



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**8 June 2023**

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## Thursday, 8 June 2023

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**Thursday, 8 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.

## **Petitions**

### **Ministerial responses**

The following responses to petitions have been lodged:

#### **Municipal services—Casey—petition 3-23**

By **Mr Steel**, Minister for Transport and City Services, dated 5 June 2023, in response to a petition lodged by Ms Orr on 21 March 2023, concerning traffic congestion in Casey and surrounding areas.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter regarding petition 3-23, lodged by Ms Suzanne Orr MLA, regarding various matters in Casey and surrounding areas. I have addressed the petitioners concerns in the order they were raised.

The ACT Government is delivering on its 2020 election commitment to develop traffic models for the Gungahlin region. These models will assist with assessment of land use policy and inform evidence-based infrastructure planning and prioritisation of road network upgrades within the Gungahlin region – with accurate outputs such as forecast traffic volumes, travel times, queue lengths, and congestion delays.

The ACT Government is developing a Multimodal Network Plan (MNP) which will confirm the modal priorities and vision for key corridors and transport areas, including Gungahlin Town Centre and its surrounding corridors, including to the Casey Group Centre.

The ACT Government takes a considered approach to investing in transport infrastructure, including our road network, to ensure investment is consistent

with the strategic priorities outlined in the ACT Planning Strategy, the ACT Climate Change Strategy and the ACT Transport Strategy.

Regarding car park access, TCCS will raise issues with access arrangements to the privately-owned open air carpark on Kingsland Parade with the shopping centre management which owns and operates the car park.

The ACT Government has provided an extensive network of paths around Casey Shops for all types of users. The link between the Retirement Village and Casey Shops is well developed through a network of main and local community routes. Canberra's community footpaths have been delivered over many years to the design standards of the era in which they were built. Work is underway to better connect existing path networks and create new connections. This is a significant undertaking and TCCS approaches this task strategically by assessing and prioritising requests. TCCS will investigate opportunities to improve the path network in Casey, including maintaining and augmenting existing paths, and creating new path connections.

Transport Canberra runs a network of 458 buses, providing 4029 weekday daily services and covering 97,000km per day, throughout our beautiful but widely dispersed city. The network is designed to provide the best coverage possible for Canberrans, balancing the need to provide a comprehensive network with value for money. The network is regularly reviewed to ensure we are providing a quality service for Canberrans as new suburbs are created, and demographic needs change.

Casey residents are currently serviced by local bus routes 25, 26, 27 and 28 which all operate at a minimum of 30 minutes service frequency during the day from 7am - 7pm. These local bus routes provide a direct service into Gungahlin where passengers can transfer onto light rail into the city or onto rapid route 8 into Belconnen. Transport Canberra remains committed to working towards increasing weekend local bus services to an hourly frequency, starting with Saturday services in the future.

Currently, light rail network planning is focussed on the options for Stage 2 City to Woden, before it moves onto planning Stage 3 from Belconnen to the City and investigating extension options to Russell and the Airport. Investigations for other light rail extensions are undertaken as part of the planning processes Transport Canberra conducts for future stages of the network. Light Rail connections are nominally informed by high utilisation of Rapid bus routes, which are supported by bus network patronage data analysis.

The ACT Government offers an online service, Fix My Street, which is a tool that lets ACT residents report issues and track the progress of a request. Residents may submit feedback anonymously or create an account to track the progress of their service requests. Residents can submit feedback and service requests relating to a variety of issues ranging from overgrown grass to nuisance animals.

In relation to the community consultation process for planning and decisions regarding the remaining parcels of land in Casey, the ACT Government has committed to preparing an Estate Development Plan (EDP) for the 2.5 hectares of undeveloped land adjacent to the Casey Group Centre between Kingsland Parade and Horse Park Drive (Blocks 12 and 13 Section 132 in Casey). The EDP will explore the development of a number of community facilities for ACT Health, Sport and Recreation and Emergency Services, and mixed use development (residential and commercial).

At a broad level, the need for community facilities was identified through the preparation of the Gungahlin Community and Recreation Needs Assessment released in March 2022. The Environment, Planning and Sustainable Development Directorate's (EPSDD) role is now to facilitate conversations between the community and relevant government agencies to ensure the land is effectively utilised to deliver the facilities that are appropriate for the Casey Group Centre.

The first meeting of community and ACT Government directorates was convened by EPSDD on 9 March 2023. The meeting discussed the scope of the EDP for Blocks 12 and 13 Section 132 Casey and the process for involving the community in exploring options and developing the EDP.

A consultancy tender to prepare the EDP closed on 13 April 2023 and a consultancy contract is expected to be in place in May 2023. The second community meeting that will see the exchange of information between the community and the consultant is expected to be scheduled for late June or early July 2023. Further meetings will then occur over the following six months leading to a draft EDP being produced by early 2024. The EDP process will then culminate with the lodgement of a formal Development Application which will be publicly notified. This will provide the community with a formal process to make comments which will be considered prior to finalising and approving the EDP during 2024.

I trust this information is of assistance.

### **Schools—Monash Primary School Oval—petition 27-22**

By **Ms Berry**, Minister for Education and Youth Affairs, dated 7 June 2023, in response to a petition lodged by Mr Parton on 21 March 2023, concerning the replacement of Monash Primary School oval.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter about petition number E-PET 22-027 regarding replacement of the Monash Primary School oval.

The ACT Government is committed to ensuring that ACT public schools are great places for students to learn and staff to work.

The Education Directorate undertook a collaborative process with schools in late 2022 to identify infrastructure upgrade priorities for the 2023-24 Public School Infrastructure Renewal Program. Monash Primary School identified the upgrade of the oval as their first priority.

The review and prioritisation of the program has now been finalised and \$350,000 has been allocated for the upgrade of the oval with a focus on improving the drainage. The initial planning for this project will commence during term 2, 2023 and the Directorate will provide specific communications to the school community as the scope and program are developed.

Your correspondence on this matter is appreciated.

**Transport—ANU bus services—petition 2-23**

By **Mr Steel**, Minister for Transport and City Services, dated 7 June 2023, in response to a petition lodged by Ms Clay on 21 March 2023, concerning the restoration of a bus route through the ANU campus.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter regarding petition E-PET-002-23, lodged by Ms Jo Clay MLA, regarding restoring a bus route through the Australian National University (ANU) campus.

Transport Canberra runs a network of 458 buses, providing 4029 weekday daily services and covering 97,000km per day, throughout our beautiful but widely dispersed city. The network is designed to provide the best coverage possible for Canberrans, balancing the need to provide a comprehensive network with value for money. The network is regularly reviewed to ensure we are providing a quality service for Canberrans as new suburbs are created, and demographic needs change.

Transport Canberra has not operated a bus route that travels from Daley Road to Civic since the introduction of the new bus network in April 2019. The former route was a variation to the route 3 on weekdays and 934 on weekends. Unfortunately, these routes were very poorly patronised.

Transport Canberra currently provides bus service every few minutes to major stops at ANU on Barry Drive and Marcus Clarke St, including three rapid route services (R2, R3 and R4) and local route services (30, 50, 51). Local route 53 also provides access to the southern side of ANU via the Liversidge St bus stop. In the longer term, the delivery of Light Rail Stage 2A will see the construction of the new Edinburgh Avenue stop which will improve access to the southern end of ANU Campus.

The ACT Government acknowledges that while Daley Road North has access to frequent rapid services that public transport options to southern end of Daley Road are further away for those with mobility issues.

The ACT Government is aware that ANU has previously provided free shuttle bus services around the ANU campus. This included a 'Campus Traveller' which provided daytime shuttle bus services from Hancock Library to the National Library, and peak-hour services to Lindsay Prior car park, as well as a 'Night Bus' service which was operated by ANU security every night except Sundays. It is our understanding that ANU has discontinued these services. The ACT Government will engage with ANU on options to reinstate these shuttle services.

