works as well as financial barriers to lodging an application—you have to pay to have your matter heard, and if you are already struggling to pay rent, coming up with a few extra bucks to take your landlord to court is quite an imposition. Tenants can feel disempowered by the inherent power imbalance that exists between renters, landlords and real estate agents. They can feel intimidated by the landlord or real estate agent in these proceedings. They can think that an ACAT process will take too much time and that it might just be easier to find a new rental property to live in, despite the obvious challenges in doing so. They may not be able to take the time off work, or juggle day care for the kids or other commitments, in order to attend what could realistically be multiple appearances in ACAT in order to reach a resolution.

Research substantiates many of these reasons as real challenges for people looking to resolve rental disputes through our tribunal system. Evidence from the ACT's rental advocacy body, Better Renting, showed that between 2015-2018 only six per cent of applications to ACAT were from renters. Let me repeat that: between 2015-2018 only six per cent of the tenancy issues heard by ACAT were presented by renters. This means

that ACAT dealt overwhelmingly with submissions presented from landlords and their real estate agents. This very likely reflects the challenges for renting and bringing a dispute to ACAT.

I call recall, in my past life, many occasions sitting at ACAT. I was always struck by the inherent power imbalance, because as a real estate agent representing my landlord client, I would sit there all day—all day, on more than one occasion—waiting to be heard. The difference between me and the renter was I often did not have kids in tow. I was paid to sit there and wait, and I was suitably qualified and empowered to make a case walking into that tribunal room.

We need another way to help renters stand up for their rights and reach resolutions quickly and easily. That is why I am calling on this government to establish a rental ombudsman. A rental ombudsman would help renters resolve disputes quickly, easily and without escalating them to ACAT unless it was absolutely necessary. A rental ombudsman, or commissioner as they are often called around the country, could serve multiple functions. They could investigate breaches of the Residential Tenancy Act, issue infringement notices, and provide free, third-party facilitated mediation or conciliation. They could provide community education to renters, landlords and real estate agents to make sure everybody who is a party to a tenancy agreement understands their rights and responsibilities. They could undertake research, monitoring and gather data on the ACT's rental market to help inform this government and future governments of legislative and policy changes to strengthen renters' rights and protect the 30 per cent of our community who rent.

Every state in Australia has a body outside the tribunal law courts to help enforce renters' rights, and many of these examples could be used as models for the ACT to build a system of our own. In Victoria, the Commissioner for Residential Tenancies engages with renters, rental advocacy groups and stakeholders. It works to expose market practices and regulatory gaps that erode renters' rights. It reports annually on the rental issues it hears, and it provides advice to government on how to improve renters' rights in Victoria. Disputes can be settled through Consumer Affairs Victoria, which can investigate breaches of provisions under local rental laws before they go to VCAT. They can issue infringement notices, and they can maintain a register of landlords who have breached their obligations and been subject to a tribunal order.

Fair Trading New South Wales can investigate an issue rectification order, where a landlord has breached their obligations, or where a renter has damaged the property. New South Wales Labor recently promised to establish a rental commissioner as part of their election platform, which would be able to identify barriers to increasing rental housing supply, identify practices and gaps in legislation that erode renters' rights, investigate options for longer term leases and gather data to inform future policy.

In Queensland, the Residential Tenancies Authority can investigate and prosecute breaches of rental law, provide renters with information and support, and provide mediation and conciliation for dispute resolution. Tasmania and Western Australia also have rental commissioners.

The model recently recommended in the UK, by a government paper, would require mandatory membership for all private landlords, regardless of whether they use a real estate agency. We have a very good opportunity here in the ACT to investigate all these bodies around the country, as well as some good examples internationally, to learn from their powers and limitations and to use that information to inform the creation of a new rental ombudsman for the ACT.

Research shows that resolving disputes outside the tribunal system, where possible, is beneficial for both parties. It can help maintain a more productive tenant-landlord relationship, which is particularly critical if renters continue to live in the property where a dispute occurred. ACAT can currently provide mediation services, but by the time the dispute reaches ACAT, even if it does, it is highly likely that the relationship between tenant and landlord, or tenant and real estate agent, has broken down. Renters are then faced with the choice of confronting them face to face in an intimidating and adversarial legal environment on top of all the barriers I have already mentioned—in particular, the cost.

An ombudsman would play a critical role in the support of the important work of bodies like Legal Aid ACT. Legal Aid have said that their tenancy advice line has more demand than it can meet. In evidence presented at the cost-of-living inquiry I am chairing, Legal Aid raised issues with renters challenging things like rental bidding, saying, and I quote:

> … they would have moved on and tried to find three other properties in the meantime before they got the matter to ACAT.

They suggested a new regulatory body that could help enforce recent changes in rental laws through things like fines and penalties.

ACAT will still play a critical role in resolving resolutions related to residential tenancy. My proposed reform would allow ACAT to focus on those complex disputes, creating more capacity for other categories of disputes and delivering resolutions to all applicants faster. Making mediation services available outside of ACAT would also deliver broad benefits for landlords, real estate agents and renters. I know that not all disputes are like the rental horror stories I have presented here today, and often disputes are not caused by malicious intent. Stories of landlords or real estate agents failing to provide tenants with written warning before showing up at the property could be a genuine mistake or a lack of training and support from the rent roll owner.

If that occurred regularly, a rental ombudsman could help both parties communicate their grievances, reach a resolution before the problem escalated and provide support to the real estate professional to ensure that conduct did not happen again. A rental ombudsman would also help landlords and real estate agents have a clear understanding of their obligations. Third-party mediation or conciliation outside of ACAT could help all parties communicate their needs, concerns, and reach agreements easily to ensure the best outcomes for everybody.

I am very proud to represent a political party advocating for the more than 30 per cent of Canberra households that rent, but it should be stressed that what I propose today

would support landlords and real estate agents and tenants. I can tell you from personal experience in this city, when you think your real estate agent is being malicious, they are more often than not ignorant of their obligations. There are a range of challenges presented in that respect, including the training, support and ongoing supervision provided by licensed real estate agents and rent roll owners. It is far too often the case in the ACT that a property manager is usually in their first or second job, and they are usually under 30. It is a highly feminised industry, and they are usually grossly overworked and underpaid. A rental ombudsman would support these people too.

I want to make sure the rental horror stories I have shared today are a thing of the past. I want to make sure that every party involved in a tenancy agreement understands their obligation to the property and to each other. I want to make sure landlords and the broader community understand their rights and responsibilities. I want to make sure licensed and registered real estate agents have the training, education and support they need to be able to provide their services effectively and ethically.

Everyone deserves a safe and secure home, whether you own that home or not. Having the best renters' rights possible is one piece of the puzzle—a piece of the puzzle we Greens have secured in this Assembly. This is the next step in that journey. Let's make sure those rights, hard fought and hard won, exist in practice for every renter in this city.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (3.50): I thank Mr Davis for bringing the motion before the Assembly this afternoon, and I am pleased to support the motion.

A secure home is of course the foundation for someone's wellbeing and, as such, ensuring renters get a fair deal and ensuring they can enforce their rights as renters will always be front of mind for government. I think it is fair to observe that the ACT is a national leader on renter's rights and conditions, including the recent ban on no cause evictions and the prohibition on rent bidding. In fact, in a recent national cabinet discussion on better harmonising renter's rights across the country there was an acknowledgement by the other states and territories that our work, particularly in limiting annual rent increases formulated to CPI, combined with the no cause eviction ban, provided the strongest protections for renters anywhere in the country.

The rights previously granted to renters in relation to pets, wall hangings and gardens, as well as other amendments that occurred in the last Assembly, have all assisted in making a rental property more like a home, but enforcement of these rights needs to be accessible and inexpensive to pursue. As we have heard from Mr Davis, we know that many renters just do not have the time or capacity to push back against unjust or illegal actions. Our Civil and Administrative Tribunal is designed to be a low-cost jurisdiction for a wide range of matters, but if it is not working as intended, it is worth exploring what changes need to be made there or whether a separate body needs to be established.

The introduction of minimum energy efficiency standards for ceiling insulation in Housing ACT rental homes is another example of the ACT government's progressive

approach to support renters. I want to welcome the commonwealth government's $300 million fund announced last night to retrofit social housing with energy efficient infrastructure as well as their funding boost towards the territory's Sustainable Household Scheme. I also welcome the 15 per cent increase in commonwealth rent assistance which will directly support over 7,700 recipients in the territory.

With an eye to more and better rental in Canberra, I particularly welcome the commonwealth government's announcement that it will lower the managed investment trust withholding tax rate from 30 to 15 per cent for build-to-rent projects. What this means is that capital should no longer be a barrier to increasing long-term affordable rental supply, with institutional investors and professional tenancy management. I believe that will go a long way to overcoming many of the individual issues that Mr Davis highlighted in his speech, which largely boils down to, as he said, landlords often not knowing how to properly manage a property. What we are looking to achieve through our large scale build-to-rent program is to bring thousands of new rental properties into the market. Long term, secure rental properties built for purpose, with a view that tenants can take out long term leases and make these properties their home rather than be on six or 12-month leasing arrangements.

But in the context of the work Mr Davis has outlined, we acknowledge there is more we can do, and the ACT government is committed to playing our part in making things better. Renter's rights are only part of the challenge in ensuring all Canberrans have affordable, safe and secure places to call home.

Following the national cabinet discussion on renter's rights and housing in April, we tasked the Housing and Homelessness Ministerial Council to collaborate on a range of meaningful reforms at a national level to support housing affordability. This will include a continued investment to enable a pipeline of new social and affordable dwellings, such as through the Housing Australia Future Fund, and offering incentives to increase the supply of housing.

At the territory level, we are determined to ensure that Canberrans have a safe and secure place to call home, whether they own that home or whether they rent that home through the public system, through a community housing provider or through the private market. The territory government has recently launched a Rent Relief Fund to help Canberrans experiencing financial stress or hardship in paying their rent with financial assistance, as well a range of other initiatives to facilitate housing options and to improve security and housing affordability for Canberrans. This includes: the Indicative Land Release Program and its affordable housing provision; a significant growth and renewal program underway in the territory's public housing stock; the proposed changes to the territory's planning system to ensure more diverse housing options for our growing community; the establishment of the Office of the Coordinator General for Housing, reporting directly to the Minister for Housing and Suburban Development; and a range of tax reforms to support home ownership including stamp duty reductions.

