



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

TENTH ASSEMBLY

6 JUNE 2023

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TENTH ASSEMBLY MEMBERS

(from 22 June 2022)

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Speaker

Australian Labor Party

DAVIS, Mr Johnathan

ACT Greens

GENTLEMAN, Mr Mick

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Minister for Corrections

Minister for Industrial Relations and Workplace Safety

Minister for Planning and Land Management

Minister for Police and Emergency Services

Australian Labor Party

LAWDER, Ms Nicole

Canberra Liberals

PARTON, Mr Mark

Deputy Speaker

Canberra Liberals

Ginninderra electorate

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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

Minister for Women

Australian Labor Party

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Canberra Liberals

CHEYNE, Ms Tara

Assistant Minister for Economic Development

Minister for the Arts

Minister for Business and Better Regulation

Minister for Human Rights

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Australian Labor Party

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ACT Greens

KIKKERT, Mrs Elizabeth

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(continued)

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Minister for Economic Development

Minister for Tourism

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ACT Greens

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STEPHEN-SMITH, Ms Rachel

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Minister for Aboriginal and Torres Strait Islander Affairs

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Minister for Health

VASSAROTTI, Ms Rebecca

ACT Greens

Minister for the Environment

Minister for Heritage

Minister for Homelessness and Housing Services

Minister for Sustainable Building and Construction

Murrumbidgee electorate

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Canberra Liberals

DAVIDSON, Ms Emma

ACT Greens

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Minister for Disability

Minister for Justice Health

Minister for Mental Health

Minister for Veterans and Seniors

HANSON, Mr Jeremy

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Deputy Leader of the Opposition

TENTH ASSEMBLY MEMBERS

(continued)

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Australian Labor Party

STEEL, Mr Chris

Australian Labor Party

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Minister for Transport and City Services

Special Minister of State

Yerrabi electorate

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ACT Greens

CASTLEY, Ms Leanne

Canberra Liberals

MILLIGAN, Mr James

Canberra Liberals

ORR, Ms Suzanne

Australian Labor Party

PETTERSSON, Mr Michael

Australian Labor Party

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CONTENTS

Tuesday, 6 June 2023

Legislative Assembly—sub judice convention (Statement by Speaker)	1565
Petitions:	
Environment—Mt Ainslie Nature Reserve—petitions 12-23 and 16-23	1567
Housing ACT—vacant property—petition 09-23 (Ministerial response)	1568
Roads—Harrison—petition 40-22 (Ministerial response)	1569
Motion to take note of petitions	1570
Environment—Mt Ainslie Nature Reserve—petitions 12-23 and 16-23	1571
Legal Aid ACT—data security (Ministerial statement).....	1571
Transport Canberra—Zero Emission Transition Plan (Ministerial statement).....	1574
Justice and Community Safety—Standing Committee.....	1578
World Day for Safety and Health at Work and Workers’ Memorial Day	1578
Planning Bill 2022	1584
Questions without notice:	
Centenary Hospital for Women and Children—Obstetrics and Gynaecology	1607
Calvary Hospital—acquisition	1608
Canberra Hospital—expansion.....	1609
Calvary Hospital—acquisition	1611
Teachers—conditions and entitlements.....	1613
Calvary Hospital—acquisition	1613
Waste—circular economy	1614
Government—procurement	1616
Planning—Planning Bill 2022.....	1617
Planning—Planning Bill 2022.....	1618
Access Canberra—services	1619
Supplementary answer to question without notice:	
Teachers—conditions and entitlements.....	1620
Papers.....	1620
Leave of absence.....	1621
Gungahlin—economic development	1621
Calvary Hospital—acquisition.....	1632
Planning Bill 2022	1645
Adjournment:	
National Disability Insurance Scheme—federal funding.....	1677
Mr Tony Staley AO—death	1678
Empower DC—activism.....	1679
Planning Bill 2022	1679
Schedule of amendments:	
Schedule 1: Planning Bill 2022	1681
Schedule 2: Planning Bill 2022	1701

Wednesday, 7 June 2023

Standing Committee on Education and Community Inclusion—government response (Ministerial statement)	1705
Road Safety Legislation Amendment Bill 2022	1709
Planning and Environment Legislation Amendment Bill 2023	1716
Corrections and Sentencing Legislation Amendment Bill 2022.....	1720
Corrections and Sentencing Legislation Amendment Bill 2022 (Statement by Minister).....	1727
Environment—feral horses	1728
Ministerial arrangements	1734
Questions without notice:	
Calvary Hospital—acquisition	1734
Calvary Hospital—acquisition	1736
Vaping products—nicotine.....	1736
Centenary Hospital for Women and Children—Obstetrics and Gynaecology Unit	1738
Centenary Hospital for Women and Children—Obstetrics and Gynaecology Unit	1739
Gordon—playing fields	1740
Canberra Hospital—Neurology Unit.....	1741
Canberra Health Services—staffing	1743
Transport—traffic management	1744
Calvary Hospital—acquisition	1745
Municipal services—lighting	1746
Children and young people—mental health services	1747
Motor vehicles—government policies	1749
Period Products and Facilities (Access) Bill 2022.....	1780
Adjournment:	
Small business—food trucks	1793
Multicultural events—Africa Day	1794
Schedules of amendments:	
Schedule 1: Planning and Environment Legislation Amendment Bill 2023.....	1795
Schedule 2: Period Products and Facilities (Access) Bill 2022.....	1795
Schedule 3: Period Products and Facilities (Access) Bill 2022.....	1800

Thursday, 8 June 2023

Petitions:	
Municipal services—Casey—petition 3-23 (Ministerial response)	1801
Schools—Monash Primary School Oval—petition 27-22 (Ministerial response)	1803
Transport—ANU bus services—petition 2-23 (Ministerial response).....	1804
Motion to take note of petitions	1805
Environment—World Environment Day (Ministerial statement)	1805
ACT Disability Strategy—listening report (Ministerial statement).....	1810
Executive business—discharge of order of the day	1813
Executive business—precedence	1813

Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023	1813
Unit Titles Legislation Amendment Bill 2023.....	1835
Ministerial arrangements	1839
Questions without notice:	
Government—land release	1839
ACT Emergency Services Agency—operations	1840
ACT Ambulance Service—staffing.....	1841
Children and young people—out of home care.....	1842
Sport and recreation—swimming pools	1844
Belconnen—bus services.....	1844
Work health and safety—silica dust.....	1845
Taxation—revenue	1846
Canberra Hospital—expansion.....	1847
Transport Canberra and City Services Directorate—claims unit.....	1848
Emergency services—Thank a First Responder Day.....	1849
Supplementary answers to questions without notice:	
ACT Emergency Services Agency—operations	1851
Sport and recreation—swimming pools	1851
Papers.....	1852
Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011— review—government response	1852
Period Products and Facilities (Access) Bill 2022.....	1854
Leave of absence.....	1854
Business—night-time economy	1854
Housing—rental affordability	1866
Climate Change and Greenhouse Gas Reduction (Natural Gas Transition) Amendment Bill 2022	1887
Adjournment:	
Ms Margaret Ryan—death	1894
Ms Julia Ryan—death	1894
Men’s Health Week	1895
Federal budget—funding initiatives	1896
Scouts ACT—activities	1898
Schedules of amendments:	
Schedule 1: Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023	1900
Schedule 2: Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023	1901
Questions without notice taken on notice:	
Calvary Hospital—acquisition	1903
Calvary Hospital—acquisition	1903
Centenary Hospital for Women and Children—Obstetrics and Gynaecology Unit	1903
Calvary Hospital—acquisition	1903
Belconnen—bus services.....	1904
Sport and recreation—swimming pools	1904
<i>Subject Index</i>	<i>i</i>
<i>Speech Index</i>	<i>vii</i>

Tuesday, 6 June 2023

MADAM SPEAKER (Ms Burch) (10.00): Members:

Dhawura nguna, dhawura Ngunnawal.
Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.
Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

The words I have just spoken are in the language of the traditional custodians and translate to:

This is Ngunnawal Country.
Today we are gathering on Ngunnawal country.
We always pay respect to Elders, female and male, and Ngunnawal country.

Members, I ask you to stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory.

Legislative Assembly—sub judice convention Statement by Speaker

MADAM SPEAKER: Noting that there has been some public discussion about the prospect of legal action in relation to the Health Infrastructure Enabling Act 2023 and the Health Infrastructure Enabling Regulation 2023, I have provided a copy of a statement concerning the application of the sub judice convention in the Assembly, and I will refer to this as guidance if points of order are raised over the next few days.

Members, I have provided you with a copy of the following statement, as a point of guidance should points of order be raised over the next coming days.

The statement read as follows—

As members would be aware, sub judice simply means “under a judge” and refers to a situation in which there is a court proceeding before a court of law.

Sub judice becomes relevant, so far as the parliament is concerned, where parliamentary discussion of matters that are under active consideration by a court have the potential to prejudice the proceedings of that court or the performance of the judicial function more generally.

The rule is based on the principle of comity, or mutual respect, between the legislative and judicial branches within our system of government.

It recognises that the Assembly, its committees, and its members should not venture in territory that is properly the domain of the courts.

The seventh edition of *House of Representatives Practice* states that:

Notwithstanding its fundamental right and duty to consider any matter if it is thought to be in the public interest, the House imposes a restriction on itself in the case of matters awaiting or under adjudication in a court of

law ... It is by this self-imposed restriction that the House not only prevents its own deliberations from prejudicing the course of justice but prevents reports of its proceedings from being used to do so.

Continuing resolution 10 of the Assembly, which draws directly on the practice of the House of Commons, provides guidance on the relevant principles that attach to sub judice and reinforces the general requirement that, subject to the discretion of the Chair, and to the right of the Assembly to legislate on any matter or to discuss any matter:

Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

However, the rules are not a wholesale abrogation of members' freedom of speech in this place; the parliament's role in debating matters of public interest and concern remains an important consideration in the application of the sub judice convention.

And in deciding these matters, the chair plays an important role in balancing the interests of the legislature in raising and debating matters of public importance while ensuring that public respect for the courts is not undermined by the appearance of political interference in judicial processes.

It is important to distinguish between matters that are likely to prejudice or interfere with the administration of the court's adjudicative role and matters which can be legitimately explored within this place to facilitate policy debate and government accountability.

Continuing resolution 10 provides that:

... where a ministerial decision is in question, or in the opinion of the Speaker a case concerns issues of national importance such as the economy, public order or the essential services, reference to the issues or the case may be made in motions, debates or questions.

I note that Ms Castley has lodged a notice of motion in which the transition plan for the transfer of Calvary to Canberra Health Services is mentioned.

That these transition arrangements are also contemplated in the Health Infrastructure Enabling Regulation 2023 and may be subject to judicial consideration does not, in my view, prevent them from being discussed here.

I note that as yet, whilst there is an application for an injunction before the Supreme Court, no trial date has been set and the resolution is clear that, in the case of civil cases, proceedings are regarded as being active "when arrangements for the hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance".

Even were proceedings afoot in relation to these matters, I would not be inclined to rule that the mere discussion of related policy matters ought to be the subject of the sub judice rule simply because there is some broad overlap in the general subject matter.

Where things potentially start to come closer to the line is where a member made assertions about issues of fact or matters of law that may come before the courts in relation to any litigation.

I would plan to deal with such matters, on their merits, if the need arises.

In the meantime, I would ask that, when addressing this motion, or in relation to any other Assembly proceedings, Members avoid canvassing issues that may affect any court proceedings that ultimately come to pass.

Petitions

The following petitions were lodged for presentation:

Environment—Mt Ainslie Nature Reserve—petitions 12-23 and 16-23

By Ms Clay, from 403 and 178 residents, respectively:

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

The following residents of the ACT draw the attention of the Assembly to conserving the Ainslie Volcanics site.

This site and surrounds contain important ecological and heritage values which need to be protected.

This area is important to the local community and is being actively managed by local volunteers working formally with ACT Parks and Conservation and Molonglo Conservation Group. Ecological values include critically endangered Natural Temperate Grasslands, Box Gum Woodland, and habitat for multiple Commonwealth threatened species.

Volunteer work ensures the grasslands are preserved and maintained against threats from invasive species. Protecting these areas aligns with the 2017 ACT Native Grassland Conservation Strategy and the ACT Nature Conservation Act 2014.

The area has been nominated for the ACT Heritage Register for Aboriginal heritage values associated with the outcrops, and the place name ‘Nadya Ngambri’ reserve has been nominated.

Incorporating the Ainslie Volcanics site into the Canberra Nature Park will protect the site; and demonstrate that the ACT Government is actively committed to its own environment and heritage legislation.

Your petitioners, therefore, request the Assembly to

1. Call upon the ACT Government to urgently incorporate the following blocks into the Canberra Nature Park:
 - AINSLIE: Blocks 2 and 3, Section 60
 - CAMPBELL: Block 4, Section 63
2. Petition the Federal Government to relinquish the area of the “Wolseley Drive” access corridor adjacent to these blocks, so it can also be incorporated into the Mt Ainslie Nature Reserve.

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

Ministerial responses

The following responses to petitions have been lodged:

Housing ACT—vacant property—petition 9-23

By **Ms Berry**, Minister for Housing and Suburban Development, dated 1 June 2023, in response to a petition lodged by Dr Paterson on 22 March 2023, concerning a Swinger Hill Housing ACT property.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 22 March 2023, about Petition 009-23, tabled in the Legislative Assembly by Dr Marissa Patterson MLA. The petition requests the Assembly to call on Housing ACT to either safeguard or sell the property in Swinger Hill.

As part of the ACT Housing Strategy: Growing and Renewing Public Housing program and its routine asset management activities, Housing ACT is constantly assessing the future of individual properties within the public housing portfolio, considering a range of factors, including property age, condition, and recent maintenance spend; suburb ownership and surrounding holdings; site topography and development capacity; and value. Upon assessment, Housing ACT determined the property subject to this petition would be retained within the public housing portfolio, noting its close proximity to essential services and public transport routes, and Housing ACT's limited holdings within the area.

I appreciate the concern raised by members of the community. Everyone has the right to the quiet enjoyment of their home and street. I acknowledge some tenants may exhibit challenging behaviours, but do not support the view that public housing tenants are responsible for all disruptive behaviour that might occur in a neighbourhood. Such behaviours are exhibited by a small minority and are in no way reflective of all public housing tenants.

Public housing tenants, like all people renting in the Territory, are bound by the *Residential Tenancies Act 1997* and must abide by their agreement. Housing ACT works within the provisions of the Act to support its tenants to meet the requirements of their tenancy agreements. If in breach of the Act, Housing ACT will take appropriate action to ensure the tenancy is being managed suitably and the client is best supported in sustaining their tenancy.

The concern around property condition has been raised as a matter of urgency, with actions to safeguard the property undertaken by Housing ACT's maintenance contractors. Housing ACT acknowledge there has been a delay in completing external work to adhere to the ACT Heritage Council standards, due to material availability. Housing ACT is working to have this work completed as soon as possible.

Roads—Harrison—petition 40-22

By **Mr Steel**, Minister for Transport and City Services, dated 5 June 2023, in response to a petition lodged by Mr Pettersson on 28 March 2023, concerning road and pedestrian safety around the Harrison education precinct.

The response read as follows:

Dear Mr Duncan

Thank you for your letter regarding petition 40-22, lodged by Mr Michael Pettersson MLA, regarding a review and action plan for road and pedestrian safety around the Harrison education precinct.

The School Safety Program within Transport Canberra and City Services (TCCS) has been working with representatives from Harrison School and Mother Teresa Primary School over recent years to respond to traffic management and safety concerns around the schools. This support has led to several infrastructure improvements being delivered around the two schools to address safety concerns in recent years.

The infrastructure improvements have included converting non-prioritised pedestrian crossings on Mapleton Avenue and Nullarbor Avenue to raised wombat crossings, refuge island and signage improvements at a children's crossing on Mapleton Avenue, school carpark improvements at Harrison School, the removal of parking spaces on Katoomba Street to improve line of sight safety concerns at the children's crossing, new bollards to prevent illegal parking, and the relocation of a children's crossing on Wimmera Street to a safer and more accessible location.

Two of these improvements were delivered on Mapleton Avenue between Sapling Street and Flemington Road – an area highlighted in the petition – to increase safety for pedestrians. A school crossing supervisor has also been provided at the children's crossing on Mapleton Avenue to support pedestrians to cross the road during the school peak periods.

Regarding the suggestion of an independent study of the Harrison Education Precinct, I am advised TCCS already engaged a consultant in 2021 to undertake an independent study and review pedestrian and traffic safety around Harrison School and Mother Teresa Primary School. The Education Directorate, both schools (including a selection of parent representatives) and the Harrison Early Childhood Centre were consulted and invited to support the investigation and review the report findings.

The report highlighted some unsafe driving and parking behaviours and recommended a combination of education, enforcement and engineering treatments to address the issues identified. TCCS subsequently offered support to the schools to assist with education and enforcement. The report also highlighted some engineering treatments that the two schools may wish to consider implementing within the school carparks to assist with traffic management and safety. These recommendations were shared with the two schools for consideration.

Another recommendation in the report was to consider a new pedestrian crossing on Wimmera Street. Given this recommendation and feedback from the community, TCCS has engaged a consultant to investigate this recommendation further and develop detailed designs for the crossing, which will improve pedestrian access to the school near the roundabout at the Wimmera Street and Nullarbor Avenue intersection. Subject to consultation with key stakeholders through the detailed design process, including Harrison School, and the completion of detailed design, this project could be considered for construction in future.

TCCS has reviewed the bus stops on Nullarbor Avenue outside Harrison School. The bus stops are only scheduled to be used by Transport Canberra for a school service (SR1003) to St John Paul College in Nicholls. The bus services for Harrison School, including services run by providers other than Transport Canberra, use the bus stops on Wimmera Street to drop off and collect students.

The number of students using the bus stops on Nullarbor Avenue to catch the school service to St John Paul College are very low (approximately 1-2 students per day). Given the low usage, Transport Canberra is not currently planning to upgrade the bus stops on Nullarbor Avenue. Transport Canberra will continue to monitor the usage over time to consider whether bus stop upgrades are required in the future.

The speed limits in Harrison are consistent with the speed limits applied across the ACT. TCCS will continue to collect and monitor traffic data in the area to determine if traffic calming treatments or increased enforcement activities are required on any streets in Harrison in the future.

It is important to note that schools are busy environments each morning and afternoon with most trips being concentrated around short peak periods. This can create congestion – especially at locations with large student numbers and low participation in cycling and walking. Both schools are supported by three active travel programs – the Ride or Walk to School, Active Streets for Schools and School Crossing Supervisor programs – to encourage and support students to walk or ride to school. TCCS will continue to encourage the schools to participate in these programs to help to reduce the reliance on private vehicles.

TCCS has also encouraged the schools to promote alternative drop off and collection points to reduce the volume of vehicles in Wimmera Street during the peak periods, including parking at the sportsgrounds that are a short walk from the two schools.

TCCS has reviewed the feedback provided by the school communities through the Active Travel Plan consultation process and will continue to work with the schools to identify and respond to safety concerns in the area.

I trust this information is of assistance.

Motion to take note of petitions

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

That the petitions and responses so lodged be noted.

Environment—Mt Ainslie Nature Reserve—petitions 12-23 and 16-23

MS CLAY (Ginninderra) (10.03): I would like to speak about the Ainslie volcanic petition. This petition was brought to me by a number of members of the community who are really, really concerned about this area. This is a very important area. It contains natural temperate grasslands and box gum woodland. It is habitat for a lot of commonwealth threatened species.

Yesterday was World Environment Day. We are in an extinction crisis. We have a lot of choices here in the ACT. At some point we need to make a choice: no more; not this piece; we need to protect this; we need to protect these endangered species. We need to protect the ones that we have left, the ones that we have not yet lost, in their own right and we need to save them for our children.

The community members have gotten together and have put together some really simple calls. They would like this area to be incorporated into the Canberra Nature Park, which strikes me as an excellent idea. It is a really well-loved area. There are a lot of volunteer land carers who are looking after this area under the care of the ACT Parks and Conservation area.

It is very, very well loved and maintained. It is a really clear and simple call to have this incorporated as a nature reserve.

Question resolved in the affirmative.

Legal Aid ACT—data security Ministerial statement

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.04): In response to the Standing Committee on Economy and Gender and Economic Equality, following its inquiry into annual and financial reports 2021-22, I would like to provide an update on the knowledge gained by the ACT government as a result of the Legal Aid ACT cyber incident in late 2022.

It is well known that on Wednesday 2 November 2022, a threat actor gained access to a Legal Aid ACT server and information was stolen through an unauthorised export from that server. All Legal Aid ACT servers were taken offline on 3 November 2022 to prevent further compromise while the incident was investigated.

Although Legal Aid ACT sit outside the ACT government network and are supported by a third-party provider, the ACT Public Sector leveraged its significant expertise in terms of incident management; cybersecurity; information privacy; communications and engagement; and recovery to support a holistic and coordinated response to the incident.

This was the first cyber incident in which the ACT Public Sector were required to mobilise and provide a coordinated response at a whole-of-government, directorate and business unit level.

In response to the incident, on 3 November 2022 the Chief Information Officer, Justice and Community Safety Directorate, established an Incident Management Team: the Response Team. The Response Team included representation from JACS; Legal Aid ACT; Digital, Data and Technology Services, or DDTS; external vendors; and an external cybersecurity expert with forensic technical capability.

Between 3 November and 16 November 2022, the Response Team effectively coordinated support that allowed Legal Aid ACT to address the immediate risks associated with the cyber incident. At all times, Legal Aid's clients and the community were at the centre of the response.

The cyber incident was reported to the Australian Cybersecurity Centre; Office of the Australian Information Commissioner; Australian Federal Police; and ACT Policing. A forensic investigation was also undertaken to determine the data loss impacts of the incident and advise on steps to be taken in response. Technical advice was followed carefully to ensure the integrity of Legal Aid's systems as they were re-established.

A communications package was developed to support Legal Aid ACT, its clients and a broad range of government and non-government stakeholders. Legal Aid's clients and staff received regular updates on the incident and the arrangements in place to mitigate and respond to the risks associated with the cyber incident, including the potential use or publication of the data by the threat actors.

Legal Aid ACT fully resumed services on 4 November 2022. The maintenance of services by Legal Aid ACT staff during the incident is evidence of their commitment to the service, safety and wellbeing of some of the ACT's most at-risk and disadvantaged citizens. I thank them for their commitment to serving our community during this incident.

Following the initial response to the incident, on 17 November 2022 the Recovery Coordination Team was established to consider the medium- to long-term impacts and coordinate efforts to ensure any ongoing impacts to the community and ACT government from this incident were addressed. The Recovery Coordination Team was led by the JACS Security and Emergency Management Division and included Legal Aid ACT and representatives from across government, through the ACT Recovery Committee.

Both the response and recovery efforts provided support to Legal Aid ACT that ensured it could take the action needed to safeguard the interests and wellbeing of its at-risk clients and its staff and to manage the impacts of this cyber incident more broadly.

I understand that swift action was taken by Legal Aid ACT to ensure that data was protected from further attack by immediately moving IT services into the cloud and ensuring that 24-hour monitoring was undertaken. In consultation with government, an IT health check showed that current protections are at the highest standard.

Legal Aid ACT took swift action to ensure that any vulnerable people were protected. Over 1,000 risk assessments were conducted and, in partnership with the Domestic Violence Crisis Service, a range of precautionary measures was undertaken.

Counselling for individuals was provided and legal support has been ongoing to ensure protections are in place.

In alignment with the ACT government policy position, no ransom was paid by the ACT government in response to this incident. An AFP investigation remains open. It was identified that international agents mounted the attack on Legal Aid ACT. Monitoring by the AFP has not identified the release of any of the data into the public domain.

Prior to the incident, the ACT government had recently finalised the ACT Cyber Emergency Subplan, which provides the ACT public service with guidance on managing significant cyber incidents and emergencies within government.

The plan had not been tested at the time of this incident; however, the principles in that subplan informed the action taken, and the ACT Cybersecurity Incident Response Plan was utilised as part of the incident management process, alongside standing emergency management arrangements and incident management capabilities.

Turning to what we learned from the incident, the Security and Emergency Management Division has, as recently as 5 May 2023, undertaken an “after action review” of how the incident was managed. The Recovery Action Plan for this incident, as well as the after action review, identified several learnings that the ACT government is adopting.

The initial and detailed impact needs assessments developed for use in recovery for natural hazards has now been extended into the cyber environment and refined to address the specific needs of the community immediately following a cyber attack. The ongoing awareness, training and exercising of relevant officials in the management of cybersecurity incidents has been identified as a priority body of work. This work was underway at the time of the incident but, following the incident, it has been expedited.

The development of common and consistent incident management processes and tools has also been identified as work that should be undertaken in an all-hazards context, drawing on the significant expertise in other hazards.

The importance of clear, transparent communications with community, across government and with relevant reporting bodies was evident during this incident and has been seen as working extremely well across all stakeholders.

Directorates and, in turn, business units need to understand their systems and have in place controls to mitigate cybersecurity risk. This includes ensuring systems are contemporary, are patched, have detection mechanisms in place against cyber attacks and that access controls are maintained and updated on a regular basis.

It is important that at every level of government we understand our obligations when reporting a cybersecurity breach and, as a government, we leverage off the expertise and knowledge of the Australian Cybersecurity Centre; the Office of the Australian Information Commissioner; the Australian Federal Police; and ACT Policing.

It is also important to acknowledge that the effort required to support a cyber incident is significant and this should not be underestimated. Having an expert capability to guide the right response, analyse the various risks and then having the capacity to respond to those risks is critical.

Other larger cyber incidents impacting Optus, Medibank and Latitude Financial drew upon specialist cyber incident response, digital forensics and victim support areas that are required to effectively manage large-scale cyber incidents. During the Legal Aid ACT cyber incident, the territory was able to contain the threat, perform remediation and support victims with these same external supports.

As the Special Minister of State advised the committee, significant measures are being taken to protect the ACT government's information technology systems and datasets and, in particular, the data of Canberrans, which is held by, for example, Access Canberra. Mindful of the threat environment, the government will continue to bolster cybersecurity infrastructure and shorten response times to cyber incidents.

The minister has also advised that the government is reviewing the data that it collects from individuals, with the aim of reducing extraneous information from being kept, which could then be potentially vulnerable in an attack. These actions, together with the practical learnings from responding to a cybersecurity incident, has put the ACT government in a stronger position to help mitigate the risks associated with cyberthreats and effectively respond to incidents as they arise.

I present the following paper:

Legal Aid cyber security attack—Ministerial statement, 6 June 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Transport Canberra—Zero Emission Transition Plan Ministerial statement

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (10.14): The ACT government is already an Australian leader in transitioning to zero emissions vehicles, with the largest fleet of electric buses delivered per capita in the nation.

Last week, the ACT government secured the future electrification of our city's public transport network with the successful procurement of a further 94 battery electric buses. This will increase our fleet to 106 zero emissions buses over the next three years and transition over 20 per cent of our bus fleet to zero emissions. This is a significant milestone towards our goal to achieving a 100 per cent zero emissions public transport network by 2040 or earlier.

Our plan for transitioning the rest of the bus fleet is outlined in our Zero Emission Transition Plan for Transport Canberra. This includes delivering the infrastructure, investment and skills needed to make the transition operationally successful. A key element to achieving this is our commitment, from 2022, to purchasing only zero emissions buses, with an exception for short-term leasing of buses to meet peak operational requirements.

The ACT government entered into a contract for a short-term lease of 26 low emissions diesel buses, which were scheduled to arrive by the end of last year. The leasing of these buses was a short-term solution to replace our old non-DDA compliant buses while we gradually transition to an entirely zero emissions fleet.

Today I will provide an update to the Assembly on the procurement and delivery of these low emissions buses, the impact on the replacement of old buses and the actions Transport Canberra are undertaking to manage the impacts of this in the interim.

The first phase of Transport Canberra's Zero Emission Transition Plan involves replacing the Renault PR2 series buses, which are the oldest buses in the Transport Canberra fleet, with leased zero emissions and low emissions buses. The plan also sets out further programs of the transition, which will see the replacement of fossil-fuelled buses at or before their retirement age, and the recent procurement of 94 battery electric buses will help us to reach that goal.

To kickstart the transition, the ACT government announced in June 2021 that, in the short-term, it would lease 34 buses, including at least eight battery electric buses and 26 low emissions diesel buses.

On previous occasions I have advised the Assembly that Transport Canberra had approached the market to procure short-term leased vehicles to replace 34 Renault diesel buses that were due to be retired by 31 December 2022. These are being replaced through the supply of 26 low-floor diesel buses under a contract with Scania Australia, and the supply of eight low-floor battery electric buses under a contract with Vehicle Dealers International, VDI. The contract with VDI has since been varied to provide an additional four electric buses. All 12 electric buses have now been delivered and are in operation.

In February, I provided an update on the delays to the delivery of the 26 low emissions diesel buses, which have been greatly impacted by international supply chain issues for the supply of raw materials and parts. I will provide the Assembly with a further update on the status of these buses today.

In March 2022, the ACT government entered into a contract with Scania Australia for the supply of 26 diesel buses, which were scheduled to be delivered by the end of 2022. This would have provided Transport Canberra with a fully accessible bus fleet within the time frame required under the Disability Discrimination Act 1992. The chassis would be imported from Sweden and the bodies manufactured by BusTech at their Adelaide plant in South Australia.

In July 2022, Transport Canberra was notified by Scania Australia that impacts to the supply chain experienced between the submission of tenders and the contract

execution had considerably increased the cost of manufacturing the bus bodies in Adelaide. They also advised Transport Canberra that there would likely be delays in the delivery of the buses due to global pressures on supply chains. After careful consideration and negotiation, the contract was varied to reflect the expected delays.

All 26 buses were expected to be delivered by February 2023 under the amended schedule in that variation. Since then, as part of the robust contract management process, Transport Canberra has been closely monitoring the bus production progress at the BusTech manufacturing facility, with prime contractor Scania Australia providing support where possible.

However, the impact of supply chain disruption on the provision of raw materials has continued to be significant, with impacts to the supply of steel and components such as air conditioning units, as well as shortages of fibreglass components. This has resulted in further delays in the delivery schedule.

The government is aware that global supply chain disruptions have impacted the entire bus manufacturing sector in Australia. Shortages of components and materials needed to manufacture buses have resulted in delays to the delivery of buses by Australian bodybuilders across Australia.

When undertaking due diligence in its management of the contract with Scania Australia, Transport Canberra came to the realisation that changing suppliers at this stage would not result in the delivery of buses in a shorter time. Although the delays are unfortunate, they were not deemed unreasonable under the circumstances being experienced by the sector.

In addition to the supply chain challenges, the industry is now experiencing a nationwide skills shortage, which could result in further delays. Transport Canberra have been advised of a critical impact to BusTech's business, with the lease for their current premises in Burleigh coming to an end. The requirement for BusTech to relocate to new premises will impact their ability to deliver against the contract that is currently in place. This is affecting the supply of buses to a number of BusTech's clients, including the ACT government.

A small positive outcome is that BusTech has already secured new premises in the south of Brisbane and the relocation of plant, equipment and warehousing will be undertaken this month. The new premises is expected to be fully operational by July and will supply critical spare parts and build materials to the Adelaide site. The premises will not be manufacturing vehicles in the initial stages of coming online.

Transport Canberra has now taken possession of four of the Scania BusTech diesel buses, with all four buses in service. At this time, Transport Canberra expects the remaining 22 buses to be delivered between June and November of this year.

Transport Canberra has received 12 battery electric buses and four low emissions diesel buses. These 16 new buses will replace around half of the old Renault buses. The remaining buses will be progressively decommissioned as new low emissions diesel buses are delivered. Transport Canberra are investigating options to reduce the

usage of the remaining Renault buses across the bus network. For example, they are considering operational strategies to reduce the usage of these buses during off-peak periods, weekends and school holidays.

Transport Canberra have also finalised the contract arrangements with Custom Denning to provide an additional four battery electric buses, which will operate out of the Belconnen depot. These new electric buses could potentially replace four of the remaining Renault buses and would bring the total number of electric buses in the fleet to 16.

The government is committed to providing all Canberrans with reliable bus services. Continuing to delay the retirement of older fleet until the new replacement buses arrive will ensure that Transport Canberra can continue to maintain service reliability.

The ACT government is committed to transitioning our fleet to clean, quiet, comfortable and accessible buses integrated with light rail and running on 100 per cent renewable energy. We already have 12 battery electric buses in our fleet, which are providing reliable, clean, quiet and comfortable services to our customers. They have already travelled more than 129,000 kilometres across Canberra, using clean and renewable energy.

Expanding our fleet to include 106 battery electric buses is an important step towards a net zero emissions future and the ACT government's commitment to transition to zero emissions.