Analysis has shown that to reinstate bus routes from Daley Road to Civic, it would require 3-kilometre diversions to existing routes and approximately 12-14 minutes in additional run time per trip. The current bus network uses Transport Canberra's full bus fleet and all available staff. The Daley Road to Civic bus route cannot be reinstated at this time without reducing or removing

services in other areas of the bus network. Given the considerable disruption from construction in and around the city (including at the ANU campus), and historically low patronage, Transport Canberra does not support the request to reinstate bus routes from Daley Road to Civic.

The Government's focus is on the reliability of the network during the disruption period. We will be conducting a review of the current timetable in the middle of the year, once traffic impacts are realised and tested across our network.

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 responses so lodged be noted.

Question resolved in the affirmative.

### **Environment—World Environment Day Ministerial statement**

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.02): It is my great pleasure to bring to the Assembly's attention the celebration of World Environment Day and how the ACT community must continue to work even harder to protect the ACT's wonderful and diverse environment.

The United Nations international day occurs every year on 5 June and celebrates environmental action and the power of governments, businesses and individuals to create a more sustainable world.

This year, 2023, marks the 50th anniversary since this important day was established in the UN General Assembly in 1972. The theme that year was "Only one Earth", and that theme is just as important today. Our excessive use of natural resources, land clearing and continued destruction of precious ecosystems have led to a global climate and ecological emergency.

This year's theme for World Environment Day is "Solutions to plastic pollution". Worldwide, more than 400 million tonnes of plastic are produced every year, and less than 10 per cent is recycled. Plastic waste entering aquatic ecosystems is expected to nearly triple from around 11 million tonnes in 2016 to around 20 million tonnes in 2040.

The ACT is fortunate to have a relatively pristine water supply due to the hydrological functions of our high-country bogs and fens ecological community and protected water catchments. However, the ACT government recognises that it must play a role in facilitating and promoting solutions to stop plastic waste from polluting our land and water and has passed laws to reduce single-use plastics.



The ACT government is delivering on-ground solutions to improve the quality of stormwater entering Canberra's creeks, lakes and rivers, through the Healthy Waterways program. Key water-sensitive urban design methods that apply include the use of subsurface and floating wetlands, bioretention swales, the naturalisation of drains and raingardens with bioswales. I acknowledge the Minister for Water, Energy and Emissions Reduction for leading this work.

The ACT government has already banned the supply of a large range of single-use plastics, including plastic straws, plastic cutlery, expanded polystyrene takeaway containers and lightweight plastic bags.

This year the ACT government will ban further single-use plastics, including microbeads, expanded polystyrene products and packaging, and plastic plates and bowls. The ACT also banned, as of 1 January 2023, the supply of heavyweight and boutique plastic bags across the territory.

Banning single-use plastic supports the key initiatives under the ACT Circular Economy Strategy, released last year. This strategy sets the vision, strategic objectives and focus areas to take the first steps in transitioning Canberra into a circular city. These focus areas include food and organics, built environment, consumer goods, emerging and problematic waste streams and creating space to showcase our commitment to the circular economy.

To support a circular economy, the government is supporting the use of recycled material in urban infrastructure. For example, the ACT government has installed over 5,000 recycled plastic bollards across Canberra's urban open spaces, such as sportsgrounds and parks. Without demand for products made from recycled material, they end up in landfill. Recognising this, the government has identified the built environment as a key focus for developing the ACT's circular economy.

We are already moving away from the idea of a throwaway society to one of repair, reuse and recycle. Our phase-out of single-use plastics, which I mentioned earlier, has been embraced by business and the community. Initiatives such as the ACT Container Deposit Scheme and Bulky Waste Collection are also supporting improved resource recovery.

The government will also build a brand new modern materials recovery facility at Hume, to ensure that the ACT has state-of-the-art recycling infrastructure as our region grows. New technology at the plant will deliver the capacity to sort, separate and process materials for the whole of the Canberra region, creating higher-quality resources with higher-value uses, including remanufacturing.

Momentum towards a circular economy is growing locally, nationally and globally, and the ACT government will continue to work with business, industry, academia and the broader community on this important issue.

In addition to the threats of single-use plastics, the ACT, like Australia and the world in general, is facing an acute conservation crisis, with a large and rapidly expanding list of species and ecosystems under threat of extinction and the extent and quality of natural ecosystems in decline. Ensuring that ACT government policies and projects

maintain or increase ecological and community resilience to adapt to climate change and maintain the ecosystem services that support all life in the ACT is essential.

In the ACT, our grasslands, woodlands and hollow-bearing trees provide critical habitat for many threatened species, including the Canberra grassland earless dragon, the Key's matchstick grasshopper, the superb parrot, the little eagle and the iconic gang-gang cockatoo. Sadly, many of these species face the increased risk of extinction. The government, business and community must do more to protect, conserve and enhance the environment.

The loss of critical habitats, in recent years, is recognised in the listing of the 'loss of mature native trees (including hollow bearing trees) and lack of recruitment' and 'unnatural fragmentation of habitats' as key threatening processes under the Nature Conservation Act 2014.

To address ongoing critical habitat fragmentation and biodiversity loss, the ACT government has recently developed an innovative initiative called Connecting Nature, Connecting People. Through projects, the initiative delivers on a range of government commitments, including the restoration and protection of 20 urban sites that will enhance habitat protection and community amenity, and an expanded and improved Canberra Nature Map platform to better support citizen science initiatives to improve our shared knowledge of biodiversity and landscapes.

The government is currently seeking nominations from the community for up to 18 areas beyond the trial areas that are already underway in Hughes and Belconnen. Nominations will be prioritised on their potential to improve fragmented wildlife habitat and the unique and the diverse native environment that will be enhanced. I really encourage you to promote this in your local electorates and encourage the community to get involved in this exciting project.

The loss of critical habitat over time has also negatively impacted on many individual species. To conserve threatened species, the ACT government currently runs over 20 threatened species programs. These programs are delivered in partnership with universities, zoos, botanic gardens, state and federal government agencies and community conservation organisations.

Examples of key activities to conserve threatened species include establishing a captive breeding colony of Canberra grassland earless dragons and a breeding group of southern brush-tailed rock-wallabies as an insurance population to guard against extinction; restoring five hectares of pink-tailed worm lizard habitat across the Molonglo Valley; and partnering with the University of Canberra to establish a captive breeding colony of the endangered smoky mouse.

Almost 60 per cent of the territory is formally protected in national parks and nature reserves. Through the suite of policies and programs that protect and enhance our natural environment, the ACT government is continuing to engage at a local level to meet the global challenges we all face as a community.

Importantly, this includes a growing and positive role for community volunteers through the ParkCare program that now involves hundreds of people who,

in 2021-22, collectively volunteered over 21,000 hours of their time to improve our natural environment.

This volunteer effort also extends to our urban open spaces, parks and reserves. The Urban Parks and Places volunteering program supports over 70 groups, whose tireless efforts help to support our local neighbourhood parks and reserves, improving biodiversity and assisting to conserve native plants and animals. If you have not volunteered before, I strongly encourage you all to give it a go and contact one of your local environmental groups. It is a great way to enjoy the outdoors, meet new people and support practical on-ground action to maintain our essential ecosystems.

The ACT government continues to support community environmental stewardship through the ACT Environmental Grants Program. Established in 1996, this program supports the actions of community who play an important role in helping to conserve, promote and protect environmental values. I encourage you to look at the innovative projects being delivered by this year's grant recipients.

Over the past five years, in partnership with the Australian government's National Landcare Program, the ACT government has also worked to invest strategically in the natural resources of the ACT. This valuable partnership helps support endangered ecosystems and threatened species, providing resources to aid in their restoration.

Their work has included trialling successful new methods of controlling invertebrate pests in our parks and reserves; improving the connectivity of endangered box-gum woodlands across the ACT; and building the capacity of our landholders to improve biodiversity on their leased properties.