But the challenges that are clearly there require a range of different policy responses from all levels of government, and perhaps a degree of compromise from time to time, in order to take steps forward rather than being held back. So in that spirit of compromise

and willingness to look at new and different ideas, I am very pleased to support this motion today. I look forward to the Attorney-General, who has portfolio responsibility for the Residential Tenancies Act, undertaking the comprehensive assessment of issues that Mr Davis has raised today, and I look forward to that proposal being brought before the government for consideration in due course.

I am happy to support the motion this afternoon.

MR PARTON (Brindabella) (3.57): Thank you, Mr Assistant Speaker. We will not be voting against this motion. It would be difficult to vote against it because why would you vote against the prospect of having another place of oversight in what is a difficult space? But I am just a little sick of the virtue-signalling and the false narrative. I am sick of powerful members of this government declaring that they do not have the power to address problems when very clearly they do, particularly here in the ACT when it comes to matters involving rental affordability and housing affordability. I think never in the history of politics in this country have we seen a clearer case of those holding the whip handle suggesting that they do not have the ability to crack the whip!

Mr Rattenbury accused me of scaremongering yesterday and of being a comedian in this place. In the rental space, in the continuing discussion on rental affordability, the Greens are the scaremongers from hell. You are not so much the comedians, you are the joke. I cannot speak on behalf of my Labor colleagues, and I know that they cannot publicly agree with me on any of this stuff, but I also know that some of them might give me a little wink and a nod. I know there will be quiet agreement from some on the Labor side on a number of things that I am about to say, because I am sick of the Greens being all talk and no walk. I am sick of the Greens grandstanding on rental affordability and offering ludicrous solutions that even they know would do the complete opposite to what it is that they are actually trying to achieve.

Everyone in this place knows full well that a two year rent freeze would have a negative impact on rental affordability in the ACT and beyond, that the biggest single cause of our rental affordability crisis is lack of supply. It is abundantly clear to everyone involved that—and we know the absurd policy that we are speaking of—if this absurd policy were rolled out, it would very quickly lead to a reduction in the supply of new properties to the market. We all know that. Even 80 per cent of the ABC Canberra audience arrived at that conclusion very, very quickly when this announcement was discussed late last month.

To quote Mr Rattenbury again from his performance in the chamber yesterday, "We can see what you are doing here; we all know what you are trying to achieve." Adam Bandt, the Greens federal leader, has clearly articulated that he wants to suck as many votes as he can for his extremist fringe party from Australia's renters. It is easy for him to put up absurd, economically illiterate ideas as policy because he is quite confident that he will never have to institute those policies in government.

In any other jurisdiction, anywhere else other than planet Canberra, if the housing and homelessness minister were to call a press conference to announce her support for a two-year rent freeze, it would signal that this was the new policy in that jurisdiction. If

the minister stood up and said, "This is my position," it would signal that that is what is going on. That is not what is happening here—well, I do not think it is. But I think Canberrans have a right to ask who is flying the plane? Was that turbulence or is there a punch up going on in the flight deck? Are we about to fly into a mountain while that is going on?

You can laugh all you want, Mr Rattenbury. Mr Rattenbury could have moved at any point as the Attorney-General to attempt to make this change through the cabinet process. I have to ask whether this is now going to be how we conduct cabinet business? Are cabinet discussions now going to be open conversations? Have we made a change to governance? Are we now going to conduct cabinet discussions as open conversations with 400,000 people sitting around the cabinet table?

Mr Davis's motion speaks of the ACT housing crisis, and he is absolutely right in what he says; we are among the most expensive capital cities in Australia to rent, we do have high rates of rental stress and there are no affordable rentals for people on income support. I do not want to sound like a broken record, but I will repeat again: so much of this has been caused by the long term policies of this government—polices relating to rates and land tax, to land release, to residential tenancies changes and to the inability to genuinely embrace community housing providers in the social and affordable space. So many of the residential tenancies changes are based around, at their end point—if it falls over; if it does not work out—it directs tenants to the ACT Civil and Administrative Tribunal. It is no wonder there is a concern that the tribunal will be buckling under the weight of rental disputes.

I am sick of Mr Davis's obsession with demonising private landlords. I am particularly annoyed with it because it is abundantly clear that his government is, by far and away, the worst landlord in the ACT! Obviously, they set out to be a model landlord, but they are far from a model landlord and I do not think it is a stretch at all to declare that they are the worst landlord in the ACT. This omission from Mr Davis is even more scurrilous when you consider that his Greens colleague, Ms Vassarotti, is the Minister for Housing and Homelessness. If only we were in government, if only we had the power. Mr Davis was one of the speakers at a rally in Garema Place yesterday and it was quite the performance. The basic gist of the rally was that we should tax the rich out of existence and spend all of the money on public housing. Based on the email and phone call traffic to my office, the vast majority of business that any rental ombudsman would do would be with Housing ACT tenants, which leads me to think you should sort out your own house before opting for a costly extension!

In the first instance I seek leave to move multiple amendments together.

Leave granted.

MR PARTON: I move:

(1) Insert new paragraphs (2A)(a) to (e): "(2A) acknow to ACAT were from renters. Let me repeat that: between 2015-2018 only six per cent of ledges that:

(a) the ACT Greens Leader is the Attorney-General and sits on the ACT Government Expenditure Review Committee (ERC);

(b) the Attorney-General has portfolio responsibility for "policy relating to the registration of land titles and tenancies";

(c) the Attorney-General has not brought forth any proposal to Cabinet or ERC for a rent freeze through the government processes despite his senior position within it;

(d) in 2020 the ACT Greens promised, if elected that they would provide a "home for all"; and

(e) three years later and despite the highest number of Greens elected, appointed to the Ministry, included in the ERC and having policy responsibility for tenancies and housing and homelessness, the Greens have not delivered a "home for all" and have only delivered higher rents and more homelessness;";

(2) Insert new paragraphs (2B)(a) to (z): "(2B) acknowledges that Housing ACT is the single worst landlord in the ACT with tenants being subjected to:

(a) tenants subjected to live in uninhabitable properties;

(b) lengthy delays in core maintenance work to be completed;

(c) vermin infestations including properties rampant with mice and rats;

(d) maggots falling from ceiling and in carpet;

(e) extreme black mould covering multiple surfaces with the blame put on the tenant;

(f) dangerous asbestos in properties;

(g) lack of proper heating right across the winter;

(h) flooding bathrooms;

(i) leaking roofs around electrical installations;

(j) Housing ACT complexes having broken locks that are not repaired in a timely manner;

(k) blown electrical fuses not being repaired in a timely manner;

(l) lack of permanent maintenance fixes after temporary fixes put in place;

(m) known illegal activity by tenants;

(n) known anti-social behaviour by tenants heavily impacting neighbouring properties;

(o) build-up of rubbish and dumped goods in common areas of complexes;

(p) build-up of dumped household items on single dwelling properties;

(q) mouldy carpet replacements taking months;

(r) taking more rent than agreed to with a broken rebate system;

(s) tenants being eligible for sustainable household upgrades and then being told program has finished with no upgrades completed;

(t) lack of support during property renovations;

(u) lack of notice for property inspections;

(v) lack of window seals causing drafts and moisture in homes;

(w) fence repairs and replacements taking months to be completed causing security risks;

(x) delayed relocation of tenants from domestic violence situations;

(y) broken hot water systems taking weeks to be repaired; and

(z) disability requirements not being sufficiently met;";

(3) Add new paragraph 4: "(4) calls upon the Assembly to condemn Housing Ministers Berry and Vassarotti as the worst landlords in the ACT.".

My amendments clearly articulate the Greens' inability to back up their talk with any action, particularly the Greens ACT leader, Mr Rattenbury. in regards to rental affordability, I think it is the core of the debate, I do not know how to put it: you cannot have a day job as a cabinet minister and then moonlight as a rabid crossbencher. It is just not going to cut it; it is disingenuous. So we have suggested some added paragraphs to highlight that duplicity.

Additionally, I think if we have a motion in this chamber about problems being faced by tenants in the ACT, it must include a large section dedicated to the worst landlord in the ACT. I can tell you that when it comes to providing specific examples of the injustices, the breaches of tenants' rights and general mismanagement, if there were more than 26 letters in the alphabet, we could easily have gone to a much longer list. If this was China—because they have quite the alphabet—it would have stretched over a number of pages!

How dare we have a government member come into this place and try to demonise private landlords when his government is by far and away the worst landlord in the city? Again, some of these one-liners—do not worry—we can back up each one of these one-liners with paragraph after paragraph of the drama that was faced by tenants who were subjected to living in uninhabitable properties with lengthy delays in core maintenance work to be completed.

I heard Mr Davis talking about that particular case of his involving a private landlord, and sure, that should not happen. I am just saying that if we were investigating all of these problems through an ombudsman, the vast majority of them would be Housing ACT. I mean, maggots falling from the ceiling and in the carpet and vermin infestations including properties rampant with mice and rats. At some of the properties that I visited, I felt that my health was in danger by stepping into some of these bathrooms, because the black mould was just unbelievable.

Mr Davis even spoke about how difficult it would be to get through a Canberra winter without any heating. There are a number of instances that I can point to directly—and I can go back and find the correspondence—regarding people that were forced to go through a whole winter without any heating. There are the flooding bathrooms, the holes in the ceiling, the properties where when it rains Niagara Falls is coming down into the lounge room. It is just unbelievable. Some of the things that I have seen firsthand I would not have believed unless I had seen them. By the time tenants come to me—I am not their first point of call; I am often their last—they have tried every other avenue.