We will continue to build the supporting electrical infrastructure and ensure that we have the energy supply required to support a successful transition to zero emissions. We will develop the skills and training required to support our workforce through this transition, which will protect jobs and grow the economy.

I am confident that the actions that we are taking will support improved public transport services for Canberrans, and I look forward to updating the Assembly further as we deliver on our Zero Emission Transition Plan for Transport Canberra.

I present the following paper:

Zero Emission Transition Plan for Transport Canberra—Update—Ministerial statement, 6 June 2023.

I move:

That the Assembly take note of the paper.

MR PARTON (Brindabella) (10.23): I just felt the need to respond briefly to the minister this morning. Through you, Madam Speaker, I would say to the minister: Can you imagine how much fun you would have, can you imagine how much faster you would arrive at your zero emissions targets when it comes to the electrification of the bus fleet, and can you imagine how much more you would have to spend on the journey to zero emissions public transport if you were not spending between \$3 billion and \$4 billion on stage 2 of the tram to Woden?

That is a lot of money—and 2034 is a long way away. Just sit back and think about that for a moment. Just sit back and think about that for a moment. The possibilities are extreme—and I look forward to the prospect of getting us to this destination much quicker under a Liberal government in the next term.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 30

MR CAIN (Ginninderra) (10.24): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 30, dated 5 June 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR CAIN: Scrutiny report 30 contains the committee's comments on 33 pieces of subordinate legislation, proposed amendments to one bill and five government responses. The report was circulated to members when the Assembly was not sitting.

Further, and on behalf of the committee as chair, the committee wishes to note the response by the Chief Minister to the committee's comments on the Work, Health and Safety Amendment Bill 2022 made in scrutiny report 23 and a further response to comments made in scrutiny report 26. The committee had asked the Chief Minister for further information regarding why the bill will not have any substantive effect on the interpretation and application of the act and why it was considered necessary to have the bill commenced prior to enactment.

In the committee's view, the Chief Minister's further response does not materially add to his first response or engage with concerns raised by the committee. In the committee's view, there has not been sufficient justification provided for why the bill should have retrospective effect. The committee refers this comment to the Assembly for its consideration and does not require any further response from the Chief Minister.

I commend the report to the Assembly.

World Day for Safety and Health at Work and Workers' Memorial Day

MR GENTLEMAN (Bindabella—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) (10.26), by leave: I move:

That this Assembly:

- (1) notes the importance of World Day for Safety and Health at Work and International Workers' Memorial Day commemorated internationally on 28 April of each year and that:
 - (a) it is a day of reflection to remember and honour those who have lost their lives at work or from work-related injuries or illness;
 - (b) an opportunity to focus on the importance of health and safety at work and the joint responsibility shared by all in keeping our workplaces safe and fostering a positive work safety culture;
 - (c) all workers have the right to return home safely from work;
 - (d) in 2023, the theme for World Day for Safety and Health at Work was '*A safe and healthy working environment is a fundamental principle and right at work*', focusing on good work; work that is not only safe, but that is also good for us by contributing to our physical and psychological health and wellbeing; and
 - (e) in 2023, the theme for Workers' Memorial Day was '*remember the dead, fight for the living*'; and
- (2) express solidarity in reflecting on the importance of World Day for Safety and Health at Work and International Workers' Memorial Day which occurred on 28 April 2023 by:
 - (a) formally recording a continuing and shared commitment to being a world-leading jurisdiction in work health and safety; and
 - (b) continuing to provide Territory workers with contemporary laws that recognise the complexity of modern workplaces and emerging hazards and keep pace with community expectations.

On 28 April each year, we join our union colleagues in commemorating International Workers' Memorial Day and World Day for Safety and Health at Work. The World Day for Safety and Health at Work theme is "A safe and healthy working environment is a fundamental principle and right at work". The theme reminds us all that we should expect our workplaces to be safe. Employers, businesses and fellow workers have obligations to protect and promote our health and wellbeing at work. Unsafe work practices and workplaces not only affect workers; they have an impact on family, friends and the broader community.

World Day for Safety and Health at Work was first marked in 2003 to focus global attention on preventing work-related deaths and injuries. We have come a long way since then, but there is still more to do. We now take a much more fulsome approach to work health and safety, and we know that we need to consider both the safety of work and workplaces but also how our jobs can contribute to our health and wellbeing.

This government is committed to keeping workers safe and healthy in their workplaces by creating a safe and healthy work environment. We know that having a safe work environment is one of the most important aspects of protecting workers' health and safety. This is why employers play such a crucial role in work health and safety. We are also increasingly aware that work can have a significant impact on our physical and psychological health. Often the negative impacts of work are emphasised, but work can also be good for us when it is contributing positively to our physical and

mental health. All workers in our city, regardless of their employer, have the right to work in just and favourable conditions. Just and favourable conditions include work that is safe and work that is good for physical and psychological wellbeing.

Our commitment to providing safe working conditions is underpinned by our work health and safety laws, which require consultation, collaboration and cooperation in the workplace. Businesses must consult with their workers and their industrial representatives about matters that affect them in the workplace. This includes identifying hazards and finding ways to eliminate risk to work health and safety.

Right now, we are seeing an alarming trend in psychosocial hazards. This is an emerging area of concern and the government needs to work proactively to address this. There is significant work to be done in support of employers in building their ability to recognise and address hazards that harm mental health. Bullying, stress, fatigue, harassment and sexual harassment are all examples of psychosocial health hazards that must be managed under work health and safety duties and obligations. Psychosocial hazards can cause both physiological and physical injuries, including chronic disease, depression, fatigue and PTSD. These injuries can have significant financial and career consequences for workers.

The government has recently updated our work health and safety legislation to ensure that more emphasis is placed on psychosocial hazards. Notably, this includes a new requirement for employers to report sexual assault incidents and suspected incidents to WorkSafe ACT. This change will come into effect this Friday, 9 June. This change came after hard work from our union colleagues, particularly the CPSU, who fought for the government to do more on the issue. Broader reforms are also underway, including a code of practice for managing psychosocial hazards at work. I look forward to continuing to work with employer and employee representatives on the development of this important code.

As a government, we have an important responsibility to ensure that all our health and safety laws protect workers and keep pace as the nature of work changes. We need to continue to address new and emerging hazards, and this government has demonstrated our commitment to do exactly that. We have delivered a number of ambitious reforms that focus on ensuring fairness for workers. Standing up for those who are vulnerable and disadvantaged is at the forefront of those commitments.

As a model employer, we also recognise that we should use our purchasing power to guarantee that those working on government-funded projects are working in a safe and fair workplace. The government launched the Secure Local Jobs Code in January 2019, highlighting our commitment to raising the standard of workplace safety. Through the SLJC, we are ensuring that territory-funded work is awarded to those able to demonstrate they are meeting their workplace obligations. Our commitment to workplace safety and improving employment standards across the region was further strengthened with the introduction of the Ethical Treatment of Workers Evaluation in February 2022. This change makes sure that only those businesses that meet the highest ethical standards are awarded contracts within the territory.

Last year, the ACT introduced reforms to improve the protection for tradespeople exposed to silica dust. Silicosis is a debilitating illness that severely restricts life

expectancy. This nefarious disease has the potential to be the next asbestosis, and this government is committed to doing everything we can to prevent any more cases. Stronger silica safety rules, including a ban on the dry cutting of engineered stone and a mandatory silica dust awareness training requirement, have been in place since last year, and we will continue to work with the commonwealth government and the CFMEU to ensure that every measure is taken to eliminate the risk of silica to our workers.

The theme for Workers' Memorial Day was "Remember the dead, fight for the living". This fight has been and must continue to be a joint effort between government, employers and unions. Unsafe workplaces not only affect workers but also their friends, families and the broader community. All businesses and employers have an obligation under work health and safety laws to protect the health and safety of their workers.

Workers also have responsibilities to themselves and to each other. Sadly, workplace deaths are still occurring. So far this year, there have already been 50 workplace fatalities in Australia, and this is unacceptable. Every one of these fatalities was preventable. Every one of these people has a family who love them, friends who mourn them and colleagues who miss them. In recognition of Workers' Memorial Day, we stand with the families and loved ones of workers who did not come home safely from work. We honour their memory and commit to upholding healthy and safe workplaces into the future.

Every workplace fatality is preventable and a devastating tragedy that affects families, friends, co-workers and the community more broadly. It is crucial that our work health and safety laws are upheld and those who have a duty to maintain workplace safety are held accountable to the highest standards in all workplaces. From 21 November, the ACT government included industrial manslaughter as an offence under work health and safety laws. This demonstrates the government's commitment to protecting the rights of all workers to come home safely.

I would like to thank Unions ACT for commemorating Workers' Memorial Day on 28 April and holding an important service in respect of those who have died. I express my solidarity with all community members who have been impacted by the devastating tragedy of workplace fatalities. These tragedies are preventable. Our work in this space will not stop until every worker can come home safe at the end of the day. I know I can count on my union colleagues to continue the fight for the right to workplace safety.

MR HANSON (Murrumbidgee) (10.35): The Canberra Liberals will support this motion. I say at the outset, though, if we are going to treat these issues seriously, which we do, then seeing a motion at such short notice—this was not identified to the Canberra Liberals at the management of government business meeting, nor at admin procedures; we have seen this for the first time this morning—and if this government says it takes the issue of worker safety seriously, then simply providing a motion that we have not seen—maybe they gave it to their Greens colleagues; they certainly did not give it to the Canberra Liberals—is bitterly disappointing and is not consistent with the words that the minister just said. On the one side, he is saying, "We believe very strongly in worker safety," but, on the other side, he is ramming this motion

through at the last minute without the ability for us to engage substantively on it, which is what we would wish to do.

May I say that, disappointingly, it is consistent with this government. This is a government that repeatedly says that it is concerned about worker safety and talks about bad bosses and so on, but the reality is that, if you want to identify a bad boss, it is the ACT government that is a bad boss in this territory when it comes to looking after its own workers.

I turn firstly to police. We have the lowest number of police per capita. We are desperately short of police. The Chief Police Officer has recently said that his members are suffering. We do not have enough police on the ground and that creates extraordinary risk to the members. If you listen to the Australian Federal Police Association—that is, the police union—they will tell you repeatedly that they are not being supported by this government and they do not have enough members, and that puts them at psychological and emotional stress and risk. They have said that repeatedly. Where is the government? They are busy lecturing others about worker safety when they are putting their own police in harm's way and at risk. That is not me saying that; that is the union and the Chief Police Officer.

What about nurses? What about the staff culture reviews that we have seen out of the Canberra Hospital and elsewhere across Canberra Health Services? The government have the audacity to say that they care about staff welfare on the back of what they have done to the nurses, doctors and other staff at Calvary, who have openly said that they are in distress; they are crying. We have received so many emails and correspondence from staff who are traumatised by the actions of this government.

As you will read in the media reporting, the view of the community is somewhat split about the final result and what should happen with Calvary, but everybody, universally, whether they support what the government are doing or not, has condemned them for the disgraceful way that they are doing this and the way they have trampled over the staff. It is disgraceful.

What about teachers? When it came to one of the public schools, the teachers said, “This is like a war zone.” We know that the occupational violence in our schools is unacceptable. These are schools that are being run by this government. Let me go to a recent article. The Australian Education Union has shed light on the crushing workload handled by ACT public schoolteachers in a discussion paper calling for additional support from the Education Directorate. The AEU said:

... principals are feeling attacked by a lack of resources, as well as frequent abuse from students and parents.

School leaders also struggle with a “culture of fear of incurring a budget deficit” ...

School principals are living in a “culture of fear” under this government? The union added:

... while some said they felt pressured to make decisions based on fear ...

The minister came in here and talked about worker safety, but there is a culture of fear within the police, for which he is a minister, and there is a culture of fear within schools, all the way through, from the principals down.

What about emergency services? He is also the minister for emergency services. The ambos recently said that it is like a dictatorship. The minister talks about what governments should do, and we agree: there should be an absolute commitment to worker safety and looking after workers across the ACT. The problem is that that is the rhetoric we hear from the minister and the government, but they do not live by it, be it in schools, for our nurses or in what they have done to Calvary, teachers, principals and ambos. He said, "At least we have the Secure Local Jobs Code." How quick were they? It was just like that. They wanted to get rid of Calvary in a heartbeat. Regarding amendments, the Minister for Health said, "This is not important stuff. These are technical amendments." The minister for workplace safety came in here and said how important the Secure Local Jobs Code is, but last week the Minister for Health said it was just a technical amendment—we can just wave it away because it is a technical amendment.

We will support this motion today. We take this issue seriously, so let us know that you are going to do this. Firstly, do not provide the motion with, literally, minutes of notice. Secondly, live by what you say. Start to look after your nurses, start to think about the consequences of your actions when you do a hostile takeover, start to actually look after your police and give them the resources that they need to do their jobs, support your principals so they do not live in a culture of fear, and do not have a situation where the ambos union and ambos are saying that they live in an environment like a dictatorship.

We will not be lectured by the government, which is the worst boss in this town. Talk to our teachers, talk to our nurses, talk to our ambos, and talk to the police—ask them who is the bad boss and they will give you the straight answer. You will not get a straight answer about worker safety and looking after workers' conditions from this mob.

MR BRADDOCK (Yerrabi) (10.42): I rise on behalf of the Greens to support this motion. The Greens believe that physical and mental workplace health and safety should underline all aspects of work. This year's theme for World Day for Safety and Health at Work is "A safe and healthy working environment is a fundamental principle and a right at work." We wholeheartedly agree.

I support the motion. However, it is worth reflecting on some of the gaps in our work health and safety laws and regulatory schemes and how we can improve and continue working to account for them. As any historian will tell you, it is almost always disadvantaged groups that struggle to have their rights at work enforced. Wage theft, such as excessive unpaid hours, is frequently manifested through unsafe work practices and the powerless are disproportionately impacted. People without the authority to speak up for their rights are afraid of losing their jobs. We are talking about young people, migrant workers and most people working in the gig economy.

I have previously called for the establishment of a migrant workers centre here in the ACT, modelled off the success of the youth workers centres. I repeat those calls today.

At the Victorian Trades Hall, such a centre exists thanks to funding from the Victorian Department of Family, Fairness and Housing. Their purpose is to support people faced with language and cultural barriers to access their rights to a safe and supportive workplace. In the 2022 financial year, their team of eight people worked to support 176 Victorians to resolve industrial disputes, with issues ranging across the full spectrum of workplace entitlements and with 15 per cent of cases relating directly to a workplace injury. Every one of those cases demonstrates why such a centre should exist in every Australian jurisdiction. I again repeat my calls for a migrant workers centre here in the ACT.

I would like to thank the minister for his motion today.

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

Planning Bill 2022

Detail stage

Clause 1.

Debate resumed from 1 June 2023 on motion by **Mr Gentleman**:

That clause 1 be agreed to.

Clause 1 agreed to.

Clause 2.

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) (10.46): I move amendment No 1 circulated in my name [*see schedule 1 at page 1681*]:

This amendment allows for the next steps of the Planning System Review and Reform Project to occur. It is for the documents that make up the rest of the system. This is why I outlined last week that we need to pass the bill before we can move to the next steps. They were already outlined in the bill and the transitional provisions. This ensures that we can do everything necessary to bring the new Territory Plan to the Assembly in the coming weeks.

MS CLAY (Ginninderra) (10.47): I rise to speak in support of amendment No 1. In particular, I want to set out the ACT Greens' understanding of the next parts of this process. If this bill passes, the majority of it will be dormant until a resolution is supported in this Assembly about the interim Territory Plan. If it passes, the interim Territory Plan and supporting documents, like the technical specifications and the design guides and the consultation report, will be tabled in the Assembly. We will all have a period of time to review these documents before a decision is made in this Assembly to pass the interim Territory Plan.

If the Assembly chooses to commence the interim Territory Plan, the Standing Committee on Planning, Transport and City Services has already announced that it will conduct an inquiry into the Territory Plan. Inquiring into the Territory Plan will give the community and the industry the opportunity to look at the full set of documents in this next phase of the project and provide submissions to the inquiry. The committee will run hearings, just as it did for the Planning Bill, and will make recommendations based on the evidence provided. The government will have four months to respond to these recommendations, which may result in an amended Territory Plan, and the Assembly will have to vote on that Territory Plan. We are part of the way into the journey and there is still a long way to go to bring about changes. This is just the first step.

MR CAIN (Ginninderra) (10.48): As the national capital, our city ought to personify the essence of Australia: a city well equipped to change with the times while retaining the character of the place—by extension, the nation; a city that Australians are proud to call their capital and Canberrans are even prouder that they live here; a city that is governed with integrity and accountability, to serve as a shining example to the nation.

These noble aspirations for our city have been placed under severe risk by the Labor-Greens' ambitious outcomes-focused approach to planning, as set out in this bill. The development and presentation of this bill has highlighted the very worst of a tired and strained government under Chief Minister Barr. Significant governance and integrity issues, astoundingly poor community consultation—I say again: astoundingly poor community consultation—and a complete disregard for Canberra's unique characteristics have plagued this reform process from the start.

The Planning Bill 2022 has been produced as part of the four-year ACT Planning System Review and Reform Project, along with the draft new Territory Plan and draft district strategies by the Environment, Planning and Sustainable Development Directorate, EPSDD, led by the Director-General of the EPSDD, who is also the Chief Planner.

Herein lies our first major concern: a significant lack of governance reform. Governance, being the systems and processes by which accountability is driven, is essential to a fair, accountable and functional planning system. Since the review's beginning, the planning minister has explicitly ruled out governance reform as an outcome of the planning system review, despite it being one of the main talking points stemming from community and industry consultation. The bill reveals that the chief planner has subsequently proposed the further accumulation of authority in the hands of senior public servants while further limiting the oversight of members of the Legislative Assembly.

The rebranded territory planning authority would be granted expanded functions for the consideration of development applications, while the new Territory Priority Projects represent a significant increase in the discretionary power for the Chief Minister, the planning minister and senior planning bureaucrats to green-light developments while restricting Assembly oversight and third-party review recommendations. It is something from an episode of *Utopia*. The current head of the planning system conducts the planning review along with the minister, giving themselves a high distinction and then recommending that they be given more power.

It is similar to marking your homework and giving yourself a good grade. This bill is self-congratulatory and self-serving.

The second major concern is the insincere consultation process that has continuously ignored the community rather than being informed by the community. It is a missed opportunity. Community councils, residents' associations, industry bodies, environmental groups and concerned citizens alike have all been telling me that the bill's consultation process has been flawed. The public hearings of the Committee on Planning, Transport and City Services' inquiry into the Planning Bill showcased the significant dismay and discontent of these key community stakeholders. The bill will reduce the capacity for third-party reviews and create more disputes in the ACAT. The bill is the very definition of a box-ticking exercise, open to community consultation, only for their issues to be overlooked and unacknowledged.

The third major concern is the significant threat to Canberra's bush capital and garden city characteristics in favour of the Chief Minister's agenda of so-called "gentle urbanism". I think it should be called "Barr's brutal infill". Although urban infill is unavoidable as Canberra continues to grow, it must be in keeping with the city's character and implemented in appropriate areas. Densification impacts the livability, affordability and aesthetics of any city, and none more so than Canberra, with its tree-lined roads and garden-filled suburbs.

The Planning Bill 2022, in its form or amended form, is nothing more than a harbinger for the unrestricted implementation of Barr's brutal infill. It eases the passage of the approval of any development that produces "a good outcome", whatever that means, according to both the planning minister and the chief planner, without the rigmarole of community input or Assembly oversight. The Canberra Liberals cannot support the bill in its current or amended form. Again, I advocate that this debate should not be happening until we have the entire reform package before the community for proper consultation, with independent review and oversight by planners and architects. I note that this city was planned by gifted architects. It is time that we give the planning and architecture community an opportunity to have another look at our city.

This further community engagement should also be informed by the government response to the planning committee's proposed inquiry into the interim Territory Plan. It is bewildering to me and a sign of both foolishness and arrogance that we have a committee inquiry being conducted into the interim Territory Plan, and here we are locking in a significant plank of this planning reform into law. It is foolish and it is arrogant, and I think that I could stress the second one as the main driver. As it stands, the proposed legislation is anti-community and anti-environment, and the fragmented delivery of this reform package is condescending and devious. The Canberra Liberals will not support a bill that removes accountability from a planning system that is about planning for profit, not planning for people.

I want to close with a few words from today's news. In particular, I would like to refer to comments ascribed to Mr Peter Elford from the Combined Community Councils of the ACT. Also, I want to acknowledge and welcome Ms Marea Fatseas from the Inner South Canberra Community Council, and Mr Bill Gemmell from the Weston Creek Community Council. Thank you. In their roles as chairs, I am sure that they are

interested in this debate and in keeping an eye on the rolling out of this planning reform. Mr Elford, in this morning's news, expressed concern about the pace of this change.

This morning, the government proposed 106 amendments and the Greens proposed 19 amendments. How much time has the community had to look at these amendments? Less than a day, quite frankly. What an insult to the community to bring forward over 120 amendments, and here we are debating them right now. Where is the community consultation? There is no spirit of community consultation at the heart of this reform package. This has been a cynical consultation, a box-ticking exercise. An opportunity has been missed to actually be informed by the community that these changes will affect. That opportunity has been missed, and I say it has been missed with the full knowledge that they really did not want to hear much from the community. They had their minds made up.

Some of these amendments are making a bad bill just slightly less bad. The whole point of me saying, on behalf of the Canberra Liberals, that we should not pass this bill in its current form or its amended form is that it is the product of a flawed consultation program. It is a cynical exercise to say, "We have been talking to the community for years". It is one thing to talk to them; it is another thing to listen, and the government have not listened.

Mr Elford said he still did not understand what outcomes-based planning would look like and how the new system would prevent bad development. He said:

There is no confidence that the new system will do anything but make it worse.

That is a pretty strong statement.

I refer to comments made by the Inner South Canberra Community Council. Maria Fatseas said that the Greens amendment should be more explicit about the residents' concerns, such as green space, access to sunlight, private open space, knockdown rebuilds, and overshadowing. She said:

I know they say these can be dealt with in the Territory Plan, but there's so many other things that they should point to in the legislation, and they're not putting anything in there about those critical things that residents ... care about.

I close with Mr Elford's words again. He said:

They've tried to reform a system where we have no trust and yet somehow managed to create more distrust.

(Time expired.)

Amendment agreed to.

Clause 2, as amended, agreed to.

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) (10.58), by leave: I move amendments to this bill together, where four out of the 109 amendments have not been considered by the Scrutiny Committee [*see schedule 1 at page 1681*].

Clause 3.

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) (10.59): I move amendment No 2 circulated in my name [*see schedule 1 at page 1681*]. As I discussed before, these are part of the next steps of the planning system review and reform project. They allow us to make the documents that make up the rest of the system.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 6, by leave, taken together and agreed to.

Clause 7.

MS CLAY (Ginninderra) (11.00): I move amendment No 1 circulated in my name [*see schedule 2 at page 1701*]. Clause 7 sets out the objects of the Planning Bill. This clause explains what the legislation is intended to do. It will be used by planning decision-makers to interpret other provisions in the legislation. It sets out the policy intention for the new system, so it is really important we get this right.

My four amendments to clause 7 aim to strengthen the overall objectives by strengthening the links between each of the subclauses. I also add in references to environmental protection, and the protection and conservation of biodiversity and climate change.

Amendment No 1 is consistent with recommendation 38 of the recent inquiry into the Planning Bill by the Standing Committee on Planning, Transport, and City Services. This amendment integrates the protection of Canberra's natural environment, and it will be mean clause 7, subclause 1, will read like this:

The object of this Act is to support and enhance the Territory's liveability and prosperity, protect its natural environment—

new words—

and promote the well-being of residents by creating an effective, efficient, accessible and enabling planning system ...

These new words—protect its natural environment—are essential. They balance the social and economic considerations in the object. They are consistent with the definition of “ecologically sustainable development”. They recognise that not only do

we live within our environment but that we must protect it. It is fundamental for the territory's livability and prosperity. It is essential in its own right, and it is consistent with our moves to recognise a right to a healthy environment. I commend this amendment to the Assembly.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.02): The government will be supporting these amendments.

Ms Clay's amendment No 1 agreed to.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.02), by leave: I move amendments Nos 3 to 5 circulated in my name, together [*see schedule 1 at page 1681*]. These amendments are minor and technical in nature.

Mr Gentleman's amendments Nos 3 to 5 agreed to.

MS CLAY (Ginninderra) (11.03), by leave: I move amendments Nos 2 and 3 circulated in my name, together [*see schedule 2 at page 1701*].

I am amending the introductory sentence to acknowledge that the matters listed in subclause 3 are not only to be "considered" in achieving the object of the act, but they are, in fact, "integral" to achieving the object of the act. We have substituted the word "integral" to elevate this and make sure that it is not a mere consideration.

I will give an example. Subclause 7(3) is:

... knowledge, culture and tradition of the traditional custodians of the land.

With this amendment, that is now more than just a consideration in achieving the object of the act: it is essential to it. We cannot achieve good planning outcomes without integrating the knowledge, culture and tradition of our traditional custodians.

Similarly, in my third amendment I make biodiversity protection integral to achieving the object of this act. The ACT's biodiversity and landscape setting, including our natural, built, cultural and heritage elements, are essential, and the amendment seeks to include the protection and conservation of biodiversity, habitat, ecological processes and natural systems into this subclause. It strengthens the protection and conservation of our biodiversity. If this is passed, the amendment will make it a key part of our planning decisions—as it should be. This amendment is in line with recommendation 38 of the inquiry into the Planning Bill. I commend the amendments to the Assembly.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.04): The government will be supporting these changes.

Ms Clay's amendments Nos 2 and 3 agreed to.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.05): I move amendment No 6 circulated in my name [*see schedule 1 at page 1681*]. This amendment is minor and technical but important. It recognises the importance of First Nations knowledge in our city and how it can contribute to good planning outcomes.

It is proposed to amend subsection 7(3)(c) to:

... the knowledge, culture and tradition of, and cultural and spiritual connections held by, the traditional custodians of the land;

Following consideration of the recommendation in the inquiry into the Planning Bill 2022, it broadens the subsection.

MS CLAY (Ginninderra) (11.05): I am happy to support this amendment. The Greens are really happy about this one. During the standing committee's inquiry into the Planning Bill we were really honoured to hear evidence from witnesses from the Dhawura Ngunnawal Caring for Country Committee. They spoke of their deep cultural and spiritual connections to our country here in the ACT. They spoke of our need to properly acknowledge this in the object of the act and in our planning system, and they are absolutely right. I am really pleased to see that recommendation 37 of the inquiry is partly satisfied by this amendment, and the Greens are happy to support it.

Mr Gentleman's amendment No 6 agreed to.

MADAM SPEAKER: The question now is that clause 7 as amended be agreed to.

MS CLAY (Ginninderra) (11.06): I move amendment No 4 circulated in my name [*see schedule 2 at page 1701*]. My fourth amendment integrates climate change into our object. Subsection 7(3)(e) has been rephrased, adding:

... adapt to climate change, reduce greenhouse gas emissions ...

We recognise that in order for the ACT to have a sustainable and resilient environment, we must plan it, design it and develop it to adapt to climate change and factor in a genuine reduction of greenhouse gas emissions. We already know the effects of climate change that we are experiencing. We have all been through black summer. We remember "smoke-pocalypse". We have seen the floods and the storms and the hail. It is essential that we move on this.

The IPCC has given the world seven years to cut our emissions in half, so we need to act on this urgently. We have to act as if this crisis is the crisis that we have declared it to be, and that means every budget decision, every planning decision, every policy decision.

My revised subclause supports these genuine emissions reductions, not simply net zero targets. I know the ACT government understand this really well. We have already cut our emissions here from around 11 tonnes per person per year in 2013 to around 3.6 tonnes in 2021-22. That is a huge cut, and we need to make sure we continue to go with those genuine emissions cuts.

We need to make sure, though, that not just the ACT government understands this but that every decision-maker who is using this legislative system understands this. If we leave references to net zero without backing those up with genuine emissions reductions, we are in a really dangerous space. People can achieve net zero emissions by going out and buying offsets. There are a lot of ways to achieve it without actually genuinely reducing our emissions.

We have a positive duty to do that, and it will lead to different planning decisions. It might lead to us exploring building re-use instead of knockdowns. It might lead to us using different construction materials. It might lead to us using and exploring some of the low carbon and net-zero-carbon concrete that we are seeing coming into the market. It might lead us to using wood or different types of materials. There are lots and lots of different decisions that we might make if we put that first and foremost in all of our decisions.

It is also going to lead to different planning decisions about where we put things. It will make sure that we factor in access to public and active transport. It will make sure that new developments do not require people to drive everywhere they need to go. It will make sure they have got access to schools and shops.

All of these choices are different choices that we will make if we are genuinely reducing our emissions. This amendment is in accordance with recommendations 38 and 39 of the inquiry into the Planning Bill, and I commend the amendment to the Assembly.

Ms Clay's amendment No 4 agreed to.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.09): I move amendment No 7 circulated in my name [*see schedule 1 at page 1681*]. This is ensuring that the territory planning authority exercises its function in accordance with the object of the act.

MS CLAY (Ginninderra) (11.09): The Greens are happy to support amendment No 7 moved by the minister. Our recommendation 18 in the inquiry into the Planning Bill said:

The Committee recommends that the ACT Government provide sufficient links, in the legislation, between the objects of the Bill and decisions by decision-makers.

Our previous amendments have ensured the object is essential in decision-making, and we have covered things like climate resilience, emissions reduction, biodiversity

protection and recognition of the knowledge and cultural and spiritual connections held by the traditional custodians of this land.

The committee recommends that we take this further and provide stronger links between the legislation and the object. In the Greens, we have done a lot of work on this. We spoke to the legislative drafters about this. They have really good technical knowledge, and they advised us to take a slightly different course. They said the legislation provides this, but we could put in an explanatory note.

That is what we have done. Section 18(3)(a) requires the territory planning authority, in exercise of its functions, to take into account the object of the act. Those functions include: preparing and administering the Territory Plan, deciding on development applications, and reviewing their own decisions or participating in external review processes. These are all the key planning decisions that are made in the ACT. They shape Canberra. The drafters suggested that when the planning authority is making them, the object has to be taken into account. That was not clear to the committee; it was not clear to the 65 witnesses we spoke to; it was not clear to the hundreds of people who gave input into the planning review. We were also concerned that it might be unclear to some of the staff members who work under this and to some of the decision-makers; that is why we have made sure there is a note that clarifies this situation.

The note says that when the territory planning authority is deciding on applications for approval to undertake development, they have to consider the object of the act. It makes sure people are constantly referring back to climate change, biodiversity protection, recognition of our traditional custodians, recognition of our need for housing affordability. I am pleased to support this amendment.

Mr Gentleman's amendment No 7 agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.12), by leave: I move amendments Nos 8 to 11 circulated in my name, together [*see schedule 1 at page 1681*].

Amendment 8 has been added since these amendments have gone to scrutiny. It is a minor and technical amendment. It aims to ensure that ecologically sustainable development includes the enhancement as well as protection of ecological processes and natural systems. It is a small but important change, and we should be aiming at every opportunity to reverse, not just to mitigate, the impacts of development and climate change on our natural environment.

Other amendments here also tweak the definition of “ecologically sustainable development” to remove references to growth. It is proposed to include additional notes at subsection 7(3) to reinforce that the territory planning authority must exercise its functions, if relevant, in accordance with the object of the act. The object of the act must be considered in developing planning strategies, plans and policies; and the planning strategy must be consistent with the object of the act, and the Territory Plan must give effect to the planning strategy.

MS CLAY (Ginninderra) (11.13): The Greens are happy to support these amendments. The amendments tackle ecologically sustainable development. We have had really robust discussions about this one with our colleagues in Labor, and it was the subject of lengthy submissions and evidence given to the committee inquiry. The unamended earlier version of the definition did not integrate economic and social factors with environmental considerations; it put economic considerations above other matters. It held up growth as a goal in its own right, and it held up growth as a goal over and above environmental considerations.

We cannot keep developing our city this way. We cannot keep building our economy this way. We know in here that endless growth on a finite planet simply does not work. We have recognised that in our circular economy strategy. We have recognised that by setting wellbeing indicators against our budget. We are trying to move away from measuring the success, health and wellbeing of the people of Canberra according to GDP and simple, crude measures of growth. We need to make sure that we keep doing that and we embed it in all our major decision-making tools. We need to move away from the growth model; we need to move into a sustainability model. We need to look at the way most people actually feel about their lives and their livelihoods, and their health and happiness and wellbeing, and make sure we are using those as the measure for what is a good decision.

Recommendation 40 in the inquiry into the Planning Bill said we needed:

... a clearer and stronger definition of ‘ecologically sustainable development’...