The ACT government is also proud to work with the Ngunnawal people and other First Nations groups to care for this country. We continue to benefit from their knowledge, experience, wisdom and culture in the never-ending battle to protect our environment.

In closing, I urge all members of the Assembly and the broader ACT community to reflect on what World Environment Day means for them. Think about the role that you can play in taking individual steps and supporting collective actions to ensure that our current and future generations continue to have clean air to breathe, fresh water to drink, biodiversity to enjoy and diverse ecosystems to live in and explore.

I present:

World Environment Day 2023—Ministerial statement, 8 June 2023.

I move:

That the Assembly take note of the paper.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.16): I rise today to join Minister Vassarotti and all members of the Canberra community in celebration of World Environment Day.

Noting the theme of this year's World Environment Day, "Solutions to plastic pollution", I want to particularly thank our disability community for sharing their experiences and ideas in consultations with the ACT government over the past two years, relating to the ongoing work to reduce single-use plastics.

I recognise that, while we have legislated bans on some of these products, the market has been moving towards a reduction in the use of these products for some years now. It is important that, when our community changes the kind of products that are readily available, we are mindful of the ways in which some of those products may be needed as accessibility tools for people with disability.

For this reason, the time line for the phasing out of some products has varied from original plans. And it is important that exceptions to legislative bans, such as the ability to access single-use plastic drinking straws, are understood by the whole community, so that when we see those products on sale in pharmacies or see someone request it in a cafe, we know that this is because they are tools that enable us, as a community, to overcome barriers to accessibility and inclusion.

Minister Vassarotti mentioned an important way in which the ACT protects and improves our beautiful environment—our volunteers. As the Assistant Minister for Families and Community Services, I would like to add to her acknowledgement of their work and draw your attention to some of the amazing, hardworking groups and people who volunteer their time and effort to maintain and protect our environment.

Canberra's volunteers provide in excess of 50,000 hours a year to help implement key environment and conservation objectives. This amazing commitment is a gift to everyone in the ACT and the wildlife that share our home. The efforts of these dedicated volunteers is an inspiration and a call to action for all of us to join them in caring for country.

The ACT government continues to provide strong support to the ACT's environment volunteers to enable them to protect, conserve and enhance the ACT's environment and biodiversity. The ACT government oversees a range of volunteer programs, including ParkCare, FrogWatch and WaterWatch.

ParkCare is a diverse group of volunteers who focus on the conservation, restoration and maintenance of the ACT's parks, nature reserves and green spaces. Volunteers of all ages and abilities are welcomed. Their program is a wonderful example of inclusion. They provide hands-on support to the ACT government's Parks and Conservation Service, through planting trees, removing weeds, restoring damaged habitats, maintaining tracks, revegetation projects and monitoring wildlife. Their sense of community, dedication and demonstrated stewardship of our environment is truly inspiring.

FrogWatch's dedicated group of volunteers play a critical role in conserving and monitoring frog populations throughout the ACT. Not only does their work in collecting data and raising awareness about the ACT's frogs help monitor and protect frog species, the knowledge they provide acts as an indicator of the health of our ecosystem more broadly. They also help educate the community about frogs and their

ecological significance, through workshops, community events and engagement with schools, other community groups and the public more broadly.

WaterWatch is a successful citizen science program. WaterWatch's volunteers provide vital water quality monitoring information. It was funded for \$539,000 a year, much of which goes directly to the catchment groups for volunteer coordination. Volunteers in the WaterWatch program regularly collect and test water from the ACT's rivers, lakes, creeks and wetlands to monitor water quality. Their efforts help to identify potential issues or changes in water quality, making valuable contributions to help manage and restore our waterways.

WaterWatch's volunteers are also excellent ambassadors for community awareness and education on the importance of water conservation. They share their knowledge through workshops, presentations, and educational programs to promote a deeper and more widespread understanding of the importance of water conservation. They are an excellent example of active citizenship, practical science and collaboration.

The Ginninderra Catchment Group, Southern ACT Catchment Group and the Molonglo Conservation Group are peak community groups that play a key role in volunteer coordination and provide critical services to the ACT, and I thank them for their ongoing work.

The ACT government, in partnership with community organisations, is organising an ACT Environmental Volunteers Conference to be held in August 2023. The conference will be a celebration of our environment volunteers and an opportunity for knowledge exchange and networking.

On this important day for the world's environment, including here in the ACT, I want to recognise and thank all of the volunteers who have contributed to these programs and many others. World Environment Day is an opportunity to stop and consider how each of us can make our own contributions to protect and support our environment. The dedication of Canberra's volunteers is a wonderful example of how each of us can do our part to nurture, protect and restore our environment.

Question resolved in the affirmative.

## **ACT Disability Strategy—listening report Ministerial statement**

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.21): I am very happy to rise today to advise the Assembly that *Towards a 10-year ACT Disability Strategy: Listening report* has now been published.

I would like to begin by acknowledging the many people who contributed to this report. The ACT Disability Strategy Listening Report is the product of a whole community coming together and telling their stories. This report represents almost 1,000 voices for change. We heard from many diverse voices from the ACT community: from the LGBTIQ+ community, culturally and linguistically diverse

communities, Aboriginal and Torres Strait Islander people, older Canberrans, young people, women and carers.

I am so thankful to everyone who contributed to any form of public consultation. Whether you participated in a themed conversation or an open forum; engaged in one-on-one conversations or used a kitchen table conversation kit; if you prepared a video or a written submission; completed the online survey through the YourSay platform; participated in the Student Voice creative competition—which I personally loved—or voted at the 2022 Canberra Disability Expo, please know that your contribution is valued.

In total, we hosted 33 consultation events over the period of April to August 2022, which were attended by 415 people. This is a great achievement. I had the privilege of attending several consultation events and meeting members of the community who came to share their experiences. I strongly believe that this consultation has set a new benchmark for the ACT and nationally on how to ensure all community engagement activities are accessible for people with disability.

Reasonable adjustments were provided, information was provided in a variety of formats, and consultation sessions were designed to allow for small group discussions to ensure all participants had the time and space to contribute and felt safe and respected.

People with disability not only led the consultations but also co-designed the consultation process. I would like to thank members of the ACT Disability Reference Group, as well as the other facilitators of the consultation sessions. You were the heart of this consultation process. I want to thank you for your absolute drive and commitment to this consultation process being community-led, authentic and meaningful. Your presence, shared experience, empathy and authenticity meant the community felt comfortable and empowered to share their stories.

Throughout the consultation period, we asked the community to tell us about the challenges they face. Whilst everyone's story is unique, I would like to share with members of the Assembly some of the themes we heard most consistently. We heard a lot about healthcare provision, and about the availability of quality disability supports and services. We heard about the challenges people faced finding safe, accessible, affordable housing and finding rewarding, fairly paid employment.

We know that people with a disability are disproportionately disadvantaged economically. For example, people with a disability earn an average income of \$700 a week compared to \$1,343 a week for people without disability. We also know that people with disability of working age have lower labour force participation. Only 53 per cent of people with disability are engaged in the labour force, compared to 84 per cent for people without disability. People with disability are also twice as likely to be unemployed.

We heard about the importance of having a voice and being listened to. Whether it is having autonomy over your own life or being able to participate in decision-making in the wider community, we heard over and over again throughout the consultation that the root of so many problems is that people with disability are not listened to, are not

trusted as experts in their own experience, are not given a seat at the table and are not allowed to speak on their own terms.

The consultation also asked people for their ideas of a good life. What makes a good life is in many ways deeply personal, and there was so much diversity in what people envisioned. But there were also many shared values and aspirations.

Together, people envisioned a city where people with disability are recognised, respected and listened to; where universal design is the norm; where reasonable adjustments are part of everyday life; where everyone has fair and equitable access to services; and where people feel safe, comfortable and accepted in all aspects of their identity. My aspiration is for the 10-year ACT Disability Strategy to bring this vision to life.