I guess to some extent this almost backs up the original calls-ons in Mr Davis's motion, because maybe this ombudsman can help. To get a result in this space, you should not have to go to the shadow minister. That is not how the system is supposed to work. We will not be opposing Mr Davis's motion but I would hope that I get some support from the floor for my amendments to Mr Davis's motion, and I wholeheartedly commend those amendments to the Assembly.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (4.09): I rise, unfortunately for Mr Parton, to speak in opposition to the amendment circulated by Mr Parton. His amendments speak in part to some of my portfolio responsibility in relation to housing and homelessness services. Housing is a human right. The ACT Greens are resolute in doing all we can to ensure that everyone has a decent place to call home. This is not an easy task, given the situation we have created in relation to housing in Australia, but one that we will continue to work hard to deliver. It will not be achieved on our own, but we are going to keep looking at every tool and every good idea to make this happen.

The last two years have seen unprecedented stressors on our local community and across the country, and we cannot look at the situation that we face today without recognising this fact. It is hard for us to remember exactly the impact of the pandemic, but it did create significant housing pressure on many community members. At one point through the 2021 lockdown we were supporting over 150 households in hotel accommodation as they had nowhere else to go. We saw through this process a housing market that was supercharged and housing prices and rents skyrocketed, something that has continued after the lockdown periods.

We have seen inflation and increased interest rates create a perfect storm for those who are doing it tough. However, as we have spoken about before, we have also seen great innovation and collaboration, particularly within the specialist homelessness sector, the sector that is there to help people who are experiencing homelessness. Through the pandemic we saw new services such as MacKillop House, Axial Housing, and Ainslie Lodge be established.

As the Minister for Homelessness and Housing Services, every budget since I have had this role, we have delivered significantly more money into the specialist homelessness sector to fund new services, to provide wrap-around supports and deliver the first base-increase of funding for services in almost 10 years. Throughout this period, we have seen more than $15 million invested into these new services. Further to this, we have been working with services on a co-design process to support commissioning work. Working with the sector, we have been examining what does and does not work in relation to our service delivery, where the gaps in services are and how we respond to emerging community needs.

I thank the sector for their engagement in this process. It has taken time, resources and emotional labour. It will result in a better sector and in us being able to better respond to the needs of people experiencing or at risk of homelessness.

But I have always been clear: we are not going to solve homelessness within the homelessness sector. This sector is the ambulance at the bottom of the cliff, responding to the reality that our whole housing market has been set up primarily not to provide homes for people but too often to create wealth. We have commodified housing and we need this to change. That is why I joined with my colleagues within the ACT Greens—and, indeed, Greens across the country—to support new ideas, particularly about how we look at the private rental market and how to protect renters.

In addition to the fine idea that has been presented here today by my colleague Mr Davis, I am really excited to support rental control such as rent freezes and rent cuts. I applaud the work of my colleague the Attorney-General who has actually been actively working hard on rental reforms, such as the banning of no cause evictions, something we passed last sitting. It is a cheap shot to suggest that Greens MLAs have not been actively working in these areas and we publicly noted the work that we are progressing right now.

I would now like to go to the proposed amendments regarding Housing ACT. Housing ACT is the largest landlord in the ACT, supporting around 22,000 Canberrans. I get the opportunity to meet many of the staff who work to provide tenancy services, hardworking staff who work to support these tenants, many of whom are managing complexity in their lives that impact on their tenancy and their lives. I am not sure what Housing ACT staff think when the shadow minister for this portfolio area is putting forward the proposition that they are the worst landlord in the territory, given the efforts that I see them make, particularly in implementing a model social landlord framework. This framework recognises that landlords have obligations that go beyond tenancy management and contribute to social welfare by things such as setting rents at affordable levels, promoting tenancy wellbeing and participation, neighbourhood upkeep and community vitality. I see this work in action all the time.

Managing 11,000 or more tenancies is complex, and repairs and maintenance in particular can be tricky, particularly in an environment of material and skills challenges. However, in this context over the last two budgets, we have invested $130 million into Housing ACT's budget for repairs and maintenance, to support and enhance repairs and maintenance. This has been utilised to improve the homes of tenants across the territory and Housing ACT has been able to roll out these housing upgrades as a result of increased funding. Sometimes things go wrong and we have worked hard with members across the chamber to ensure that when things have fallen through the cracks, we connect them and ensure issues are responded to.

I conclude by commending my colleague Mr Davis for bringing this important motion to the Assembly. This is about private rental and ensuring that rental rights are understood and upheld. The public housing provider will continue to strive to deliver as a model social landlord and ensure they are meeting their obligations.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.16): The government supports Mr Davis's motion today, as the Chief Minister indicated.

This is a timely and important motion, and I want to acknowledge Mr Davis's ongoing passion for this issue, for working on issues of renters' rights and the cost of living, and his focus on making sure that those voices are heard here in the Assembly.

The ACT government has been advancing a strong agenda to improve the rights of renters, and that has been a focus of mine as Attorney-General. With respect to key reforms, the elimination of no-cause evictions was an election commitment of the ACT Greens and it was enshrined in the Parliamentary and Governing Agreement. In this term of the Assembly we have been implementing nation-leading reforms.

This does not mean there is not more to be done. The rights of renters, the affordability and availability of rental properties and the ongoing housing and rental crisis need to remain a continued focus for government, both here at a territory level and at a national level; and, to be honest, across the nation. The stories we hear coming out of places like Hobart, Byron Bay and various others point to the fact that, nationally, we have an extraordinary issue facing this country.

Mr Davis made a good point about the need to ensure that newly afforded rights are accessible and enforceable. I agree that there is a lot of value in investigating the role that a residential tenancies ombudsman or a similar body could play here in the ACT to support the enforcement of renters' rights.

I would like to reflect on the rental housing situation here in the territory. The situation in Canberra is that more Canberrans are renting than ever before. In addition, those people who do rent are renting for longer periods of time; indeed, some people now rent for their entire life. Almost one-third of Canberrans currently rent their homes, and these issues affect a large proportion of our community.

The rental vacancy rate in the ACT is currently sitting at around two per cent. Although this is an improvement on last year, it is lower than the three to five per cent range which is generally taken to indicate a balanced market. This statistic means that, in practice, we have a landlords' market, where landlords can have their pick of tenants. For prospective tenants, this means that the market is highly competitive and finding a rental home can feel like an insurmountable task.

Renting is not an easy experience in Canberra, and for many people it is tenuous. It can be difficult to find property and to be able to pay the rent. The latest Anglicare national affordability snapshot shows that the ACT rental market is becoming increasingly expensive and out of reach, especially for vulnerable families, whether they are single parents, people on minimum wage or people on support payments.

Wage growth is not keeping up with rent increases. The cost of living has spiked for people, as has been discussed in this place many times. At the same time, while I acknowledge that landlords face increasing cost pressures as well, the latest data from the CoreLogic rental review from April 2023 shows that rental returns for landlords in the ACT remain good. Yields have in fact risen in the past year, from 3.82 per cent to 4.19 per cent.

There is plenty of work for us to do to support renters, to undo the traditional power imbalance they suffer in their relationship with landlords, and to assist the most vulnerable through the rental and cost of living crises. Rental homes need to be safe, secure, healthy, comfortable and affordable. People who rent should be able to feel at home in the property they live in.

I want to reflect briefly on the significant progressive tenancy law reform agenda that the government has pursued in recent years. We have taken important steps to improve the rights of renters so that renters can feel safe and secure in their homes. We have enacted reforms that ease cost-of-living pressures by placing limits on rent increases at 110 per cent of CPI, banning solicited rent bidding, and reducing the amount of rent that can be charged in advance.

We have increased protections for vulnerable renters. For example, we reformed the law to make it easier for tenants impacted by domestic violence to change their living arrangements, and to allow tenants who are entering social housing or aged care to end their fixed term leases early and without penalty.

We have made changes to support share house living, so that the law is better adapted to the realities of share house life. For example, we made it easier to change who is listed on a tenancy agreement while the tenancy agreement continues. We have strengthened protections for occupants so that they have minimum guaranteed rights and access to dispute resolution options to enforce them. People in occupancies are typically those living in student accommodation, crisis accommodation, mobile home parks or boarding houses.

Most recently, in nation-leading tenancy reforms, we have removed all forms of no-cause evictions so that tenants can now only be evicted under the legitimate grounds recognised in tenancy legislation. This is not only a critical reform but also supports tenants to enforce their rights. It flows through the entire system. For example, the effectiveness of limiting rental increases is actually stymied if a landlord can just evict any tenant who tries to enforce their right.

We have also introduced the first minimum standard for ceiling insulation in rental homes in the country. We have already talked about this numerous times in the Assembly. This reform will significantly improve the comfort and health of many renters, while making a significant saving on their energy bills. These are the kinds of reforms that mean, in many cases, ACT tenants have the strongest rights in the country.

However, we are aware that, despite these progressive reforms, there generally remains a power imbalance between landlords and renters. As I have already noted, in a rental market as tight as Canberra's, tenants can be fearful of rocking the boat by asserting their rights. Ending no-cause evictions does not necessarily solve this problem entirely. Sometimes, despite having strong legal protections, it is the case that tenants may not access those protections and may maintain a fear that asserting their rights could have negative consequences, or it could be that they still lack awareness that those rights exist.

As Mr Davis has explored in his speech and his motion, it is also the case that at present our tenancy laws largely rely on tenants bringing a dispute to ACAT when they want to enforce their rights. I want to acknowledge the important work done by ACAT. The tribunal members and registry staff work very hard to make their services as accessible, affordable and quick as possible. However, I also acknowledge that, for many in our community, this adversarial legal process, no matter how informal or accessible, can still be intimidating.

It is also the case that, where there is a power imbalance between the parties, it may be difficult for the weaker party to initiate enforcement. Indeed, according to ACAT's annual report for the last financial year, landlords initiated legal proceedings in ACAT at more than six times the rate that tenants did. That is a particularly telling statistic. I know that, in his motion, Mr Davis does not seek to diminish the important work that ACAT does; rather, it is a call for government to explore potential ways to supplement the work of ACAT, and to strengthen and broaden our rights protection framework.