It recommended we move in line with common national and international definitions, and I am really pleased to see that this amended definition does that. It no longer includes a reference to the achievement of economic growth. Instead, we are looking at economic prosperity as one goal—just one goal—and we are not looking at growth for the sake of growth.

The definition of this phrase goes further. It ensures that communities meet their needs without compromising the ability of future generations to meet their needs. This is a really clear link to intergenerational equity. We often talk about that. What it means is that we are setting up our children and their children, and their children after them, to be able to live as well as we are now. It is a difficult challenge at the moment, but we have to keep trying.

I am really pleased to see the definition has also been amended to ensure the protection and enhancement of ecological processes and natural systems. Our environment is suffering. We need to do more right now than merely protect it; we need to restore it. We have had massive environmental destruction over the past

200 years of colonisation. This was covered really eloquently at the world environment dinner hosted by the Conservation Council on the weekend. I was really honoured to hear Richard Swain talk about this. He has been out walking his country with schoolchildren explaining to them what it would have been like 200 and 300 years ago, and 10,000 and 80,000 years ago, and it is quite a different place from the one we have now.

It is really important that we seek to restore and improve our ecosystems here. We need to also make sure that we are restoring and honouring the right to a healthy environment for people who live now and for people who will come after us. It is really important that we genuinely embed knowledge and care of country by our traditional custodians and we genuinely honour the rights of next generations.

This revised definition is a much better match with a lot of ACT government policy. It is a much better match for our wellbeing indicators and our circular economy goals, and the Greens are happy to support it.

Amendments agreed to.

Clause 9, as amended, agreed to.

Clause 10.

MS CLAY (Ginninderra) (11.18): I move amendment No 5 circulated in my name [*see schedule 2 at page 1701*].

The Planning Bill sets out the principles of good planning that decision-makers must consider when developing planning strategies, plans and policies, and when they are making decisions on development applications and Territory Plan variations. In relation to amendments Nos 5 and 6, I have added in an additional principle. This principle is the housing affordability principle. This is now a new subclause, and it is in line with recommendation 30 from our inquiry into the Planning Bill.

A lack of housing affordability is a feature across the housing markets all around Australia, and we are also suffering from this deeply here in the ACT. We have discussed it so many times in here. It is causing so much pain and suffering in Canberra at the moment. I am not going to rehash all of the factors that go into housing affordability; we are pretty familiar with them. It is a wicked problem that is shared by every major city in Australia, including Canberra.

Our planning system cannot fix housing affordability. It is just one aspect, one tool in the toolbox, but we need to use every tool in this toolbox at the moment in order to address this. As we are starting this new system, we need to begin with housing affordability as one of our primary guiding principles. I note that both the Greens and Labor have offered to amend this principle and its definition, and that explains why we have got duplication here. I commend my amendment to the Assembly.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for

Planning and Land Management and Minister for Police and Emergency Services) (11.20): Both parties have duplicate amendments on this, as you will see in the circulated amendments from both parties. I think it shows the importance of this principle to both parties in government. It was important as a recommendation from the committee, and I am really pleased that we have been able to come to the table on this amendment.

Putting housing affordability into the principles of the bill ensures that it is enshrined in decision-making and the future of our city for years to come. To avoid duplication and confusion, I will not be moving the amendment on this part of this clause.

Ms Clay's amendment No 5 agreed to.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.20): I move amendment No 12 circulated in my name [*see schedule 1 at page 1681*]. This is just a definitional amendment.

Mr Gentleman's amendment No 12 agreed to.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.21): I move amendment No 14 circulated in my name [*see schedule 1 at page 1681*].

It is small but important amendment that my colleague Minister Stephen-Smith has suggested. It will give assurance to many people who are concerned about this important aspect of good development. As well as being in the new Territory Plan and the design guides, solar access is also referred to in the bill as being an important and good design principle of high quality design.

Mr Gentleman's amendment No 14 agreed to.

MS CLAY (Ginninderra) (11.22): I move amendment No 6 circulated in my name [*see schedule 2 at page 1701*].

The amendment provides a definition for the new “housing affordability principles”. Combined, the Labor government amendment and Greens amendment will give us this definition:

housing affordability principles means the following:

- (a) planning strategies, plans and policies should support the delivery of reforms that improve housing access, affordability and choice;
- (b) planning strategies, plans and policies should support more housing options for people who have a low income;
- (c) close to essential services, amenities and affordable transport options, including public and active transport.

We need improved housing access, affordability and choice, but this is not just about the cost of housing; it is about providing people with an affordable lifestyle that meets all their needs. They need to access shops. They need to get to active and public transport. They need to get to schools and essential services. They need to get to parks and amenities. If they do not have this, they will either have a poor lifestyle or they will have a more expensive one. They will need to miss out on things, or they will need to drive a long way to get to those things, or pick more expensive options like delivery services. The recent Missing Middle campaign led by a number of local organisations has really highlighted that housing access and choice are essential, along with transport choice.

The motion I recently brought forward to the Assembly also emphasised this. The 2023 cost-of-living pressures in the ACT inquiry also highlighted this. It found transport costs are adding significantly to the cost-of-living burden for people at the moment. That is especially true for vulnerable and low income Canberrans. People on low incomes are more likely to live further away from services and public transport routes. They are more likely to be forced to rely on private transport. Fuel costs are rising. Fuel costs are likely to keep rising over the long term. Some of our people have experienced a 24 per cent increase in their transport costs. Their transport costs have increased 24 per cent; that is huge!

Housing is not going to be affordable if it requires our residents to pay an increasingly high proportion of their income and living expenses on high fuel costs for private transport. Canberrans need ready access to schools, shops, community spaces and green spaces. They need ready access to really great public and active transport. We need walkable suburbs with great footpaths and bike paths. We need great public transport that gets people where they need to go. Some of those transport decisions are planning decisions. They are about what we put where, and we need to start integrating these concepts much better than we have in the past.

This amendment meets recommendation 30 made by the inquiry into the Planning Bill. I commend the amendment to the Assembly.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.25): I think this shows, once again, both parties are in lock step in this position. I look forward to this bill passing and our new planning system delivering more affordable housing and housing choices for Canberrans.

Ms Clay's amendment No 6 agreed to.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.25): I move amendment No 16 circulated in my name [*see schedule 1 at page 1681*].

This amendment improves our definition of “natural environment conservation principles”. Conservation and biodiversity are crucial aspects of the planning system and for the future of our Bush Capital. They are given prominence in the bill. This section encourages users of the legislation to not just consider environmental impacts from a particular activity at a point in time but to consider the cumulative and incremental effects over time, which may be qualitatively different.

MS CLAY (Ginninderra) (11.26): I am happy to say that the Greens support this amendment. We are really pleased to see the definition of “natural environment conservation principles” is now amended to consider accumulative environmental impact and incremental environmental impact.

This is in line with recommendation 42 in the inquiry into the Planning Bill. We discussed this at length with our Labor colleagues and we are really pleased to see that we got a good amendment that covers the ground that it needs to cover. Our planning regime already considers environmental impacts on a small scale through environmental impact statements; but, at the moment, that is not giving us a strategic approach to the cumulative impacts of ongoing development on our environment. It is piecemeal, and our environment is not piecemeal; it is holistic; it is connected. Our grasslands, our wildlife corridors, our habitats, our critters, our birds, our insects and our animals: they are all part of a beautiful ecosystem; they do not recognise zoning and borders; and they need to be dealt with in holistic, environmental way that will preserve them for future generations.

So, “cumulative environmental impact” is now how our decision-makers need to think; that is how they need to act. Considering cumulative environmental impact is a really positive step. The territory planning authority will now need to take it into account when exercising their functions. That includes the function of deciding development approvals—DAs. The ACT will now be one of the very few Australian jurisdictions that recognises cumulative environmental impact in our development and planning law, and I am really looking forward to seeing our knowledge growing in this area.

Mr Gentleman’s amendment 16 agreed to.

MS CLAY (Ginninderra) (11.28): I move amendment No 7 circulated in my name [*see schedule 2 at page 1701*].

Amendment No 7 includes a new subclause in the definition of “natural environment conservation principles”. My new subclause clarifies that natural environment conservation principles should support the operation of our environmental laws applying in the ACT. This makes sure that we are bringing into effect all of our local ACT environmental laws. It will make sure that our planning decision-makers are considering those laws like the Nature Conservation Act 2014. We have got a really great network of local environmental laws. We need to make sure that we give them teeth in our planning and development system.

This is in line with recommendation 44 from the inquiry into the Planning Bill made by the Standing Committee on Planning, Transport and City Services. I commend the amendment to the Assembly.

Ms Clay's amendment No 7 agreed to.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.29): I move amendment No 17 circulated in my name [*see schedule 1 at page 1681*].

This section clarifies that key threatening processes include, in addition to those provided for under the national environmental legislation, those provided for under the Nature Conservation Act 2014.

MS CLAY (Ginninderra) (11.30): The Greens are happy to support this amendment. Recommendation 43 in the inquiry to the Planning Bill recommended an amendment to the bill:

to include 'key threatening process' as a trigger for an Environmental Impact Statement ...

We are really pleased to see key threatening processes are now in the bill and to see that they will act as a trigger for regulations when those regulations are released shortly. It is another really important environmental protection. The Greens have discussed this at length with our Labor colleagues, and we are pleased to see that we have reached agreement on this.

We have two key threatening processes here in the ACT; we have the loss of mature native trees, and we have the unnatural fragmentation of our habitats. The importance of mature native trees is really well understood now. Mature trees contain hollows that act as habitat for much of our wildlife, and they perform a completely different function in our environment than saplings and young trees perform. They are really important for some of our threatened bird species, like gang-gangs and superb parrots. Most people now understand that habitat connectivity is really key. Birds and lizards and plants do not recognise borders. They do not recognise zoning. They need a connected system—the system that they have always existed in—if they are going to thrive.

The amendment to the regulations will mean that if a proposal is likely to result in a key threatening process—if it is likely to threaten our mature native trees or our habitat connectivity—those developers will need to stop and complete an environmental impact statement. It is a really good step. Fragmentation of our habitation and ongoing loss of mature native trees will now be directly addressed by the planning system through our environmental impact statements.

Mr Gentleman's amendment 17 agreed to.

Clause 10, as amended, agreed to.

Clause 11.

MS CLAY (Ginninderra) (11.32), by leave: I move amendments Nos 8 to 11 circulated in my name, together [*see schedule 2 at page 1701*].

Clause 11 of the Planning Bill sets out the principles of good consultation. These principles of good consultation provide a benchmark for consultation in our planning system. They are now embedded in the bill, which is something our community have called for very strongly. It is a huge step forward for us in the ACT. It speaks to recommendation 2 of the inquiry into the Planning Bill. It also addresses the Greens and Labor commitments to better consultation in our planning system that was part of our Parliamentary and Governing Agreement with our Labor colleagues. It is really important we make sure we embed good consultation at every step of the way.

Consultation really is important. We do not all agree on planning decisions. Some people want more housing in our existing suburbs. Some people want to preserve their suburbs exactly the way they are. Some people want to keep building out into our grasslands and woodlands forever. Most people want to keep our suburbs as green as possible. They want to keep trees around where they are. They want to avoid the urban heat island effect that we know we are going to experience more of with climate change. The people who live in our suburbs have very different goals from the people who are building our suburbs. They have different goals and values from the developers, who are putting in these DAs and actually building these properties. People at different life stages have different goals; people with different family sizes; people from different backgrounds, different incomes—everybody has a different view.

It is the responsibility of the Independent Planning Authority to hear all of these considerations and to make decisions on development applications and on Territory Plan variations. The authority cannot know what the community thinks about a project unless it asks them. Consultation periods are really important for this reason. It is a fundamental part of the way this democratic system works. A lot of work has been done around the world to understand what makes good consultation. We have worked hard to make sure a number of these elements were already in clause 11. My amendments seek to provide further clarification and strengthen some of these key parts.

In amendment number 8, clause 11(2)(c) has been substituted to add a requirement that the consultation must engage stakeholders directly affected. This is in addition and separate from consulting with all other stakeholders. The distinction is there because those people who are directly affected by the planning decision, like nearby residents, need to be more directly engaged—through letterboxing, through adequate onsite signage, through adequate consultation. Other stakeholders might be engaged by general means, but those directly affected need to be engaged more directly.

Amendment number 9 to clause 11(2)(d)(i) deals with the definition of “meaningful consultation”. My amendment provides that the information provided as part of the consultation must be not only adequate; it also needs to be well informed. There is a well-known principle of free, prior and informed consent and that is a fundamental part of what good consultation is: you need to make sure the people you are talking to have really good, accurate information and they can understand it. We need to make sure that consultation is meaningful. That is doubly important when we are

talking about something as complex, as contentious and as difficult as planning and development.

Amendment 10 to clause 11(2)(g)(i) includes the definition of timely consultation. We have added in the requirement that consultation must also be early. Now, we all have all different versions on what timely means, but I think we know what early means. We have added in that for significant development, the consultation must be undertaken as early as possible.” During the inquiry on the Planning Bill, we heard a lot of feedback from the community and also from developers. There was a lot of feedback about pre-DA consultation. The current version in our current act is not working well but it could work much, much better. The current version does not involve the authority. A lot of people felt that the input they provided was not genuinely considered; it did not actually meaningfully affect designs; and given that the authority was involved, there was not much point to it.

We also heard from developers that getting that early feedback is a really good way to make sure that their designs are good; that they are what the community wants where the community wants it; they get much better market acceptance; and they get much lower rates of appeal. It is actually a better outcome all around if we do the consultation well and early enough to affect the designs.

We have had a look at how we do this early consultation. We do not have exactly the same system that we used to have of pre-DA consultation, but there are a number of amendments passed through these amendments to this bill that will seek to address the need for early consultation, and for meaningful consultation, that will genuinely affect the designs that we see. I commend the amendments to the Assembly.

Amendments agreed to.

Clause 11, as amended, agreed to.

Clauses 12 to 17, by leave, taken together and agreed to.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.38): I table a supplementary explanatory statement to the government amendments.

Clause 18.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.38): I move amendment No 18 circulated in my name [*see schedule 1 at page 1681*]. This amendment is minor and technical in nature.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 35, by leave, taken together and agreed to.

Clause 36.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.39), by leave: I move amendments Nos 19 and 20 circulated in my name, together [*see schedule 1 at page 1681*]. These amendments to the bill are minor and technical in nature.

Amendments agreed to.

Clause 36, as amended, agreed to.

Clause 37.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.40): I move amendment No 21 circulated in my name [*see schedule 1 at page 1681*]. This amendment is minor and technical in nature.

Amendment agreed.

Clause 37, as amended, agreed to.

Clause 38 agreed to.

Clause 39.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.41), by leave: I move amendments Nos 22 to 24 circulated in my name, together [*see schedule 1 at page 1681*]. Again, these are minor and technical amendments to the bill.

Amendments agreed.

Clause 39, as amended, agreed to.

Clause 40.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency

Services) (11.41), by leave: I move amendments Nos 25 and 26 circulated in my name, together [*see schedule 1 at page 1681*]. Again, these are minor and technical amendments.

Amendments agreed to.

Clause 40, as amended, agreed to.

Clauses 41 and 42, by leave, taken together and agreed to.

Clause 43.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.42), by leave: I move amendments Nos 27 to 29 circulated in my name, together [*see schedule 1 at page 1681*]. These are minor and technical amendments to the bill.

Amendments agreed to.

Clause 43, as amended, agreed to.

Clauses 44 to 46, by leave, taken together and agreed to.

Clause 47.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.43), by leave: I move amendments Nos 30 and 31 circulated in my name, together [*see schedule 1 at page 1681*]. Again, these are minor and technical amendments to the bill.

Mr Gentleman's amendments Nos 30 and 31 agreed.

MS CLAY (Ginninderra) (11.44): I move amendment No 12 circulated in my name [*see schedule 2 at page 1701*].

Clause 47 of the Planning Bill details the circumstances in which the Territory Plan gives effect to strategic planning outcomes. Specifically clause 47(c) states that the Territory Plan may give effect to relevant outcomes related to planning contained in other government strategies and policies.

Amendment No 12 proposes an amendment to clause 47(c) so that it will read as follows instead:

The Territory Plan must take into account and may give effect to relevant outcomes related to planning contained in other government strategies and policies.

This is important because the ACT has a whole suite of policies that affect planning, development and our environment. This includes our ACT Climate Change Strategy, our Living Infrastructure Plan and our Active Travel Policy. If a planning decision contradicts any one of those policies, it must be done intentionally and for good reason. It cannot be done because the decision maker simply was not required to consider those government policies and so disregarded them and made a different decision. This amendment is in line with recommendation 13 of the inquiry into the Planning Bill. I commend the amendment to the Assembly.

Ms Clay's amendment No 12 agreed.

Clause 47, as amended, agreed to.

Clauses 48 and 49, by leave, taken together and agreed to.

Proposed new clauses 49A and 49B.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.46): I move amendment No 32 circulated in my name which inserts new clauses 49A and 49B [*see schedule 1 at page 1681*].

The amendment on clause 49 means the minister will now be responsible for making design guides. This amendment was in response to community concern about the design guides and ensuring they are fully reflective of government policy. Both the design guides and the technical specifications have been elevated to reflect their importance in the new planning system. Both the design guides and technical specifications must be published on the territory planning authority's website, in addition to the notification on the ACT Register.

MS CLAY (Ginninderra) (11.47): The Greens are happy to support amendment No 32. The design guidelines are a crucial part of our new planning system. I understand they act much like the criteria in our current planning system. They guide the more subjective elements of a development application. We must embed these design guides in the planning bill. They are more than just policy documents; they provide concrete guidance as to the way development application should be designed.

We see bringing the design guides into the statutory system as a key change to the amended bill. They provide statutory weight to these guides. This will make sure that they drive quality in the built form and the spaces around us and it will make sure that we have the biodiversity embedded in our city design that we need. Our city is finally having appropriate guidance for developers, designers and builders about what we expect in our built form and in our place-making and they will enable us to say no to poor design that ignores these principles. It is critical we embed these in the bill. They need to have statutory recognition. Many witnesses made that point during our committee inquiries. We discussed it at length with our Labor colleagues, and I am really pleased to see these amendments here.

Amendment agreed to.

Proposed new clauses 49A and 49B agreed to.

Clauses 50 to 52, by leave, taken together and agreed to.

Clause 53.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.48): I move amendment No 33 circulated in my name [*see schedule 1 at page 1681*]. This is a minor amendment. Indeed, the majority of amendments are minor and technical, but I will need to draw the attention of the Assembly to one which happens a little bit later.

Amendment agreed to.

Clause 53, as amended, agreed to.

Clauses 54 to 68, by leave, taken together and agreed to.

Clause 69.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.49), by leave: I move amendments Nos 34 and 35 circulated in my name, together [*see schedule 1 at page 1681*]. Again, Madam Speaker, these are minor and technical amendments to the bill.

MS CLAY (Ginninderra) (11.50): The Greens are happy to support amendments Nos 34 and 35. These make a change to the period for consideration by the planning committee. The bill in its earliest form provided 10 working days. That is not a sufficient period of time for the committee to review the relevant documentation for a draft major plan amendment or to make a significant planning decision.

I sit on that committee. I am not speaking on behalf of that committee. I am simply speaking as an MLA who has a working knowledge of how that system works. Some Territory Plan variations that come to the committee consist of hundreds of pages. There have been meetings that considered over 900 pages of material. We need more than a few hours to consider that material and give it the time that it deserves. We also need to have a chance to meet and discuss the decision. That is what a tripartisan parliamentary committee is meant to do. Our committee meetings are usually weekly but we cannot meet during sittings so in a double-sitting week like this, there are two weeks where we cannot meet. That is why it would be almost impossible to meet a 10-day working timeframe. At the moment we have a 20-day working timeframe. I, as a Green, am happy to acknowledge that we have really urgent problems in our planning and development system and we need to trim the time wherever we can. So, we have decided that 15 days is probably a reasonable timeframe. We are happy to support the amendment.

Amendments agreed to.

Clause 69, as amended, agreed to.

Clauses 70 to 81, by leave, taken together and agreed to.

Clause 82.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.52), by leave: I move amendments Nos 36 to 39 circulated in my name, together [*see schedule 1 at page 1681*].

Amendments agreed to.

Clause 82, as amended, agreed to.

Clauses 83 to 86, by leave, taken together and agreed to.

Clause 87.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.53): I move amendment No 40 circulated in my name [*see schedule 1 at page 1681*].

Amendment agreed to.

Clause 87, as amended, agreed to.

Clause 88.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.53), by leave: I move amendments Nos 41 and 42 circulated in my name, together [*see schedule 1 at page 1681*]. Again, minor and technical, Madam Speaker.

Amendments agreed to.

Clause 88, as amended, agreed to.

Clauses 89 to 91, by leave, taken together and agreed to.

Clause 92.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.54), by leave: I move amendments Nos 43 and 44 circulated in my name, together [*see schedule 1 at page 1681*].

Amendments agreed to.

Clause 92, as amended, agreed to.

Clauses 93 to 98, by leave, taken together and agreed to.

Clause 99.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.55): I move amendment No 45 circulated in my name [*see schedule 1 at page 1681*].

Amendment agreed to.

Clause 99, as amended, agreed to.

Clause 100.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.55): I move amendment No 46 circulated in my name [*see schedule 1 at page 1681*].

Amendment agreed to.

Clause 100, as amended, agreed to.

Clauses 101 to 105, by leave, taken together and agreed to.

Clause 106.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.56): I move amendment No 47 circulated in my name [*see schedule 1 at page 1681*].

Amendment agreed to.

Clause 106, as amended, agreed to.

Clause 107.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.57): I move amendment No 48 circulated in my name [*see schedule 1 at page 1681*].

Amendment agreed to.

Clause 107, as amended, agreed to.

Clauses 108 and 109, by leave, taken together and agreed to.

Clause 110.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.57): I move amendment No 49 circulated in my name [*see schedule 1 at page 1681*].

Amendment agreed to.

Clause 110, as amended, agreed to.

Clause 111.

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

Sitting suspended from 11.58 am to 2 pm

Questions without notice

Centenary Hospital for Women and Children—Obstetrics and Gynaecology Unit

MR HANSON: My question is to the Minister for Health.

Minister, following the loss of accreditation for the Fetal Medicine Unit, we have heard reports that Obstetrics and Gynaecology at the Canberra Hospital has also been reviewed and has also fallen short of standards. According to these reports, the unit must also make significant and widespread changes within six months or also face losing their accreditation. Minister, has O&G at TCH received an initial negative assessment and are there significant changes required before that unit also loses accreditation?

MS STEPHEN-SMITH: Let us start with a key fact that has been repeated in this place many, many times: the Fetal Medicine Unit did not lose accreditation. This is something the Liberals say on a regular basis—and it is not true. It actually asked to have its training accreditation suspended for particular reasons. That is not the same thing.

I will take on notice Mr Hanson's question and find out if there is any veracity to what he is now claiming.

MR HANSON: When you are doing so, Minister, could you find out what changes are required, by when and how they are going to be achieved?

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

MS CASTLEY: Minister, how do you justify the time, expense, disruption and threat to services of your forced takeover of Calvary when you face losing accreditation of an existing unit?

MS STEPHEN-SMITH: I am not going to accept on face value Mr Hanson's or Ms Castley's assertions here.

There is obviously quite a lot of work going on in relation to child and adolescent clinical services. There is in fact a child and adolescent clinical services plan and expert panel currently underway. It has recently been consulting on the draft child and adolescent clinical services plan. It would not at all surprise me if the Canberra Liberals were conflating these issues, but I will take that on notice.

In relation to the northside hospital and Ms Castley's specific question in relation to disruption of services, of course, we know that one of the opportunities in having Canberra Health Services running both the Canberra Hospital and the northside hospital will be to actually expand availability of paediatric and birthing services in a hub-and-spoke model in a way that is not currently possible.

Calvary Hospital—acquisition

MS CASTLEY: My question is to the Minister for Health. Last week, during question time, you said that you had received feedback from staff that construction work had ceased on the fire damaged theatres at Calvary whilst the legislation was being considered by the Assembly. The Calvary regional chief executive, in a *Canberra Times* article, said:

There has been no disruption to the works following the ACT Governments advice of their intention to compulsorily acquire Calvary Public Hospital.

Did you or your office ask Calvary if it was true that they had delayed reconstruction of the theatres until after you passed your legislation to take over the hospital, and do you stand by your claim?

MS STEPHEN-SMITH: Calvary had made it clear that they were not particularly interested in hearing from me or my office. I want to be clear that we did not hear this from just one person; we heard this from multiple people at various different levels of the organisation. If that is incorrect, I apologise to Calvary for that, but I did very clearly say, in making that statement, that we have heard it from Calvary staff. It was being used as an example of the disruption that was occurring or potentially occurring through the period while the legislation was before the Legislative Assembly, which

was why we wanted to make that period as short as possible, so that we could then formally engage with Calvary, we could get a very clear understanding of exactly what was happening on site at Calvary through—

Mr Hanson: Madam Speaker, on a point of order: the question asked the minister whether she stands by her claim or not.

MADAM SPEAKER: There is no point of order.

MS STEPHEN-SMITH: I absolutely stand by my claim that we had heard this from multiple staff at Calvary.

MS CASTLEY: Minister, why did you not confirm with the CEO himself to ensure that your message was correct?

MS STEPHEN-SMITH: As I said in my previous answer, this was not exactly the conversation that Calvary was wanting to have with us at that point in time.

MR HANSON: Minister, what will you now do to make sure that the public is aware that reconstruction at Calvary theatres has not been delayed, given that you have made these assertions in a press conference and in this place in your attempt to tarnish their reputation?

MS STEPHEN-SMITH: I was not attempting to tarnish their reputation; I was explaining to the chamber why the short time frame was so important. Calvary itself has responded to those issues publicly.

Canberra Hospital—expansion

MS ORR: My question is to the Minister for Health. Minister, you announced the nation-leading work the ACT government is doing to deliver Australia's first all-electric hospital building. Can you outline to the Assembly why this is an important part of the Canberra Hospital expansion project?

MS STEPHEN-SMITH: I thank Ms Orr for the question. Yesterday, on World Environment Day, the government did announce the delivery of some technology that will enable the critical services building to be Australia's first all-electric major hospital building. The first of the 21 massive heat pumps are now installed on the roof of the critical services building to support the government's target to have a zero emissions ACT government health sector by 2040.

We are very well aware that the Canberra Liberals do not actually really care about climate change and that they are not interested in having a net zero emissions ACT government health sector by 2040, but we absolutely are.

Opposition members interjecting—

MADAM SPEAKER: Members, enough!

MS STEPHEN-SMITH: The Canberra Hospital expansion, which is, to date, the largest infrastructure investment since self-government—and, of course, will be overtaken by the new northside hospital—is now targeting a five-star, green star rating. It means we are leading the way nationally in environmentally sustainable health infrastructure design.

Through this all-electric design and our energy efficiency features, we will be mitigating the release of an estimated 1,886 tonnes of carbon emissions each year; the equivalent of removing 760 cars from Canberra’s roads. The latest environmentally sustainable design features are being used, such as a high-performing facade and new technology that automatically monitors and controls heating, ventilation and cooling. Environmentally conscious decision-making has been at the forefront of the critical services building throughout its construction process, alongside—

Opposition members interjecting—

Ms Orr: A point of order. I note we do not have a lot of time left, but I have had a very hard time hearing because of the constant interjections.

MADAM SPEAKER: I do not blame you, Ms Orr. Members, I remind you to try and keep the noise down. Ms Stephen-Smith, have you concluded?

MS STEPHEN-SMITH: Thank you, Madam Speaker. I will conclude by saying this is also in alignment with feedback from consumers and clinicians.

MS ORR: Minister, how is the ACT government ensuring health infrastructure in the ACT is delivering innovative solutions, both in construction and clinical service delivery?

MS STEPHEN-SMITH: I thank Ms Orr for the supplementary question. The ACT government has continued to be innovative and to work with consumers, clinicians and the broader community to deliver health infrastructure across the ACT that is accessible, accountable and sustainable. Achieving Australia’s first all-electric major hospital building has also included a sustainable construction program, with materials salvaged and repurposed from demolition, locally sourced low-carbon concrete, and the use of electric cranes on site.

The sustainable design of the critical services building includes heat pumps, that I talked about; energy-efficient facade elements; intelligent heating ventilation and cooling; and a holistic building management and control system that will provide insights for more efficient operations, and achieving a high, indoor environment quality through regulating building features. Landscaping and irrigation will also use recycled water, open courtyards and green spaces—creating a much better environment for those people who work at the hospital, patients and visitors.

We are leading the nation in engaging consumers in the health infrastructure we are building as well. Of course, we have recently opened the new dedicated early pregnancy unit at the Canberra Hospital following the consumer-led design and planning. The Canberra Hospital expansion consumer reference group is similarly supporting the program, with nation-leading designs to ensure the critical services building is truly consumer centred.

Earlier last month, I also opened the new \$6 million community-based medical imaging service in Weston Creek to support more access to health services closer to home for Canberrans. The Weston Creek medical imaging service will provide an alternative for non-urgent patients to access CT scans, ultrasounds and X-rays without needing to go to hospital—again, responding to consumers’ calls for more health care closer to home.

DR PATERSON: Minister, how are these innovations being incorporated into the planning for future health infrastructure projects that will provide essential services to the Canberra community?

MS STEPHEN-SMITH: I thank Dr Paterson for her supplementary question. The ACT government does have an ambitious health infrastructure plan to meet the needs of our growing city and region. The Canberra Hospital master plan, in particular, sets out how the Canberra Hospital will be transformed over the next 20 years, and that includes planning for it to become an all-electric hospital over time.

The Assembly will also be aware of the government’s more than \$1 billion investment commitment in the northside hospital, which is now the single biggest commitment to investment in health infrastructure in the ACT. The innovative design-planning construction programs we have been undertaking will continue as part of our future health infrastructure projects, including: sustainable demolition and construction practices, all-electric designs, and strong consumer and clinician engagement. This means we will be able to mitigate more carbon emissions each year, invest in more local businesses and, at the same time, deliver consumer-centred health services with more beds, more treatment spaces and more operating theatres for Canberra’s future.

Calvary Hospital—acquisition

MS CASTLEY: My question is to the Minister for Health.

I refer to your amendments to the Health Infrastructure Enabling Bill where you proposed a new clause to dispense certain parts of both the Government Procurement Act 2001 and Government Procurement Regulation 2007 for six months after acquisition. These amendments will mean the government will no longer have to adhere to the secure local jobs code and no longer have to review procurement proposals greater than \$5 million. You have also removed a section that requires the entity to follow probity and ethical behaviour.

What advice did you receive that prompted these significant amendments to the Health Infrastructure Enabling Bill 2023?

MS STEPHEN-SMITH: I thank Ms Castley for the question. These provisions are narrower than the provisions that were already in place in the bill for the transition period from the notification of the bill through to 3 July. What became clear as we were considering the legislation through the Assembly process was that there are likely to be some contracts that either cannot be novated or cannot be transferred by the acquisition day of 3 July, and that is fine. We have always understood that not everything needs to be done by 3 July.

What this amendment will enable Canberra Health Services to do is to pick up those contracts—and I explained this during the debate—including contracts potentially with small and medium sized Canberra businesses and ensure those contractors that are providing services to Calvary Public Hospital Bruce now will be able to continue to provide those services in a seamless way for the period of their contract.

There will also be some contracts, probably in the area of IT is most likely, that may not be able to be transferred or novated, because they are national contracts for Calvary that support Calvary Public Hospital Bruce at the moment and Canberra Health Services will have to enter into a new contract. In order to ensure that the highest probity standards are met, Canberra Health Services will be working with the Chief Minister, Treasury and Economic Development Directorate, their procurement team and the Head of Service to work through an administrative arrangement where they can be assured that any such arrangement that is entered into will be signed off by multiple places to ensure the probity rules have been followed in relation to those procurements. Where we possibly can, all of the existing Procurement Act arrangements will be followed and we are absolutely committed to that.

MS CASTLEY: Minister, what other contracts do you expect to enter into that may have been reviewed by the Government Procurement Board and why do you think the board should not review these decisions?

MS STEPHEN-SMITH: We will be debating a motion later today from Ms Castley about the importance of ensuring continuity of clinical services at Calvary Public Hospital Bruce and that is of course our number one priority. That is why it is important that the legislation enabled the ongoing provision of contracts to Calvary Public Hospital Bruce and then to the northside hospital after Canberra Health Services has transitioned the management of that on acquisition day. As I said in my earlier answer, there will be some contracts we expect that will not be able to be finalised by 3 July but will need to be finalised fairly quickly after that. This is a time limited and restricted measure around which significant administrative arrangements will be put in place. I would be very happy to offer the opposition a briefing on those administrative arrangements if they are interested.