In addition to responding to what was raised during this extensive consultation period, the ACT Disability Strategy will support the ACT government to meet our commitments under Australia's Disability Strategy 2021-31; respond to recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability; and the Independent Review of the NDIS.

The strategy will also provide an overarching framework for, and dovetail with, the Inclusive Education Strategy 2023-33, the Disability Health Strategy 2023-33, the Disability Justice Strategy Second Action Plan and the ACT Diversity and Inclusion Strategy—currently all under development.

As we all know, listening is just the first step. The community has certainly let us know that there is a lot of work ahead of us. I am deeply invested in the creation of a meaningful and impactful strategy that makes a material difference in the lives of the 80,000 people with disability in the ACT, as well as for their families and carers, and continues to grow and strengthen the disability sector across our community.

I am grateful to have the opportunity today to reflect upon what a fantastic achievement the release of this report is for our city. I believe that this listening report is comprehensive and honest, and the community will feel represented and heard when they read it. I know that all members of this Assembly want to bring this community vision, a truly inclusive and accessible Canberra, into reality, and it is a great privilege to be a part of that change.

I present the following paper:

ACT Disability Strategy—Listening Report—Ministerial statement, 8 June 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Executive business—discharge of order of the day**

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

That, pursuant to standing order 152, the order of the day be discharged from the *Notice Paper*.

## **Executive business—precedence**

*Ordered that executive business be called on.*

## **Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023**

Debate resumed from 22 March 2023, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MS CASTLEY** (Yerrabi) (10.29): I rise to speak on the Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023. This is a significant bill which establishes a new process for the approval of restricted medical treatment for people, children and adults under guardianship arrangements with variation in sex characteristics who lack the capacity to make their own decisions about treatment to their bodies. Fundamentally, this bill is about providing better care and support to intersex people and their families.

I think everyone acknowledges that mistakes were made in the past. In speaking to medical professionals in this area, they themselves acknowledge that things done 20 or 30 years ago would never happen now, and rightfully so. The wellbeing of people, especially children, should be at the forefront of everything we do in this place. While this is a very complex issue and there are varying views on certain aspects of this legislation, particularly the draft regulation, I think most people are broadly supportive of the intent of the bill.

The Canberra Liberals have a number of amendments which have been developed following extensive consultation, and I will speak to those amendments in more detail at the appropriate stage of this debate. I would like to thank the Chief Minister's Office for the way they and their officials have engaged with us on this matter. It has been really wonderful. I would also like to thank the many individuals and organisations that we have met with and the many people with lived experience who have contributed to the development of this legislation. I would also like to thank Kelly from Ms Lee's office and Liam from my office for the work that they have done. It has been wonderful.

As I said earlier, there have been some significant issues raised by stakeholders in our consultation on this bill. One of the areas of concern raised with us is the criminal penalties contained in the bill, including the impact that this could have on professional indemnity insurance costs for the medical specialists in this area. In this regard, I welcome the assurances from the government that the penalty provisions will be applied only for the most serious offences and offenders. However, the most



significant concerns raised with us relate to the details contained in the draft regulation, specifically the list of included conditions.

It is disappointing that the Greens and Labor members of the Standing Committee on Health and Community Wellbeing got together and decided not to undertake an inquiry into the bill, which would have allowed concerns about the regulations, specifically the list of included conditions, to be scrutinised. I acknowledge that the government did undertake a consultation process and an exposure draft of this bill was released last year. However, the final bill that was presented to the Assembly less than three months ago is substantially different to the exposure draft.

Therefore, we now have legislation which, in the words of the Chief Minister, is “An internationally significant reform which has had no substantive scrutiny undertaken by the Assembly.” This is despite the chair of the committee, Johnathan Davis, acknowledging in his statement to the Assembly on 11 May that the committee had received correspondence from medical practitioners seeking to have their views heard.

It is imperative that significant legislation such as this, which deals with extremely complex and sensitive issues, is done right, and part of that process should have been an inquiry undertaken by the Standing Committee on Health and Community Wellbeing, which is why I have written to the committee this morning, urging them to undertake an inquiry into the draft regulation to allow the concerns raised with us and, indeed, the committee itself, according to Mr Davis, to be carefully considered to ensure we get this right. This reform is too important not to.

**MR DAVIS** (Brindabella) (10.33): Our bodies are fundamental to who we are. Everyone should be able to determine what happens to their body. I speak today in strong support of this bill, which will bring into law world-leading protections for intersex people—protections that acknowledge the fundamental humanity of people with innate variations in their sex characteristics; protections which support fully informed decision-making and the rights of intersex people to determine what happens to their own bodies and when.

Over the past few years, there have been several significant human rights decisions and an increasing number of comments from international and national human rights bodies regarding the way intersex people are treated by our medical systems. These decisions reflect an increasing recognition of the rights of intersex people to determine what happens to their body. They reflect a growing understanding of the unique challenges faced by intersex people and affirm their rights to autonomy, bodily integrity and non-discrimination. They serve as important benchmarks for legal and policy reforms at national and international levels and they contribute to the ongoing advocacy efforts to secure the human rights of intersex people worldwide. The reforms we are debating today now form a part of these histories and human rights victories. My ACT Greens colleagues and I are very proud to support them.

While we are taught in our high school biology classes that sex is binary and that there are only distinctly male and distinctly female bodies, sex is not that simple. Intersex people have innate sex characteristics that do not fit medical and social norms for female or male bodies. Intersex people comprise about two per cent of the population and are part of every society and every community in the world. There are

more than 40 different intersex variations that can be determined prenatally, at birth, during puberty, when trying to conceive a child or at other times throughout a person's life. Many people do not know they are intersex until later in life, if ever at all.

While intersex people are part of every community, including the LGBTQIA+ community, most intersex people are cisgendered and heterosexual. It is shocking, given how common intersex variations are, that these instances and experiences of intersex people have largely been erased and overlooked in our culture. Non-consensual surgical and medical interventions, most often conducted during infancy and childhood, have been a more brutal part of this erasure. The consequences of this brutality are borne out by intersex people who have faced the lifelong consequences of these interventions.

Medical interventions, including surgeries and hormonal pharmaceutical treatments, have been performed for decades in hospitals around Australia and here in the ACT, under the assumption that it is necessary to align an individual's appearance with societal norms of male and female bodies for the purposes of proper social and emotional development. According to Intersex Human Rights Australia:

Gender stereotypes remain evident in clinical thinking. For example, girls with innate variations of sex characteristics have been subjected to surgeries to 'enhance' the appearance of their genitalia, while boys are subjected to 'functional' surgery aimed at ensuring 'appropriate' urination; that is, urination while standing. Such surgeries are associated with impaired sexual function and sensation, a frequent need for follow-up surgeries and treatment, and experiences of shame.

These interventions are often not medically necessary and can cause irreparable harm to intersex people. These surgeries can leave people in pain, without sexual function and reliant on medications for the rest of their lives. They are undertaken because of a false idea that the bodies of intersex people are incomplete and need fixing. The fact that they have been undertaken without consent is a deep violation of the rights of intersex people and it is the very issue that this bill is dealing with today.

The sense of shame and the lifelong implications of unnecessary medical intervention was underlined in a letter written to me by Mimi, who is a local intersex advocate. She told me:

I was sterilised at the age of one for having a body that did not conform with what society thought was "normal". Because of these surgeries I grew up under the gaze of doctors, prescribed hormone replacement therapy, informed I could no longer have children, and instructed to tell no one of my medical diagnosis – 17-beta hydroxysteroid dehydrogenase deficiency, a word I could not even read—

I relate, Mimi—

let alone comprehend. This secrecy led to shame and I grew up feeling wrong, unnatural, and broken. I was told I was one in a million, that I would never meet anyone like myself and that I was a female who needed some extra help. Never was I told I was intersex.