As Mr Davis's motion points out, other jurisdictions do not rely solely on their courts or tribunals to enforce tenancy laws to resolve disputes. Many other jurisdictions have additional supports in place that serve to educate, conciliate or provide for rights enforcement through regulatory action. This may include investigating tenancy law breaches and issuing infringement notices or other orders. I think it is appropriate and timely for the ACT government also to explore the ways in which a rental ombudsman, commissioner or other statutory body could support and strengthen our existing residential tenancy frameworks here in the territory.

The motion is also timely because national cabinet has recently agreed that states and territories will work together this year on a program of reforms to strengthen renters' rights. This will enhance opportunities for information sharing between jurisdictions on what works best. I would like to thank Mr Davis for this motion. I welcome the opportunity to investigate further what other jurisdictions are doing in this space and to consider developing a rental ombudsman, commissioner or similar statutory body here in the territory.

I should, of course, turn to the amendments that have been proposed. They are not amendments that I support. I appreciate Mr Parton's analysis of how the two-party government works in the ACT. He describes it as unique, and it largely is, because there are no others like it in Australia where two parties seek to work together. What some in the Liberal Party have struggled to understand, for the entire time that I have been in this place, is that two parties can work together and still have a difference of opinion at times, and that happens. That is where you see my colleagues and me at times talking about ideas that have not yet been resolved by the government. Heaven forbid that we might have a fresh idea that we want to bring to the table. Mr Parton clearly is uncomfortable with that notion.

During recent rental debates, Mr Parton has made a number of sweeping statements about landlords getting out of the market. Let me provide two quick statistics. He has statements; I have data. CoreLogic identified rental yields as increasing, as I touched

on earlier in my speech, from 3.82 per cent to 4.19 per cent in the past 12 months. Mr Parton has been telling us that our rental reforms will destroy the rental market. Landlords are seeing increased yields. In the last decade we have seen the number of properties subject to land tax, of those that have been rented out, increase from around 35,000 to 54,000. This is not a case of landlords fleeing the market in the territory. His sweeping statement is simply not true. *(Time expired.)*

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.26): I want to speak briefly to this motion. I understood, when it came from Mr Davis, that it was specifically about rentals, but I have just read Mr Parton's very colourful amendments, which, of course—

Mr Parton: What did you think?

MS BERRY: We disagree, Mr Parton. We disagree with a number of things that you said in your speech, particularly about Housing ACT staff. When you reflect on that after you have left today, you will feel differently about what Housing ACT do, not just in being good social landlords but in supporting tenants in every way possible. It is very clear when you speak to any of the Housing ACT managers that, when they refer to public housing tenants, they do this work because they want to make sure that tenants in public housing are appropriately supported.

Some of our people who are most in need in the ACT require supports that go well beyond housing. Housing ACT do a lot of the work to connect those people with various organisations to make sure that they have the supports they need to maintain their tenancy and have a fair chance and a decent crack at happiness. That is what we would all want for everybody within our Canberra community.

I want to go to some of the investments that the ACT government has made in housing in the ACT, with the $200 million that is being invested in the renewal of public housing—renewing and building even more public housing in the ACT. There are an additional 400, as well as an additional 1,000, homes being renewed, to ensure that they are fit for purpose and meet the needs of our tenants in the ACT for many years to come. That is added to the 1,288 figure for the renewal of public housing in the ACT that commenced under the last term of government and was completed under this term of government.

With respect to the ACT government, $1.2 billion has been invested for the period 2015-27. This means 20 per cent of our public housing stock in the ACT will have been renewed on the completion of this program. I should note that, under the Housing Australia Future Fund, which is being debated in the federal parliament today, that would get us another 1,200 properties—$100 million worth, in fact, Mr Parton, that is being blocked by both the Liberal Party and the federal Greens party. It is the $100 million that—

Mr Parton: Pesky Greens.

MS BERRY: It is your party, too, Mr Parton. It is the Liberals as well. It is the one time when you are actually in lock-step with the Greens—federally, rather than here in the ACT. In fact, Mr Rattenbury, with respect to the Liberals being confused about working in partnership with another political party, perhaps that is not the case federally. Here in the ACT it comes as a bit of a surprise to the Liberals that we would be able to form government together. We disagree on this particular issue, but the Labor Party have been around for a long time and we are used to being in situations where we can work through these kinds of issues. We have been doing it for years.

Mr Parton: You might find more in common with us before too long. Are you up for a bit of a power-sharing agreement with us?

MADAM SPEAKER: Just ignore him, Ms Berry. That is the best advice I can give.

MS BERRY: I would ignore him, but I did want to hear what he was going to offer then. Unsurprisingly, it was nothing new. You would feel like you needed to go and have a shower afterwards.

I want to refer to the spending by the ACT government and the support that Housing ACT provides for tenants here in the ACT, which is so important. I, for one absolutely commend—and I know Ms Vassarotti does as well—the work of Housing ACT in supporting tenants in the ACT. We will work on ensuring that public housing continues to grow, unlike the Canberra Liberals. I know you hate it when I mention this, Mr Parton, but the last time—and I know it was a long time ago—that the Canberra Liberals were in government, they sold off a thousand public housing properties that were not replaced.

Mr Parton: I think that once in 1940 we did something similar, too.

MS BERRY: I will chase that one up, and I will add it to the number. We are absolutely invested in making sure that we continue to grow public housing in the ACT. We will continue the work and continue to support Housing ACT to be good social landlords, and to support them in going beyond just being a landlord and providing those additional supports to tenants in the ACT.

We will partner with community housing organisations and the federal government to build even more affordable housing across the ACT, which includes the housing that I announced with Julie Collins a couple of weeks ago, out at Ginninderry. It showed what can be done by having a strong partnership of people who all want to achieve the same goals of providing affordable rentals in the ACT for people who need it most. NHFIC, the new housing future fund, if it ever gets through the parliament, will involve the ACT government, the federal government, and our partners, Riverview, out at Ginninderry.

I have always said that we will continue to work with community housing providers where we can both have skin in the game. I have always said that we will invest everything we can in the ACT in public housing, in affordable and social housing, but we cannot do it on our own. Finally, we have a government federally who have said

they will partner with us and invest with us to grow affordable rentals in the ACT. We cannot wait for that situation to become a reality so that we can deliver that.

Mr Parton, obviously, I do not agree with the amendments that you have put forward. Again I ask you to reflect on the work of Housing ACT and their support for their tenants. I note, in the motion that has been put forward and that will be supported by the government, the calls for the government to investigate the role of a rental commissioner. I think that an investigation of that nature is appropriate. Whether it is the right way to go in these circumstances will be shown once those investigations are carried out. We will support the recommendation in the motion that we investigate that possibility. I note that something like that would cost millions and millions of dollars, and I would rather see that go into housing; that is my view. But we will investigate it and see whether there is potential for that position to be implemented.

Mr Parton: Have a non-royal commission into it.

MS BERRY: I think they are very different roles, Mr Parton. Thank you, Madam Speaker, for giving me the chance to talk to this motion today.

MR BRADDOCK (Yerrabi) (4.33): I would like to thank and applaud Mr Davis for bringing this motion forward. I am proud to be in the party that stands for renters. Over the course of my life, I have been a renter, mortgage holder and landlord, and I am currently back to being a renter again. I do not think anyone, no matter whether they are a renter or a landlord, can deny the challenges that exist within the housing market.

Canberra is amongst the most expensive capital cities in Australia to rent, and rental stress is extremely high, contributing to the cost-of-living crisis—or "cozzie livs", to borrow the typical Australian vernacular approach of shortening and then adding an "s" to a term. But this term does not address or even identify that there is an inequality crisis at the root of this. We are not talking about a perfect economic market where everyone has the same information or the ability to seamlessly switch houses without undue effort. We are talking about a home—a roof over people's heads. The power imbalance that exists between renters and landlords is large. The fear of having to pack up all of your belongings and disrupt your life simply to search for and find alternative accommodation, as people have mentioned, is significant.

I will not spend too long on this. I will note that Mr Parton's brouhaha amendments have achieved their purpose and will leave the response to my fellow crossbencher, Mr Davis, to respond.

In closing, I support that Mr Davis's motion makes renters' rights become a reality for renters here in the ACT.

MR DAVIS (Brindabella) (4.35): I will do my best in 10 minutes—gee whiz! Let me start first with Mr Barr's contribution to the debate. I thank the Chief Minister for his support of this motion and the work that the Attorney-General will do as a result to investigate the role a rental ombudsman and a commissioner could play in the ACT. It is good to have that endorsement from the head of the government for this work.

What I would like to point out, though, to the Chief Minister was his reference and his comments to national cabinet, and the announcement by the Prime Minister that efforts should be made to "harmonise" the rental experience across the country. I want it on record and be made crystal clear that "harmonise" should mean meeting best practice. "Harmonise" should mean ensuring that all Australians enjoy the protections hard fought, won and secured here in the ACT.

The ACT Greens and I will resist any effort in any sort of harmonisation approach to water down, reduce or minimise the victories we have secured for the more than 30 per cent of Canberrans who rent. I would encourage the Prime Minister—and I hope the Chief Minister on behalf of the ACT government encourages the Prime Minister—and national cabinet to adopt ACT's nation-leading rental reforms in that harmonisation work.

To Mr Parton's contribution: where does one start? Let us start with the amendments. I want to acknowledge sincerely that I believe Mr Parton has been contacted by public housing tenants who have had an unfortunate experience. I would encourage every single tenant in the ACT to make use of a rental ombudsman or a commissioner, should the government produce one.

Indeed, if there are instances, as Mr Parton has outlined, and I am sure there are—these are our constituents and they contact me too, Mr Parton—I would hope they would make these representations clear through the new rental ombudsman or commissioner.

The ACT government is the territory's biggest landlord. It should be the ACT's best landlord, and all landlords should be held to the highest possible standard. A rental ombudsman is one way of securing that. The ACT Greens believe that the ACT should be the best landlord in the country and the best landlord in the ACT.