MR CAIN: Minister, in what other areas of procurement do you intend to exempt the government from its own rules?

MS STEPHEN-SMITH: I do not quite understand Mr Cain's question. I will also point out that the Standing Committee on Health and Community Wellbeing is being regularly briefed in relation to the transition process. Mr Milligan sits on the health and wellbeing committee so he can also ask detailed questions if the opposition does not want a briefing.

But in relation to Mr Cain's question, this is a very limited, restricted application of these measures, and as I have said, we will be putting administrative arrangements in place. Mr Milligan is very welcome to ask questions at the health and wellbeing committee and members of the opposition are welcome to ask for a briefing.

Teachers—conditions and entitlements

MR DAVIS: My question is to the Minister for Education and Youth Affairs. Minister, I would like to commend you and the ACT government on the pay offer made to Canberra's teachers, which will see Canberra's teachers remain the best paid teachers in our country. Can you please update the Assembly on the feedback you have received on the government's offer so far, and the next steps in the enterprise bargaining agreement negotiations?

MS BERRY: I thank Mr Davis for the question. I have received very positive feedback from the Australian Education Union and their members, particularly during their awards night last week, where I got to sit with teachers and school principals and hear from them about the impacts they feel the enterprise bargaining agreement outcomes will have on their ability to teach and provide a great education to our school students in our public schools.

The ballot process for the education part of the government's agreement begins on 16 June. I am really excited to see the outcome of that ballot. Once the agreement passes, there will still be a lot of work to do to implement a number of the actions in the agreement, which include work on the workforce challenges and supporting our teachers in our schools to be the very best teachers that they can be.

MR DAVIS: Minister, how does the ACT government's new pay offer for Canberra's teachers move the current burden of building and facilities management from school leaders into the directorate?

MS BERRY: This will be work that will need to occur following the agreement's implementation, and working with building services officers and their union, as well as the teachers' union, to understand how we can centralise the work of building services officers to reduce the workload on our school communities so that they can continue doing what they do best, which is teach and educate our young people. We will move the building services officer work into a more centralised system. That is work that will need to occur following the agreement's introduction.

MR BRADDOCK: Minister, will the new school building and facilities management process rely on contractors or will the government insource building and maintenance staff?

MS BERRY: I have no advice that that is being suggested by Education. If that situation changes then people will know about it, but that is not the situation, as far as I know.

Calvary Hospital—acquisition

MS CASTLEY: My question is to the health minister.

Minister, the Canberra Liberals have been told that Calvary Public Hospital contract PwC to assist with audits. Last week you confirmed that PwC are tasked to help with the transition for your hostile takeover of Calvary. Have PwC at any point notified the territory due to an existing conflict, or a conflict arising, while you task them with assisting you with the takeover of Calvary?

MS STEPHEN-SMITH: Yes, during negotiations in 2002, Calvary identified that PwC undertook Calvary's financial audits. This was noted by the negotiation committee, which included Calvary, and Calvary did not identify any issues with PwC providing advice to the ACT government. The ACT government has required each member of the PwC group working under this contract to execute the confidentiality agreement. In early May 2023 ACT Health requested a formal letter from PwC outlining how their internal separations are managed, maintained and assured. On 8 May 2023 PwC wrote to ACT Health Directorate outlining their conflicts and confidentiality processes on the north-side hospital project.

On 18 May 2023 PwC advised that the Calvary national CEO had raised a concern that two members of the PwC transition team had previously undertaken work for Calvary. Although PwC advised that there was no conflict, for the avoidance of doubt, they have removed these two members of the team from the project. ACT Health Directorate is currently working with Treasury to contribute to a letter to PwC to seek assurance that the current matters before the Senate committees and the AFP do not pose any risk to the ACT government contracts or activities.

MS CASTLEY: Minister, how confident are you that there will be no further future conflict of interest given the accusations that have been levelled at PwC?

MS STEPHEN-SMITH: Given my previous answer, I am confident that we have taken every step to ensure that that is not the case.

MR PARTON: Minister, have PwC made any formal or informal approach to CHS saying that they would wish to continue services after CHS take over Calvary?

MS STEPHEN-SMITH: Not to my knowledge, but I would note that they are currently contracted by the ACT Health Directorate, not CHS.

Waste—circular economy

MS CLAY: My question is to the Minister for City Services. Minister, last year I launched the Greens' vision for a circular economy, and I was delighted to see your draft Circular Economy Strategy come out later that year.

I have heard many requests for grants from the circular economy sector, including one recently from the Lions Club and Lids4Kids, who wanted a small sum to cover the freight on their community recycling initiative for blister packs. The government could not provide it, so I chipped in as a private citizen.

Our Community Zero Emissions Grants Program is very successful. Have you considered a grant program like that for the circular economy?

MR STEEL: I thank Ms Clay for her question. As she noted, the ACT government is in the process of finalising our Circular Economy Strategy. We have been consulting with the community on the strategy, which is in draft form, and we have undertaken a range of workshops with local industry, community partners and the broader waste sector about how we can achieve a circular economy in Canberra.

One of the key pieces of feedback that the ACT government heard in the consultation is that they are keen to partner with government to deliver circular economy outcomes. That does not just include financial support; it also includes a range of other things that are non-financial, including education, the availability of land and legislative and regulatory reforms. The government is considering that feedback at the moment as we finalise the Circular Economy Strategy and action plan.

We are considering how the ACT government can further support circular initiatives. It is worth noting, though, that there are a range of grant schemes that are already in place which can be used to support a circular economy. For example, in recent years grant requests have been delivered on to a range of people and organisations in the waste space, including through the local enterprise grants. Capital Scraps Composting received a \$5,000 grant as part of the Environmental Volunteer Assistance Grants. Previous recipients of the Innovation Connect grant have included circular economy initiatives, including the Joyful Fashionista, who received a grant in April 2021.

So there have been a range of financial supports available. Of course, the ACT government will be considering what support we can provide in partnering with the community as part of the final Circular Economy Strategy.

MS CLAY: Minister, what other support is government providing to the community sector and the recycling industry sector to help us shift to a circular economy?

MR STEEL: I thank the member for her question. I have outlined the range of grants which can already be accessed by the community to support a circular economy. The ACT government has also, through the strategy, outlined a number of priority areas that we want to focus on going forward. Those areas include, for example, diverting food and organic waste from landfill.

We have already started talking with the community about what that means in terms of establishing a large-scale composting facility in Canberra. There will be opportunities through that process for the waste sector to participate in helping us to deliver that facility.

Of course, we go out for tender for a range of initiatives. We are out for tender at the moment for the household kerbside waste collection contracts, which will again provide an opportunity for the waste sector to partner with the ACT government to deliver a range of circular outcomes. We will continue to work with the community on some of the other challenges in helping to meet a circular economy.

One of the key things we heard from the community—and one of the reasons that there was an entire chapter devoted to it in the Circular Economy Strategy—was around land. We know that there is not a huge amount of land in the ACT to be able to undertake circular economy activity. That is something that the government is considering through the finalisation of the strategy.

Of course, legislation is another area that may again support and provide opportunities for businesses and organisations in the circular economy sector to be able to support the economy. One of the paper items which is around diverting food from landfill

would require businesses to come up with plans to prevent that waste going into landfill, and businesses and organisations will be able to support that.

Government—procurement

MR BRADDOCK: My question is to the Special Minister of State. Minister, the ACT government has contracted PwC for approximately \$25 million of work over the last six years. Given the revelations of possibly unethical and potentially illegal behaviour with respect to Australian government contracts, how can the ACT government ensure that PwC has acted appropriately while contracted by the ACT government?

MR STEEL: I thank Mr Braddock for his question. The reports of confidential information from the Australian government being released by PwC are extremely concerning, and the ACT government has been very closely monitoring developments in this space as more information becomes available and as it evolves. We are working with our counterparts, including the Australian government, in other jurisdictions, including through the Australasian Procurement and Construction Council, to monitor the developments.

I can advise the Assembly that the government has written to PwC to seek assurances in relation to the appropriate management of confidentiality, conflict of interest and intellectual property in our contracts. We have also sought assurances that no individuals involved in the misuse of confidential Commonwealth information are associated with any current or previous ACT government contracts. Also, Procurement ACT is supporting all directorates and contract owners in reviewing their arrangements and in further investigation if it is required, if additional information comes to light in relation to this matter.

MR BRADDOCK: What is the ACT government doing to limit contracting to consultancy firms such as PwC and ensure that the ACT public service has the expertise required?

MR STEEL: I thank Mr Braddock for his question. The ACT government has, of course, taken a nation-leading approach in relation to insourcing and developing an insourcing framework. We have established the Strategic Transformation Office, which is an in-house consultancy unit within the ACT government to support agencies when delivering initiatives without the need to go to an external consultant to be able to get that strategic advice. This is a move that has been seen by federal politicians and is now being implemented at the federal level, based on what the ACT government has led with. This is an approach that we will look at taking forward in relation to some pieces of work that can be undertaken in-house, and we look forward to seeing more people employed in the ACT government to deliver the services and projects that Canberrans expect.

MR DAVIS: Minister, will consultancy work be considered under the Financial Management Amendment Bill 2021 for insourcing?

MR STEEL: I refer the member to my answer to the previous question. We are actually doing more of that consultancy work in-house and I expect that will expand

over time. That does not mean that there will not be a need at certain times to get specific technical expertise outside the ACT government for different contracts. I know that we are certainly using a range of consultants on some of our major infrastructure projects because we do not have that technical advice in-house. We will, of course, look at opportunities across a range of different projects to potentially deliver in-house in the future, but, with a government that is this small, it is possible that some of those particular skills and experience will not be able to be delivered in-house, particularly when they are ad hoc projects that we do not undertake on a regular basis. We will continue to look at developing our insourcing framework and the opportunities to deliver more work by government employees.

Planning—Planning Bill 2022

MR CAIN: My question is to the Minister for Planning and Land Management.

Minister, over the last few days many voices of community groups and residents' associations have cried out in rejection of the Planning Bill 2022, calling it anti-community, anti-environment and anti-democratic. In fact, I have had conversations with community council chairs who cannot believe that you introduced over 100 amendments, which we are in the process of, without providing any opportunity for community feedback or visibility.

Minister, how can you expect the community to trust you and the new Planning Bill when you consistently keep them in the dark?

MR GENTLEMAN: I thank Mr Cain for the question. I do not agree with his summation of what has occurred with the Planning Bill. In fact, we have been consulting with the Canberra community for quite a number of years, and we have been into the detail stage of the amendments of the Planning Bill—that started this morning. The amendments were sent to Mr Cain a couple of weeks ago for his planning committee, when he was able to have a look at those amendments and make recommendations which we have started to agree to.

MR CAIN: Minister, why does the community have no trust or confidence in the Planning Bill to provide adequate transparency, certainty, clarity and accountability in planning?

MR GENTLEMAN: Again, I do not agree with Mr Cain's summation of what has been occurring with the Planning Bill. In fact, during the consultation with the Canberra community, we had the largest YourSay community consultation ever for this government with some thousands and thousands of inputs to the Planning Bill and the reform project. Of course, with the response of the Canberra community, we have made these number of amendments to the Planning Bill. They went in front of a committee which Mr Cain chairs.

MR PARTON: Minister, why do you want to enforce this deregulated planning framework when so many in the community very clearly oppose it?

MR GENTLEMAN: We were very clear at the outset of this planning review and reform project—

Mr Parton interjecting—

MADAM SPEAKER: You have had your question, Mr Parton; listen to the answer.

MR GENTLEMAN: Thank you Madam Speaker. We started this quite a number of years ago, and we have been interacting with the Canberra community since then, as I said—in the most detailed way of any piece of legislation that has come before this parliament. I am very proud of the work that this government has been doing and very proud of the work our planning authority has been doing, as well, and the interactions that we have been having. Contrary to the claims from those opposite, there are many in the Canberra community very supportive of the growth and change we are making in planning to allow more houses to be built, to look at the “missing middle” and to ensure we can provide housing opportunities for more people as the city grows.

Planning—Planning Bill 2022

MR CAIN: My question is to the Minister for Planning and Land Management. Minister, the Planning Bill 2022 has been a hugely controversial matter and may prove to be one of the defining acts of this long-running Labor-Greens coalition government. Minister, did your coalition government partner, the ACT Greens, mislead the Canberra community by declaring they had recused themselves from cabinet to pretend to be a cross-bench despite the fact they plan to agree to all of your amendments?

Mr Braddock: Point of order Madam Speaker: that is requesting an expression of opinion of the Minister on the actions of the Greens.

MADAM SPEAKER: Members. Just one moment members. I believe it is out of order, but I will get confirmation.

Opposition members interjecting—

MADAM SPEAKER: Members! If I may, standing order 114:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly ...

I do not believe the Minister is responsible for the position of the Greens.

Mr Hanson: Madam Speaker, the question is the whole relationship between the minister and the Greens and the negotiation of the amendments. It is directly relating to this bill that the minister has carriage of before the Assembly and the negotiations that have occurred. If we are allowed to ask what has happened with his engagement with community members, why are we not allowed to ask what has happened with other political parties?

MADAM SPEAKER: That is my ruling. You saw the exchange go on. So the question is out of order.

Access Canberra—services

DR PATERSON: My question is to the Minister for Business and Better Regulation. Minister, can you update the Assembly on the uptake of SMS reminders for important payments such as drivers licence and registration renewal?

MS CHEYNE: I thank Dr Paterson for the question. The Access Canberra SMS payment and renewal reminder service went live on 12 April 2022. This service is where SMSs are sent 48 hours prior to the expiry or due date for payments and renewals for some of our most common transactions, including driver licence renewal, vehicle registration renewal and infringement payments.

If no action has been taken by the customer, a follow-up SMS is also sent 48 hours after the renewal or due date has passed. Our records indicate an impressive uptake to date, with more than 296,000 individuals and more than 11,000 organisations who have their mobile numbers registered with Access Canberra to receive SMS reminders, as at the start of this month.

DR PATERSON: Minister, for those who have opted in, what impact are SMS reminders having on reducing the risk of someone inadvertently driving unlicensed or in an unregistered vehicle?

MS CHEYNE: I thank Dr Paterson for the supplementary. Access Canberra is sending an average of 1,200 driver licence expiry SMS reminders and almost 17,000 registration renewal SMS reminders each month. These reminders are reducing the risk of someone inadvertently driving unlicensed or in an unregistered vehicle.

In April, for example, Access Canberra sent 18,709 registration renewal reminders, 48 hours prior to registration expiry. Of these registrations, a third were then re-registered on the day of expiry or the next day. SMS reminders were then sent 48 hours after registration expiry to the registered operators of those vehicles which had not yet been re-registered, with 40 per cent of those vehicles subsequently being re-registered.

MS ORR: Minister, what other innovative digital technology is Access Canberra using to improve its service delivery and customer service experience?

MS CHEYNE: I thank Ms Orr for the supplementary question. Access Canberra has worked hard in recent years to make more than 400 different transactions available online, with only a small number of other transactions requiring attendance in person. As well as being able to see live wait times for service centres on the Access Canberra website and the ability to join a mobile queue on arrival, customers are now able to make pre-booked appointments for land title and service centre needs at the Dickson specialised centre. Access Canberra remains committed to the continual improvement of services for our community and will continue to look for innovative ways to further enhance the customer service experience to make things simpler and easier.

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

Supplementary answer to question without notice Teachers—conditions and entitlements

MS BERRY: Madam Speaker, I want to correct the record. I said the ballot starts on 16 June. It actually starts on 14 June.

Papers

Madam Speaker presented the following papers:

Standing order 191—Amendments to Health Infrastructure Enabling Bill 2023, dated 2 June 2023.

Mr Gentleman presented the following papers:

Crimes Act, pursuant to section 442B—Statutory Review—Sections 26A, 26B, 29A and 29B, dated March 2023.

Education and Care Services National Law as applied by the law of the States and Territories—Education and Care Services National Amendment Regulations 2023 (2023 No 165), dated 13 April 2023, together with an explanatory statement.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Environment, Planning and Sustainable Development Directorate (FOI 22/121837), dated 30 May 2023.

Justice and Community Safety—Standing Committee—Report 14—*Inquiry into the Corrections and Sentencing Legislation Amendment Bill 2022*—Government response, dated June 2023.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act—

Cemeteries and Crematoria (Governing Board) Appointment 2023 (No 1)—Disallowable Instrument DI2023-89 (LR, 25 May 2023).

Cemeteries and Crematoria (Governing Board) Appointment 2023 (No 2)—Disallowable Instrument DI2023-90 (LR, 25 May 2023).

Gambling and Racing Control Act—Gambling and Racing Control (Code of Practice) Amendment Regulation 2023 (No 1), including a regulatory impact statement—Subordinate Law SL2023-8 (LR, 30 May 2023).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2023 (No 1)—Disallowable Instrument DI2023-91 (LR, 30 May 2023).

Victims of Crime Act—Victims of Crime Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-9 (LR, 30 May 2023).

Waste Management and Resource Recovery Act—Waste Management and Resource Recovery (Processing Refund Protocol) Determination 2023—Disallowable Instrument DI2023-95 (LR, 30 May 2023).

Leave of absence

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

That leave of absence be granted to Mr Milligan for this sitting due to personal reasons.

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

That leave of absence be granted to Mr Cocks for this sitting week due to personal reasons.

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

That leave of absence be granted to Mr Pettersson for this sitting week due to other commitments.

Gungahlin—economic development

MR BRADDOCK (Yerrabi) (2.41): I move:

That this Assembly:

(1) notes:

- (a) the motions moved by Ms Orr MLA on 10 February 2021 and by Mr Braddock MLA on 11 May 2021 calling for investment in the Gungahlin Town Centre;
- (b) the Government response tabled by Minister Gentleman on 10 November 2021;
- (c) the prospectus that was prepared and provided to relevant Commonwealth Ministers by the Chief Minister in August 2022;
- (d) that, according to the 2021 census of population and housing, the proportion of people who work in the Gungahlin district is approximately 21 percent of those workers who live in the district, the lowest of Canberra's five major residential districts when compared to Belconnen at 30 percent, Tuggeranong at 27 percent, Central Canberra at 73 percent, and the Woden/Weston/Molonglo area at 29 percent; and
- (e) that census data shows that more Canberrans now work in the Canberra East district than in the whole of the Gungahlin district;

(2) considers that:

- (a) Gungahlin would benefit from additional employment opportunities to avoid the risk it will be perceived as a “dormitory” district;
- (b) local employment opportunities are an important contributor to community health and wellbeing through enabling active travel lifestyles, reduced stress, and less time spent commuting;
- (c) Gungahlin is an attractive district for businesses to invest; it is well-served by supporting infrastructure, like light rail and has good National Broadband Network connectivity; and

- (d) numerous inquiries and discussions concerning planning for the Gungahlin Town Centre have repeatedly concluded that planning regulations are only a small part of what is needed to genuinely realise the potential of the Gungahlin district, which is consistently not becoming a reality; and
- (3) calls on the Minister for Economic Development to:
- (a) as a part of CBR Switched On, investigate strategies to enhance economic development in districts that lack an anchor employer;
 - (b) advocate for Commonwealth investment in the Gungahlin district with the Federal Labor Government;
 - (c) investigate setting ambitious targets for employment growth in Gungahlin and other districts for the census years of 2026 and 2031, including as a proportion of the workforce resident in the district; and
 - (d) report back to the Assembly on progress by November 2023.

I rise to talk about Gungahlin. It is not the first time that members for Yerrabi have stood up to talk about the Gungahlin district in the course of this Assembly. The issues that Gungahlin is dealing with, through its development, are on the record, but they warrant repeating and re-examining. The 2021 census data is out. The wonderful people at the Australian Bureau of Statistics, many of whom call Belconnen home, have released comprehensive information that allows us to compare where people live with where they work. It is sobering reading for those concerned with the future of our city.

Hold that thought, while we look at the data. A bit under 89,000 people live in the statistical area for the Gungahlin district—or, at least, they sleep there. Of those, about 47,000 were workers who could identify a usual workplace. Just under 10,000 also had their place of work listed as the Gungahlin district. That is just 21 per cent of the Gungahlin workforce working close to home. Compare this to the Belconnen district, where it is 30 per cent. Tuggeranong is 27 per cent. Queanbeyan is 32 per cent. North Canberra is 53 per cent and south Canberra is 45 per cent, but if you take those last two together, central Canberra amounts to 73 per cent. This is an inevitable result of Civic and Barton being the centre of attention for employers in the capital region.

About 46 per cent of the workforce in our entire capital region work in central Canberra. This centralisation of businesses' attention is not a complete disaster, but it does have consequences for commuting and therefore our lifestyles. Every time we support employment and jobs outside of central Canberra, we support reductions in traffic congestion. We enable more people in the districts to make decisions to use active transport, and we support the commercial economies of the districts. To drive this point home, the census data tells us that there are now more people working in Canberra's east, across Majura, the airport precinct and Hume, than there are in the whole of the Gungahlin district. Yet barely anyone lives in those eastern precincts.

The previous debates we have had in this Assembly have almost exclusively focused on planning decisions. But even if we could get the planning code right, businesses and government agencies would not necessarily set themselves up in Gungahlin. Make no mistake, a lot of good work has been done to get the settings right. Gungahlin is indeed an excellent place for a business to set itself up. There is a large

workforce on hand, and excellent internet and public transport connectivity. But it is not enough. Attracting anchor employers requires the strategic use of both push and pull factors. The pull factors are there, but what is coming in has been described to me by constituents as random and opportunistic, rather than as a consequence of deliberate design. I am increasingly concerned that the necessary push factors have been lacking.

If we look back through pretty much every inquiry, the same message is there, and it keeps getting overlooked. Getting new jobs in Gungahlin requires more than just planning decisions; it also requires effort around economic development. This needs to be about economic development. Last week I asked the Chief Minister some very carefully worded questions about economic development. I asked about the prospectus for APS investment in Gungahlin which was prepared by the ACT government as a result of my motion of June 2021. My concern was that it appeared the prospectus had been barely used since it was developed. This was confirmed. It appears any discussion of Gungahlin at the commonwealth level is after the fact and by the way, rather than part of any deliberate strategy.

The Chief Minister can talk at length of the challenges in attracting economic activity to our city. It is not a simple exercise, and his answers to my questions demonstrated his expertise and experience in the field. However, of concern in his responses were the shortfalls in integration with territory planning. The Chief Minister acknowledged that there was an agglomeration of activity in central Canberra due to a century of legacy decisions—a situation that requires active intervention by our government to promote development elsewhere throughout Canberra.

What do we have to show for all that economic development for Canberra? Not a lot, if you go by the results on the ground in Gungahlin; not a lot, if 79 per cent of Gungahlin's workers commute outside of the district every single day. If there is, as the Chief Minister has observed, a degree of demand for commercial office space, why is virtually none of it actually being built in Gungahlin? The necessary understanding to grapple with this challenge is there, but is the effort being made?

The ACT government's economic development priorities are set via CBR Switched On. In it, the Chief Minister's Statement of Ambition for Canberra describes how "we are a city of neighbourhoods, where short journeys can take you to work or study and then just as easily to a cultural exhibition, entertainment precinct, sporting event or nature reserve".

This is certainly true for central Canberra, but much less so for the districts, especially the further you get out into the suburbs. When the strategy talks about delivering "nearby-hoods" created through town and group centre renewal, I wonder if it understands that renewal is not itself a source of long-term economic development. We need more than just cafes.

The strategy talks about creating "a city that gives back time" but makes no mention of the districts being a key aspect supporting this, just a small reference to "increasing our focus on better urban design and strengthening transport links". It rightly talks about moving to a net zero city and beyond but seems to be based on the idea that

zero emissions vehicles are more important than fostering lifestyles which allow for active transport.

It feels to me that this strategy was written from the perspective of people who live in central Canberra and do not have to deal with a more significant daily commute, whose life reasonably can revolve around living and working in their own neighbourhood. It reads as central Canberra being all that really matters, and that the districts will be approached as dormitories, rather than themselves forming a part of the economic vision. This is the sort of mentality that presumes planning rules are all that we need to worry about for Gungahlin.

The Chief Minister, in his capacity as Minister for Economic Development, has demonstrated that he knows what it takes to attract economic development in Canberra. But the ACT government's efforts are clearly failing to achieve the economic activation necessary for Gungahlin. The residents of my electorate of Yerrabi have seen the results—or, to be blunt, the lack of results—on the ground. They live with them each and every day as they commute out of the district in order to work. Without attention to district needs, economic development will favour the naturally stronger pull of Civic and Barton, as it has for done for the last century.

Central Canberra is not crying out for new anchor employers. Gungahlin is. Gungahlin needs the effort. It needs the push. It needs the reasons for people to come to Gungahlin. All of Canberra can benefit if Gungahlin gets what Gungahlin needs. We need our government to actively intervene to prevent Gungahlin from consolidating itself into a dormitory district, and further tinkering with the planning rules alone will not get us there. I know we can do this. I know we have it in us. If we want to give our public servants a mandate to progress the economic development strategy with a view to the unique needs of each district then it is important that the Assembly give them something to work with.

Fundamentally, I am asking for two things: firstly, an investigation of strategies to enhance economic development in districts that lack an anchor employer. That would specifically include Gungahlin but would also imply a need to think more broadly about Weston Creek, Molonglo and west Belconnen. This is about ensuring that districts without a major employer to anchor their townships either get one or have some extra attention from the government until they do.

When a township gets an anchor employer, they benefit from the security of knowing that any potential departure of that employer would generate a significant amount of political discussion on the role it plays in their local economy. A good example is the past proposals by the Department of Home Affairs to leave Belconnen. Politicians from across the political spectrum intervened to defend the interests of Belconnen, which was a marvellous thing. Absent such an anchor, a township is vulnerable to a broad range of economic headwinds.

Therefore, my second main call is that I would like to see ambitious employment targets for these districts—the kind that would be satisfied by attracting either a large anchor employer or a not insignificant number of medium-sized employers. They will be independent of any targets set for central Canberra, which has its own needs. This would be something for us to measure ourselves against in years where the

census provides the most valuable data updates on population and housing. They would also need to be proportionate to the number of workers residing in Gungahlin, and not merely reflect employment growth achieved as a result of simple population growth.

Advocating for commonwealth investment in the Gungahlin district is something that I support, but I do not want to close the door on other ideas. I am very open to other creative thinking by our government. When city governments and local councils put their minds to it, they can push economic development very effectively and target it at supporting specific communities.

If the ACT government have run out of ideas, they can turn to the people of Gungahlin, who have been providing many good ideas for the Gungahlin town centre east precinct plan. They are talking about economic activation that provides services convenient to where they live. Their ideas have included aged care; expansion of the CIT; medical hubs; more choice of bars, restaurants and retail offerings; youth-orientated space; and the list goes on. We need to get our public servants thinking beyond admin as usual and towards the economic development of all parts of our city, not just the city as a whole. I commend my motion to the Assembly.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (2.53): I thank Mr Braddock for bringing this motion forward today. As one of the fastest-growing regions in the ACT, Gungahlin is home to around 19 per cent of our city's population. It is clearly a very diverse community, with people from all over the world and all parts of Australia choosing to live in Gungahlin. It offers all the benefits of a truly Canberran lifestyle: close-knit neighbourhoods and communities; a diversity of housing choices located close to shops, schools, sporting and health facilities; and access to many of our city's most stunning nature-based activities.

As Mr Braddock has indicated, one of the missions in our economic development strategy is to be a city that gives you back time. We are growing our town centres and districts to support work-life balance and to support the wellbeing of residents. Many studies of employment concentrations in major Australian cities have identified that Canberra and Darwin are the only two cities in Australia which can truly be classified as polycentric in their employment distribution. That is certainly the case. That is the result of a century of planning decisions.

I acknowledge the point Mr Braddock has made about there being more employment in the airport precinct than there is in Gungahlin. Many people have identified that the decision of the then federal government, in selling the airport, to also sell a range of development rights in that precinct did manifestly disrupt the economic development opportunities for the emerging town centre—Gungahlin—at the time that decision was made.

That debate has been had. I think it is pretty conclusive that employment that would otherwise have been in Gungahlin is indeed located in the airport precinct. As a result of that special economic zone, Canberra has the best airport in Australia. Obviously, the development that has occurred in that precinct has been a net benefit to the territory, but it has come at the cost of some economic development opportunities

in the Gungahlin town centre, simply because our economy can only attract so much economic activity and can only produce so many jobs, given our population size.

As Canberra's population continues to grow, there is certainly optimism that employment will grow with that. That residential population growth brings with it its own demand for new types of economic activities. One of the great challenges for our city is that we have service delivery expectations that we be a city of five million people, and we have a demand for everything that a "big city" has, but we have to be frank and realise that we are not even half a million people yet. If we decide to divide ourselves into six or seven different communities and say, "We are not Canberra; we are in fact all these different little satellite cities," then none of those satellite cities has the population to justify much economic activity at all.

I need to be very frank in observing that it is massively challenging to attract some industry to Canberra and to the ACT region. Even trying to convince certain businesses and industries to invest when we talk about the Canberra region—population 900,000 within the territory and two hours' drive—is a massive challenge. I need to be clear that you cannot just click your fingers and deliver a century of economic development in one part of the city that is at the geographic northern extreme. One of the reasons that most of the employment activity occurs in central Canberra is historic. The other is geographic, in that it is closer for most people, acknowledging that some people have to travel.

One of the great challenges has always been that when activity is located on the extremes of the city or the territory, people who have to travel the furthest complain the most. It can be difficult for employers to attract people who, for example, live in Tuggeranong to work in Gungahlin. That does not mean that there cannot be and that there is not an economic development focus for the Gungahlin town centre. Of course there is, but I need to set a realistic set of expectations about what is possible.

I look at who are the ten biggest employers in Australia, and how many of them have a presence in the Gungahlin town centre. Amongst those biggest employers is the Woolworths group. Yes, they employ people in Gungahlin. Coles employ people in Gungahlin. Telstra and the banks also employ people in that area. I do not think BHP group has many people employed in the ACT, but it is one of the ten largest private employers in Australia. So we look outside the biggest employers, as Mr Braddock has indicated, to attract employment from more medium-sized and smaller businesses, and that is a focus of the CBR Switched On strategy.

Increasingly, what we are seeing is that Gungahlin town centre is offering employment opportunities because it is well serviced by transport connections and public transport. Gungahlin is the beneficiary of the single largest investment in public transport infrastructure in the city's history. It also has the best NBN connectivity in Canberra. The light rail between Gungahlin and the city transports 13,000 passengers each day. As Mr Braddock has pointed out, a lot of them are travelling into Dickson and the city to work. It will always be thus, but there will be opportunities—and there are—for travel the other way, and that is something the government has been focused on.

The territory government itself is the single largest employer in Gungahlin, both in the town centre and in Gungahlin's suburbs. This is because we have located a major ACT government office building in the town centre and we are the major employer in relation to education services and health services in the area. I note that the commonwealth, after much effort and political encouragement, moved Defence Housing Australia's new head office to Gungahlin; it opened in 2022. That brought hundreds of jobs to the town centre but not thousands. It is the first commonwealth government agency to be based in the town centre. I certainly commit that we are working to make sure it will not be the last commonwealth agency located in the town centre.

I have been consistently advocating to the commonwealth government, both sides of politics, to encourage greater APS investment in Gungahlin. Why? Because it is cheaper for them to locate there. The land values are lower, so they can achieve many of their office requirements at a lower cost. I pursued that with the former Minister for Finance, Simon Birmingham, and the former Minister for the Public Service, Ben Moreton, under the previous government and continue to advocate with the now federal finance and public service minister, Katy Gallagher.

In August of last year I directly contacted 13 major retailers to highlight investment opportunities in the Gungahlin town centre and provided each with a copy of the Gungahlin prospectus. We have had some interest in response. Those significant investment decisions by private business take some time. However, the ACT's retail turnover increased by nearly seven per cent through the year to April 2023, so we are confident that the strength of the market and our growing population provide a compelling reason for investment in the Gungahlin town centre and new employment and retail opportunities.

Of course, economic development does not just occur when I write to each possible investor. But we can often, through that engagement, accelerate the process of making an investment decision. Businesses themselves can and do identify opportunities and pursue them when it makes sense. Increasingly, we are seeing national, interstate and local businesses seeing opportunities in Gungahlin. Just last week, El Jannah brought its first restaurant to Canberra. Judging by the queues over the weekend, they will need to be well staffed to keep up with demand. Gungahlin is now home to its own brew pub, Cypher Brewing, which opened directly on the light rail route less than two months ago.