These reforms recognise that being intersex is not a disorder or a medical condition that needs to be fixed. Intersex variations are a natural part of human diversity and every individual, regardless of their sex characteristics, deserves to be treated with dignity and respect. With medical intervention to the bodies of intersex people without their consent, we are essentially sending a message that there is something inherently wrong or abnormal about being intersex, and this is not true.

Mimi's letter went on to say:

How different my experience would have been if I had been protected by legislation like the one presented today. This Bill would not only have protected me from harmful practices from a young age, but provided me and my family with much needed support. Support my parents never had but desperately needed, support that parents of young intersex children will now have. This bill is essential to stop harmful and unnecessary medical interventions from being performed on children without their consent, and is the first step in removing shame, stigma, and secrecy from the lives of intersex children so that they can grow up not feeling broken and unnatural but supported and complete.

This legislation sends a powerful message to society as a whole that intersex variations are not flaws to be corrected but simply a part of beautiful human diversity—differences to be respected and, indeed, celebrated. It paves the way for greater acceptance, understanding and support for intersex individuals, contributing to a more inclusive and compassionate society.

The ACT Greens and, in fact the global Greens movement as a whole, is proud to have a long history of voting to bring about rights and protections to the LGBTQIA+ community, and this, of course, is no exception, but it is meaningfully different too. Intersex people have, for a long time, been incorporated in the LGBTQIA+ community movement because their bodies seemingly challenge the deeply held but false belief that sex is binary, that being cisgender is a natural evolution of this fact, and that heterosexuality is the normal manifestation of sexual and romantic attraction stemming from these other binaries. Those ideas are expressly untrue. So many of us in this parliament are testament to that fact.

Intersex people's bodies are not just an allegory for us to unmask the illusion of heteronormativity. These are real people's lives, bodies and experiences. Enacting legislation to prevent unnecessary and deferrable medical interventions is a crucial step in achieving justice and equality for intersex people. It is my hope that these reforms are just the beginning of achieving social justice for intersex people. It is my sincere hope that these reforms are quickly followed by all other jurisdictions in this country.

These protections are a first in Australia, and some of the first in the world, to recognise and protect the bodily integrity of intersex people and their right to self-determination, and it has taken a long time to get here. It is particularly thanks to the diligent, passionate and highly intellectual work of advocates involved with Intersex Human Rights Australia, including Steph Lum, Cody Smith, Morgan Carpenter, Bonnie Hart, Mimi Hall and Gabriel Filpi, that this legislation exists. The work that went into the development of the Darlington Statement in 2017 was a

particularly powerful moment of advocacy that has been recognised throughout the development of these protections. I would also like to thank the LGBTIQ+ rights organisations that have been deeply involved in this work for many years, including Equality Australia, A Gender Agenda, the LGBTIQ+ Ministerial Advisory Council, and Good Process. This work has been highly intersectional and it is a testament to the solidarity of our community.

For decades, the intersex community here in Canberra, across Australia and around the world have argued persuasively and consistently that the decision to undergo any kind of medical intervention to change their bodies should be made by the individual when they are able to provide informed consent and fully understand the implications. This is a pretty simple request but one that has been delicately and diligently legislatively thought out.

The bill before us is nuanced, careful and sophisticated. For this work, I congratulate the Chief Minister, the Minister for Health, the cabinet as a whole and the public servants who have worked for several years on these particular reforms. The open and comprehensive consultation process that led to these reforms has been frequently acknowledged by those with lived experience who have been involved in the development of this legislation, and it is testament to the commitment of the government to human rights and to protecting intersex people first and foremost.

I would also like to acknowledge the work of people with specialist medical knowledge who have contributed their skills and experience to developing this legislation and discussed how it can best be implemented in the contexts in which they work. I am sure that it has not been an easy task and one that is likely to have been confronting at times. Medical practitioners have faced difficult decisions and are also part of a society that holds conservative attitudes and ideas about how bodies should look and function. I recognise that these people consider that they have always acted in the best interests of their patients and their families. This legislation will support medical practitioners in this commitment by improving the decision-making processes for medical practitioners, as well as for parents, and assist them to navigate complex circumstances.

I would also like to especially acknowledge the experience of parents of intersex children, many of whom came to learn about variations in sex characteristics only upon the birth of their child. As a result of these reforms, parents will have increased information and support when learning about intersex variations and the needs of their children.

This legislation prioritises human rights principles, including bodily autonomy, the agency of young people and independent oversight. This is about protecting people from harmful practices and ensuring that we maintain the integrity of their bodies until such time when they can make their own decisions. In this way, in spite of what my Liberal colleagues may say, this law reform can actually be seen as conservative. We are conserving the decisions that people can make about their own bodies. It prioritises the rights of the individual and the individual's right to their own autonomy.

Frankly, I am shocked and disappointed that the Canberra Liberals, given their alleged philosophical belief in the premise of the individual, have proposed an amendment

that underlines this fundamental point. They have completely failed to engage with intersex people in the development of their amendments. It is outrageous that they did not propose any amendment to the Planning Bill, which will determine how our city looks for future generations, but they have somehow found the time to try to sabotage this deeply consulted, life-changing legislation. But we all know the real reason they are undermining this work is because this reform also protects, celebrates and allows the lives and bodies that do not fit normative ideas of male and female to be a part of our society—to simply exist.

I hope that these reforms set a helpful and meaningful precedent for similar reforms around the country, not only to protect intersex people but all those who have decisions about their bodies taken away from them, such as people with disabilities, women, and those who are ageing.

Future reflection and reform to this legislation should look at the breadth of intersex variations to be included in the legislation. I recognise that, currently, the regulation for this legislation has taken a more conservative approach than was recommended by Intersex Human Rights Australia. By choosing to specifically name the variations included in this reform and to exclude specific variations, the government has inevitably drawn lines around who is and who is not protected. This is the result of protracted negotiations and deliberations between intersex advocates, medical practitioners and policymakers. I trust they have found a compromise that is sound enough to move forward, but I would encourage a review of these decisions in the coming years to ensure that the principles behind this legislation—bodily integrity and self-determination—are made available to all.

I would like to end today by reading some words shared with me by my friend Cody Smith, a local intersex advocate who has campaigned for many years to bring about the protections that we are debating today. Cody said:

Enough has been said for those who have been harmed. This legislation is a relief. It helps us bury trauma and heal as a community. A day like today instead presents a future, something better. These laws were always for the next little Cody rather than for myself. What I want this generation of intersex kids to know is – you are irreplaceable. You are perfect as you are. You deserve celebration. We have fought for you because we love you. This is better than what has come before.

Thank you, Cody.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services and Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.47): I rise today to join with my Greens colleagues, including Johnathan Davis, in support of this bill. I thank the Chief Minister for the extensive consultation and work that has been done to reach this point today. This bill is an important step forward in protecting the mental health and wellbeing of gender-diverse Canberrans and their families.

Intersex people, or people with variations in sex characteristics, are defined as those with physical or biological sex characteristics—sexual anatomy, including genitals, reproductive organs, hormonal patterns and/or chromosomal patterns—that are more

diverse than binary medical and social definitions for male or female bodies. This has nothing to do with whether the bodies of intersex people are healthy or functional or beautiful; it is only about whether they fit into an exclusionary field of what is defined as standard by mainstream medicine and society. It is a definition based on social and cultural norms alone, including assumptions embedded in medicine.

In reality, variations of all types are normal. Intersex people are part and have always been part of all cultures and societies; yet, without the legislative protection that this bill will provide, parents, carers, medical practitioners and others can continue to make decisions about what is best for people with variations in sex characteristics on their behalf, for non-medical reasons and without their informed consent. This can and has included medical interventions, including surgery and medication, that are not necessary for any reason except to alter the bodies of intersex people to better fit within the narrow definition of what is expected as mainstream. The treatment of variation in sex characteristics as a disorder, a medical dysfunction or a problem that needs to be fixed sends a powerful and lifelong message of shame and dysfunction, which can have devastating effects on mental health and wellbeing.