That is why the ACT Greens worked hard to secure substantial commitments, with ACT Labor, in the development of our Parliamentary and Governing Agreement, including an ambition to deliver 400 additional public dwellings by 2025 and invest rapidly in the improvement of older public housing properties.

I want to make it very, very clear, as a signatory to the Parliamentary and Governing Agreement, that I am committed to the delivery of 400 additional properties by 2025. The government should be committed to that too, and I would hope every effort is being made to meet that target.

I appreciate that to build more homes there are challenges outside of the territory government's control in the building and construction sector more broadly. That is why I proposed a rather novel solution: buy more homes. Mr Parton's response when that is brought up in this Assembly? Communism. That is the kind of serious contribution to this policy debate that we are getting out of Mr Parton and the Canberra Liberals.

Ms Berry is keen to remind this Assembly—and I am glad that she does—of the record of the Canberra Liberals in government on public housing. But appreciating it was long

ago since the territory put the Canberra Liberals in charge, we need only look to some more recent examples about what Liberals do when they are put in charge of public housing. An article in *The Guardian* of Saturday 16 April 2022, outlining the New South Wales Liberal government's work on public housing, says:

> Since it was first elected in 2021, the coalition in New South Wales has sold off 4,205 social housing properties across the state … $3 billion thrown into consolidated revenue.

This is what Liberals do when they get in charge of public assets: they sell, sell, sell.

Mr Parton has belled the cat on what alternative policy solutions the Canberra Liberals would propose to try and improve the situation for renting in Canberra. He spelt them out quite clearly: taxes, land and community housing providers. So let me make that very clear. If you are lucky enough to own more homes than you need—despite rising rates of homelessness, despite the public housing wait list increasing, despite the middle class shrinking and the gap between the haves and have-nots widening—Mr Parton thinks it is those with the benefit of owning more homes than they need who are suffering a tax burden he would seek to reduce. I am glad someone in here is looking out for those poor property investors who own more homes than they need.

Fortunately, Minister Vassarotti is in here looking out for those sleeping rough on the streets. Mr Parton says it is land—belling the cat once again. There is not a square inch of this city that this mob would not disseminate into rolling cul-de-sacs and crescents, suburban sprawl to the *n*th degree, as their single solution to this housing crisis.

Mr Parton, we both represent the great people in Tuggeranong, and I trust you received the same response from the good people in Tuggeranong I did when your lot suggested building housing west of the Murrumbidgee River—decimating one of the most beautiful parts of the Tuggeranong Valley for endless urban sprawl, as one of your harebrained ideas to try and secure the housing crisis.

Then Mr Parton outlined his third solution—community housing providers. I have incredible respect and gratitude for community housing providers, but let me make it clear that I resist the idea that the government's responsibility to own and manage its public housing assets be outsourced, like the Canberra Liberals here are subtly suggesting they would do if they were put into government.

I think the public housing portfolio in the ACT should be increasing. It should be increasing rapidly. The government should be doing whatever it needs to do to do that. Build them and buy them, honour the Parliamentary and Governing Agreement targets, bring down that public housing wait list and make sure more people in this city have a home.

Mr Parton additionally outlines the work that the ACT Greens have or have not done in this place, and I am really pleased to speak to that list, including securing with Labor a record investment in public housing through the Parliamentary and Governing agreement. We are allocating through this term of government more money to buy and

build more public housing than we ever have before in the history of self-government. There is also more Greens in this government than ever before. Those two things are not mutually exclusive.

We have secured a record investment in specialist homelessness services through that agreement, with Minister Vassarotti delivering a new strategic plan to end homelessness in the ACT. We have reformed the Residential Tenancies Act to end no-cause evictions, prohibit solicited rent bidding and mandate minimum energy efficiency ratings for rental properties—which Mr Parton professes is turning landlords out of the market. Trust me, Madam Speaker, I will get to that.

We proposed an inquiry into the Missing Middle campaign, which is a reform proposed to support the construction of more homes within our current urban footprint, which was opposed by both the Labor and Liberal parties. We proposed regulation on short-term rentals in this city, which was watered down by Labor and opposed by the Liberals. We proposed a vacancy tax on long-term vacant properties in this city—the can kicked down the road by the Labor Party and opposed by the Liberals.

We have established a rental relief fund administered by Greens Attorney-General Shane Rattenbury to make sure we can give real financial relief to tenants struggling right now. And, for the first time, we secured tripartisan support in this Assembly, with all 25 members calling on the federal government to abolish the ACT's historic housing debt so that we can buy and build even more public homes. I am very proud of our record and I stand by it.

I would like to close with the *Hansard* evidence of the recent public hearing of the Select Committee into Cost of Living Pressures—a committee I am proud to lead, because I am always committed to tackling the cost of living, particularly for those doing it tough. I took your argument to the Chief Minister, Mr Parton, about land tax and rates driving investors out of the market, and I want to quote Mr Barr and his officials on the actual data:

> The number of investment properties that are on the supply side of the equation has increased since 2010-11 from 35,623 properties to 54,143 properties. So the proportion of properties within the ACT that are subject to land tax over at least one quarter has over the last decade increased from 26 per cent to 30 per cent.

Where are those landlords running across the border, Mr Parton?

> The total number of properties and the proportion of properties relevant to the total number of properties in the ACT have both increased. This clearly reflects an increase in the number of people with investment properties and the same number of people with multiple investment properties. I suspect a combination of both.

The gap between the haves and have-nots has never been wider. It is largely due to federal government tax concessions which the Labor Party is doing nothing about, negative gearing and capital gains. We are treading water from a leaky boat in the territory and we need federal leadership. In the meantime, I will keep fighting for renters. *(Time expired.)*

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 7	Noes 14	
Mr Cain	Mr Barr	Mr Gentleman
Ms Castley	Ms Berry	Dr Paterson
Mr Cocks	Mr Braddock	Mr Pettersson
Mrs Kikkert	Ms Burch	Mr Rattenbury
Ms Lawder	Ms Cheyne	Mr Steel
Mr Milligan	Ms Clay	Ms Vassarotti
Mr Parton	Ms Davidson	
	Mr Davis	

Amendment negatived.

Question resolved in the affirmative.

Freedom of Information Amendment Bill 2022

Debate resumed.

MR BRADDOCK (Yerrabi) (4.51): This bill is an interesting one. On one hand, there are good, sound elements that are worthy of supporting. On the other hand, it lays bare some of the challenges for our public servants in processing freedom of information applications within statutory time frames. It is concerning that the ACT public service appears to be structurally unable to process these applications within a statutory time frame of 20 working days, on average. Instead, the average comes in closer to 27 days. We appreciate there exist many challenges to meeting these time frames—for example, where a request may involve multiple parts of the government, where personal information of either the applicant or others are involved, IT challenges, and so on. It would be preferable to investigate and tackle these structural barriers preventing the resolution of the freedom of information applications within 20 days and also determine what resources would be required to achieve this and how it could be done.

That said, it is also clear that something needs to be done given the current resource limitations. ACT public servants are required to spend large amounts of time requesting extensions that they anticipate for the majority of freedom of information applications. This bill will give those public servants the ability, within their current resourcing limitations, to actually spend more time working on processing the information requests and responding to the public to meet their demand. The reforms will also reduce the burden involved in preparing ministerial briefing materials for situations where freedom of information applications for personal information exceed the statutory deadlines.

We know, from experience here in the Assembly, that the sensitive nature of these applications precludes the provision of useful information to the Assembly, that debate around these matters can be unconstructive and the Assembly makes little use of this reporting mechanism. The provision of more complete reporting with additional context via the annual report is likely to provide greater value to the oversight and scrutiny functions of this Assembly than the regime currently provides. I am comfortable with these changes but would also like to determine whether more frequent reporting, as recommended by the committee, is possible. For this, we will need to examine how the new proposed regime will work in reality.

The bill's clarification measures are all quite welcome and fully supported. This includes clear respect for confidentiality of legal advice and certain information held by the Inspector of Correctional Services. When someone is seeking personal information that is not their own, their identity will now be considered relevant to their application, which is a good thing. It is my hope this will make things easier for people to access information where they are supporting someone who is in their care. This would be one example where reasons to access another's personal information would be legitimate and the law supports such applications.

I will speak briefly to the opposition's other objections that I have not yet otherwise touched on. Section 26 deals with the open access information inside agency policy documents. The government's bill provides for options for agencies to point applicants to other documents that contain all the information that is not contrary to the public interest, rather than working to redact the policy document to make it safe to release. Given how frequently policy documents can be caught up in FOI applications, this is ultimately another reasonable efficiency measure.

In section 28, the bill would make it so that the agency disclosure logs remain based on applications handled by the agency rather than made to the agency. Where an application is referred from one agency to another or where it handled by multiple agencies, it would make sense for the agency doing the work to retain the record.

The rest of the opposition's concerns appear to relate to that core question of processing time. As I have mentioned before, I would like to also examine how we can support timely freedom of information requests. We must acknowledge it would require targeted resourcing to make a meaningful difference. We have concluded it is better that the system function and be more responsive to the people of the ACT than without these amendments.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.56), in reply: This FOI bill is an important bill for the sustainability of our freedom of information system. The government recognises the importance of access to government information to our democracy and citizens, and that is why we have introduced this bill to allow for more flexibility and administrative processes, meaning that our FOI teams across agencies spend more time getting citizens the information that they need and less on complex paperwork. A more streamlined FOI framework supports applicants and respondents to direct resources and the time to process, contributing to fast and fair decision-making.

The bill seeks to facilitate quicker access to government information and improve outcomes for all individual applicants, government respondents and review bodies. The bill makes a range of important process improvements to create efficiencies in the application of the act. Current practice requires extensive engagement between applicants and processing teams to clarify scope and navigate the types of documents sought and the format those documents come in. The amendments made under this bill will work to streamline and clarify these processes and ensure the time for processing is spent processing, not on red tape.

These reforms encourage applicants to engage more proactively with agencies on their application and give greater certainty to decision-makers and applicants about outcomes, their entitlements and responsibilities. The bill aims to increase the efficiency with which respondents process information access requests. For example, third parties who object to the disclosure of information will be required to provide their views to agencies earlier in the decision-making process. All these changes will mean that FOI applications can be resolved more quickly.