In the retail space there are a number of national chains that have exclusive representation in Gungahlin, as the only place in Canberra that they operate. There are others that we have targeted that have three or four stores in the ACT but none in Gungahlin. They are obvious targets for expansion of retail activities in the town centre. I need to acknowledge, given the proximity of Mitchell to the southern part of Gungahlin, that it is also an area of focus. It is home to Canberra's only dedicated Bunnings trade centre and Harvey Norman's local commercial division. Around these sorts of major anchor presences, local start-ups and businesses are growing.

The government will continue to invest in employment in the Gungahlin region through construction of new infrastructure and, beyond that construction work, through public sector employment, particularly in education and healthcare settings.

We have invested in a nurse-led walk-in centre and a child and family centre, and this will be supplemented by new health centres planned for north Gungahlin. We provide health care for the region, and we provide employment in the region through our investments in health and education.

We are building new schools. When the new schools operate, they create their own economic activity and provide employment, often for dozens and dozens of teachers, and dozens and dozens of administrative staff. Clearly, each new major school brings hundreds of new jobs into the suburb that they are built in. We have delivered a number of school expansion projects, further increasing the size of education employment in Gungahlin.

Through sport and recreation infrastructure we seek to provide residents with access to facilities, but of course there is employment associated with a number of those centres. Things like the Gungahlin tennis centre and the Home of Football project at Throsby will also be employment generators. Having sporting facilities embedded in neighbourhoods helps keep communities healthy and connected and directly creates jobs within the district.

As we look to the future, we think that Gungahlin's strong growth and economic development fundamentals mean it is an attractive place to invest and to do business. Confidence in Gungahlin is growing, and it is great to see new businesses starting up. The light rail connectivity is proving fundamental to supporting that investment, and supporting more housing. In very simple terms, the greater the population, the greater the demand there will be for a range of retail and other service-level provision, and that will in turn create economic development opportunities and jobs for Gungahlin.

In order to see the full vision of polycentric employment in the ACT enacted, the single largest employer who could make a difference at this point is the commonwealth. The commonwealth has the least number of jobs allocated and directed to the Gungahlin town centre, of all of the town centres. As a short-term win, the relocation or establishment of a new government agency in the Gungahlin town centre would be an immediate boost to employment activity. Beyond that, the ACT government is the biggest employer. We will be growing our employment in the Gungahlin town centre and we are actively engaging with potential new employers to provide not only jobs but services to the growing Gungahlin community.

I thank Mr Braddock for the motion. I understand his frustration. This is a frustration that is experienced in Canberra more broadly, and in Australia. This country does not manufacture a lot of things anymore. This country does not do a lot of things. The National Reconstruction Fund that the federal government has put in place will provide some opportunities, but we need to be frank about the state of our economy, the nature of our economy. It is service based. That is principally serving our community. To the extent that we can also export goods and services for the rest of Australia and internationally, that is a pathway to grow our employment base, which we have been doing.

Employment has been growing quite significantly in recent times, and much of that employment growth is occurring in our service-based export industries. We look

forward to seeing that continue in Gungahlin, together with Tuggeranong, Weston Creek, Woden, Molonglo, the inner north and the inner south, Belconnen, west Belconnen and east Canberra. They will all benefit from Canberra's economy growing and Canberra's population growing. That will mean more employment opportunities for everyone. That is why we continue to pursue the economic development priorities and strategies that are outlined in CBR Switched On.

MS CASTLEY (Yerrabi) (3.08): Since I started here in the Assembly, we have debated the need for Gungahlin town centre to increase its commercial activity a couple of times, as Mr Braddock has referenced in his motion. In 2021 Ms Orr called for "specific requirements to achieve a higher level of commercial and business uses" and also to provide for "requirements for commercial fit-outs that enable the easy establishment of commercial activity without the need for significant modification or retrofitting". In an amendment that I circulated, which was agreed to, I called on the government to ensure that there are additional employment opportunities in Gungahlin.

In November 2021 Mr Braddock's motion called on the government to "actively encourage employment in the Gungahlin town centre through regional consideration and implementation of the ACT's economic development strategies" and to prepare and submit a prospectus to the commonwealth on the benefit of moving federal agencies to Gungahlin. Both motions received tripartisan support.

Two years on, I am inclined to say that absolutely nothing has changed, despite two motions and a petition. Both residents and businesses that I speak to in the town centre have not seen any changes as a result of these previous calls to action from the government. If other members will not say it, then I feel compelled to rise today to speak about the failure of this government to implement any significant change in commercial activity after almost 15 years. The Canberra Liberals will be supporting Mr Braddock's motion and the repeated calls on the government to investigate how economic development can be improved in the town centre.

I have spoken before in the chamber about my support for the federal government or private enterprise to secure a long-term and large office space in the town centre. An increase in employment opportunities will have the obvious benefit of increasing trade for retail and hospitality businesses. It will reduce residents' travel time to work and, hopefully, attract more recreational infrastructure and further investment.

The last time we debated this motion, the federal Liberal government had secured 300 new jobs in Gungahlin, when Defence Housing Australia moved in. I understand that they have signed a 15-year lease. This was fantastic news for local businesses and residents, who finally saw some action from a government to move large-scale employment into the town centre. Labor colleagues were quick to criticise, and now we hear crickets from their side of the chamber about federal investment in infrastructure projects.

What of the new federal Labor government? Mr Barr was full of platitudes at last year's Canberra Business Chamber post-budget lunch, where he said that the adults were in charge and that the change of federal government had "fundamentally altered the nature of federal and territory relations". He said:

The alignment of the policy agenda of the Federal Government to the Territory Government is the closest I've experienced in 15 years.

This begs the question: why have we not seen any new infrastructure deals with the new federal government after all these rousing comments? Is it simply the case that the policy agendas of the Barr and federal governments are not interested in Gungahlin? For more than 20 years ACT Labor have been in government, and more than 10 years for the Barr-Rattenbury coalition, and what have they done in Gungahlin town centre? Nowhere near enough; that is for sure.

Mr Pettersson said during debate on Mr Braddock's previous motion that he did not believe that writing to the federal government with a prospectus was the solution to the town centre. Given the bold statements that Mr Barr made after the last federal election and the lack of significant investment in the ACT, I tend to agree that advocating to this federal government will fall on deaf ears. Mr Pettersson should have been careful what he wished for with a change of federal government.

In question time last week Mr Barr said that he was not aware of any new federal offices to be built in Gungahlin and that it was early days still. He did say that he has been actively engaging with a number of large private sector employers in the retail and recreation areas. This is very welcome news for businesses and residents in Gungahlin. However, with this government what we have come to realise is that talk is cheap and action is rare.

As I outlined in my speech on the Planning Bill last week, there have been many promises on the Gungahlin town centre that have been delayed or broken. I am sceptical that a motion from Mr Braddock and a few comments during question time will mean big changes for the town centre. I am sceptical because the lack of employment opportunities was discussed as far back as 2008 and this government have still not delivered. Fifteen years later, we have government backbenchers calling on their own government to make these changes. What a joke!

Now we are back in the chamber for the third time, calling on the government to enhance economic development, move federal departments into the town centre and investigate setting some ambitious targets. Ms Orr said in her speech on her Gungahlin motion:

Given that the federal government is not helping the situation—

she was talking about the then Liberal government—

we need to use the levers that we have to intervene.

As I have canvassed before, the Liberal government did move a department to Gungahlin. What I find particularly amusing is that Ms Orr asked the government to use its levers. Are these the same levers that the ACT Labor government have been using for the past 15 years to increase employment opportunities? I would like to know how effective she thinks those levers are, now that we have come back two years later to do it all again—to call on her own government to improve economic development.

Mr Gentleman, the planning minister, in his response to a petition sponsored by Mr Braddock, under the subheading “Develop a strategy to attract business to be established in the Gungahlin town centre”, said on 10 November 2021 that his government was in the process of developing an employment prospectus. Mr Braddock’s motion reveals that this was not sent to commonwealth ministers until August 2022, more than a year after the petition was lodged.

Mr Gentleman also critiqued the previous federal government, saying that the government had set aside land for federal government departments, which had still not been taken up. What he conveniently omitted to say was that the area allocated for commercial space in Gungahlin town centre was originally 200,000 square metres. This was then dropped to 100,000 square metres and again to 65,000 square metres. How quick the government are to blame anyone or anything else, rather than take accountability and admit that they are responsible for neglecting the town centre’s economic opportunities.

As I mentioned last week, the leader of the Greens weighed into the Gungahlin planning debate, saying:

It is evident that there are significant planning challenges in Gungahlin town centre. The community has repeatedly asked for green space, community facilities and commercial opportunities to build a more viable place.

This followed Labor and the Greens being locked into discussions over three weeks in 2021 about an amended motion which Mr Braddock eventually brought to the Assembly.

He said that he hoped that that motion would “settle the underlying issues and that we will be debating new issues in the future” when it came to the next Gungahlin motion. Unfortunately, Mr Braddock was mistaken. Here we are again, calling on the government to investigate economic development in the town centre. This government’s neglect of Gungahlin proves my point that the Chief Minister’s decision to not put a Yerrabi member in his cabinet has been detrimental.

I started this speech by pointing out that both previous motions Mr Braddock refers to in today’s motion did receive tripartisan support. Yet again the government have dragged their heels and kicked the can down the road and are being called out by their own backbenchers. ACT Labor’s track record on improving economic and employment opportunities in the Gungahlin town centre is abysmal. Fifteen years of neglect has resulted in Gungahlin still being referred to as the place that residents sleep, eat and leave. What a legacy for the first town centre that has been developed since self-government. The only government that comes close to being as bad as ACT Labor is the Barr-Rattenbury coalition.

I support the motion moved today by Mr Braddock. I am sceptical of the outcome it will achieve, but, as ever, I remain hopeful that maybe this time the government will give Gungahlin the attention and policy that it deserves.

MR BRADDOCK (Yerrabi) (3.17), in reply: I would like to thank all members for their contributions today. I particularly appreciated the Chief Minister describing at

length the pull factors of the attractiveness of the Gungahlin district for employment. I think this emphasises the point that, without sufficient effort, we have not yet seen those results on the ground. That is what I will be keen to see. I would also note that Gungahlin is bigger than some small cities around Australia. For example, it has a population greater than Rockhampton and Mackay.

In closing, I would like to say that the Greens have a vision for Gungahlin: a vision which is not dissimilar to that which we hold for Belconnen and Tuggeranong. It is a vision in which Gungahlin is far more than a dormitory for Civic, where the town centre bustles throughout the week, not just on weekends, and where local cafes and restaurants welcome the morning coffee runs and the team lunches of the town centre's workers. It is a vision in which people can make decisions to ride their bike to work because it is close and convenient, and where businesses reinforce commercial activity and entertainment, which in turn reinforces business.

It is a vision which supports the vibrancy of its multicultural centre and maybe even an arts centre of its own, and which supports having its own nightlife, supported by after work activities and a growing local community. It is a vision in which young people feel welcome and safe, including after finishing school, at a local tech college or an expanded CIT presence. This vision is within reach. The tools are there. We just need to make the decision to realise it. Thank you.

Question resolved in the affirmative.

Calvary Hospital—acquisition

MS CASTLEY (Yerrabi) (3.19): I move:

That this Assembly:

- (1) notes that:
 - (a) on Wednesday, 31 May the Minister for Health confirmed in question time that the Calvary transition plan was still in draft stage;
 - (b) the Minister for Health confirmed on 1 June that around 120 out of 1,800 Calvary staff have completed the transition forms;
 - (c) the Minister for Health confirmed in question on notice No 1154 that the Government has no estimate of how many Calvary staff will transition to Canberra Health Services (CHS);
 - (d) the Government has failed to outline any contingency plans should its takeover be held up by legal action or a significant number of Calvary staff not transitioning to CHS; and
 - (e) project management experts have cast doubts that the Government will be able to take over Calvary by 3 July; and
- (2) calls on the ACT Government to guarantee:
 - (a) current staffing levels will be maintained at Calvary Public Hospital Bruce; and
 - (b) that the current standard of clinical services will be maintained at Calvary Public Hospital Bruce.

Last weekend Andrew Podger, Professor of Public Policy at the Australian National University and a former Public Service Commissioner, gave a damning assessment of the ACT government's takeover of Calvary Public Hospital, which he described as "appalling". He said:

If ever there was an example of failure to apply good policy processes, it is the decision by the ACT government to compulsorily take over Calvary public hospital and to merge Canberra Hospital and a new major hospital in Belconnen.

"Appalling action for questionable outcome," read the headline; and so it appears. It is hard to credit this government's ineptitude in the way it has approached this compulsory acquisition. It breaks off negotiations and instead hatches a secret scheme to compulsorily acquire Calvary Hospital in a matter of weeks. It does not have a health workforce plan to speak of, just a plan to have a plan. It is failing at running one public hospital and keeping it staffed, yet it thinks this is a good time to embark on a hostile takeover of Calvary. If you have your health committee do some softening by producing a clumsy report blackguarding the target, you are all set. What could possibly go wrong?

You really have to wonder if this government has been in power for so long that it thinks it can run roughshod over due process without any consequence. However, in the case of its takeover of Calvary, the government's arrogance in thinking it can just roll over all opposition is likely to jeopardise Canberrans' health outcomes.

Canberrans, patients, Calvary staff, stakeholders and Labor MPs—almost everyone except the minister—have expressed concern that CHS will not be able to complete this transition by 3 July without impacting staffing levels and clinical services.

Let us examine the government's suspect justification for its precipitate approach. On 10 May, at the press conference announcing this takeover, the health minister said:

Our aim is to minimise disruption for staff and patients. That's why we have proposed a relatively short transition period. An acquisition date of the 3rd of July with an expected formal transition period from the 31st of May, in order to minimise the uncertainty for staff.

At the same time the minister issued a call to Calvary staff to make contact with the transition team, a call she has repeated many times since. That same day I asked the Chief Minister about contingency costs if the government's legislation was challenged in court. Mr Barr replied imperiously:

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

We will soon see. Time and again the health minister has been asked about the hasty transition timetable. On 10 May she confidently told ABC Radio *Drive*:

We actually know that speed means certainty and provides assurance to staff.

It is not a case of "more haste less speed", but "speed means certainty". In other words, "crash through or crash". It is not the best way to approach a hospital takeover,

one would think. The next day, 11 May, I asked the health minister whether she had any idea of how many staff she expected would leave. She did not have a clue. When I asked how the government planned to run the hospital if too many staff left, she generalised, saying:

Contingency planning for a range of contingencies has, of course, taken place.

Asked on 15 May on ABC Radio *Breakfast* whether the swift takeover time frame was realistic, the minister explained that the transition would be easier because the existing workforce was on the same enterprise agreement conditions and because the shared Digital Health Record would provide continuity of patient care. The minister then doubled down. She said:

... when you have a long, drawn out transition process, that is where the biggest risk is to the continuity of patient care and staff wellbeing. And that's why we're doing it as quickly as we can.

I could cite another proverb: "Speed will get you nowhere if you are headed in the wrong direction."

Incidentally, in contrast to the picture of the \$327 million DHR given by the minister, documents obtained under FOI show major issues with its implementation. As of February, the DHR program was reporting an overall red status—as opposed to green or amber—with 35 open risks, including 10 with a "high" risk rating. Concerns raised included the availability and quality of data, particularly around outpatient reporting; data for national reporting and submissions; and issues with the patient administration system and specialist Medicare billing. There have been issues with pathology results being sent to the appropriate referring clinicians; referrals not going to the right clinicians, who have had to redirect them manually; and formatting of results sent to GPs.

There were still residual "high" risks that the program could be delayed or might not deliver a high quality outcome, that data quality is poor, of schedule delays due to slow decision-making, and of cyberattack penetrating DHR. I hope that the situation has improved since then, but the problem is that the minister only talks about the positives and glosses over all of these issues by briefly noting that there are still "challenges".

I will go back to the forced acquisition of Calvary. Asked on 29 May on 2CC *Canberra Live* why the government had ignored Katy Gallagher's advice that a forced acquisition would bring the system into disarray, the minister said:

... so the time frame in terms of making the announcement and introducing the legislation this week and then having the full transition take effect on the 3rd of July was absolutely based on advice that that's enough time to make the transition, enough time for Canberra health services to work through everything with Calvary, even though we know that they don't support this decision.

Again, on 31 May on Radio National, the health minister was asked, "Can you possibly do this in that time frame without causing disruption to care and services?" Her reply was, "Yeah, absolutely. We've taken expert advice."

We are not sure who these experts are and what their previous experience is, but what is certain is that this hostile hospital takeover by government of a faith-run hospital is unprecedented. As the ABC put it last week, opinions are mixed on the Calvary Hospital takeover, but condemnation of the government's process is almost unanimous.

In the face of concerns expressed by the AMA, the ANMF, former ministers, prominent clinicians, and not to mention Calvary itself, the government is determined to crash through or crash. A week ago, on 31 May, the health minister told the Assembly:

We do not intend to extend the acquisition date beyond 3 July at this point. All of the advice that we have received is that that is a reasonable time for transition to be safe and to ensure the continuity of patient care and support for staff.

On the same day the minister said:

We're confident that we're on very strong legal ground here and so I would hope that any legal challenge will be resolved quickly.

The following day, 1 June, she told the Assembly:

The transition team has undertaken considerable contingency planning in relation to this transition. It has looked at contingencies from full cooperation from Calvary national and the regional team here at Calvary Public Hospital Bruce through to a much more difficult and obstructed transition process. They have contingency planned for all of that.

She continued:

No, we do not believe there is a risk to clinical outcomes, because of all the contingency planning that has been done.

On 1 June, after Calvary began legal action in the ACT Supreme Court, the minister reasserted her confidence that 3 July remained a "realistic acquisition date". Last week the *Canberra Times* reported transition team leader Cathie O'Neill saying:

At the moment we feel we've got enough contingencies and safeguards in place to actually be able to meet that transition day.

The fact is that this government does not have a clue how many staff will make the transition and what impact this will have on clinical services at Calvary. Beyond a comment about backstopping with already overstretched CHS staff, the government has failed to outline any contingency plans should its takeover be held up by legal action or a significant number of Calvary staff not transitioning to Canberra Health Services.

Project management experts have cast doubts on whether the government will be able to take over Calvary by 3 July. Significantly, on Wednesday 31 May, the health minister confirmed in question time that the Calvary transition plan was still in draft

stage. If the government's health workforce plan is just a plan to have a plan, one has to question whether its draft transition plan and contingency planning are more of the same—just plans to have plans.

Asked about the prospect of Calvary staff deciding not to make the transition, on 23 May the health minister told *ABC Drive*:

Yeah, look, I think it's probably true that some people who are close to retirement age and see that they've got a choice between taking redundancy potentially or transitioning to a new organisation may ... take that retirement, but we don't believe that those numbers are going to be as large as Mr Hanson has made out ...

The minister admits that the takeover will lead to more staff leaving, although she does not know how many. Last week the health minister confirmed that only around 120 out of 1,800 Calvary staff had completed the transition forms. That is 120 staff after three weeks of calling for approaches.

Last week, in answer to my question on notice, the health minister confirmed that no modelling has been conducted on the percentage of staff at Calvary Public Hospital who will not join Canberra Health Services; nor has any estimate been made of the percentage of staff who will not join Canberra Health Services following the acquisition of Calvary.

No modelling; no estimate. But the minister says: "Feedback to date indicates that the vast majority of Calvary Public Hospital Bruce employees will transition to CHS." That is not very reassuring. In the meantime, I think we are entitled to say that this minister is relying on blind faith that she will meet the acquisition date of 3 July. This motion calls on the ACT government to guarantee that current staffing levels and standards of clinical care will be maintained.

You might think that, for this government, this is an impossible ask, and you would be right; but, in calling on the government to guarantee staffing levels and clinical standards, the Canberra Liberals are giving it one more chance to focus on the high risks attached to its current course, and to change its course.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.31): I move:

Omit all text after paragraph (1)(c), substitute:

“(d) the Northside Hospital Transition Team has executives with clinical, health service administration and public service expertise supported by independent clinical, commercial and legal advisors that have supported the mapping of a range of operational risks and contingencies for the northside hospital transition; and

(2) calls on the ACT Government to:

(a) engage with the Calvary Public Hospital Bruce health work force when possible on the draft transition plan and ensure they are part of the transition process as experts in the operation of their public hospital service; and

- (b) maintain the current standard of clinical services at the northside public hospital.”.

I hardly feel that I need to speak in this debate because Ms Castley spent most of her speech quoting the exact responses that I have already given to the concerns that she is raising, and all of those things still stand today.

My amendment points out that the north-side hospital transition team has, as Ms Castley has already indicated through quoting me, executives with clinical and health services administration and public service expertise, who are supported by independent clinical, commercial and legal advisers that have supported mapping the range of operational risks and contingencies for the north-side hospital transition.

Ms Castley’s motion appears to be attempting to make a big deal of the fact that the transition plan for Calvary Public Hospital to transition to Canberra Health Services is still in draft. I am pretty sure that I explained previously and clearly that the reason it is in draft is that the intention, as soon as the formal transition can commence, is that Calvary will be required to appoint a transition lead; and our operational transition lead will sit down with their operational transition lead and go through the plan in order to finalise it, using the expertise of the staff at Calvary Public Hospital Bruce, those who know their hospital best and those who will be staying in their hospital, to operate their hospital in the way that it operates today—people in the same jobs, working with the same teams, in a hospital that operates in the same way with the same management structures and with the clinical services that it currently provides.

Far from being a problem that the transition plan is in draft, it is a very deliberate decision to have a draft plan and to respect the expertise of Calvary Public Hospital Bruce leaders and staff; and, as soon as it is possible, as soon as a formal transition period commences—it has commenced—and as soon as we are able to have those conversations directly with the leadership and staff of Calvary Public Hospital Bruce, that will occur; to bring their expertise, combined with the expertise we have in our transition team, to understand, as I have said publicly, whether there are things that they did not realise would need to be done through the transition; or, in fact, whether Calvary Public Hospital Bruce staff will say, “Yep, that’s something that needs to be done; but, actually, we don’t need to do that by 3 July, because we’ve got these other mechanisms in place and that can wait.”

Part of this transition planning is sitting down and working through with them what actually needs to happen by 3 July and what can wait until after the acquisition date. We know that there is a critical path. Our transition team have a pretty clear idea of what is on that critical path. Of course, they want to get the feedback from Calvary Public Hospital Bruce staff, who are the experts in the way their hospital works.

Ms Castley was really clutching at straws in relation to the Digital Health Record. She is absolutely right that I have said that two of the things that will make this transition smoother, in relation to clinical safety and the workforce, are the existence of a single digital health record across the ACT public hospital system and the fact that employees of Calvary Public Hospital Bruce are employed effectively under ACT public service enterprise agreements. It is a different enterprise agreement, but it mirrors the ACT public service enterprise agreement.

Taking that second one first, of course, that means transitioning over the entitlements of Calvary Public Hospital staff will be straightforward, because we already understand the level at which they are employed, the salary structure at which they are employed and the entitlements that they already have. For those relatively small number who are on some other kind of arrangement, they can be worked through on a case-by-case basis. But, for the vast majority of staff, that transition will be straightforward because they will slot straight into the existing enterprise agreement structure that Canberra Health Services already manages.

Ms Castley pointed to what she sees as the relatively small number of people who have completed the form, to date. We have not even entered the formal transition period. We have not even been able to formally approach staff. Some people have chosen to fill in the form now, and we have obviously encouraged people to do so. We have been really clear that that information is confidential and that none of that information will be shared with Calvary—that people have approached the team or have entered their details.

We have heard the feedback from unions and staff that the initial form was too complex and asked for too much information that people were not comfortable providing, and that form has now been simplified. It was clear from a meeting with unions this morning that not everybody was aware that the form has been simplified. I am sure that the unions will be taking that message back to their members as well, to encourage them to understand that the form has been significantly simplified. It is not asking for as much information; for example, it is no longer asking for tax file numbers and bank account details. That information is not necessary at this point, prior to making an offer of employment; therefore that request has been removed. That should make staff more comfortable with completing it. We always knew that at this early stage people who were keen to start the transition process would logon, complete the form, ring up or provide feedback on the form. This part of the transition was absolutely intended to test all of those processes and make sure that they were ready to go when the formal transition commenced.

In relation to the Digital Health Record, Ms Castley has talked about data, and we have talked about data before in this place. But the key point here is that the Digital Health Record has been implemented. It went live on 12 November and it has been used by clinicians every day within our hospitals. The value of this has already been tested. It was tested in response to the Calvary Public Hospital theatre fire in early December last year, when Calvary staff themselves commented on how much it had helped at the time to have the electronic health record and be able to have that in a mobile form and take it outside with the patients when they were evacuated. All of the patient records were in one place, on their digital device, and that was really helpful in that instance.

Even more importantly, it was extremely helpful in the management of people who were giving birth and then transitioning between the two hospitals after the fire, while maternity services were bypassed at Calvary Public Hospital. Canberra Hospital was carrying the entire load of birthing services for the whole of the ACT, other than the elective caesareans from Calvary Public that were going to Calvary John James. Apart from that, Canberra Hospital was carrying the entire load, and had come to an

agreement with Calvary Public about moving people back postnatally. Having that shared record has already demonstrated its value in being able to move people backwards and forwards, to have their antenatal records available to Canberra Health Services and to have their birthing records available to Calvary Public Hospital when they moved postnatally. This is not something that we are just saying; this has already demonstrated its worth.

One of the points that we regularly make in this place is that we are a very open government, in terms of providing opportunities for briefings. I would again say to Ms Castley that if she does have these detailed concerns, she is always welcome to seek a briefing. Obviously, we will be regularly briefing the health and wellbeing committee, on which Mr Milligan sits. We have had one of those private briefings, to date. We have another two scheduled for next week and the week after. But if Ms Castley would like a briefing, she is more than welcome to have one. I think she has stayed for a sum total of 35 minutes out of the hour of briefings that have been scheduled for her so far. If she wants to stay for the whole hour and ask some questions and get some answers, that would be most welcome.

Ms Castley stated that we are not undertaking our contingency planning, or we have failed to outline contingency plans. Again, that is not the kind of thing that you can do in a two-minute answer in question time. If she wants to talk in detail about some of the contingency planning, a briefing would be the perfect opportunity to do that.

Ms Castley also talked about a project management expert that one of the media outlets managed to find and who said that they did not think this could be done. I was a bit surprised that they ran that piece in the way that they did, given that the project management expert that they were quoting—obviously, I could be wrong about this—did not appear to be someone who had, in fact, been directly involved before in transitioning clinical or hospital services from one provider to another.

By contrast, our transition team and the senior executive within Canberra Health Services includes people who have been involved in transitioning hospital services from one provider to another. Their very clear advice has been that the quicker you can do it with clinical safety, the quicker you should do it, because it minimises the uncertainty for staff and it minimises the risk of interruption to clinical services.

We know that, particularly where the existing operator of a service is not particularly supportive of the decision, there are risks associated with a lack of continuity of services. That is not to say that Calvary would deliberately make any decision that would put clinical safety at risk. I am absolutely confident that they are committed to maintaining continuity of clinical services, as we are, but those risks are real. Those risks have been realised in other jurisdictions, in other transitions. That is why we are absolutely committed to the quickest possible transition that can be done safely, with clinical safety, patient safety and staff wellbeing at front of mind.

That is why my amendment talks about, obviously, as I talked about at the beginning, engaging the Calvary Bruce health workforce as soon as possible, when possible, on the transition plan to ensure that they are part of the transition process, as experts in the operation of the public hospital service. It is their public hospital service. From speaking to them over a number of years, they see themselves as public hospital

providers—public hospital clinicians. That is what they love to do, and that is why we are confident that they will transition to Canberra Health Services to keep doing the same jobs, in the same team, with the same managers, in the hospital where they have built and are responsible for the good culture on the ground between the teams.

As we have pointed out, all hospitals and health services have cultural challenges, and our culture surveys have very clearly indicated that Calvary Public Hospital Bruce is not immune from this. But the culture on the ground, within and between teams, is the thing that staff are talking about when they are talking about culture. They create that, and I have absolutely no doubt that they will maintain that. Canberra Health Services has very clearly stated that it respects that.

It is also important to remember, in these debates, that the opposition, other commentators, are very quick to—

Mr Parton: Pretty much everyone.

MS STEPHEN-SMITH: You do not even know what I am going to say, and you are bringing everybody into it, Mr Parton. They are very quick to talk about Canberra Health Services as if Canberra Health Services is only Canberra Hospital, and they are very quick to talk about Canberra Hospital as if it is some kind of homogenous, single culture.

Canberra Health Services is a very large organisation. It runs 14 different sites across Canberra, including two public hospitals, with the University of Canberra Hospital having a very different culture on the ground from Canberra Hospital. Also, parts of Canberra Hospital have very different cultures from other parts of Canberra Hospital. The wards have a different culture from the cancer centre, which has a different culture from the emergency department. Culture is built by the people on the ground, and within Canberra Health Services, just as within Calvary Public Hospital— (*Time expired.*)

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) (3.46): I speak today in support of the amendment proposed by Minister Stephen-Smith. The ACT government remains committed to supporting and engaging with staff as the transition of management from Calvary Public Hospital to Canberra Health Services progresses, and it will ensure that high standards of care continue to be provided to the community.

The transition process needs to be carefully managed. We are committed to ensuring that staff, people receiving health care, their carers and the community all receive the support they will need as we work to transition our medical and mental health care to the management of a single hospital provider.

The amendment to this motion proposed by Minister Stephen-Smith commits the government to engage with the Calvary Public Hospital workforce as much as possible. I support the amendment, as do my Greens colleagues, because we respect and value the staff and know that the transition will work best if we listen to their advice and draw upon their expertise.

We know that change can be challenging, and that staff will need support as the transition proceeds. Calvary's staff are dedicated to providing care to their patients, and it is natural that they will want to understand how the transition will happen, and want reassurance that they will be able to continue providing high quality care as the changes take place. That is why we have taken several steps in advance of the changes and put supports in place to ensure staff are heard and supported throughout the transition process.

This starts with the plan for the transition itself. The welfare of staff has been a critical factor that we have considered when planning the timetable for the necessary changes we are making. It is important that Calvary's dedicated workforce are provided with certainty. A lengthy transition process that drags on for months or years would mean greater uncertainty over an extended period. Our time line has been developed with expert advice to minimise this stress on staff. It is also important to make sure that staff have accurate information about what the change will mean for them, and that we listen to their concerns and draw on their expertise.

I appreciate the feedback that we have already received from Calvary staff and patients, which we are applying to make sure they can get the right answers when they need them. We know that this subject is of intense interest to Canberrans, as it should be. For people on the north side of Canberra, this is their local public hospital. We are committed to making sure that the right answers and information are available to staff, patients and the community, so that they can best understand what the transition will look like, why it is necessary and what it will mean for them.

A dedicated transition email address and phone hotline, which operate seven days a week, have already been set up for the Calvary Public Hospital workforce. Staff who request assistance will be provided with a case manager to help them with the transition. All staff with concerns or questions are encouraged to use this resource to discuss their individual circumstances, and so that they can ask questions and learn about how the transition will work for them. Information is also available for patients, carers and consumers who would like to know more about the transition and what it will mean for them.

We have also built processes into the legislation that was passed last week to ensure that the transition proceeds as smoothly as possible for patients, staff and carers. We have ensured that continuity has been planned for, to avoid gaps in service and ensure continuity of care for patients already receiving care.

We have heard the feedback from Canberrans and we are aware of how important it is for people receiving health care, for their carers and for staff that they continue to be able to work together without having to start again. Making sure that the legislation includes steps like ensuring the smooth transfer of patient records while safeguarding their privacy is just one example of the work that we are doing to make this transition as smooth as possible.

I would like to reiterate why the transition to a single Canberra Health Services public hospital network is so important, and how it will both fit within existing services and be integrated with the other mental health services throughout the ACT.

My vision, as Minister for Mental Health, is for all Canberrans to get the mental health services they need, when they need them, in the most appropriate setting. This includes early intervention and preventive mental healthcare programs and treatment. Services like the Belconnen Safe Haven and the future Safe Haven at Canberra Hospital deliver services to the community on an as-needed basis, free of charge and in a warm and welcoming setting. Safe Havens draw upon the lived experience of peer workers to provide immediate support and help find other services for those in distress.

Our work to improve both services and navigation for young people seeking mental health support is another example of how we are focused on making sure that mental health needs are met early and are well integrated. We will soon be opening a dedicated child and adolescent mental health ward at Canberra Hospital. We have also started the process to move the existing Child and Adolescent Mental Health Service in Woden to a new and improved location. There has been the success of our co-designed MindMap service, which helps young people to navigate the services available to them and find support quickly and when they need it.