The legacy of medical intervention, often irreversible and performed on infants and children without their understanding or consent, is part of the reason intersex people experience elevated rates of mental health issues, self-harm and suicide. We must ensure that intersex people, along with other groups at increased risk of mental health conditions, have access to appropriate mental health care and support.

Passing this legislation will enshrine the requirement to respect individuality, diversity and identity. To pass this bill is to legally empower intersex people to express and define their own true selves without risking having others seek to define who they are, what their bodies should look like or what steps are appropriate to make them acceptable to others. This respect is just one step towards medical and social change that embraces difference and diversity.

This bill will also protect people with such variations from the trauma of interventions based on outdated binary definitions of gender and not on medical need. Medical intervention without informed consent, including surgery, sterilisation and lifelong medication, can lead to feelings of distress, trauma, disempowerment and violation. Intersex people must have the right to choose what is in their own best interests and not have often irreversible choices made for them. That is what this bill will do to empower and protect the wellbeing of intersex people.

I would like to be clear that, should a person with variations in sex characteristics make an informed choice to undertake medical treatment, this bill will not stop them, nor will it prevent medically necessary treatment that is based on sound research and proven clinical benefits. It will protect people with variations in sex characteristics from treatment which is not medically necessary and to which they have not knowingly consented.

What we offer intersex people and their families instead is support and services to protect and enhance their wellbeing and mental health. This includes mental health services specifically designed to assist LGBTIQ+ people and their families; and services for young people delivered through CAMHS and the MindMap

navigation tool that can help young people and their carers to find the right supports for their needs.

For all young people, including those with variations in sex characteristics, the Thrive Therapy Group provides support and counselling to help those with moderate mental health issues. The ACT government funds A Gender Agenda to deliver programs and activities to support the mental, physical, social and emotional wellbeing for intersex, transgender and gender-diverse people in the ACT. Their organisation's focus is on peer-based support, education and training for the community.

In closing, I would like to acknowledge the work of the ACT Gender Affirming Guidance Working Group in ensuring that the voices of intersex people are heard in forming this legislation. The input of intersex people and those with variations in sex characteristics has been so important in making sure that this bill reflects the changes that we need to ensure that no intersex person need ever go through medical treatment without their full understanding, knowledge and consent in the ACT. I commend this important bill to the Assembly as a key part of improving mental health outcomes for all Canberrans.

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (10.52): I am proud to be part of a government that is leading the way in protecting the rights of children with variations in sex characteristics to have a say in medical intervention decisions that affect them.

The intersex community and national and international reviews have made it clear that governments must act. Governments need to create protections so that irreversible and non-urgent medical procedures can be deferred until the person is old enough to be able to make a decision themselves about their own body. This legislation represents the first time an Australian government has acted to meet the recommendations of multiple international human rights bodies in relation to intersex human rights.

In 2018 and 2019, three separate human rights committees issued reports and recommendations for Australia. All of them stated unequivocally that legislative action was required to protect the human rights of intersex people. In 2018, the Committee on the Elimination of Discrimination against Women recommended the adoption of “clear legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent”.

In 2019, the United Nations Committee on the Rights of the Child supported “explicitly prohibiting coerced sterilization or unnecessary medical or surgical treatment, guaranteeing the bodily integrity and autonomy of intersex children”. In 2019, the United Nations report on the Convention on the Rights of Persons with Disability recommended the adoption of “clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex children before they reach the legal age of consent”.

In passing this bill today, the Legislative Assembly is acting consistently with these recommendations. It is also acting to fulfil the recommendations of the Australian Human Rights Commission in its 2021 report, *Protecting the human rights of people born with variations in sex characteristics in the context of medical interventions*. The need to protect the human rights of people, and particularly children, with variations in sex characteristics is so clearly recognised; but, most importantly perhaps, we are acting on the advice and the advocacy of our intersex community.

These human rights reviews followed the very significant and the very powerful Darlington Statement of 2017. I acknowledge the organisations and individuals who signed or affirmed that statement and are here today. I, too, acknowledge the experience of Mimi, who has reached out to many of us and is here today. Mimi was operated on as an infant for her variation in sex characteristics due to a purported malignancy risk with her condition—a decision her parents said they would change if they had been given the option of watching and waiting; a decision which Mimi herself wishes she had some say in, given that it is her body and her autonomy being denied. Mimi had surgery around the age of one and, since then, has been through years of treatment and hormone replacement therapy that has left her feeling like her body was “wrong, alien and absurd—bad”.

This is not the future we want for children born with variations in sex characteristics. We want them to be accepted wholly for who they are. We want to broaden community understanding that binary sex is not all that exists. Most of all, we want people with variations in sex characteristics to be able to have a say and be able to make their own decisions about their own bodies. For people who have variations in sex characteristics, this bill will uphold their ability to make their own decisions about non-essential medical treatments that affect their bodies once they have capacity to do so.

This bill promotes a large number of human rights, and I want to highlight the powerful and practical effect of some of these rights in action. Section 8 of the Human Rights Act provides that everyone is entitled to enjoy their rights without discrimination of any kind and that everyone is equal before the law and entitled to the equal protection of the law without discrimination. This includes the need for special measures—that is, different treatment for a group that is legitimate and necessary to promote equal enjoyment of rights by these groups.

Special measures are needed to ensure non-discriminatory decisions are made about medical interventions for people with variations in sex characteristics. The bill creates those special measures by establishing a board comprising people with expertise related to relevant aspects of care and decision-making for intersex people. It gives committees of that board the responsibility to ensure that an intersex person with a variation in sex characteristics is not subject to medical treatment decisions and reasons that a non-intersex person would not be subject to.

Section 10 of the Human Rights Act states:

No-one may be subjected to medical or scientific experimentation or treatment without his or her free consent.



Section 13(1) of the bill promotes this right through the criteria applied by the assessment board. Before approving a treatment plan, the board needs to be satisfied that the person would suffer significant harm if the proposed treatment was not undertaken in accordance with the treatment plan. It will also need to be satisfied that the proposed treatment is no more restrictive in the ability to make a decision about a person's sex characteristics in the future than any alternative treatment option.

Section 11 of the Human Rights Act states:

The family is the natural and basic group ... of society and is entitled to be protected by society.

And, further:

Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.

This protection is in addition to other human rights that children enjoy as individuals. These protections are about ensuring that parents are supported to take primary responsibility for their children and that governments provide appropriate assistance to ensure children receive the necessary protection and care. Most people affected by this legislation are children. This human right is promoted in part 3 of the bill through treatment plan approvals, and section 16 of the bill requires the assessment board committee considering treatment plans to be satisfied that sufficient information has been provided to families, including whether the individual with the variation has received appropriate support to participate in decision-making about what will happen to their body. We have heard today just how important that is.

I hope, like my colleagues, that other jurisdictions will follow the lead we are offering so that these protections are extended to intersex people right across Australia. I add my voice in thanking all those who have been involved in these significant reforms: staffers, policy officers, drafters, advocates and community members. Not lost on any of us are conversations that have been had, the work that has been undertaken, and the careful, thoughtful and deliberate way this legislation has been drafted as a result. I commend you all.

This legislation does not undo harm. It does not undo the violation and trauma that intersex people have experienced. I acknowledge it has been a tireless fight. But, for the next generation, it means protection, it means autonomy and it means self-determination. I wholeheartedly commend the bill to the Assembly.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.01): I rise today to speak in support of this nation-leading, indeed world-leading, reform, which will deliver legal protections and new care services for people with variations in sex characteristics. To support this legislation, Canberra Health Services will become the first tertiary health service in Australia to offer dedicated psychosocial care for people with variations in sex characteristics and their families.

Everyone has a right to bodily integrity. Sadly, this right has not always been upheld for people born with variations in their sex characteristics. Deferrable and unnecessary medical interventions performed on children with variations can result in poor health outcomes that affect the person for the rest of their life. These can include pain, trauma and the need for ongoing medical treatment that would not otherwise have been needed. This bill will protect future generations of intersex children by establishing a new approval process for deferrable medical interventions.