The government will continue to work with the ACT Ombudsman in developing important guidance for applicants and government agencies to ensure the act remains strong and fit for purpose. These will ensure that the new review works as effectively as possible for third parties who may be affected by the publication of open access material. Guidelines will also be developed to guide decision-makers in the application of the new public interest test, which allows the identity of the applicant to be considered in limited circumstances.

Importantly, the act does not reduce the transparency measures built in to ensure the ACT Ombudsman can provide its annual report on the operation of freedom of information across government. Government will update information available to agencies to support applicants who live with a disability or otherwise vulnerable members of the community.

Canberrans who interact with our care system, healthcare system and child protection system should be able to access their personal information held by the ACT government promptly. Our reforms in this bill mean our processing teams have more time to make careful and considered decisions around sensitive personal information that the government holds.

In addition to these efficiency measures, the bill expands review rights under the act, meaning more people can seek review of FOI decisions. This is an important step in strengthening the principles of FOI in the ACT. The ACT government is committed to a robust, sustainable and efficient freedom of information regime that facilitates prompt access to government information at the lowest reasonable cost to the public. We have been doing this steadily over a number of years, from the proactive release of cabinet decisions through open access to making cabinet records accessible on application after 10 years under the Territory Records Act, and the introduction of the current Freedom of Information Act.

This supports other work we have been doing to improve the open access portal and invest in resources, capability and training in our FOI teams. This high level of access to government information is important, and it is important that we support it with a sustainable FOI regime. Through this bill, we will be ensuring that processing resources can be allocated as efficiently as possible to achieve the best results for applicants. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6.

MR CAIN (Ginninderra) (5.01): I believe my debate speech this morning covered the reasons why I am opposing certain clauses in this bill. As I mentioned this morning, the FOI bill is meant to have a pro-disclosure bias. As I also mentioned this morning, a disclosure delayed is a disclosure denied. That very much drives the reasoning behind my opposition to certain clauses in this bill which provide for delays in the processing of FOI applications, to the disadvantage of applicants.

I will make a few notes about Mr Braddock's debate speech. He seems to accept resource limitations as an acceptable excuse for FOI applicants—often members of the community—to not have their FOI application processed within the time stated in the act. That seems a pretty weak statement on behalf of the Greens. I am assuming Mr Braddock is speaking on behalf of the Greens. Resource limitations are an excuse for not delivering to the community the services that are promised in a very pro-disclosure, policy-driven piece of legislation. I wonder whether Mr Braddock would be so keen to say that in other instances where perhaps he thinks the community deserves better treatment, or appropriate treatment. I have been listening to Mr Braddock. He is comfortable with the changes which will result in less speedy processing of FOI applicant requests for information. That is very disappointing.

Mr Steel's version of the bill—and I am assuming this must mean the clauses that I am contesting—is that it will encourage applicants to engage. I am not quite sure that I see the logic there. That sounds like government spin, in my opinion. Some of the changes, in Mr Steel's opinion, will make the processing of FOI applications quicker. If that is the case, why are we extending so many time lines, as I will be touching on as I step through these clauses? If some of the changes actually make the process speedier, why are we also extending the time to process the application? That does not quite make sense. It is a contradiction.

I will step into the particular clause being debated. If passed, clause 6 of the bill will remove the need for an agency or minister to make policy documents available as open access documents, if the documents are already publicly available. But if we leave the situation as it is, it means that agencies and ministers will continue to be required to make all open access documents available. To me, that is a pro-disclosure situation which this clause seeks to change, and that is why I believe this clause should not be supported.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.05): This clause should be supported because it relates to the publication of open access information, where currently open access obligations require policy documents to be published even when pertaining to publicly available information. This amendment addresses situations where agencies have hybrid policy documents that include both published information and information that would be contrary to the public interest to release. In these cases, agencies have been required to redact the information that is not in the public interest to release and publish the redacted document on open access, even though this duplicates information that is already published separately.

Clause 6 provides that, in such cases, it is not necessary to publish the document on open access if the only information that will be published is already publicly available. The intent of this provision is to avoid unnecessary administration for officials who are involved in the publication of open access information, and to avoid duplicating information on the open access portal. This is an important efficiency measure and means that processing time is spent on documents not already publicly available, and not on duplicating work. I commend this clause to the Assembly.

Clause 6 agreed to.

Clause 7.

MR CAIN (Ginninderra) (5.06): I will be opposing this clause for similar reasons to those I have already outlined. If passed, clause 7 of the bill will require agencies and ministers to keep a disclosure log of all access applications dealt with by the agency or minister. At the moment, a log must be kept of all applications received. We will be seeing a pretty significant change, in that the departments will not be required, if this clause is passed, to record the applications they receive; only the ones they choose to deal with. This means there will be fewer listings in this log, less transparency in how the community is interacting with government departments, and an increase in administrative burden on applicants, who are wondering, "I wonder what happened to my application? I can't find it listed anywhere. Perhaps it was never dealt with."

For this reason, this lack of transparency in how the community are engaging with their FOI applications and the information they deserve to know about what has been lodged, I oppose this clause. This clause will remove information on what is provided to departments as an FOI application and only record FOI applications that are dealt with as decided by the department. This is a clear breach of a transparent, supposedly policy-driven FOI scheme, and I oppose this clause.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.08): Clause 7 relates to the requirement for a disclosure log. This amendment changes the requirement for the agency, where the FOI application is made, to keep a record of the application to the agency only where the access application is dealt with. This prevents unnecessary duplication of processes across the ACT public service and means agencies are responsible for their own records and documents. This change does not mean that these records will not be kept; it just changes where they are disclosed.

Clause 7 agreed to.

Clause 8.

MR CAIN (Ginninderra) (5.09): I will be opposing this clause. If passed, clause 8 of the bill will have the effect of allowing an applicant six weeks to respond to a request for clarification from an agency or minister. Currently, an applicant has three months to respond to a request for clarification.

This is not an applicant-friendly amendment. This is saying that the department can close off a case in a shorter period than is currently the case when awaiting information from an applicant. This disproportionately impacts people who may struggle with digital infrastructure, who are ill or incarcerated in some way, or who are out of action, so to speak. It is a reduction from three months to six weeks in which the department can say, "We'll shut the door on that application." That is not applicant-friendly. It puts a significant onus on customers, and it goes against the pro-disclosure and free and accessible information intentions of the act.

I refer the minister to the explanatory statement on this clause. I will read this in full; it is only a single line. This is the explanation in the explanatory statement about this change:

> This clause provides that agencies need not deal further with an access application if it is suspended under subsection (4) for six weeks.

Guess what it does not say, Mr Deputy Speaker? It does not say that the time for the applicant to respond will be reduced from three months to only six weeks. That raises my concerns and suspicions. Why aren't you fully telling the community what the changes in law are actually doing? You say, "It's going to be six weeks." Why doesn't it say that it will be reduced from three months to six weeks? I wonder what could be behind that.

With these explanatory statements, guess what they are, Minister? They are explanatory statements. If this government were committed to filling in the community about the clearest and simplest way to understand law changes, they should use the simplest and most complete explanation for what the law is actually doing. It is not just introducing a time frame; it is actually reducing a time frame. If this clause is passed, this will be a less applicant-friendly part of our FOI scheme, and the minister knows that. I wonder

whether that is why he did not want to mention that currently there are three months available, and it will be reduced to six weeks, as per the explanatory statement. It is an incomplete explanatory statement. It is not an applicant-friendly change, and I oppose it.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.12): Clause 8 relates to when an application is terminated after a suspension under section 34 of the act. These suspensions occur when an agency contacts the applicant to seek information on scope of application, including the type of documents requested.

The amendment seeks to reduce the time allowed for agencies to not deal with the application further, from three months to six weeks. This reduction in time is an important measure to develop efficiencies in the processing system. This prevents applications from remaining open with the agency for a long period of time where the applicant is not engaging with the agency.

Importantly, this does not prevent the applicant from restarting their request under the act. This would reset the clock and start the process from the beginning again. In many circumstances, where an applicant is no longer responding to the agency to progress their application, this is due to that information no longer being required or being publicly released.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10.

MR CAIN (Ginninderra) (5.14): I will be opposing this clause, on behalf of the Canberra Liberals. This clause has the effect that, if an agency or minister does not decide on an access application in time, the agency or minister must give notice of this to the Ombudsman, and such a notice must be presented to the Assembly. At the moment the agency or minister has three sitting days to provide the notice to the Assembly. If this clause is passed, the time available to give notice to the Assembly will be six sitting days. Again, in this case, it is the Assembly that is getting a delayed disclosure. The people's representatives are getting a delayed disclosure.

Can I point out, as I have with the previous clause, how clause 10 is described in the explanatory statement? I will not read all of it, but I will read the pertinent part about the timing:

> … the relevant Minister must ensure that a copy of the notice is presented to the Legislative Assembly within 6 sitting days after the access application … is finally decided.

Nowhere does it say that it is currently three sitting days. Again, it is an explanatory statement. Nowhere does it say that the agency or minister has more time to tell the Assembly of a significant event.

Mr Steel: It is in the bill.

MR CAIN: It is in the bill. Why isn't it in the explanatory statement? Why is it not in a statement that is called an explanatory statement, which is probably what interested members of the community will look at when they think, "I wonder what this law change is doing." Is this why you write explanatory statements—to confuse the community, to hide things, or to explain things? By the way, that is what it is called.

Minister, I think you need to work on that. If you are going to describe a change, particularly with something like the time available for something, you need to say what the change is and not just say, "Here's the new number."

Dr Paterson: A point of order.

MR DEPUTY SPEAKER: Mr Cain, can you resume your seat? Dr Paterson?

Dr Paterson: Mr Cain is speaking directly to Minister Steel, not through the chair.

MR DEPUTY SPEAKER: Thank you, Dr Paterson. Mr Cain, could I ask you to direct your comments through the chair? That would be helpful.