We have designed an eating disorders treatment system that includes an integrated clinical hub to help Canberrans find and access support and treatment in hospital for those who need it, and we are building a new residential service to support people with eating disorders to move into long-term recovery in an environment that is more home-like, and with support from peer workers in addition to other clinical healthcare staff. The result will be earlier intervention, more joined-up services and better outcomes for people with eating disorders and their families.

We are also supporting people we know are at increased risk of mental health problems, including suicide, to make sure that appropriate and targeted care and services are available to everyone who needs them. We are working alongside community to establish an Aboriginal and Torres Strait Islander suicide prevention service. We support organisations like Meridian and A Gender Agenda to support the mental health and wellbeing of our LGBTIQ+ community. We support Carers ACT, the Perinatal Wellbeing Centre and various seniors and veterans groups through funding and grants to provide the wellbeing support and clinical services needed.

When Canberrans are in crisis, the PACER teams are able to respond and provide assessment and care, rather than a police- or paramedic-only response. This helps people in crisis in their homes, in many cases, and avoids emergency department visits or escalations in crisis situations.

We have also put a lot of hard work into the improvements we have already made as a result of the independent review into the Dhulwa forensic mental health facility. The positive feedback from staff, published in the *Canberra Times* this week, was a further indication of the importance of the changes we have committed to making at Dhulwa and the progress we have already made, and it was a reminder of the commitment I have made to ensure that Dhulwa provides the most appropriate care in the safest possible setting.

Integrating the north-side hospital into our network of public hospitals and services in the community will deliver better mental health care now and for generations ahead.

We want to care for the workforce, patients and community throughout this transition, so that we can deliver the improved, integrated service that Canberrans need now, and that we will need as our city grows and changes. Bringing Calvary Public Hospital into the Canberra Health Services system is a worthwhile challenge, and we are committed to supporting staff and patients so that this vital change can be made as smoothly as possible for the benefit of future health outcomes for our whole community.

In closing, I would like to once again express my appreciation for all of the staff at Calvary Public Hospital. Their team have been delivering high quality mental health care to Canberrans for decades, and their work has helped countless people, including those in crisis, to receive the treatment they need. I am grateful for their hard work and dedication to providing this care, and I want to assure the staff that our focus remains on ensuring that they remain able to do what they do best, and care for the health needs of our people of Canberra.

MS CASTLEY (Yerrabi) (3.55): If the government truly cared about Canberrans' health outcomes, this government would cease trying to bulldoze this acquisition through and return to negotiation. If I were to summarise the government's actions, I would say that it is putting political outcomes before patient outcomes.

Former independent MLA, ACT health minister Michael Moore, also thinks the approach has been too politically focused. He says:

They want to do this now, well out from an election ... What would've been much better would be to go through a proper process and then make the decision, even after the next election.

There's no particular rush to do this.

The big rush is actually to get the Canberra Hospital and those health systems—emergency wait times, elective surgery wait times—under control.

There's a thought! In other words, the government should focus on clinical outcomes rather than cynical politics. The ACT government seems hell-bent on bringing the Calvary Hospital into the same system that has been responsible for such a decline in health services. As Michael Moore notes, this takeover bid for Calvary is not new. In 2010 the issue was flagged by the government and considered by an Assembly committee. The committee's preferred options would retain the services of the Little Company of Mary Healthcare and the Calvary Public Hospital as a significant stakeholder in the delivery of healthcare services to the people of the ACT.

These recommendations included a 200-bed subacute hospital in Belconnen; the government delivered just 120. The recommendations also included an additional 400 beds at the Canberra Hospital; not all have been delivered. Former Chief Minister Jon Stanhope and former Treasury official Khalid Ahmed have identified a 150-bed shortfall across ACT Health. So here we are, with the territory election next year and Canberra desperately short of hospital beds.

An FOI request by the Canberra Liberals for preliminary analysis underpinning the case for a new north-side hospital shows a massive increase in demand for public hospital services in coming years, concentrated in the north of Canberra. Same-day

activity in ACT public hospitals is forecast to increase from 68,992 to 103,693 episodes between 2021 and 2041, an average annual increase of 2.1 per cent, while overnight stays are projected to rise from 55,294 to 76,061 episodes, which is an average annual increase of 1.6 per cent.

A third of the increase in acute and subacute inpatient episodes will be driven by population increase, from 432,266 in 2021 to 539,356 in 2041, an average annual increase of 1.1 per cent. The remainder will be driven by the ageing population, as well as an increase in utilisation. The population in the north-side statistical areas is projected to increase from 257,378 in 2021 to 377,592 in 2041, compared to the south-side statistical areas, where the population is forecast to decrease from 174,888 in 2021 to 161,764 in 2041.

Clearly, there is an increasing need to fund adequate hospital services for Canberra, something that the current Labor-Greens government has neglected because of its commitment to extend the tram from Civic to Woden at a cost of over \$3 billion. With this government's sorry history of only partial delivery on its health infrastructure funding promises, there is no certainty that it can deliver a new north-side hospital on time. Planning is ongoing, and construction is not scheduled to commence until mid-decade, after the next election. So, come the next territory election, the Barr-Rattenbury government will again be asking electors to just trust them when it comes to building health infrastructure. But this trust has been betrayed again and again, no matter the number of hard-hat and hi-vis announcements that this minister fronts.

There was another yesterday, announcing that electricity would be used rather than gas to heat the Canberra Hospital expansion. We learned that, for some extra cost, this will probably save on running costs in the long-term and it will be better for the environment and will probably be better for the budget in the long-term. The Canberra Hospital expansion was announced back in 2011 and is still not complete. It was meant to be finished in 2021. It is also too small.

Prior to the 2012 ACT election, the ACT Labor government promised an \$800 million expansion of the Canberra Hospital, and \$41 million was appropriated in the 2011-12 budget to start this redevelopment. But following the 2012 election, \$41 million was ripped out of the budget in 2013, and the remaining \$759 million plan to build the hospital was cancelled. Instead, ACT Labor allocated hundreds of millions of dollars to build a tram.

The first stage of rebuilding the Canberra Hospital was costed by ACT Health at \$375 million. This was the exact amount of money that was allocated in the ACT budget to fund the first down payment on the tram in 2018. Wowsers! This Labor-Greens government expects us to believe that it will start to build a new \$1 billion north-side public hospital after the next election—trust them—despite their spend of \$3 billion on extending a tram to Woden. Given the dubious benefits and inevitable fallout from the government's hostile takeover of the Calvary Public Hospital site and its operations, not to mention the uncertainty of legal action, you have a recipe for a continuing fiasco. Incidentally, the fifth series of *Utopia* starts tomorrow night, if you are wondering; it looks as if it has hit Canberra a little earlier.

To conclude, I note some peevisish comments about critics of this takeover reported in this morning's *Canberra Times*. Well, if you cease negotiations and conspire to launch a lightning hostile takeover of a faith-run institution like Calvary Hospital when you are not doing such a great job of running your own hospital, then you have to expect some criticism. This government needs to get off its high horse, get some perspective and just concentrate on running a functional public health system.

I move, now, to the amendments. I think it was Ms Davidson who said that amendments by the minister commit her to services but not to staff levels. I am concerned; how does that work? Is that an instance of the minister cracking the whip no matter how hardworking her frontline staff are? We are just going to make those services work, and it is not going to guarantee that our already hardworking, exhausted frontline workers will not be worked to the bone a little further. It is another example of the ACT government not caring for their employees, their workers. We heard Minister Gentleman talk about that earlier. What impact will this have on staff? They are exhausted.

Saying, "We will maintain services but we will not guarantee staffing levels," is not a very endearing way to get your new employees onside. So we will not be agreeing to the amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

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

Noes 6

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

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

Planning Bill 2022

Detail stage

Clause 111.

Debate resumed.

Clause 111 agreed to.

Clause 112.

MS CLAY (Ginninderra) (4.08): I move amendment No 13 circulated in my name [*see schedule 2 at page 1701*].

The Planning Bill sets out a public notification period of at least 20 working days for consultation on an environmental impact statement. Now, environmental impact statements are used only for significant developments—that is, matters triggered by regulation. It can include a proposal that is likely to have a significant adverse environmental impact on critically endangered species like the Canberra earless dragon, the golden sun moth or our natural temperate grasslands. It can also include major proposals like the construction of a transport corridor or changing a land use for a commercial landfill facility.

These are major decisions, and they are not made daily. They need to be well informed and well considered. Environmental impact statements are highly complex. They can be difficult for members of the public to digest without assistance. Genuine and thoughtful consultation is required in order to ensure that environmental impacts are properly considered. It will need time if there is going to be meaningful comment.

The people who might want to comment include our traditional custodians. They include environmental organisations like the Environmental Defenders Office or the Conservation Council or our catchment groups or Friends of Grasslands. They include individuals with a close environmental connection to the land—they might want to comment—and Canberra is really rich with ecologists and land carers. It would be a shame to dismiss all of these people by setting up a process that excludes them. Neighbours might also want to comment if it directly affects them. It is really hard for people in this situation to respond quickly and thoughtfully to government time lines on complex matters. We need to provide a process that works for people, and we need to give them the right amount of time.

My amendment increases the time frame to notify an environmental impact, from a minimum of 20 working days to 30 working days. This will ensure that key stakeholders and members of the community have adequate time to consider and respond on such a significant environmental protection measure. This amendment is in line with the first recommendation from the committee inquiry into the Planning Bill, and I commend the amendment to the Assembly.

Amendment agreed to.

Clause 112, as amended, agreed to.

Clauses 113 to 115, by leave, taken together and agreed to.

Clause 116.

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) (4.10): I move amendment No 50 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 116, as amended, agreed to.

Clause 117.

MS CLAY (Ginninderra) (4.11): I move amendment No 14 circulated in my name [*see schedule 2 at page 1701*].

This is an amendment consequential to clause 112. The note to clause 117(2) provides that the normal consultation period of a draft environmental impact statement cannot be less than 20 working days, but this does not apply to a revised environmental impact statement. I commend this amendment to the Assembly.

Amendment agreed to.

Clause 117, as amended, agreed to.

Clauses 118 to 142, by leave, taken together and agreed to.

Clause 143.

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) (4.12), by leave: I move amendments Nos 51 to 53 circulated in my name, together [*see schedule 1 at page 1681*].

It is proposed to include an additional exempt development to exempt land management practices undertaken in accordance with Aboriginal tradition and prescribed by regulation from requiring development approval. The section recognises the important contribution of Aboriginal traditional practices relating to land management in the ACT by making such practices in accordance with Aboriginal tradition, and prescribed by regulation, exempt development. It is proposed to amend subsection 143(2) by removing reference to paragraph (b), as it is no longer necessary, resulting from the above addition. So it is proposed to reword reference to which entities the authority may refer a development proposal for clarity. It enables a referral to be made by any referral entity rather than separately listing some individual entities.

Amendments agreed to.

Clause 143, as amended, agreed to.

Clauses 144 to 162, by leave, taken together and agreed to.

Clause 163.

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) (4.15): I move amendment No 54 circulated in my name [*see schedule 1 at page 1681*].

It is proposed to include a definition of “Aboriginal tradition” to make it consistent with the Heritage Act 2004 and to restrict those traditions to the traditional custodians of the land to which the act applies.

Amendment agreed to.

Clause 163, as amended, agreed to.

Clauses 164 to 168, by leave, taken together and agreed to.

Clause 169.

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) (4.16), by leave: I move amendments Nos 55 and 56 circulated in my name, together [*see schedule 1 at page 1681*]. These amendments are minor and technical in nature.

Amendments agreed to.

Clause 169, as amended, agreed to.

Clauses 170 to 172, by leave, taken together and agreed to.

Clause 173.

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) (4.17): I move amendment No 57 circulated in my name [*see schedule 1 at page 1681*].

The section is proposed to be amended to clarify which development applications are not required to undertake certain public notification requirements. The public notification requirements mirror those under the Planning and Development Act 2007.

Amendment agreed to.

Clause 173, as amended, agreed to.

Clauses 174 and 175, by leave, taken together and agreed to.

Clause 176.

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) (4.18): I move amendment No 58 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 176, as amended, agreed to.

Proposed new clause 176A.

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) (4.19): I move amendment No 59 circulated in my name [*see schedule 1 at page 1681*].

Amendment 59 creates a new version of what was in the current system for pre-DA consultation. Our original version of the bill removed pre-DA consultation altogether. That is not working as it was intended; both community and industry have told us this. However, we also heard very strongly at the PTCS inquiry hearings, and in its report, that people want to see some form of pre-DA consultation added back in.

So we have done this, and, instead of consultation on certificate projects occurring before a DA is lodged, it now occurs during the statutory process. This is to ensure that proponents can be held accountable to the process. What we saw before was that feedback from pre-DA consultation was not taken on board when a DA was submitted, and there was no way to hold the proponents to account for this, since it occurred outside the statutory process. The new process requires that the proponents show that they have conducted good consultation and have, importantly, responded to feedback before they can process to the second stage of the DA process.

If the authority is not satisfied with their consultation and its reflection in the DA process, they can ask for further information from the proponent. This process will occur in two stages. Stage 1 notification will invite consultation for 20 working days, after which a proponent will be required to respond to public comments and entity advice. Stage 2 notification will commence once a response has been received by the proponent and will involve a further consultation period of 10 working days, whereby the public can view and comment on the proponent's responses.

The time required for each period is set through the Planning (General) Regulation 2023. Following the first public notification period, the applicant must give a statement to the territory planning authority, and the second public notification period cannot commence until the statement is provided and published. Subsection 176A(2) provides that a statement given to the territory planning authority must detail: (a) entity advice given and the representations made in relation to the application; (b) how the applicant has addressed the entity advice and representations; and (c) any changes to the development

application. This is a good change that achieves what we have been asking for—more accountability and maintaining the process.

MS CLAY (Ginninderra) (4.22): I support amendment No 59. This amendment addresses the need for a pre-DA consultation type of process. Under the current system, pre-DA consultation applied to certain types of development that were above a threshold. It was a really good idea; it had flaws in practice.

I chaired the committee inquiry that looked at this. We heard from many members of our community about why we need a pre-DA consultation. We heard from some of our developers that it could have real value if it came in early enough in a design to affect that design, but we also heard from a lot of people that the pre-DA consultation that we had in place was not working. People felt that the absence of the authority from the process meant that it simply did not have teeth—that people would put forward their views and they were not heard.

This amendment seeks, instead, to introduce a two-stage consultation process for a wider category of developments. It will apply to significant developments. That includes proposals that require an environmental impact statement, proposals that require a referral to the National Capital Design Review Panel, and proposals that involve a subdivision.

That is certainly a big improvement on pre-DA consultation. It applies to a much broader suite of proposals than the current system. It is not exactly the same as pre-DA consultation; instead, what is being introduced is a two-stage consultation, where proponents must address issues raised in the first stage by way of a statement. The statement and the development application is then publicly notified for further consultation.

We had a lot of calls to reinstate pre-DA consultation and improve it. This new two-stage process is the attempt. We think that it meets the need. I am genuinely interested to see how it operates in practice, and I think this is a good area for us to watch really carefully to see whether this meets the needs that were raised by the community, whether developers comply with this, and whether this new system works. I am really looking forward to seeing this one in operation and to reviewing it further if it is still not quite getting there. The amendment links to recommendations 6 and 7 from the committee inquiry into the Planning Bill.

Amendment agreed to.

Proposed new clause 176A agreed to.

Clauses 177 to 181, by leave, taken together and agreed to.

Clause 182.

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) (4.25): I move amendment No 60 circulated in my name [*see schedule 1 at*

page 1681]. The section sets out the types of decisions a decision-maker must take on a development application, what to consider when making the decision on a concurrent application, and matters involving approvals relating to regulated trees. The minister, as the decision-maker for territory priority projects, must receive advice from the territory planning authority before making a decision.

Amendment agreed to.

Clause 182, as amended, agreed to.

Clause 183.

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) (4.26): I move amendment No 61 circulated in my name [*see schedule 1 at page 1681*].

It is proposed to include that any applicable design guidance in a design guide be added to section 183 as a consideration a decision-maker must take into account when deciding a development application. This aligns with other changes to the bill, which propose to give the design guides greater standing in the planning system.

MS CLAY (Ginninderra) (4.26): I support this amendment. It is crucial that clause 183 be amended to ensure that decision-makers must consider any applicable design guidance in a design guide. This gives statutory status to those design guides. We will have an ACT urban design guide, an ACT housing design guide, and a biodiversity sensitive urban design guide. We are expecting to see provisions relating to variation 369 in these design guides.

This is a crucial part of what ensures that this outcomes-based planning system gives us good outcomes. This is what ensures that we will not have a system where anything goes or a system that is deregulation. It came through very strongly in the committee inquiry that I chaired. The Greens have followed through on those recommendations and concerns, and made sure that they are addressed in our statutory system, and in the package that goes along with it.

I understand the community concerns about deregulation. This system actually contains higher standards for development, but it is complex. People have not seen the design guides yet. This amendment is putting those design guides into the bill, which is an excellent improvement. It is really complex and technical. It is really arduous to get across the details here. And, of course, there is only so much we can ask of our members of the public and volunteers. I am very much hoping that politicians in here will do the work. I am hoping that people in here will genuinely consider this full package and get across the details. They have had our amendments here. They have been offered briefings on the full package.

I have not seen any amendments about concerns. I am merely hearing comments made about deregulation, and that is simply not the case. I ask members to look at the detail and consider what these amendments do. Please look at the amendments you

are given. Please ask for briefings. Do your jobs, and please get across the details to make sure that you understand how this new system works and that you can genuinely make it better than it is now.

Amendment agreed to.

Clause 183, as amended, agreed to.

Clauses 184 and 185, by leave, taken together and agreed to.

Clause 186.

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) (4.29): I move amendment No 62 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 186, as amended, agreed to.

Clause 187.

MS CLAY (Ginninderra) (4.30): I move amendment No 15 circulated in my name [*see schedule 2 at page 1701*].

Clause 187 of the Planning Bill allows a decision-maker, the chief planner or the minister to approve an application that is inconsistent with the advice of the Conservator of Flora and Fauna. They can do this if the decision-maker, the chief planner or the minister are satisfied that that decision meets certain considerations and that there are really good reasons for it.

The conservator's job is to protect our natural environment. It is essential that they have a really strong voice in this planning system. But planning decisions are complex, and sometimes there are unavoidable conflicts. There might be a conflict between essential public housing or an essential city service facility, for instance, and a really key piece of habitat. If that happens, if a decision is made that goes against the conservator's advice, we need to know why. We need accountability on that decision.

This amendment requires the decision-maker to state in their decision why they were satisfied regarding the matters. They must say what they considered and why they made that choice. That increases the transparency of the decision-making.

My amendment is in line with recommendation 14 of the inquiry into the Planning Bill. It has been a critical issue raised by many people in their submissions to that inquiry. I am pleased to bring this amendment and to bolster the transparency and the accountability measures that we have in this bill and in the amendments. I commend the amendment to the Assembly.

Amendment agreed to.

Clause 187, as amended, agreed to.

Clause 188 agreed to.

Clause 189.

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) (4.32), by leave: I move amendments Nos 63 to 65 circulated in my name, together [*see schedule 1 at page 1681*]. These amendments edit time frames for assessment and connection to commonwealth government processes, in line with the recommendations of the PTCS committee.

Amendments agreed to.

Clause 189, as amended, agreed to.

Clauses 190 to 203, by leave, taken together and agreed to.

Clause 204.

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) (4.33), by leave: I move amendments Nos 66 and 67 circulated in my name, together [*see schedule 1 at page 1681*]. The amendments are minor and technical, in order to streamline this section.

Amendments agreed to.

Clause 204, as amended, agreed to.

Clauses 205 to 214, by leave, taken together and agreed to.

Clause 215.

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) (4.35): I move amendment No 68 circulated in my name [*see schedule 1 at page 1681*]. I will speak to this amendment and the other one.

These amendments reflect an agreed position on territory priority projects. They strike a good balance between ensuring that these projects have the necessary scope and certainty to support growth in our city, while also ensuring scrutiny and a higher threshold.

The amendments today materially do not change what was in the amendments reviewed by the Legislative Assembly scrutiny committee. We have added a step before notification of TPPs, which is amendment 70, which we will talk about later, to ensure that they can be scrutinised by the Assembly before they take effect.

MS CLAY (Ginninderra) (4.36): I rise to speak in support of this amendment. The Planning Bill allows the Chief Minister and the minister to jointly declare a development proposal to be a territory priority project. Once declared, a territory priority project cannot be appealed in the ACT Civil and Administrative Tribunal. It cannot be appealed in ACAT by third parties.

This is a significant limitation of rights, and it must be done in a careful and measured way. We expect territory priority projects to be declared rarely and sparingly. They are for major projects of significant interest to the ACT where rapid progress is essential. They should only be used when good project management through the regular planning system will not meet Canberra's urgent need.

Territory priority projects are not intended to bypass the checks and balances contained in our ordinary development application process. They are a special measure for special circumstances. They need to meet three public interest tests. The proposal must achieve a major government policy outcome that is of significant benefit to the people of the ACT. The proposal must substantially affect the achievement of the desired future planning outcomes as set out in the Planning Strategy, a relevant district strategy, the Territory Plan or any relevant zone. The proposal must be for significant infrastructure or facilities that are of significant benefit to the people of the ACT.

In addition, we have introduced a fourth criteria: there must already have been sufficient community consultation. This means that before a territory priority project can be declared, the Chief Minister and the planning minister must be satisfied that the project would achieve a major government policy outcome of significant benefit to the people of the ACT; that it meets all three public interest tests; and that it has had enough consultation. It is a huge improvement on the previous version that we saw.

These amendments address recommendation 33 of the inquiry into the Planning Bill. Accordingly, I will not be moving amendment No 17 circulated in my name.

Amendment agreed to.

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) (4.39): I move amendment No 69 circulated in my name [*see schedule 1 at page 1681*]. It simply omits line 16 from the previous text.

Amendment agreed to.

Clause 215, as amended, agreed to.

Proposed new clause 215A.

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) (4.39): I move amendment No 70 circulated in my name [*see schedule 1 at page 1681*]. It adds a new clause to ensure that we can continue the work that we have done with the previous two amendments.

MS CLAY (Ginninderra) (4.40): I rise in support of proposed new clause 215A. This clause introduces a new political accountability measure into the system. It provides that the minister must present to the Legislative Assembly the declaration of a territory priority project and the statement of reasons for making that declaration, and that needs to be approved or refused via a resolution. This means that a majority of the Legislative Assembly could vote to refuse that declaration.

We need political accountability on these major planning decisions. If we are going to remove appeal rights in the ACAT, we politicians in here should be accountable instead. This power will be used rarely and sparsely for major projects that have a substantial impact on the people of Canberra and our environment. It is right and fitting that this Assembly should play a role in these major, city-shaping choices.

This amendment addresses recommendation 34 of the inquiry into the Planning Bill, and the mechanism makes sure that we in the Assembly are held to account for the use of such enormous power.

Proposed new clause 215A agreed to.

Clause 216 agreed to.

Clause 217.

MS CLAY (Ginninderra) (4.42): I move amendment No 18 circulated in my name [*see schedule 2 at page 1701*].

The original Planning Bill sets out protected matters as matters defined under commonwealth legislation. This new definition of “protected matter” in clause 217(1) adds species or ecological communities that are also protected under the Nature Conservation Act 2014 as a “protected matter”. That means we are incorporating our ACT environmental laws, as well as the commonwealth laws. Commonwealth and ACT lists differ, and it is really important that we consider both. For example, little eagles and scarlet robins are in the ACT threatened species list but they are not in the commonwealth lists. If we did not make this amendment, we would not be protecting little eagles and scarlet robins. This satisfies recommendation 45 of the inquiry into the Planning Bill. I commend the amendment to the Assembly.

Amendment agreed to.

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) (4.43): I move amendment No 71 circulated in my name [*see schedule 1 at page 1681*].

It is proposed to include a note that the minister may consider relevant matters under the Nature Conservation Act 2014 or any other ACT law when making a declaration. This note has been added to make it explicit that relevant matters under the Nature Conservation Act 2014 or any other piece of ACT law may be considered by the minister, and it follows a recommendation of the PTCS committee.

Amendment agreed to.

Clause 217, as amended, agreed to.

Clauses 218 to 258, by leave, taken together and agreed to.

Clause 259.

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) (4.44): I move amendment No 72 circulated in my name [*see schedule 1 at page 1681*]. This amendment is minor and technical.

Amendment agreed to.

Clause 259, as amended, agreed to.

Clauses 260 to 266, by leave, taken together and agreed to.

Clause 267.

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) (4.45): I move amendment No 73 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 267, as amended, agreed to.

Clauses 268 to 274, by leave, taken together and agreed to.

Clause 275.

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) (4.46): I move amendment No 74 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 275, as amended, agreed to.

Clauses 276 to 290, by leave, taken together and agreed to.

Clause 291.

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) (4.47): I move amendment No 75 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 291, as amended, agreed to.

Clauses 292 to 304, by leave, taken together and agreed to.

Clause 305.

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) (4.48): I move amendment No 76 circulated in my name [*see schedule 1 at page 1681*]. This amendment is minor and technical. It is one of several amendments to change references from “community” to “public” and ensure consistency in the legislation.

Amendment agreed to.

Clause 305, as amended, agreed to.

Clauses 306 to 361, by leave, taken together and agreed to.

Clause 362.

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) (4.49), by leave: I move amendments Nos 77 and 78 circulated in my name, together [*see schedule 1 at page 1681*]. They are both minor and technical.

Amendments agreed to.

Clause 362, as amended, agreed to.

Clauses 363 to 415, by leave, taken together and agreed to.

Clause 416.

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) (4.50): I move amendment No 79 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 416, as amended, agreed to.

Clauses 417 and 418, by leave, taken together and agreed to.

Clause 419.

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) (4.51): I move amendment No 80 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 419, as amended, agreed to.

Clauses 420 and 421, by leave, taken together.

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) (4.52): I move amendment No 81 circulated in my name [*see schedule 1 at page 1681*].

It is proposed to amend section 420 to provide that a person may make an application to the territory planning authority to make a controlled activity order. It also proposes to amend section 421 to address how the territory planning authority deals with the show-cause notices when a controlled activity order application has been received from a person. The section seeks to reduce ambiguity around controlled activity orders and provides that the territory planning system may, on its own initiative, or on an application by a person, make an order. This was a recommendation of the PTCS committee.

MS CLAY (Ginninderra) (4.52): I rise in support of amendments numbered 81 to 86 in relation to controlled activity orders. These amendments address recommendation 24 of the inquiry into the Planning Bill. That inquiry recommended that the ACT government amend the bill to enable any person to retain their rights to access administrative or judicial remedies to enforce a breach, or anticipated breach, of the bill, and to reinsert the ability for community members to apply for a controlled activity order. It has also been referred to in the press as a citizen-enforced complaint, which is a very good way of putting it.

That recommendation came about because the committee heard evidence that only six applications for controlled activity orders had been made to the planning authority in the past three years. None had been considered frivolous or vexatious. It is a tool that is not often used, and it is one of the few ways members of our community can take up and enforce a complaint about poor development. There was no good reason to remove this tool from the bill. It is essential for community advocacy to reinstate it.

I drafted an amendment to the Planning Bill to deal with this recommendation, but I have removed it because I am very happy to see the government amendment instead. This clause brings back the right for a person to make an application to the territory planning authority to make a controlled activity order. The authority must respond. The Greens have worked hard with our Labor colleagues to restore this. I am pleased to see that it has been returned. It is really important for community confidence, and it will genuinely help members of the public to enforce quality development.

Amendment agreed to.

Clauses 420 and 421, as amended, agreed to.

Clause 422.

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) (4.54): I move amendment No 82 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 422, as amended, agreed to.

Clause 423.

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) (4.55): I move amendment No 83 circulated in my name [*see schedule 1 at page 1681*]. It is proposed to amend this section to provide a fuller outline of the matters that the territory planning authority must take into consideration, including when an application from a person is received. It also includes an example to aid in understanding the provision.

Amendment agreed to.

Clause 423, as amended, agreed to.

Clauses 424 and 425, by leave, taken together and agreed to.

Clause 426.

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) (4.56): I move amendment No 84 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Clause 426, as amended, agreed to.

Clause 427.

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) (4.56), by leave: I move amendments Nos 85 and 86 circulated in my name, together [*see schedule 1 at page 1681*]. These amendments are minor and technical.

Amendments agreed to.

Clause 427, as amended, agreed to.

Clauses 428 to 511, by leave, taken together and agreed to.

Clause 512.

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) (4.57), by leave: I move amendments Nos 87 and 88 circulated in my name, together [*see schedule 1 at page 1681*]. The amendments are minor and technical.

Amendments agreed to.

Clause 512, as amended, agreed to.

Clauses 513 to 518, by leave, taken together and agreed to.

Clause 519.

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) (4.58): I move amendment No 89 circulated in my name [*see schedule 1 at page 1681*]. These new regulation-making powers are necessary to ensure the efficient and effective operation of the act. The matters that may be set by regulation are generally administrative matters and an appropriate delegation of power.

Amendment agreed to.

Clause 519, as amended, agreed to.

Proposed new clause 520.

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) (4.59): I move amendment No 90 circulated in my name [*see schedule 1 at page 1681*]. Following the recommendation of the inquiry, we have added a three-year review of the legislation. As is recommended by the PTCS committee, it is proposed to include a review provision in the act. The review will commence as soon as practicable, three years after the commencement of the act, to ascertain the effectiveness and operation of the new planning system under the act.

I mentioned this in my speech last week, and it is important that we give this system time to come into effect before we start picking at it again. In that time, we will have a separate and independent review of the governance, and also a likely inquiry from the PTCS committee into the interim new Territory Plan. We are going to keep working at the system to ensure that we do get it right. Planning does change over time, and we need to keep up with our city as it grows.

MS CLAY (Ginninderra) (5.00): I rise in support of this amendment. This amendment satisfies recommendation 22 from the inquiry into the Planning Bill, which recommended that the ACT government undertake a review of the operation of the bill and the full package of the planning reform within two to three years of commencement. This will give us the opportunity to see how the bill has been implemented and to determine what we can do to improve it. It is a really important transparency and oversight mechanism. It will help us to determine what sort of outcomes this new planning system is giving us and whether it is meeting community expectations.

Anybody who has worked on a complex legislative project before understands that we always need to factor in a period of review and reform. It is always important to see what are the changes that we have made, how are they actually operating and how can we improve them. The Greens fought hard to get this one in. I was very happy to forgo my version of the amendment. I am very, very pleased to see the Labor amendment on this one. We are happy to support it.

Amendment agreed to.

Proposed new clause 520 agreed to.

Clauses 600 and 601, by leave, taken together and agreed to.

Clause 602.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency

Services) (5.01): I move amendment No 91 circulated in my name [*see schedule 1 at page 1681*]. It is proposed to amend this section to specify a range of provisions that will not expire three years after the commencement of the act. This amendment will provide further clarity for the reader of the act on the expiry of specific transitional powers. The sections named in the provision will not expire after three years, and it is considered that they are necessary to be retained to assist readers of the act in understanding the application of transitional provisions that continue to have effect in the planning system.

Amendment agreed to.

Clause 602, as amended, agreed to.

Clause 603 agreed to.

Clause 604.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.02): I move amendment No 92 circulated in my name [*see schedule 1 at page 1681*]. It is proposed to amend this section to provide that public consultation undertaken on the district strategy before the commencement of section 38 of the act is public consultation undertaken under this act.

Amendment agreed to.

Clause 604, as amended, agreed to.

Clauses 605 to 610, by leave, taken together and agreed to.

Clause 611.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.04): I move amendment No 93 circulated in my name [*see schedule 1 at page 1681*].

It is proposed to amend this section to clarify that the preparation and consultation on the draft Territory Plan includes preparation and consultation that occurred prior to the commencement of this act. This is necessary to give effect to the transitional arrangements.

Amendment agreed to.

Clause 611, as amended, agreed to.

Clauses 612 to 648, by leave, taken together and agreed to.

Schedule 1.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.05): I move amendment No 94 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Schedule 1 omitted from the bill.

Schedule 2.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.05): I move amendment No 95 circulated in my name [*see schedule 1 at page 1681*]. The amendment is minor and technical.

Amendment agreed to.

Schedule 2, as amended, agreed to.

Schedules 3 to 5, by leave, taken together and agreed to.

Schedule 6.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.06): I move amendment No 96 circulated in my name [*see schedule 1 at page 1681*]. This amendment provides for a change in appeal rights in line with earlier amendments.

Amendment agreed to.

Schedule 6, as amended, agreed to.

Schedule 7.

MS CLAY (Ginninderra) (5.06): I move amendment No 19 circulated in my name [*see schedule 2 at page 1701*].