I want to emphasise that this bill will not affect treatments that are needed urgently. Its focus is on interventions that result in permanent changes to a person's sex characteristics that are not medically necessary and can wait until the person, particularly a child, is able to make their own decision. It will not affect treatments where a person is providing their own consent, including where that person is a child.

The bill establishes a new statutory authority, the Restricted Medical Treatment Assessment Board, which will be made up of experts from across five fields: human rights, medicine, ethics, variations in sex characteristics and psychosocial care. If a doctor or family wants to seek a restricted medical treatment, they will need to make an application to the board.

When an application is received, a committee of the board will assess the evidence supporting the proposed treatment. If the proposed treatment satisfies the criteria in the bill, it will be approved. These criteria are designed to ensure that interventions are performed only when medically necessary and to keep as many options as possible open for the future of the individual. They will also ensure that interventions occur only after comprehensive information and peer supports have been provided and that, as far as possible, the person themselves is given the information they need and can provide their consent. The board's oversight will provide greater support to families; giving people with variations in sex characteristics and their families more confidence that they are agreeing to the best treatments for them. It offers a safeguard around care in a field that has a difficult history, as everyone speaking in this debate has acknowledged.

This is a safeguard that will have an enormous impact. A couple of weeks ago, Mimi's story of why this is important was again shared with me and other members. Ms Cheyne has also talked about Mimi's experience. I thank Mimi for sharing their story, and I would like to share an excerpt of that letter:

First and foremost, it is important to recognise the unique challenges faced by individuals with variations in sex characteristics. Intersex people like myself are born with innate variations in our biological sex characteristics which may differ from typical male or female traits. Throughout history, many intersex individuals have experienced unnecessary medical interventions, often performed without our consent or understanding, to conform to societal norms of binary sex.

These interventions have caused significant physical and psychological harm, infringing upon our fundamental rights as human beings. I was born with XY male chromosomes and testes, but the rest of my body remains typically female. This saw doctors sterilise me by removing my reproductive organs when I was just one year old in the belief my body was abnormal, as it did not fit our societal view on binary sex and what a baby girl should look like.

This surgery has resulted in both physical and psychological scars and means I now have to be on hormone replacement therapy indefinitely. Unfortunately, these doctors believed that they were protecting me from living a life in an unnatural body. I believe that my body is not unnatural but unique and beautiful, and it should not have been my body that needed changing but society itself.

This Bill will not only help protect children from these harmful practices but also provide much needed support for parents and families faced with these challenging experiences. Speaking to my own parents, they wished they had the support this Bill will provide to them when I was born.

I would like to say thank you for the generosity of Mimi and others who have shared their experiences, and for highlighting that what we are doing today is for Canberra's intersex community and will be an inspiration for others to follow.

The ACT government also recognises the challenges that people with variations in sex characteristics and their families can experience, particularly in the early days of a child's life. To support this legislation, the 2022-23 ACT budget provided funding for Canberra Health Services to deliver a new psychosocial care service. This service will provide essential care coordination across a child's and parent's needs, linking maternity care, paediatric care, specialist psychology and social work professionals, as well as vital peer supports.

This reform represents a significant change in the regulatory environment. I want to emphasise that this is not about demonising health professionals. We recognise health professionals want clarity around how they provide care in cases where a person with variations in sex characteristics is not giving their own consent to a procedure, such as in treatments of young children.

Health professionals and families need confidence that a child's care will be provided in a timely way and that important treatments will not be delayed. Processes have already changed over the years, and I want to acknowledge the deep commitment of the health professionals I have spoken with to providing best practice care to children and their families. They already work with multidisciplinary panels through the Sydney Children's Hospitals Network to bring different medical perspectives to bear, and they have welcomed the investments we are making to support people, including children, their parents and families.

The government is also taking a number of steps, both in the legislation and in the broader reform process, to make sure that health professionals are supported and have the tools they need to continue their care for people with variations in sex characteristics. The 2022-23 budget also included funding to develop and deliver two levels of training for doctors and other health professionals. For health professionals working closely with people with variations in sex characteristics and who are required to engage with the decision-making process, training will focus on the provision of care in compliance with legislation. A more general training program will be made available to health professionals who are in a position to identify people with variations in sex characteristics and provide necessary referral and report.

To ensure intersex children and young people continue to receive timely care, the bill requires the board to initiate its response to any application within 14 days. The government expects that where cases require faster turnaround, the board will be responsive to such needs. The processes established by this bill are not intended to be adversarial. No-one needs a lawyer to bring an application before the board and seek approval for treatments. This reform is about providing more resources to intersex people and their families, and more oversight and support during complex and difficult healthcare decision-making.

Health professionals and families will be supported through the staged timing of the legislation, with a transitional period for services to adjust to the new requirements. There will be a two-step commencement process to avoid disruption of care of existing patients, as well as to ensure care decisions can be made for new patients, including babies born during the period when this reform is being implemented but when the legislation is yet to commence.

Madam Speaker, it has been a long journey to get to where we are today. While the bill was introduced by the Chief Minister on 22 March, Canberra Health Services and the ACT Health Directorate have been working closely with the Office of LGBTIQ+ Affairs on this reform since 2019. In particular, I want to acknowledge the invaluable contribution of the dedicated staff at Canberra Health Services. This engagement will continue throughout the implementation period and beyond.

The ACT is leading the way in changing how we approach care decision-making for people with variations in sex characteristics. Implementation of the processes established through this bill will need monitoring and may need adjustment as we progress. The regulations have been designed to ensure that adjustments can be made where needed. The government will also review the legislation after two years to identify any areas for further improvement.

As I noted, this bill was introduced in March; by my account, 52 business days ago. I understand that during this period Ms Castley has sought briefings and actively engaged in those, which is a positive thing. Given this, it is disappointing that Ms Castley circulated her amendments only yesterday, having provided them to the mover of the bill the day before. Ms Castley will need to seek leave to move her amendments, which are not minor and technical and have not been considered by the scrutiny committee.

The Assembly will be debating these amendments without the benefit of scrutiny's consideration of any human rights implications they may have. This is particularly problematic in the context of a bill that has been developed through multiple rounds of consultation and is aimed squarely at uplifting the human rights of people whose rights have historically not been recognised, protected or upheld.

Of course, we will give leave for these amendments to be moved and debated in the detail stage. I know the Chief Minister has sought advice and given serious consideration to the amendments in the short period available and will provide substantive responses during the detail stage. But I have to say, it does make the opposition's confected outrage about parliamentary processes over the past fortnight even more galling and demonstrates that it was indeed all about politics, not outcomes, and certainly not about the best interests of Canberrans.

Madam Speaker, the ACT government is committed to promoting person-centred care—ensuring that healthcare consumers are at the centre of decision-making about their own care. We are also committed to making Canberra the most welcoming and inclusive city in Australia for LGBTIQ+ people: truly the capital of equality.

This bill is an important part of delivering on these commitments. It will give people with variations in sex characteristics more say in their own medical treatment. In doing so, we are sending the message that intersex bodies and variations in sex characteristics are just that: variations; neither better nor worse than other bodies, but simply part of the rich variety of human experience, and just like everyone else, people with variations in sex characteristics have the right to autonomy and control over their own bodies.

I thank everyone who has been involved in the long and detailed consultation process to get to this point, including, most importantly, the intersex people whose lives and bodies we are talking about today and their families and allies.

The team in the Office of LGBTIQ+ Affairs, and in the Chief Minister's Office, have done an incredible job working through the complex issues raised through the consultation. I thank them for their work to date. I look forward to continuing to work with them and all of those affected by this legislation and these processes as we implement this very important legislation. I commend the bill to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.13), in reply: In closing the in-principal debate on this legislation, I thank every member who has contributed to the debate. Thank you, Ms Castley, Mr Davis and Ms Davidson, and my ministerial colleagues Ms Cheyne and Ms Stephen-Smith, for the spirit in which this debate has been conducted.