MR CAIN: I stand corrected, Mr Deputy Speaker. Again, please write your explanatory statements so that they are friendly to the community.

Dr Paterson: A point of order.

MR DEPUTY SPEAKER: I think Mr Cain has concluded, Dr Paterson.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.17): Thank you, Mr Deputy Speaker; it is almost time for standing order 62. The amendment proposes to increase the time allowed for the relevant minister to provide a copy of the notice to the Ombudsman, following a decision not made in time to the Assembly, from three sitting days to six sitting days. This is an important change that reflects that the current three-sitting-day allocation does not provide enough time within government for the letter to be provided to a minister and then tabled in the Assembly.

The amendment allows greater opportunity for ministers to understand how this outcome occurred and ensure that the information presented to the Assembly is useful and accurate. There is a significant amount of work associated with drafting and preparing these documents, and greater flexibility allows this to occur at a more reasonable pace. This relaxation also ensures that resources are not unduly re-prioritised to the administration side, as opposed to the information processing side of the act, which, of course, is one of the principles for the work that is being done in this entire bill.

Clause 10 agreed to.

Clause 11 agreed to.

Clause 12.

MR CAIN (Ginninderra) (5.19): I will be opposing this clause on behalf of the Canberra Liberals. As the minister would be aware, currently the time available to decide an access application is 20 working days. This clause, if passed, would allow 30 working days for the processing of an access application. Again, delayed disclosure is disclosure denied. As I said a bit earlier, the minister was trumpeting some of the changes in this bill, saying it will make processing FOI applications more efficient and faster. If that is the case, why are you extending the time to process them?

MR DEPUTY SPEAKER: Dr Paterson, on a point of order.

Dr Paterson: Mr Cain is still directing his comments at Minister Steel. He said, "Why did you."

MR DEPUTY SPEAKER: Dr Paterson, I think it is a highly technical point of order. Mr Cain commenced the sentence by directing it to me and then changed the subject of the sentence halfway through—

Dr Paterson: And directed it to Minister Steel.

MR DEPUTY SPEAKER: I will continue to monitor the situation. Mr Cain, where possible—and you know it is the practice in this chamber—direct your remarks through the chair. If you could attempt to do that, that would be helpful to Dr Paterson and to all of us. Thank you. Mr Cain.

MR CAIN: Thank you, Mr Deputy Speaker. This clause will increase the time for a department or a minister to respond to an access application. It is the clearest contradiction I could probably find and explain to the community. It is the clearest contradiction to the stated policy of the bill. It is highlighted in the Deloitte report. Obviously, they picked the number that the Deloitte report said is the average, but, again, resourcing is not a problem apparently. Inadequate resourcing is not a problem to the Greens.

This is a theme that I hope does not keep appearing in explanatory statements. I will read the explanatory statement for clause 12. It says:

> This clause provides that a respondent has 30 working days from the day of receiving an access application to make a decision on the application.

I wonder what is missing in that statement to explain what this clause is doing. I wonder what is missing. It is the same thing. It is the current number that is missing. That is very concerning. The current time frame is 20 days to decide an application. Under the clause, it will become 30. Why does the minister not say that in his explanatory statement?

We will not be supporting this clause.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.22): This amendment increases the number of working days a decision must be made after receiving the application—

Mr Cain: You should have said that in the explanatory statement.

MR STEEL: It is in the bill, Mr Cain—and this increases from 20 working days to 30 working days. This change is to reflect actual practice. Currently, applications generally take up to 30 working days to process and complete across all agencies. Adding processing days is an important step in ensuring that the information being provided under the act is carefully considered and that the information provided is the information being sought. This reduces the significant administrative burden associated with seeking short extensions from applicants for fewer than five working days. A significant volume of applications is already processed with agreement from the applicant in a time frame of this length, and this amendment just codifies this existing practice.

MR BRADDOCK (Yerrabi) (5.23): As the minister has alluded to, on average, the processing time has exceeded the 20-day time frame, being, on average, 27 days. This change is actually a way of achieving efficiencies, in that the staff members who are processing applications can do the work they are required to do and not be dedicated towards seeking the extension application paperwork. In fact, it is anticipated that the average processing time will actually decrease because they will spend more time doing the job they are required to do and are not simply seeking the extension.

Question put:

> That clause 12 be agreed to.

The Assembly voted—

Ayes 14		Noes 7
Mr Barr	Mr Gentleman	Mr Cain
Ms Berry	Dr Paterson	Ms Castley
Mr Braddock	Mr Pettersson	Mr Hanson
Ms Burch	Mr Rattenbury	Mrs Kikkert
Ms Cheyne	Mr Steel	Ms Lawder
Ms Clay	Ms Vassarotti	Mr Milligan
Ms Davidson		Mr Parton
Mr Davis		

Question resolved in the affirmative.

Clause 12 agreed to.

Clause 13.

MR CAIN (Ginninderra) (5.28): I will be speaking in opposition to this clause, as well. Subsection (1) provides that an agency or minister has 20 working days to decide an access application. This period is obviously going to be 30 days, following today. This period is extended in certain circumstances under section 40(2). If passed, this clause would allow an extension of time where the agency or minister is consulting with an applicant about the agency or minister's proposal to refuse to deal with the application. The minimum consultation period is 10 days. If this clause is not passed, those 20 working days—now 30 days, sorry—will include the consultation period. Again, this is a delayed disclosure provision. I do not support this clause.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.29): In relation to clause 13, this amendment effectively extends the processing time where the agency has gone back to an applicant to seek a clarification request. This reflects that, while an agency is seeking clarification on the scope or documents requested, they are unable to reasonably process the application. So it is reasonable that this amendment extends the processing time by only the time it takes for the applicant to respond to the request for clarification. This prevents the processing time running out while consultation occurs and inadvertently creates a deemed refusal that is not a consequence of any action that the agency has taken.

Clause 13 agreed to.

Clause 14.

MR CAIN (Ginninderra) (5.30): Section 40(1) of the act provides that the agency or minister has 20 working days to decide an access application. Obviously, that will be 30 days, going forward. This period is extended in certain circumstances under section 40(2). If passed, this clause would extend the time to decide an application where the 20 days, which will be 30 days, includes one or more days in the Christmas shutdown period. Again, this is a delayed disclosure clause. I cannot support this clause.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.31): On this side of the House, we are not Christmas grinches. The amendment establishes that the government shutdown at Christmas each year is not counted towards working days, as defined under the act. This is important because it ensures that the processing time is not affected by days of the year when employees are not working because of the government shutdown. FOI teams are made up of real people who work hard and diligently, and they deserve their Christmas break, as we all do.

Clause 14 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

Adjournment

Motion (by **Ms Cheyne**) proposed:

That the Assembly do now adjourn.

Molonglo Valley—poker-machine free zone

DR PATERSON (Murrumbidgee) (5.32): Last week I officially launched my new campaign to keep Molonglo pokie free. The concept is simple. The closer you live in proximity to a poker machine, the more likely you are to experience gambling harm. Molonglo Valley currently has no clubs or poker machines, and I hear from Molonglo residents all the time that they want to see a safe, healthy, connected community developed over the coming decades. Keeping Molonglo Valley poker machine free is one way of working to achieve this.

Last year, during the "Bets Off. Game On." campaign to end gambling ads on TV that I ran, the community's passion and support for gambling reform was overwhelming. Through that campaign, many people expressed their support and told me that they wanted to see more reform on pokies. Molonglo Valley is a new and growing community that does not currently have poker machines. As new suburbs develop, there is an opportunity to do things differently, an opportunity to build a safe and healthy environment.

Through my career as a researcher, I saw the real harm that gambling causes in our ACT community. The prevalence of gambling harm was last measured in 2019, with 31,000 adults experiencing some sort of harm—10 per cent of the ACT's population. What is more, a further five per cent of adults are negatively impacted by a family member or friend's gambling. Gambling harm is an insidious issue. The impacts are far-reaching and most often devastating.

Research conducted by the Australian Gambling Research Centre in 2021 found that proximity to gambling venues increases harm. They found that people living 250 metres from a gambling venue were six per cent more likely to gamble and experience harm than those living more than two kilometres from that venue. When you think about it, all of the residents in the new towers next to the clubs in Woden or Belconnen, or the future town centre in Molonglo, are increasing their probability of experiencing gambling harm just by virtue of the location in which they live.

Research conducted years ago in the ACT also found that living in close proximity to venues with poker machines was a real and contributing factor in the amount of gambling harm caused. A study conducted in Tuggeranong concluded that you will lose, on average, $1,200 more if you live within 3½ kilometres of a venue with pokies. That research was conducted many years ago, so I imagine that figure has significantly increased.

However, we know that community clubs play a really important role in the social and community life of Canberra. They connect people. They act as a meeting place and provide community facilities. Living close to a club should be a great thing. In the same

2019 survey of ACT residents, 80 per cent of adults had been to an ACT club within the past 12 months and close to 60 per cent of people believed that clubs make a positive contribution to our community. What I am hoping, with this campaign, is to provide a discussion and a space for a pivotal shift in the ACT, where we come up with legitimate ideas for how clubs can be sustainable into the future without pokies. What would a club look like in Molonglo without poker machines? What is the policy, legislative and regulatory environment needed to support a club with no pokies?

I would like to say a very big thankyou to those who joined me on Tuesday for the campaign launch, including Dr Gemma Killen, acting CEO of ACTCOSS; Jeremy Halcrow, Co-Chair of the Canberra Gambling Reform Alliance; Carol Bennett, the CEO of the Alliance for Gambling Reform; Kate Seselja, national advocate for the Alliance for Gambling Reform; Markus Fischer, the lead peer support and community engagement worker at Relationships Australia for the Canberra and capital region; Garrett Purtill, President of Canberra Labor Club; and Athol Chalmers, Chair of Canberra Community Clubs. It was quite unfortunate that Craig Shannon, the CEO of ClubsACT, was not able to attend on the day, but he has passed on his support to engage in the campaign.