Schedule 7 of the Planning Bill sets out the matters that are exempt from third-party review in the ACT Civil and Administrative Tribunal. Item 8 includes a subdivision design application in a future urban area as being exempt from merits review. This seems like a small and technical change. It is not.

The Planning Bill, as drafted, means that any development application in a greenfields area is not subject to merits review in ACAT and is only subject to judicial review in the ACT Supreme Court to determine if the decision-maker complied with the correct process.

Very few appellants have the resources to mount a Supreme Court challenge, and in most cases, what is needed is merits review, not judicial review. This is a really serious limitation of third-party appeal rights, and no justification has been given for the removal of these rights, despite the potential environmental implications.

A greenfields development often raises issues with respect to environmental impact on threatened commonwealth and ACT-listed species and on ecological communities, and it raises significant impacts on remnant habitat.

In other jurisdictions, third-party appeal rights have been really, really important to enforce cultural rights and to protect ecological areas. In Tasmania, we saw them used to stop heli-tourism around Lake Malbena. In Queensland, we saw them used to stop land clearing that would have damaged the Great Barrier Reef catchment. I have seen examples in New South Wales where third-party appeal rights are discussed to protect scar trees and to protect really, really important cultural sites.

Here in the ACT, I can imagine many similar situations. What if we choose the wrong spot for a housing development and there is runoff into our Murrumbidgee? What if we choose to build a road through an area that is really, really important to our local First Nations peoples, that has been used for time immemorial for a cultural practice that is not yet known to our heritage register or marked down in our planning system?

These are real decisions, and they are really important. People who know about our local species, our trees and our First Nations culture should be allowed to appeal on decisions that affect these areas.

Removing greenfields appeal rights would also have an insidious effect on development. If you can appeal infill but you cannot appeal development in a wilderness area, where do you think developers are more likely to build? Where will they find it easiest to develop? What will happen? They are just going to end up with endless urban sprawl because they find that a simpler way to bypass the planning system.

Our amendment No 19 removes item 8 and re-establishes appeal rights for greenfields development areas. It reinstates a right we currently have in our existing system. It maintains that right and takes it over into the new system, which is appropriate for a human rights jurisdiction.

We have worked on these amendments. We ran them through the Scrutiny of Bills Committee. One of the jobs of the Scrutiny of Bills Committee is to look at human rights implications. I would like to mention that the Scrutiny of Bills Committee made absolutely no comments on any of our amendments. They clearly see that this and the rest of our amendments uphold the human rights in this jurisdiction. They are important to do so.

I commend this amendment to the Assembly.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.10): I note that this matter is of particular importance to my Greens colleagues. I have my personal reservations about restoring the right for third parties to appeal honour state development plans.

I do not think there is anything we should be doing that can hold up more homes being built. We have seen this review power used by a NIMBY neighbour to hold up several hundred homes for a number of years in a greenfields development. We do not want to see this again. But I am comforted by my colleague's firm agreement on this.

We know that our review system needs improvement, and I look forward to working with them to get this done, as we have on this bill.

This amendment from Ms Clay restores the status quo, and we will be supporting it today, despite our reservations.

Amendment agreed to.

Schedule 7, as amended, agreed to.

Proposed new schedule 8.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.11): I move amendment No 97 circulated in my name [*see schedule 1 at page 1681*].

It is proposed to relocate schedule 8 to the end of the schedules, in line with current drafting practice. The context has been simplified and the elements for preserved lease have been amended to have a cumulative effect.

Amendment agreed to.

Proposed new schedule 8 agreed to.

Dictionary.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.12), by leave: I move amendments Nos 98 to 109 circulated in my name, together [*see schedule 1 at page 1681*].

You will be pleased to hear that this is the last lot of amendments I will be moving! These are minor and technical and make changes to the dictionary section, reflecting earlier amendments.

Amendments agreed to.

Dictionary, as amended, agreed to.

Title.

MR RATTENBURY (Kurrajong) (5.12): As we draw to the end of this detailed debate, I rise to commend this bill in its amended form. It offers an improved planning system that will build a foundation for our city to be greener, fairer and easy to live in for coming generations. For the Greens, all our work on this bill has been focused on delivering the city we know our community wants: a city that is climate-friendly and climate-resilient, a city that preserves our character as the bush capital, a city that is easy to get around, a city that has a range of housing types that people can afford, a city where its residents are able to effectively participate in the planning system.

As a starting point, the ACT Greens have negotiated to create a planning system which helps ensure that environmental considerations are at the heart of our planning decisions. For example, there will now be 30, not 20, days to make representations on environmental impact statements. Biodiversity is now explicitly referenced in the objects of the legislation, and we have a strengthened definition of ecologically sustainable development. For the first time, decision-makers will need to consider the cumulative environmental impact of proposed development.

As we have just noted, third-party appeal rights on greenfield areas are being maintained. It is an important tool which will ensure decisions about development in areas with precious habitat and cultural values are properly scrutinised. This helps maintain reasonable parity with brownfield sites. Without this, it would have been easier to build housing on new land outside of existing city limits rather than using existing available land and putting it to better use. When we are building close to existing development, those directly affected need early direct consultation. A planning system cannot function for everybody without the ability for people to report non-compliant development. That is why we have sought to allow community members to be able to lodge a controlled activity order that must be investigated by ACT authorities. I am pleased that amendment passed today.

As I touched on earlier, in every planning decision we make we must ensure that we are building a climate-ready and climate-resilient city. Canberrans tell me time and time again that this is the type of city they want, so our planning must reflect that identity. We want genuine emissions reduction, with strong protection for trees and green spaces that will suck carbon out of the atmosphere, cool our city in the summer and provide habitat for our native species.

Our planning system needs to be closely informed by our climate change strategy, our Living Infrastructure Plan and the active travel policy. It is these kinds of policies that also build community wellbeing—kids with easy and safe routes to school and places to play, wide footpaths, and pedestrian and bike-friendly crossings, making it a joy to move around our city by active travel; a wide range of safe and affordable options to take longer journeys that give you more time to be with the people you are closest to or those who enjoy nature.

When it comes to community wellbeing, one of the most important considerations is to ensure access to good, affordable housing. People need to live in well-designed homes with good access to services—shops, schools, universities and hospitals—and a choice of ways to travel there. The ACT Greens have been clear that this city needs more affordable housing. There is a range of government responses needed to deliver this, but the planning legislation is a foundation to deliver on this goal. As we look to the future, it is imperative we build future housing sustainably with plenty of affordable options. We believe this legislation is part of enabling that, particularly in line with the housing affordability amendment that was moved by Ms Clay earlier today.

This bill does recognise that on rare occasions we may need to designate a project as a territory priority project. There is a time and place for that, but we also need sufficient consultation and robust checks and balances to ensure that the declaration is used sparingly and that the Assembly can scrutinise the projects identified. The addition of an Assembly process is an important point of accountability and ensures that members of this place can reflect community views very directly on these matters. This is a new approach for this place but one I think is a welcome reform that delivers both transparency and accountability. It is a significant change from the old approach of call-ins, which were executed solely by the planning minister.

In that vein, how decisions are made and who makes them are crucial to the effective functioning of this bill. Community members have raised many issues around governance of the planning system. In response to that, we are pleased to have secured agreement to have an independent expert carry out a governance review within 12 months of the passage of the bill through the Assembly.

There are many more things I could speak to regarding the specifics of this bill, and I think today's debate is testament to that, but I am conscious that we have already had a long discussion. I do, however, want to conclude my remarks by acknowledging all those who have worked on this significant reform. I want to especially highlight the work that my Greens colleague Ms Clay has done in order improve this bill and make sure it will support the kind of planning system that we need in Canberra and that Canberrans deserve. She has been ably supported by Ms Vassarotti and staff in both of their offices, particularly Stephanie and Imogen. They have worked tirelessly to develop the amendments that the Greens have negotiated to improve this bill. They are significant and I think, in culmination, make this planning reform commendable. It will significantly improve the planning system.

I would also like to acknowledge Minister Gentleman and the staff in his office. This has been a complicated discussion and we appreciate that, while we have not always seen eye to eye, the focus has been on finding common ground for the good of our community. I would also like to acknowledge those in the directorate, as well as the team at Parliamentary Counsel, who have diligently worked behind the scenes to reach a point where we can finalise this bill today.

These efforts stand in stark contrast to the contribution of the Liberal Party to this debate. Last week, Mr Cain stood in this place and said, "It is not clear to me, and it is not clear to many others, what is fundamentally wrong with our current system."

This is not a credible or sustainable position. All of us in this place extensively hear the concerns from the community about the flaws of the planning system. It has been debated for many years. That is why the Greens took a series of reforms to the last election. Even Mr Cain's colleagues know it is not a credible or a sustainable position to say the current system does not need change.

In the very same debate last week, Ms Castley got up and spoke about how problematic the planning system is, raising a series of examples that were of concern to her. This illustrates that the status quo is not an acceptable position. I think most of us accept the need for change to the planning legislation, and that is where you have choices. You can do what the Greens have done, which is roll up our sleeves and actually work with others to find solutions and get things done, or you can take the lazy Liberal approach and offer up the critique but not actually put any solutions on the table. I find it quite remarkable that the Liberal Party has not proposed a single amendment to this entire bill—not one. It begs the question: is it too hard for them or are they just too lazy?

I also noted with interest Mr Cain's question during question time earlier today. It was ruled out of order, which was a bit of a shame because I would have happily answered it. I will take the opportunity now. I can assure Mr Cain that the Greens did step out of cabinet because of our reservations with the bill. We were not prepared to sign up to the bill that was being tabled last September. It was a cabinet decision we could not support, and so, in that context, we were obliged to step away. In the question this afternoon, Mr Cain attempted to insinuate that, because there is now agreement, this was some sort of false-flag operation.

The reality is much less exciting than that, I am afraid. The reality is that we have worked with the Labor Party to make changes to the bill, and that is why you have seen such an extensive set of amendments coming through today. Some of those conversations were hard work, as I touched on earlier, but ultimately the Labor Party and the Greens have been able to agree through hard work and negotiation. That is the boring truth of this. It does not make a sassy headline or an easy TikTok video, but it does deliver a better outcome on the ground, which is what we are after and what we are here for. This is the work of parliaments around the world: proposing legislation, working through committee processes, and the hard work of negotiation.

This is a good piece of legislation that is significantly better than our current planning legislation in areas that we care about: housing affordability, climate resilience, environmental protection, community engagement, and accountability. As has been flagged, there is, of course, much more work to be done with the Territory Plan, district strategies, design guides and technical specifications in the next stages of the work to be finalised. *(Extension of time granted.)*

What you will see from the Greens is continued engagement and effort to ensure that the Planning Bill boosts housing affordability while improving community consultation and delivering strong environmental protections. We will do everything we can to make sure the Canberra of the future is a strong, resilient and livable place, for people and for the planet.

MR HANSON (Murrumbidgee) (5.23): What an absolute dog's breakfast this whole process has been! This is one of the most chaotic, disruptive pieces of legislation with its—what, 120 amendments?

Mr Cain: 125!

MR HANSON: Thank you, Mr Cain—125 amendments! If you have got a piece of legislation that requires 125 amendments and that requires half of the government to step out of cabinet because they think it is so appalling that they refuse to engage in the cabinet process on a piece of legislation, is that a clue? Is that a clue that this is an absolute dog's breakfast piece of legislation?

Instead of trying to fix up the unworkable, you should have said: “No, we have got it wrong. We need to do a lot more work and come back with a better piece of legislation.” That is what the Canberra Liberals have said.

What you have here is an absolute mess! You have these 125 amendments trying to put a bandaid on it—trying to hotchpotch it up, trying to fix it up—instead of doing what we have said, which is, “No. Start again. You have got it wrong. Go back to the drawing board,” and listen to Mr Cain and the points that he has been making.

He has been listening to and engaging with the community about this matter. Let me quote what people are saying in the community—and I see representatives of community councils and resident associations here today.

The Combined Community Councils of the ACT spokesperson, Peter Elford, is quoted in the media as saying that the councils were far from happy and that the bill would still be flawed despite the changes. By “changes”, he is referring to the 125 amendments:

Mr Elford said the bill was still too vague, with shades of grey that would force industry and the community into the ACT Civil and Administrative Tribunal, something nobody wants. He said that no one could explain what outcomes-based planning would look like or how the new system would prevent bad development.

The article quoting Mr Elford goes on to say:

The government says the reforms are needed to boost the supply of housing in Canberra, particularly in the established suburbs, but Mr Elford said the community was not opposed to new housing, only poor quality development. “There is no confidence that the new system will do anything but make it worse,” he said.

That is the Combined Community Councils.

Mr Rattenbury is in here spruiking the value of his 125 amendments and saying how wonderful it is, and the community councils are out there saying, “No, it is going to make it worse.” The article goes on to quote Mr Elford as saying:

Reasonable people can accept decisions they may not agree with that are made through good process, but the CCCACT believes they will not accept them if the process is not transparent.

The government runs the risk that the processes prescribed in their Planning Bill will not be regarded or accepted by the community.

The article continued:

Mr Elford said the government had left people drowning in an ocean of abstraction.

To be honest, having sat through several hours of this debate, it is hard to argue, is it not? It is hard to argue. If anyone is going to be clearer about this planning system after today's debate, certainly the Combined Community Councils are.

I will again quote from Mr Elford:

They've tried to reform a system where we have no trust and yet somehow managed to create more distrust.

It seems to be a bit of a theme of this government, does it not? The community councils cannot trust this government. They did not trust them in the first place and, as a result of this debacle, they are now saying there is more distrust. It is a little bit like the people of Calvary. I think they are saying something similar, are they not?

There seems to be a competition between these ministers about who can create the most distrust in the community—is it Mr Gentleman or is it the health minister? Who can create the most distrust?

We did not support this in principle, because it was bad legislation, and even the government agreed. Even the Greens agreed! They stepped out of cabinet it was so bad. It was so bad it split the government in half! Now you have got this dog's breakfast array of 125 amendments that have not had proper consultation.

Mr Gentleman avoided the questions from Mr Cain today at question time, which were about whether these had had proper consultation with the community, and his response was, "It went to the planning committee." In essence, he is saying, "No, they did not. We sent them to the committee, but we have not engaged with the community." So you have got the community and the community councils saying, "A big problem with this government is you have not engaged with us. You have not consulted. We have not had a chance to discuss, collaborate and work on these," and then you rush these amendments through, doing exactly what they have said is the problem.

But there had been communication between the Greens and Labor. They are very proud of themselves. Just listen to Mr Rattenbury patting himself on the back and saying how wonderful they are: "Do not worry about the community councils. Do not worry about the distrust we have created there. It is wonderful that we are back on board. I will come back into cabinet now because we have got what we want with these negotiated amendments."

The community has not got what they want. “Stuff the community,” is what those opposite are saying. They are saying, “We do not care about the community as long as Mr Rattenbury and his colleagues get what they want.” That is where we at.

I commend Mr Cain—there was a good article in the *Canberra Times* today, by the way—for standing up for the community and for saying, “We are not going to be steamrolled in this place.”

If it is unfixable legislation, to the point that it splits the government, are you, Mr Rattenbury, seriously claiming that it was Mr Cain’s job to come in and try to fix this dog’s breakfast? So you are there saying, “We have created a mess. We are splitting out of cabinet. There are 125 amendments—and, boohoo, the Liberals did not help us fix this unfixable mess.” No, we did not. No, we did not, because we stand with the community councils and we agree that this needs a rework. We are not going to support this. We did not support it in principle, just as you did not. You split out of cabinet for it. We will not support it as it is amended with your 125 amendments that have not gone through the proper process of consultation with the community.

So, well done, Mr Cain. We will stand with the community and with the community councils. You will see what we come up with towards the next election, but it will not be a debacle like this. If we get into government, we will not treat the community with the distain and distrust that we are seeing through this Calvary debacle and now this planning debacle.

MR BRADDOCK (Yerrabi) (5.30): I rise in support of this bill. It should be remembered that what we are passing here is the architecture, the bones, of our planning system. It is one part of the ACT Planning Review and Reform Project. There is more to a functional and effective planning system than just this one piece of legislation.

There are many more components that make up an effective and long-lasting planning system, including the Territory Plan, the technical specifications, the design guides, regulations, policies, procedures, structures, entities and skilled workforces. There are also associated entities, including developers, builders, architects and renovators. Most importantly, it needs to serve our community, both current and future.

In keeping these stakeholders on board, an essential element is trust; lack of trust will erode a planning system until it is no longer fit for purpose. Therefore, today we need to recognise that rebuilding that trust is just as important, if not more important, than the legislation we pass here today. Otherwise, how are we as a government going to respond to more and more difficult challenges that are thrust upon us?

Our planning system needs to respond to the multiple crises that currently exist—the climate crisis, for which the ACT government has previously declared a climate emergency; a biodiversity extinction crisis; and, as has been discussed not only here in the ACT but across Australia, a housing crisis.

During the 2020 campaign, the people who elected us asked for a dramatic change in our planning system—hence the importance of this issue in the Parliamentary and Governing Agreement and the focus of so much time and energy by this government to address.

Every district of Canberra is experiencing its planning challenges. However, I do think that Gungahlin has experienced proportionally a greater share since the Planning and Development Act was passed in 2007. Gungahlin, the first town centre developed since self-government, has experienced trials and tribulations of the planning variety.

The Standing Committee on Planning, Transport and City Services inquiries into Draft Variation 364 demonstrated the planning challenges experienced in Gungahlin. I do not expect this bill to make everything awesome for the district of Yerrabi; however, I do hope that, as Yerrabi continues to develop, this district benefits from better planning outcomes.

I would like to thank Ms Clay and Ms Vassarotti for their work in bringing forward this legislation. I appreciate their painstaking efforts and was able to entrust to them the process, even when planning is a pet hobby horse of mine. I apologise for any of my interference when I could not restrain myself. I would also like to name some exceptional efforts from their officers. In particular, Imogen, for leadership and guidance, and also Steph, for exceptionally talented and hard work in this space. I owe you some more M&Ms.

I would also like to acknowledge those in the community who have devoted long unpaid hours in responding to consultation on the review of this bill. It has been challenging for you, I know, given the amount of detail to cover in such a short period of time. I would like to thank you for your commitment and involvement in this process.

I would also like to welcome Mr Cain, as shadow minister for planning, back into the Chamber. We missed you during the detailed debate stage. Perhaps next time, you may find time in your busy schedule in order to attend! But I do enjoy the fact that this debate went very well between Ms Clay and Mr Gentleman.

Opposition members interjecting—

MADAM SPEAKER: Members, please! I would also add words of thanks and recognise the efforts of the Office of the Assembly, which have put together nearly 50 pages of support for the members. So thank you.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.35): There have been a significant number of amendments to this bill today from both parties in government. I want to thank all my colleagues for their collaboration on this.

A great number of people have been working extremely hard at this and I want to acknowledge them all today. Firstly, and most importantly, I want to acknowledge all the members of the Canberra community who have been involved in this process. A great many people have spent a lot of their time to provide submissions, reading documents and talking with their fellow Canberrans about the new planning system. We are never all going to agree on everything, but I really value their contributions to

this debate and their love of the city that we call home. There are also many representatives from industry and the community who have worked with government on the technical aspects of the bill. I thank them for their contribution to the process and for the many hours that they have spent on this. I look forward to working with them to ensure our city continues to grow sustainably.

A mountain of work has been done across government to get the bill over the line. I would particularly like to acknowledge the Parliamentary Counsel's Office for their work and their ability to turn around last-minute changes at a remarkable rate. Madam Speaker, I would also like to thank you, the Deputy Speaker and Chamber Support for their help in getting us through the debate today. It was well done.

To misquote a known proverb, it takes a village to reform a planning system. There are many government directorates who have contributed to this work, but it has been led magnificently by the Environment, Planning and Sustainable Development Directorate. A huge number of people have worked on this project since 2019 and are the reason that we are here today. I want to acknowledge Matt, Monica, Alexander, and Stephen in the legislation team, and Maggie, Amy and Matt in the Communications Unit. There are many others I may have forgotten to name, but please know your work is really appreciated.

To the entire executive, but especially Erin and Ben, I want to say thank you for your tireless efforts and advice. To Ben, our chief planner, the city is, as you say, your home too. You and your team have changed it for the better. Thank you for your patience, professionalism and good humour.

To my Greens colleagues in the Assembly, it has been quite a ride. Thank you generally for your engagement, your support and your willingness to work together. Together we have implemented monumental nation-leading reform. Ms Clay and her office have done a huge amount of work on this bill since they came into the Assembly. Together we have got this to a great place. I hope you all manage to get some proper sleep tonight.

To my Labor colleagues, thank you for your input and guidance, and for reminding me every day why we are here. We are building more homes for our growing city and we are getting it done. I would particularly like to thank Ms Orr for her pragmatism, her planning expertise and for keeping my staff sane over the past 12 months. Speaking of those staff, I thank Ellen, Brodie and all the team for the incredible work that they have done. And, of course, prepared for that were Louise, Shobaz and the rest of the team as well.

I am not normally in the habit of naming staffers in this place, but I want to say that staff from the Chief Minister's and Minister Rattenbury's offices have been very helpful in getting this across the line. Amongst all the other work they do, this was a mountain of extra work for some of them and I really do appreciate it. I want to particularly thank Minister Vassarotti and her office for their consideration on the bill. There is, in particular, one person for whom I, and so many others, owe a great deal. This person has, over many months and many rough patches, kept the ship steady and sailing onwards, and they have always been professional and a pleasure to work with.

So, here we are. We are creating a planning system that is easier to use and sees good outcomes for our growing city. I would like to, once more, commend the bill to the Assembly.

MS CLAY (Ginninderra) (5.39): I will be brief because there has been a long debate and people have covered a lot of ground already. I just want to give a few thanks to some of the people who worked on this in my office and on this team project. Also, I want to address some of the remarks about consultation.

This is an incredibly significant piece of legislation. It is the biggest piece of legislation we have worked on so far here. It will touch the life of every Canberran, it will shape our natural environment, it affects our right to a healthy environment, which we have committed to, and it tackles some of our big, wicked problems: housing affordability, the climate crisis and the extinction crisis. It is really important to get the details of this right.

We have had a lot of input from a lot of people. I would like to thank my Labor colleagues, in particular Ellen and Louise; Minister Vassarotti and her whole team, particularly Imogen; and Minister Rattenbury and his whole team, particularly Guy. A lot of people have contributed a lot of effort to this. In my office, it has really been carried by Steph. Steph has done a huge amount of work. She has been through countless drafts. She has stayed up late for more nights than I care to count to try and get this work done.

We have done quite a lot of consultation to get to this point. There was the government consultation and I asked many questions in the Assembly to improve the quality of that consultation. I listened to community members who said, "We want to know when the consultations will be. We want to see the information uploaded. We want to have a town hall style ability to bounce off one another." We asked questions and really tried to improve the quality of that consultation.

After that, I chaired the committee inquiry. We heard from 65 witnesses, including all the community councils. It was an extremely punishing two days of hearings. We put together a really meaty report with 49 recommendations, and the Greens picked up those recommendations and followed through on them. Those recommendations are based directly on community consultation and the amendments are the expression of that.

In my speech today, we matched up which amendment goes with which planning inquiry recommendation. That really helps people see the consultation, what the recommendation was and what the change was. I am hoping it will help lead people through.

We did quite a lot of consultations in a less formal way as well, of course. We went to community councils, we spoke to a lot of people out in the community, we held a number of roundtables in our office in the last couple of weeks, and we spoke to many stakeholders. There are mixed views. There are always mixed views on planning, but

some of our councils are quite happy. I will read this from the Molonglo Valley Community Forum. It is on their Facebook page:

In our view, the proposed amendments to the ACT Government's new Planning Bill strike the right balance. The addition of enhanced environmental protections, improved community consultation and a better focus on housing affordability are welcome changes to the draft bill. An independent review of the governance arrangements at the Environment, Planning and Sustainable Development Directorate will also ensure the new planning system is administered appropriately and effectively.

I was really pleased to read that. Those are four of the strands that the Greens have worked hard on. We have seen similar comments from the Weston Creek Community Council. There are definitely mixed views on this, but the strands that the Greens picked up on—climate change and climate resilience, environmental protection, transparency and political accountability, a governance review, and housing affordability—led to the amendments that we brought through, and that is the system that we have today.

I am not going to go back and rehash all the comments that people made in the opening of this debate about why we need a new system. I think we have heard from everybody in here that the current system is not working, so I just encourage people to go back and look at that or perhaps chat to anybody who has lived here for the last 10 years to see about the need for that.

The Greens have been working on planning reform for a long time. A lot of these amendments came from our election platform that we took to the 2020 election. A lot of these come from the agreement that we have negotiated with Labor. We keep working on those. We follow through. We make sure that we improve the quality. We make sure that the legislation or the policy or the program that we have pitched is what we actually see in place.

There is a lot more work happening in this space. It is not finished yet. A lot of the measures that we need in our planning reform system will come in other areas, and we are still working on those. We worked really hard on variation 369 and all of our tree protection and green-space protection laws. We are going to make sure that those are transferred into the new system in a better way. We are working on developer licensing and engineer registration. We are working on sustainable development and gas-free development, and a full pathway to electrification. We are working on all these issues and we are putting up real and genuine solutions.

When we see a problem, we talk to people. We negotiate with our colleagues, we talk to people out in the community, we talk to experts who are working in the field, we chat to our friends and family because we are part of this community, and then we put together a real and tangible solution and say, "How about this?" The job of politicians is not merely to complain about things, criticise things or reflect on things that were perhaps said six months ago before a committee inquiry had finished, before amendments were on the table and before the full package was out. It is more

important to look at the state of affairs and look at the big problems we have right now: a climate crisis, an extinction crisis and a housing affordability crisis. These are not problems that we can walk away from and say, “Let us leave the status quo as it is.” We have declared repeatedly that the status quo is broken and we need reform, so this is how we do that.

There are lots more measures that came up in that community consultation based committee inquiry that the Greens will continue to follow through on. There were some really practical ideas that do not belong in a bill but we will pursue them. There are ideas about how we use data to measure our tree canopy protection and make sure that it is increasing over time. There are ideas about how we use sample audits to look at our planning decisions and make sure that they are genuinely delivering good outcomes. Only last week, we tabled the letters that we had written over a month ago to ensure that we will have the government’s review that people so strongly asked for in that inquiry. We have certainly been consulting and listening to that consultation and we have effected and actualised the outcomes of those consultations.

I very much hope that we are working through those details in a good and productive way. There is a lot more work to do in this area. We have the Territory Plan coming up and we have all the stages of reform. We will keep working on it. I am really keen for anyone to come and talk to us. We in the Greens listen and we will do something with what you tell us.

Title agreed to.

Question put:

That the bill, as amended, be agreed to.

The Assembly voted—

Ayes 13

Noes 6

Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis
Mr Gentleman

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

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

Question resolved in the affirmative.

Bill, as amended, agreed to.

Adjournment

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

National Disability Insurance Scheme—federal funding

MS DAVIDSON (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (5.50): I am outraged that the disability community have been left to feel as if they are a burden, following recent announcements by the federal government that will see \$74 billion of funding taken from the NDIS. The decision to circumnavigate the NDIS review and draw an arbitrary spending target, halving the projected growth in NDIS investment, is disgraceful.

I will do everything I can to stop these changes from blocking people's access to the services they need. I am yet to receive an adequate explanation from the federal government about how the magic growth target was decided. I am also yet to hear how reduced growth in expenditure will not translate to barriers to getting an NDIS plan or cuts to existing plans.

It seems that I am not the only one who has been left out of the loop on this. We know from recent Senate estimates hearings that neither the Chief Executive of the NDIA, Rebecca Falkingham, nor the NDIA Chair, Kurt Fearnley, were consulted on this. And we now know that the sustainability framework that the growth target is based on is non-existent. The federal government is making huge decisions about the lives of people with disability in our country, without consulting with the community, the service sector, the NDIA or the state and territory disability ministers. It is not okay.

Ten years ago the NDIS was introduced as a visionary and transformative scheme that would revolutionise the delivery of disability services in Australia. It was an ambitious plan that aimed to give people with disability greater choice and control to live their best lives. I still believe in this vision, even if there are some people in the Labor Party who have given up on it.

I have heard consistently from so many people with disability that they feel they are not being listened to, that they are not trusted as experts in their own experience and that they are not allowed to speak on their own terms. The federal government's recent decision to limit the annual growth of the NDIS under the non-existent sustainability framework has proven this.

We know that the disability sector is under pressure. From workforce shortages to quality and safeguarding concerns, we know that the scheme needs reform. I want the NDIS to be effective and sustainable and to support the people at the heart of the scheme. But we should be working with the disability community on how we make these reforms.

Since this announcement was made, hundreds of people with disability have contacted my office. They want an NDIS that responds to the demand for services and support in a way that treats them with dignity, as the people who know best what their needs are. People with disability are not a burden. Disability is within the range of expression of how bodies and minds function, whether it is something a person is born with or a result of injuries or illness later in life. As a government, we should be empowering people with disability to live their best life, however that looks. I will continue to fight until we get an NDIS that we all know all Australians deserve.

Mr Tony Staley AO—death

MS CASTLEY (Yerrabi) (5.53): Tony Staley passed away last month, the former Liberal Party president and kingmaker of Liberal leaders Malcolm Fraser and John Howard. His contribution to Canberra also deserves recognition. From 1976-77 Staley was Minister for the Capital Territory in the Fraser government. Later he chaired the Council of the National Museum of Australia.

Becoming Minister for the Capital Territory excited Staley because it involved running a whole web of government. He spent a lot of time at his office in Civic, rather than being more remote in Parliament House, often dealing with Canberra's new senators, Susan Ryan and John Knight. Staley treated Canberrans' concerns on their merits, saying:

The business of government is so often about people who have been forgotten, overlooked or trampled on, and has nothing whatsoever to do with party politics but desperately calls out for a voice, for someone to take up these causes.

Staley loved living here but felt 1970s Canberra needed a bit of normalisation and character, instead of giving it the appearance of a plastic city. He wanted a slightly less planned approach where you could come across things by accident and see old places converted for different purposes. He would turn a blind eye if told by the NCDC bureaucrats that he had to close down a restaurant in a housing area.

Staley wanted to beef up Canberra's economic development and get away from a city that was just about construction and the public service. He unsuccessfully pushed for a convention centre, with the drawcard of a casino as a magnet for tourism. Staley frequently dealt with the then Legislative Assembly. While it had no real power he tried as far as possible to accommodate its wishes when making decisions.

It was the 1970s, and the ACT Assembly wanted nude bathing. Staley anticipated some difficulty with outraged colleagues. But, following a "nice discussion" with Malcolm and Tammy one night at the Lodge, he kept his policy intact. "Local ACT issues should be dealt with on the advice of local elected advisers," Staley pronounced when adopting an Assembly committee suggestion for a secluded area on the Murrumbidgee, downstream from Kambah Pool.

Staley believed there should be a significant degree of local self-government in the ACT and that this should not be left to absentee landlords. It irritated him that a range of ministers had power over matters that they saw as a nuisance and did not want to attend to. He wanted to go further than Gordon Bryant, his predecessor in the Whitlam government, and transfer more than municipal functions. He proposed that the Assembly be responsible for housing and welfare, legal and financial management services, education and health, city management, transport and traffic.

While existing Assembly members thought they were ready to take on these new powers, people would scathingly tell Staley, "You couldn't possibly give these responsibilities to these people." He maintained that the more significant the Assembly's power the better the calibre of people who would be prepared to stand.

Staley resisted strong pressure for a referendum on self-government, believing you could not referend yourselves out of democratic rights. Critically, he believed a referendum would not succeed and that this would damage the move to self-government.

Staley attributed Canberrans' resistance to self-government to the feeling that they would get a better deal from government with federal ministers looking after them. He felt they were prepared to trade off democratic rights for a dollar. Under the prevailing system, the public service mandarins could be lobbied, which was anathema to him. He said:

That is the club at work. Is that democracy? That is the club. I do not think that is what we mean when we talk about democracy.

Staley had Fraser's support for self-government and had agreement on the powers to be transferred. Everything was ready to go, when he was interrupted by the 1977 election. Staley's successor, Bob Ellicott, did hold a referendum, and 60 per cent of Canberrans chose to stay under federal rule. Staley was right: self-government would not come for another 10 years. Staley disdained the proportional representation system eventually introduced, which he thought odd and responsible for subsequent difficulties. He believed preferential voting was the more normal way to go.

Staley chaired the Council of the National Museum of Australia from 1999 to 2008. The Hawke government had deferred its funding; nor did Paul Keating have much enthusiasm for the project. The Howard government committed to its construction and Staley saw the museum through to completion. There followed much controversy over its exhibits, the so-called history wars.

Craddock Morton, the museum's director at the time, has paid tribute to Staley in navigating this storm:

From the beginning, Staley recognised the need for balance and ensured that his Council went along with it.