The campaign will run for another four weeks, and I am asking the community for their thoughts. What do they think? Do they want to see a pokie-free Molonglo Valley? What does the ideal club of the future look like? I look forward to hearing people's feedback.

Telugu community—Ugadi festival

MRS KIKKERT (Ginninderra) (5.37): Recently I had the pleasure of joining my Indian friends in celebrating Ugadi, Indian New Year, at the Gungahlin College theatre. It was a special day, observed by the community through numerous traditions, which included sharing gifts, giving charitably to the poor and paying a visit to the local Hindu temple. Many of these traditions were born from a spirit of love, compassion and service. All the colourful celebrations represent the myriad opportunities that the new year brings and remind us to make the most of our vibrant and diverse experiences.

I am grateful to all those who prepared and cooked the delicious dinner. Catching up with members of the local community on this special occasion was very good. I also enjoyed the performances and was particularly touched by the beautiful performance by the children. I would like to express my love for the Indian community here, and my sincere gratitude to Sahithi Paturi, President of the Navya Andhra Telugu Association of Canberra, and the rest of the NATA team, for organising this wonderful event. My very best wishes to you all for a happy Ugadi this year. It is my hope that this new year will bring safety, prosperity, good health and peace in your homes and the community. May you have a most blissful and fulfilling new year.

National Disability Insurance Scheme—Federal budget impact

MS DAVIDSON (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (5.39): It is true that words have power, and one

of the things they are able to do is get out of someone's mouth before the speaker has the chance to stop them. On that note, I would like to say a few things about last night's budget.

The budget papers show that there will be $74.3 billion less on NDI investment in the forward estimates, through what the ABC News is calling "trend growth forecasts". The NDIS is a demand-driven system. I would like to know: how will NDIS costs reduce from last October's budget estimate of 13.8 per cent per year to last night's budget estimate of 10.4 per cent per year? That is a reduction of 13.8 per cent from last October to last night. They are now saying 10.4 per cent.

Senator Jordon Steele-John is currently conducting a Senate inquiry on ADHD. We know that there have been a lot of people with that diagnosis who need support in the community. I would also note that Bruce Bonyhady and Lisa Paul's review into the NDIS is not due to hand down its report until October, so I do not understand where that percentage is coming from. We had a disability reform ministers' meeting on 21 April and I did not hear anything that led me to expect this.

What I can go on is this: Minister Shorten was reported on ABC News as saying that, since the NDIS started, states have vacated offering the services they once did, leaving the federal government to pick up the bill. What I did talk about at that DRMC meeting on 21 April was how, in the 2022-23 ACT budget, we have been investing in services like early childhood development, psychosocial mental health therapy and building more class C social housing, for which I would love the ACT to get a lot more funding. He seems to have forgotten this, so I thought it might be helpful for him to hear what Minister Berry had to say in this place on 29 November 2022.

She was talking about an additional $7 million in funding to the ACT government's Child Development Service for a therapeutic early intervention service. She said that early childhood carers might pick up that there is a possible developmental delay and talk to the child's family. They can then go to the Child Development Service, who will do an assessment. The early intervention service will then be able to provide speech therapy, occupational therapy, physiotherapy—whatever it is that that individual child needs—and refer them into the ACT government's free three-year-old preschool early learning program.

I have heard from parents of two- to three-year-olds who have used the Child Development Service, pre the NDIS coming into existence, for speech and occupational therapy who have given glowing reviews of how wonderful that service is, and from early childhood educators at three-year-old preschool for kids who are referred in via the CDS. The CDS do a wonderful job and it makes a huge difference for kids who need that little bit of extra support.

The ACT government is indeed investing in supports for people with disability outside the NDIS. We want to be able to talk to our commonwealth partners about these demand drivers in the NDIS and where tier 2 and ILC fit into a restructured NDIS. But, most importantly, we want to talk with people with disability about how to co-design changes that get the best outcomes, for everyone to have choice and control, to live a good life;

and with disability services about how to support long-term sector sustainability and solve thin markets for some of those services. Absolutely, it needs to be: "Nothing about us without us, and nobody left behind."

ACT Law Society and Partners—ACT Law Week

MR CAIN (Ginninderra) (5.43): I would like to speak briefly about Law Week, which we are actually in the middle of. Law Week is an annual celebration held each May that plays a central role in promoting an understanding of the law and its role in contemporary Australian society. Obviously, as shadow Attorney-General, I ought to have an interest in Law Week, and I certainly have demonstrated that—and I will give some examples of some events I have been to so far this week.

But, even prior to me being in this place and being asked by our leader, Elizabeth Lee, to take on this portfolio, I was very much involved with the Law Society. In my previous professional life, I was chair of the Government Law Committee for nearly seven years leading up to my election in October 2020. I had been a member of the council for four years leading up to the election, and three of those years had been as vice-president. So I was very familiar with Law Week and, quite frankly, attending those events as shadow Attorney-General feels like I am just going as my old self as well.

The ACT Law Society and ACT Bar Association, working cooperatively with the Women's Legal Association and the New Lawyers Committee, put on a great program during the week. There are many things still coming and, if you are interested, some of these events are open to the public. But I will just touch on some of the events I have been to this week, which was the start of Law Week, on Monday evening.

It is not just a case of highlighting the importance of law in our society; the rule of law is so inherently important to the success of our democracy in Australia and the fact that the law really applies to all and none are above it. It is out there for the community to see what the law is. Perhaps it could be out there in a clearer manner, but the rule of law is really intrinsic to the success of our democratic society.

Law Week is an opportunity to celebrate and to promote to the community the activities of the Law Society, the Bar Association and the other associations. But not only that; it also raises money for a local charity along with the ACT Law Society Foundation. This year the Law Society supported Rainbow Paws, a local charity providing assistance to pets and pet owners going through hard times by providing free or subsidised food, bedding, supplies and medical treatment for companion animals—a very worthy cause.

On Monday this week I had the pleasure of attending the launch of Law Week, which was accompanied by the ACT Golden Gavel comedy speaking competition—and, indeed, it was that. Speakers are given 24 hours notice to put a comedy twist on a legal topic. We saw some very interesting presentations. I want to congratulate the judges' winner, Grant Roberts from Clayton Utz, and the people's choice winner, Alexander Barrett from Thomson Geer, on their achievements.

I also attended a dinner last night, which was organised by the ACT Women Lawyers Association. The keynote speaker was Diana Sayed, the CEO of the Australian Muslim

Women's Centre for Human Rights. Diana told us a bit of her story on how she came with her family as refugees from Afghanistan.

Through her hard work, the support of her family and acceptance by the community in which she found herself, she has risen to be quite a lawyer of some influence and rank. She is an international human rights lawyer specialising in crisis response and antiracism and played a leading role in championing human rights for Afghani refugees during the crisis of 2021.

This morning I went to the ACT Bar Association breakfast, hosted by the Women Barrister's Association. Her Honour Justice Dina Yehia, from the New South Wales Supreme Court, was the guest speaker. It was fascinating to hear her story about coming with her family from Egypt and, as an eight-year-old, not being able to speak any English.

An indication of the commitment of her family and the community she found herself in is that she came as an eight-year-old to Australia speaking only Arabic to now be a justice of the New South Wales Supreme Court—what an achievement! She certainly has enjoyed a prestigious career in the legal profession. Her appointment on 22 June last year saw her elevated to the Supreme Court of New South Wales.

As shadow Attorney-General in the ACT, I relish the opportunity to hear from exceptional legal professionals and judges that this country has to offer and, in particular, from many of the strong women professionals who are rising in influence in the ranks of our legal community—a good thing all round.

I encourage anyone with an interest in the legal profession or in participating in Law Week to go to the websites of the Law Society and the Bar Association. There may still be time to fit something in.

Health—neurofibromatosis

MS CHEYNE (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (5.48): Every three days in Australia a child is born with neurofibromatosis. Neurofibromatosis can affect anyone regardless of age, ethnicity, gender or family history. Over 10,000 people in Australia are affected at any one time. Despite this, awareness among Australians is low. That is why May is Neurofibromatosis Awareness Month, bringing it out of the shadows and helping to make it visible, to help people understand the signs and symptoms and the education and treatment.

Neurofibromatosis, or NF, causes tumours—known as neurofibromas—to grow around the body's nerve cells, including the spine and brain, under the surface of the skin or deep in the body. There are three complex conditions: NF1, NF2 and schwannomatosis.

NF1 is the most common of the three genetic conditions, affecting one in every 2,500 people in Australia. NF1 is most often diagnosed in childhood and characterised by brown

skin spots, called cafe-au-lait marks, freckling in the groin and in the armpits. NF1 can lead to growths on or under the skin. These growths are usually not cancerous but can lead to learning difficulty, the softening and curving of bones and the curvature of the spine.

NF2 and schwannomatosis are less common but, like NF1, they also have no cure. Treatment options for all three are limited; however, significant research is happening globally and providing hope for people impacted and their families.

The Children's Tumour Foundation supports those affected by NF in all its forms and seeks to empower the community with a greater awareness of NF and its conditions. This month, CTF is encouraging the community to participate in the Step Towards a Cure fundraiser by completing 31, 75 or 150 kilometres—or your own goal—by stepping, striding, running or riding the distance by the end of this month and collecting donations along the way.

Next week, on 17 May, World NF Awareness Day, buildings will be lit up around the world, including right here in Canberra, to shine a light on NF. The date of the 17th is significant because NF1 is caused by a mutation to a gene in chromosome 17. Old Parliament House, the National Carillon, the John Gorton Building, Treasury and Questacon will be lit in blue and green.

The community can also participate at home with their own lights in blue and green or by decorating their driveway or window with NF facts, messages and pictures. I encourage our community to consider how they can get involved to learn more and to spread awareness about NF this month.

I conclude by paying tribute to the many people in our community, including and especially Brian Shaw, Carey Russell, and Libby, Jen and Cam Elliott, for their sustained advocacy and helping me learn more about NF, particularly with the many events that they have run and participated in. I am grateful to have learnt from each of them.

Question resolved in the affirmative.

The Assembly adjourned at 5.52 pm.