Once again, the ACT, and the country, was fortunate to have Tony Staley's service to democratic ideals and to our national capital. Vale, Tony Staley.

Empower DC—activism Planning Bill 2022

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (5.58): I rise briefly today to talk about an organisation that I worked with when I lived in Washington DC called Empower DC. Empower DC is a grassroots organisation. It was established in 2003 by the current executive director, Parisa Norouzi. Since then, it has been fighting for the rights of low income and particularly black and coloured communities in Washington DC.

As many people would be aware, DC is an incredibly divided city—divided geographically, divided racially and certainly divided in relation to income and

education equality. As a result, many of DC's lowest income residents have been subjected to the gentrification of their communities, environmental racism and the degradation of their communities, in some of the poorest parts of DC.

I worked with Empower DC when I was there to try to stop a polluting bus depot from locating in the heart of Ivy City, one of the poorest black communities in the city but one with a very proud history. The Crummell School there was one of the first black schools in DC. It had not been used as a school for some time but the building itself was heritage listed. The community was fighting to turn that building into a community centre—somewhere that the community could not only come together but also access education and support for children and families in this low income community.

At the time, the DC government was building a bus depot for long-distance buses to lay over there. Empower DC, using grassroots democracy and agitation, was able to prevent that from happening and reverse that decision. At the time I left Washington DC, the DC council had committed \$8 million to redevelop the site, but then they rescinded that decision. After many long years of further fighting, and some progress, in terms of a basketball court and some community facilities onsite, I recently got an email from Empower DC saying that the DC council, in its latest budget, has now committed \$35 million to the redevelopment of Crummell School into a community centre that will meet the community's needs.

It has been a really long fight. I wanted to put on record this incredible story of Empower DC and the Ivy City community standing strong in the face of the corporations that were trying to do other things with their community facility and, ultimately, their success in getting this budget commitment. I wanted to acknowledge that. One of the reasons that I chose to stand for the ACT Legislative Assembly was because I had seen the difference that decisions of local governments could make for communities—particularly communities who have not historically had a voice. Congratulations to Parisa and congratulations to Empower DC.

While I am on the subject of congratulations, Madam Speaker, I want to put on record my congratulations to Minister Gentleman and to EPSDD, all of the officials, all of the staff and all of the members in this place, who have collaborated to bring the Planning Bill together. I did not speak during the debate on the Planning Bill, but I have been watching the process closely. I think it is a step forward. We still have more steps to take in the Territory Plan and the district strategies, and more engagement to do in the community. I know that this has been an issue that has been of concern to many in my community. I have been to community meetings, and I have spoken to people from community councils about their concerns.

I recognise that, with outcomes-based planning, it is not necessarily clear to everyone what it will result in. To put it succinctly, in the way I did, the aim is to make it harder to do bad things and easier to do good things. That is what this bill will start to deliver, and we can continue to work through that with the Territory Plan and the district strategies. I look forward to continuing to work with the community on that.

Question resolved in the affirmative.

The Assembly adjourned at 6.03 pm.

Schedules of amendments

Schedule 1

Planning Bill 2022

Amendments moved by the Minister for Planning and Land Management

1

Clause 2 (1)

Page 2, line 5—

omit clause 2 (1), substitute

(1) The following provisions commence on the day after this Act's notification day:

- section 36 (Planning strategy)
- section 38 (District strategy)
- section 49A (Design guides)
- section 49B (Technical specifications)
- part 20.2 (Transitional—strategic and spatial planning)
- part 20.3 (Transitional—territory plan).

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 3, note 1

Page 3, line 7—

omit

dictionary'

substitute

dictionary.'

3

Clause 7 (1) (b)

Page 5, line 11—

omit

that is consistent with planning strategies and policies

4

Clause 7 (1) (c)

Page 5, line 13—

omit

community

substitute

public

5

Clause 7 (2) (f)

Page 6, line 4—

omit

community

substitute

public

6

Clause 7 (3) (c)

Page 6, line 14—

omit clause 7 (3) (c), substitute

- (c) the knowledge, culture and tradition of, and cultural and spiritual connections held by, the traditional custodians of the land;

7

Clause 7 (3), proposed new notes

Page 6, line 22—

insert

Note 1 The territory planning authority must exercise its functions, if relevant, in accordance with the object of this Act (see s 18 (3) (a)).

Note 2 The object of this Act must be considered in developing planning strategies, plans and policies (see s 10 (1)) and the planning strategy must be consistent with the object of this Act (see s 36 (1)).

The territory plan must give effect to the planning strategy (see s 47 (b)) and the Territory, the Executive, a Minister or a territory authority must not do any act, or approve the doing of an act, that is inconsistent with the territory plan (see s 50).

8

Clause 9 (1), definition of *ecologically sustainable development*, paragraph (a)

Page 8, line 5—

after

protection

insert

and enhancement

9

Clause 9 (1), definition of *ecologically sustainable development*, paragraph (b)

Page 8, line 7—

omit

growth and

10

Clause 9 (2), definition of *achievement of economic growth and prosperity*

Page 8, line 13—

omit

growth and

11

Clause 9 (2), definition of *protection of ecological processes and natural systems*

Page 9, line 4—

after

protection

insert

and enhancement

12

Clause 10 (1)

Page 10, line 4—

omit
of good planning
substitute
(the *principles of good planning*)

14
Clause 10 (2), definition of *high-quality design principles*, proposed new paragraph (a) (iv)
Page 11, line 18—

insert
(iv) provide appropriate solar access;

16
Clause 10 (2), definition of *natural environment conservation principles*, paragraph (a)
Page 13, line 2—

omit paragraph (a), substitute
(a) planning and design should promote healthy and resilient ecosystems by—
(i) avoiding or minimising loss of habitat and other key threatening processes for biodiversity; and
(ii) considering cumulative and incremental environmental impacts;

17
Proposed new clause 10 (3)
Page 13, line 28—

insert
(3) In this section:
key threatening process—see the *Nature Conservation Act 2014*, section 74.

18
Clause 18 (3) (b)
Page 21, line 17—

omit
in section 10

19

Clause 36 (1)

Page 30, line 6—

before

stating

insert

, consistent with the object of this Act,

20

Clause 36 (1) (a)

Page 30, line 7—

omit

, consistent with the object of this Act

21

Clause 37 (1) (c)

Page 31, line 11—

omit

section 36

substitute

section 41

22

Clause 39 (1)

Page 32, line 16—

omit

, as well as related amendments to the territory plan,

23

Clause 39 (1), note

Page 32, line 19—

omit the note, substitute

Note If related amendments to the territory plan are needed, the authority may be required to prepare a supporting report under s 59 (1).

24

Clause 39 (4)

Page 32, line 25—

omit

25

Clause 40 (a)

Page 33, line 13—

omit

community

substitute

public

26

Clause 40 (b)

Page 33, line 15—

omit

principles and policies for development of the district set out in the district

substitute
planning

27

Clause 43 (1) (a)

Page 35, line 5—

omit clause 43 (1) (a), substitute

- (a) must include a detailed plan for the proposal that is consistent with the provisions of the territory plan that apply to the proposal; and

28

Clause 43 (2)

Page 36, line 1—

omit clause 43 (2), substitute

- (2) A regulation may prescribe matters that may be included in a subdivision design application.

29

Clause 43 (3), definition of *mandatory provision*

Page 36, line 27—

omit

30

Clause 47 (a)

Page 39, line 17—

after

promote

insert

the

31

Clause 47 (b), proposed new note

Page 39, line 19—

insert

Note The object of this Act must be considered in developing planning strategies, plans and policies (see s 10 (1)) and the planning strategy must be consistent with the object of this Act (see s 36 (1)).

32

Proposed new clauses 49A and 49B

Page 40, line 24—

insert

49A Design guides

- (1) The Minister may prepare design guidance for development proposals (a *design guide*) to support the territory plan.
- (2) A design guide is a notifiable instrument.
- (3) A design guide must be published on the authority website.

49B Technical specifications

- (1) The chief planner may make technical specifications to support design guides and the territory plan.
- (2) Technical specifications are a notifiable instrument.
- (3) Technical specifications must be published on the authority website.

33

Clause 53, definition of *supporting report*, paragraph (c)

Page 45, line 16—

omit the paragraph, substitute

- (c) a statement about how the proposed amendment would give effect to the planning strategy and—
 - (i) any relevant district strategy; or
 - (ii) for a supporting report prepared for a planning and response report—the proposed district strategy;

34

Clause 69 (1)

Page 57, line 20—

omit

10 working days

substitute

15 working days

35

Clause 69 (2)

Page 57, line 23—

omit

10-day

substitute

15-day

36

Proposed new clause 82 (1) (da)

Page 68, line 23—

insert

- (da) an amendment to add or change a reference to a design guide;

37

Clause 82 (2)

Page 69, line 6—

omit

minor plan amendment

substitute

minor plan amendment

38

Clause 82 (2) (c)

Page 69, line 17—

omit

39

Clause 82 (2) (e)

Page 69, line 21—

omit clause 82 (2) (e), substitute

- (e) an amendment to change a provision in the territory plan that—
 - (i) does not change the substance of the plan; and

- (ii) is consistent with the policy intent of the provision; and
- (iii) is not an amendment mentioned in subsection (1) (a);

40

Clause 87 (1)

Page 73, line 4—

omit
code
insert
policy

41

Clause 88 (2) (a) (iv)

Page 74, line 20—

omit
in section 10

42

Clause 88 (2) (b)

Page 74, line 22—

omit
community
substitute
public

43

Clause 92 (b)

Page 78, line 7—

omit
section 98
substitute
section 98 (1) or (2)

44

Clause 92 (c)

Page 78, line 8—

after
environmental impact statement
insert
(*EIS*)

45

Clause 99 (2), note

Page 82, line 11—

omit
for a prescribed development

46

Clause 100 (2)

Page 83, line 9—

omit
(an *EIS*)

47

Clause 106 (2), definition of relevant Minister, paragraph (a)**Page 88, line 3—***omit*

a statement or inquiry—the statement

substitute

an EIS or inquiry—the EIS

48

Clause 107 (3)**Page 88, line 20—***omit clause 107 (3), substitute*

- (3) A regulation may prescribe consultation requirements for the preparation of a scoping document.

49

Clause 110 (3)**Page 90, line 18—***omit*

50

Clause 116 (1) (b)**Page 94, line 8—***omit*

revised EIS

*substitute***revised EIS**

51

Clause 143 (1)**Page 111, line 4—***omit clause 143 (1), substitute*

- (1) In this Act:

exempt development means—

- (a) development that is exempt from requiring development approval under—
- (i) section 145 (Exempt development—authorised use); or
 - (ii) a regulation; and
- (b) a land management practice undertaken in accordance with Aboriginal tradition and prescribed by regulation.

Note The territory planning authority may tell a proponent of a development proposal whether the development is likely to be exempt if asked by the proponent (see s 162 and s 163). A person may apply for an exemption assessment to work out whether a development is an exempt development (see s 149).

52

Clause 143 (2)**Page 111, line 14—***omit*

paragraph (b),

53

Proposed new clause 143 (3)

Page 111, line 20—

insert

- (3) In this section:

Aboriginal tradition means the customs, rituals, institutions, beliefs or general way of life of the traditional custodians of the land.

54

Clause 163 (1) (c)

Page 129, line 2—

omit

the conservator of flora and fauna or a referral entity

insert

an entity

55

Clause 169 (1) (a) (ii)

Page 135, line 10—

substitute

- (ii) the development proposal in the application was given to the design review panel for consultation under section 98 (When design review panel consultation is required); and

56

Clause 169 (2) (b)

Page 135, line 24—

omit

referred to the design review panel for advice under section 99

substitute

given to the design review panel for consultation under section 98

57

Clause 173 (3)

Page 140, line 1—

omit clause 173 (3), substitute

- (3) A regulation may prescribe a development application that is exempt from the requirements under—
-
- (a) subsection (1) (b) and section 174; or
-
- (b) subsection (1) (a) and (d).
-
- (4) The validity of a development approval is not affected by a failure by the territory planning authority to comply with this section.

Note Additional notification requirements apply to development applications for significant development (see s 176A).

58

Proposed new clause 176 (1) (c)

Page 141, line 19—

insert

- (c) the development application is not for a significant development.

59

Proposed new clause 176A

Page 142, line 14

*insert***176A Further public notification—significant development**

- (1) This section applies to a development application for a significant development that has been publicly notified for the first time.
- (2) After the public notification period for the development application ends, the applicant must give a statement to the territory planning authority that includes details of the following:
 - (a) entity advice given, and representations made, in relation to the application;
 - (b) how the applicant has addressed the entity advice and representations;
 - (c) any changes to the application.
- (3) If the territory planning authority is not satisfied that the applicant has met the requirements of subsection (2), the authority may, by written notice, ask the applicant for more information.

Note A request under this subsection may affect the time to decide an application (see s 189).

- (4) The development application is taken to have been withdrawn by the applicant if the applicant does not give the territory planning authority the information within 18 months after the day it asked for the information.
- (5) As soon as practicable after receiving the statement, the territory planning authority must—
 - (a) publish the statement and the development application on the authority website; and
 - (b) publicly notify the development application (whether or not the development application has changed).
- (6) The territory planning authority may make a guideline about the information that must be included in a statement under subsection (2).
- (7) A guideline is a notifiable instrument.

60

Clause 182 (6), definition of *tree management plan*

Page 148, line 14—

*omit the definition, substitute****regulated tree***—see the *Tree Protection Act 2005*, section 10 (1).

61

Proposed new clause 183 (aa)

Page 148, line 19—

insert

- (aa) any applicable design guidance in a design guide;

62

Clause 186 (7), proposed new definition of *registered tree*

Page 155, line 4—

*insert****registered tree***—see the *Tree Protection Act 2005*, section 9.

63**Proposed new clause 189 (1A)****Page 157, line 13—***insert*

- (1A) However, if the decision-maker has referred the proposed decision to the Commonwealth Minister under section 188, the time for deciding the development application is increased by 10 working days.

64**Clause 189 (2)****Page 157, line 15—***after*

section 165

insert

or section 176A

65**Table 189, item 3****Page 158—***omit item 3, substitute*

3	development application for significant development	60	the latest of the following days: (a) the day the application is submitted (b) if the application is amended under s 166—the day the application is amended by the authority
---	---	----	--

66**Clause 204 (1) (a)****Page 170, line 11—***substitute*

- (a) a development application was referred to an entity under section 168 (When authority must refer development application) or section 188 (Referral of matter protected by the Commonwealth); and

67**Clause 204 (2)****Page 170, line 18—***after*

section 168

insert

or section 188

68**Clause 215 (1) and (2)****Page 184, line 7—***omit clause 215 (1) and (2), substitute*

- (1) The Chief Minister and Minister may jointly declare that a development proposal is a territory priority project (a ***territory priority project declaration***) if the Chief Minister and Minister are satisfied that the proposal—
- (a) would achieve a major government policy outcome that is of significant benefit to the people of the ACT; and

- (b) would substantially facilitate the achievement of the desired future planning outcomes set out in the planning strategy, a relevant district strategy, the territory plan or any relevant zone; and
- (c) is for significant infrastructure, or significant facilities, that are of significant benefit to the people of the ACT; and
Note Significant infrastructure or facilities includes community, social and public housing projects of any scale.
- (d) has been the subject of sufficient consultation under subsection (4).

69

Clause 215 (5) and (6)

Page 185, line 16—

omit

70

Proposed new clause 215A

Page 185, line 26—

*insert***215A Presentation of declaration to Legislative Assembly**

- (1) As soon as practicable after making a territory priority project declaration, the Minister must present to the Legislative Assembly—
 - (a) the declaration; and
 - (b) a statement of the reasons for making the declaration.
- (2) The Legislative Assembly may, by resolution, approve or refuse to approve the declaration.
- (3) If the Legislative Assembly does not pass a resolution mentioned in subsection (2) within 2 sitting days after the declaration and statement is presented, the Assembly is taken to have approved the declaration.
- (4) A territory priority project declaration commences only after the declaration is—
 - (a) approved by the Legislative Assembly under subsection (2); and
 - (b) notified.

71

Clause 217 (2), proposed new note

Page 187, line 9—

insert

Note The Minister may consider relevant matters under the *Nature Conservation Act 2014* or any other ACT law when making a declaration.

72

Clause 259 (2)

Page 211, line 8—

omit

(2)

substitute

(3)

73

Clause 267

Page 215, line 21—

omit clause 267, substitute

267 Report before granting leases

- (1) The territory planning authority may prepare a report in relation to a proposal to grant a lease.
- (2) A regulation may prescribe what must be included in the report.
- (3) The territory planning authority must prepare a report in relation to a proposal to grant a lease if directed in writing to do so by the Minister.

74

Clause 275 (1) (c) (ii)

Page 221, line 3—

omit clause 275 (1) (c) (ii), substitute

- (ii) a single dwelling house lease, unless the lease provides that the lessee cannot deal with the land, or part of the land, described in the lease without the prior written approval of the territory planning authority; or

75

Clause 291 (3)

Page 237, line 5—

omit clause 291 (3), substitute

- (3) In this section:
section, in relation to land—see the *Districts Act 2002*, dictionary.

76

Clause 305 (3) (c)

Page 248, line 2—

omit

community

substitute

public

77

Clause 362 (2) (a)

Page 287, line 18—

omit

ACT community

substitute

public

78

Clause 362 (2) (b)

Page 287, line 20—

omit

ACT community

substitute

public,

79

Clause 416 (2)

Page 323, line 9—

omit

80**Clause 419, definition of *show cause notice***

Page 325, line 6—

*omit***81****Clauses 420 and 421**

Page 325, line 7—

*omit clauses 420 and 421, substitute***420 Controlled activity orders**

- (1) The territory planning authority may, on its own initiative or on application by a person, make an order directed to 1 or more of the following (a ***controlled activity order***):
 - (a) the lessee or occupier of premises where a controlled activity was, is being, or will be, undertaken;
 - (b) anyone by whom or on whose behalf a controlled activity was, is being, or will be, undertaken.
- (2) An application for a controlled activity order must be in writing and state the following:
 - (a) the applicant's name and contact address;
 - (b) a description of the matter about which the order is sought;
 - (c) whether the applicant has complained to the territory planning authority under part 12.2 about the matter;
 - (d) the kind of order sought by the applicant;
 - (e) each person to whom the order sought is to be directed;
 - (f) the premises in relation to which the order is sought;
 - (g) the grounds on which the order is sought.

421 Show cause notices

- (1) This section applies if the territory planning authority intends to make a controlled activity order on its own initiative, or receives an application to make an order, under section 420 (1).
- (2) The territory planning authority must give written notice of its intention or the application (a ***show cause notice***) to—
 - (a) each person to whom the authority intends to direct the order, or to whom the order is sought to be directed; and
 - (b) if not included in paragraph (a)—the lessee or occupier of the premises in relation to which the order is to apply.
- (3) A show cause notice must—
 - (a) state that a recipient of the notice may, not later than 10 working days after the day the territory planning authority gives the notice, give the authority written reasons explaining why the order should not be made; and
 - (b) for an order the authority intends to make by its own initiative—
 - (i) describe the controlled activity to which the notice relates; and
 - (ii) name each person to whom the authority intends to direct the order; and
 - (iii) if the controlled activity is the subject of a complaint made under part 12.2—attach a copy of the complaint; and

- (c) for an order sought on application—be accompanied by a copy of the application.
- (4) A show cause notice may include any other information that the territory planning authority considers appropriate.
- (5) The territory planning authority may, on application by a recipient of a show cause notice, extend the time mentioned in subsection (3) (a) if satisfied that it would be appropriate taking into account the reasons given in the application.

82**Proposed new clause 422 (4)**

Page 326, line 22—

insert

- (4) For a controlled activity order sought on application, the territory planning authority is taken to have decided not to make the order if the authority fails to decide the application before the end of the period prescribed by regulation.

83**Clause 423**

Page 326, line 23—

omit clause 423, substitute

- **423 Decision on proposed controlled activity order**

- (1) In deciding whether to make a controlled activity order, the territory planning authority must consider any reasons given in response to the show cause notice for the order.
- (2) The territory planning authority may direct a controlled activity order to 1 or more of the following:
 - (a) the person to whom the authority intends to direct the order, or to whom the order is sought to be directed, according to the show cause notice;
 - (b) if not included in paragraph (a) and the authority considers it would be more appropriate—the lessee or occupier of the premises in relation to which the order applies.
- (3) If the controlled activity order is directed to the lessee or occupier under subsection (3) (b), the territory planning authority—
 - (a) must give a new show cause notice to that person; and
 - (b) may consider any reasons given in response to the earlier show cause notice when deciding whether to make an order directed to that person.
- (4) For a controlled activity order sought on application, the territory planning authority may decide—
 - (a) to make the order; or
 - (b) to make a different order that is not more burdensome than the order sought; or
 - (c) not to make an order.

Example—par (b)

Steve applies for an order for the demolition of an unapproved structure. Instead, the authority makes an order that the structure is to be demolished if a development approval for the structure is not obtained within a stated period.

84**Proposed new clause 426 (1) (ba)**

Page 330, line 7—

insert

(ba) if the order is made on application under section 420 —the applicant;

85

Clause 427 (2)

Page 331, line 3—

before

to which

insert

in relation

86

Clause 427 (3)

Page 331, line 8—

before

to which

insert

in relation

87

Clause 512 (1)

Page 397, line 3—

omit

of land

88

Clause 512 (3), definition of development requirement

Page 397, line 21—

omit the definition, substitute

development requirement, in relation to a block, means—

- (a) a condition in a lease for the block; or
- (b) a requirement of a development approval or a corresponding approval under a repealed territory law.

89

Proposed new clause 519 (1A)

Page 402, line 2—

insert

- (1A) A regulation may make provision in relation to the following:
 - (a) contents of a supporting report;
 - (b) environmental impact statements prepared under part 6.3;
 - (c) if this Act does not prescribe when a development approval takes effect—when the development approval takes effect;
 - (d) inquiry panels;
 - (e) procedures for carrying out the territory planning authority's functions under chapter 12 (Development offences and controlled activities) and chapter 13 (Enforcement).

Examples—what may be prescribed for par (d)

- 1 selection process for experts to be inquiry panel members
- 2 establishment of a list of experts for inquiry panels
- 3 appointment of chair for an inquiry panel
- 4 procedures for dealing with absences or departures from inquiry panels
- 5 procedures for running inquiry panels, including the quorum, holding of hearings, conflict of interest and decision making

90

Proposed new clause 520

Page 402, line 13—

insert

- **520 Review of Act**

- (1) The Minister must, as soon as practicable 3 years after the day this section commences—
 - (a) review the operation and effectiveness of this Act; and
 - (b) present a report of the review to the Legislative Assembly.
- (2) This section expires 6 years after the day it commences.

91

Clause 602

Page 404, line 6—

omit clause 602, substitute

- **602 Expiry—ch 20**

This chapter (other than the following provisions and unless otherwise stated for a particular provision) expires 3 years after the commencement day:

- (a) chapter 20 heading, except note;
- (b) section 600 (Definitions—ch 20);
- (c) section 618 (1), (3) and (4) (Existing rights to use land etc not affected);
- (d) section 619 (Status of leases or licences in force before commencement day);
- (e) section 620 (Continued application of certain repealed Acts and provisions).

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

92

Clause 604

Page 405, line 11—

omit

commencement day

substitute

day section 38 commences

93

Clause 611

Page 410, line 7—

omit clause 611, substitute

- **611 Preparation of draft territory plan before commencement**

- (1) This section applies to—
- (a) a draft territory plan prepared before the commencement of this part; and
 - (b) consultation undertaken before the commencement of this part in relation to the draft.
- (2) If the draft was prepared in accordance with the requirements mentioned in section 605 (2) and (3)—
- (a) the draft is taken to be a draft territory plan prepared under section 605; and
 - (b) the consultation is taken to be consultation undertaken under section 605.

Note This provision enables the preparation of a draft territory plan before the commencement of this part.

94**Schedule 1****Page 442, line 1—***omit***95****Schedule 2, part 2.2, item 1****Page 446—***omit the item, substitute*

1	application for a development proposal in relation to which design advice is given	the design advice and the proponent's response to the design advice
1A	application for a development proposal in relation to which a design guide applies	the proponent's response to the design guide

96**Schedule 6, part 6.2, items 36 to 40****Page 469—***omit items 36 to 40, substitute*

36	decision under s 420 (1) to make a controlled activity order	person to whom order directed lessee of premises to which order relates occupier of premises to which order relates
37	decision under s 421 (5) to refuse to extend the time allowed to respond to show cause notice	applicant for extension
37A	decision under s 423 (4) to make a controlled activity order other than the order applied for	applicant for controlled activity order
37B	decision under s 423 (4) not to make an order	applicant for controlled activity order
38	decision under s 430 (4) to refuse to revoke a controlled activity order	applicant for revocation lessee of premises to which order relates occupier of premises to which order relates
39	decision under s 448 (3) to give a prohibition notice	person to whom notice directed lessee of premises to which notice relates occupier of premises to which notice relates
40	decision under s 451 (3) to refuse to revoke a prohibition notice	applicant for revocation lessee of premises to which notice relates occupier of premises to which notice relates

97

Proposed new schedule 8

Page 481—

*after the division 7.3.7 map, insert***Schedule 8 Preserved leases***(see dict, def preserved lease)*

- **8.1 Meaning of *preserved lease***

(1) In this Act:

preserved lease means a lease—

- (a) granted or continued, or purported to have been granted or continued, under the *City Area Leases Act 1936* (repealed); and
- (b) to which the *Planning and Development Act 2007* (repealed), section 456 (Transitional—status of leases and licences), as in force on 25 February 2010, applied; and
- (c) in which provision is made for a preserved lease use of the land, or of a building or other structure on the land.

(2) In this section:

preserved lease use, in relation to land described in a preserved lease—

- (a) means the use of the land for the purpose of any of the following:
 - (i) ‘an industry’ or ‘industries’;
 - (ii) ‘light industrial and commercial businesses’;
 - (iii) conducting ‘industries’ in buildings on the land; and
- (b) includes the use of the land, or of a building or other structure on the land, for the retail sale of any of the following:
 - (i) goods (other than food stuffs, non alcoholic beverages or new clothing) that have been manufactured or processed on the land or in the building or other structure;
 - (ii) building materials, building equipment, building supplies or general hardware;
 - (iii) other goods ordinarily sold by sellers of goods mentioned in subparagraph (ii);
 - (iv) agricultural, garden or farm equipment or supplies;
 - (v) petrol, oil or other petroleum products;
 - (vi) motor vehicles, trailers, caravans, boats or machinery;
 - (vii) parts or accessories for goods mentioned in subparagraph (vi);
 - (viii) if the floor area of the building, or the part of the building where the goods are sold or displayed for sale, does not exceed 46.5m²—
 - (A) food stuffs or non alcoholic beverages of a kind commonly known as confectionery or refreshments; and
 - (B) any other kind of food stuffs or non alcoholic beverages that have been manufactured or processed on the land or in the building; and

- (C) goods (other than food stuffs, non alcoholic beverages, new clothing or goods mentioned in paragraph (b) (i) to (vii)) that have been stored in bulk in the building pending their sale and distribution to people engaged in retail trade elsewhere than on that land; but
- c) unless otherwise authorised by the lease (whether expressly or by implication), does not include the use of the land, or of a building or other structure on the land—
 - (i) for the retail sale of any other goods; or
 - (ii) as a boarding house, guest house, hostel, hotel or motel; or
 - (iii) as residential accommodation.

98**Dictionary, proposed new definition of block**

Page 484, line 13—

*insert**block*—see the *Districts Act 2002*, dictionary.**99****Dictionary, definition of controlled activity order**

Page 487, line 2—

omit

section 420

substitute

section 420 (1)

100**Dictionary, proposed new definition of design guide**

Page 488, line 3—

*insert**design guide*—see section 49A (1).**101****Dictionary, definition of EIS**

Page 489, line 5—

omit

section 100 (2)

substitute

section 92 (c)

102**Dictionary, proposed new definition of housing affordability principles**

Page 491, line 7—

*insert**housing affordability principles*—see section 10 (2).**103****Dictionary, definition of preserved lease**

Page 494, line 18—

*omit the definition, substitute**preserved lease*—see schedule 8, section 8.1 (1).

104

Dictionary, definition of preserved lease use
Page 494, line 20—

omit

105

Dictionary, proposed new definition of principles of good planning
Page 494, line 23—

insert

principles of good planning—see section 10 (1).

106

Dictionary, definition of registered tree
Page 496, line 15—

omit

107

Dictionary, proposed new definition of revised EIS
Page 497, line 7—

insert

revised EIS—see section 116 (1) (b).

108

Dictionary, definition of show cause notice
Page 497, line 12

omit the definition, substitute

show cause notice—see section 421 (2).

109

Dictionary, proposed new definition of tree management plan
Page 498, line 17—

insert

tree management plan—see the *Tree Protection Act 2005*, dictionary.

Schedule 2

Planning Bill 2022

Amendments moved by Ms Clay

1

Clause 7 (1)
Page 5, line 6—

after

prosperity,

insert

protect its natural environment,

2

Clause 7 (3)
Page 6, line 7—

omit

must be considered in

substitute

are integral to

3

Clause 7 (3) (a)

Page 6, line 9—

omit clause 7 (3) (a), substitute

- (a) the ACT's biodiversity values and its landscape setting, including—
 - (i) the protection and conservation of biodiversity, habitat, ecological processes and natural systems; and
 - (ii) the integration of natural, built, cultural and heritage elements;

4

Clause 7 (3) (e)

Page 6, line 19—

omit clause 7 (3) (e), substitute

- (e) a sustainable and climate-resilient environment that is planned, designed and developed to adapt to climate change, reduce greenhouse gas emissions and achieve a net-zero greenhouse gas future using integrated mitigation and adaptation best practices and considers food and water security.

5

Proposed new clause 10 (1) (ca)

Page 10, line 8—

insert

- (ca) housing affordability principles;

6

Clause 10 (2), proposed new definition of *housing affordability principles*

Page 11, line 29—

insert

housing affordability principles means the following:

- (a) planning strategies, plans and policies should support the delivery of reforms that improve housing access, affordability and choice;
- (b) planning strategies, plans and policies should support more housing options for people who have a low income;
- (c) planning strategies, plans and policies should ensure affordable housing is close to essential services, amenities and affordable transport options, including public and active transport.

7

Clause 10 (2), definition of *natural environment conservation principles*, proposed new paragraph (aa)

Page 13, line 4—

insert

- (aa) planning outcomes should support the operation of environmental laws applying in the ACT;

8

Clause 11 (2) (c)

Page 14, line 17—

omit clause 11 (2) (c), substitute

- (c) consultation is *inclusive* if it is undertaken in a way that—
 - (i) engages all stakeholders directly affected by the subject of the consultation; and
 - (ii) aims to engage all other stakeholders affected by the subject of the consultation; and

9

Clause 11 (2) (d) (i)

Page 14, line 21—

after

adequate

insert

and well-informed

10

Clause 11 (2) (g) (i)

Page 15, line 4—

omit

at an appropriate time

substitute

early and at other appropriate times

11

Proposed new clause 11 (2) (g) (iv)

Page 15, line 13—

insert

- (iv) for a development application for a significant development—it is undertaken as early as possible; and

12

Clause 47 (c)

Page 39, line 20—

before

may

insert

must take into account and

13

Clause 112 (a) (iii)

Page 92, line 9—

omit

20 working days

substitute

30 working days

14

Clause 117 (2), note

Page 95, line 6—

omit

20 working days

substitute

30 working days

15

Proposed new clause 187 (2A)

Page 156, line 13—

insert

- (2A) A decision-maker must state in their decision the reasons why they were satisfied of the matters mentioned in subsection (1) (d) or (2) (c).

16

Clause 215 (1)

Page 184, line 7—

omit clause 215 (1), substitute

- (1) The Chief Minister and Minister may jointly declare that a development proposal is a territory priority project (a ***territory priority project declaration***) if the Chief Minister and Minister are satisfied that—
- (a) the proposal would achieve a major government policy outcome that is of significant benefit to the people of the ACT; and
 - (b) the proposal would substantially facilitate the achievement of the desired future planning outcomes set out in the planning strategy, a relevant district strategy, the territory plan or any relevant zone; and
 - (c) the proposal is for significant infrastructure or facilities, that are of significant benefit to the people of the ACT; and
 - (d) there has been sufficient consultation about the proposal.

18

Clause 217 (1), definition of protected matter, proposed new paragraph

(aa) Page 187, line 6—

insert

- (aa) a native species or ecological community protected under the *Nature Conservation Act 2014*; or

19

Schedule 7, part 7.2, item 8

Page 474—

omit