I thank all political parties for engaging constructively throughout this process. I think it reflects very well on this territory parliament that we are able to conduct a debate of this significance in such a dignified way. I genuinely thank all members for that contribution.

The bill that we are debating today will establish a new statutory oversight scheme for restricted surgical or medical procedures that make changes to a person's sex characteristics. It is, as we have heard, an internationally significant reform in protecting the rights and choices of people with variations in sex characteristics. I am immensely proud that the ACT is leading the nation to a better standard of care for people with variations in sex characteristics.

Non-urgent medical treatment that will have permanent effects on the sex characteristics of a prescribed person will require approval under a treatment plan, for this legislation. Urgent, approved or exempted restricted medical treatments will have to be reported by doctors to the president of the Restricted Medical Treatment Assessment Board. An assessment committee, in considering an application for approval of a treatment plan, may consult various bodies, including health professional bodies, entities representing or supporting people with a variation

in sex characteristics and the Public Advocate and Children and Young People Commissioner.

In determining whether to approve a treatment plan, the central criteria are, firstly, that undertaking the treatment, rather than deferring it, is needed to avoid significant harm to the person; and, secondly, that the treatment proposed is one that keeps the most options open for future treatment. The criteria also require committees to consider the views of the person who will be receiving the treatment, and to test whether sufficient information and support has been provided to the person and their family before treatment is approved. Approval may generally be given only for a treatment that is reasonably likely to avoid significant physical or psychological harm, and which is no more restrictive of future decisions about sex characteristics than alternative treatment options.

Once a treatment plan has been approved, treatment can occur, as is currently the case. If anyone affected by a treatment plan decision has a concern about the outcome, there are rights of decision review that are built into the legislation. They can seek a review by a fresh committee of the assessment board and, if still not satisfied, will have access to review by the ACT Civil and Administrative Tribunal.

The government recognises that our health professionals are already working very hard to deliver services, and these reforms have been designed to support them in that work. We are increasing the capacity of the health system to support care in this area, as Minister Stephen-Smith has outlined. For the first time, there will be a new and dedicated care coordinator providing support for health professionals, intersex people and their families. New supports and resources are being prepared to support health workers, and this includes training materials to help all health professionals understand their responsibilities and to give them new information sources to implement the new scheme.

We have also staged the commencement of the legislation over a period of a year and a half. This ensures a long lead-in time for everyone to understand and engage with the scheme without being rushed or overloaded.

Whilst we will be the first jurisdiction in Australia to implement this important reform, I am aware that similar reforms are now being considered in other parts of Australia. It is my hope that similar changes to protect people with variations in sex characteristics will be taken up by all states and territories. As that occurs, health professionals in Canberra will have been the first to provide care in this new way and can offer their leadership and experience to other parts of the nation.

In recognising that this legislation is a first in Australia, we have committed to a review after two years to address any issues that may arise during the early stages of implementation. Annual reporting of medical interventions under treatment plans, as well as reporting on exempted treatments, will provide insights into the effectiveness of the scheme and provide evidence to support the future review and refinement of the scheme.

The bill will create an offence where a person deliberately arranges for, or authorises, restricted medical treatment to be undertaken on a prescribed person, even though

they know that authorisation is required. The bill will also create an offence of undertaking a restricted medical treatment without complying with an approved treatment plan. Both offences include an exception for urgent restricted medical treatment, with the evidential burden placed on the defendant to establish that the medical treatment was urgent in order to avoid the offences.

Madam Speaker, this bill will see major improvements in care to extremely vulnerable children, and I urge members to not lose sight of this. This law does not prevent anyone from accessing surgery. It prevents inappropriate surgeries from being conducted without personal consent, with the appropriateness being considered on an individual patient basis.

This law does not replace parental decision-making. Parents will be able to choose and consent to any treatment that committees have agreed should be available. Parents will be able to apply for treatments to be approved. Parents will remain the people who consent to a treatment where their child is not providing that consent themselves.

This bill recognises that people with variations in sex characteristics should not be subject to harm through inappropriate medical interventions. It affirms a very simple principle—that they are entitled to make their own decisions about medical treatments that affect their bodies.

This is a law to support Canberrans, but we hope that its impact leads to changes elsewhere in how intersex people are treated in medical settings and in society more broadly. This government is proud of its work to make Canberra the most inclusive city in Australia and proud to continue the important steps of implementing our Capital of Equality strategy. This bill is an important element in fulfilling that strategy.

The territory has come a long way in protecting the rights, safety and dignity of the LGBTIQ+ community, but we absolutely still have a journey ahead of us. The “I” in LGBTIQ+ stands for intersex. Intersex bodies continue to be stigmatised and intersex issues are often minimised and misunderstood. This contributes to discrimination against the intersex community.

Intersex advocates have been fighting for protections against harmful practices, including unnecessary medical procedures done to intersex bodies without personal consent, for decades. Today, I thank those advocates. You have helped develop this legislation. For some, seeing this bill come to fruition triggers complex emotions: joy and pain. What I am saying today is that we continue to stand with intersex people and their families at this time.

This has been a very complex reform that has taken many years of work to get to this point. I want to sincerely thank all of the officials, organisations and individuals who have contributed so much to this process—who have been part of every consultation on this reform journey.

I particularly thank the Office of LGBTIQ+ Affairs and officials in the ACT government Health Directorate for their support and engagement. I sincerely thank A Gender Agenda, Intersex Human Rights Australia and Equality Australia for their tireless efforts and advocacy on this reform. I thank Matt Mison in my office for driving this month after month for many years. Thank you, Matt.

Alongside celebrating how far we have come, I think it is incumbent on all members in this parliament to care about the autonomy, consent and safety of people with variations in sex characteristics. I thank them for their support of this bill today. We look forward to the detail debate, where I will hold it together better than I have just done! I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

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

Clause 6.

**MS CASTLEY** (Yerrabi) (11.24): I seek leave to move amendments to this bill that have not been considered by the scrutiny committee, together.

Leave granted.

**MS CASTLEY:** I move amendment No 1 circulated in my name and I table a supplementary explanatory statement to my amendments [*see schedule 1 at page 1900*].

This amendment relates to the objects of the act. This amendment simply states that along with the protection of the rights of people with a variation in sex characteristics the object of this act should also be to ensure the wellbeing of persons with a variation of sex characteristics. The rights and wellbeing of an individual are not mutually exclusive and we would argue complement each other. This amendment simply expands the protection of the act.

I would also like to note and thank the drafters of these amendments. Our last briefing was only Friday-week ago, so it has been a tight timeframe, and I just want to give them a shout-out.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.25): The amendments Ms Castley has moved that we have given leave to debate really go to four different aspects of the bill. The first is the language of the objects of the act which is the amendment before us now. The others address the way in which parental views are considered; they are amendments 2, 4 and 5. Supports for parents to understand information they have received is amendment 3 and the composition of the board and its committees is amendment 6.

The government understands the principle of the goals behind the amendments and what we think Ms Castley is aiming to achieve. I do thank you for your engagement with the legislation. I will outline the government's position and reasons why we will or will not be supporting each amendment as we go through. I can indicate support for



the first proposed amendment. I acknowledge, as I did in the in-principle debate, drafting of this legislation is complex. It has been drafted to balance a range of sensitive medical, legal and human rights considerations and any change has to be very carefully worded and considered for its effects including any unintended ones.

Some of the amendments Ms Castley has proposed are in support of worthy goals but we think they are either not necessary or may in fact be the wrong mechanism to achieve the objective. I note we are willing to work with the opposition during the implementation to ensure the issues they are raising are successfully managed and can be considered as part of the legislative review of this bill.

So, I can indicate on this first amendment the government is happy to support it. The government believes there is nothing involved in the upholding of a person's rights that will ever be detrimental to their wellbeing in outcomes for people with variations in sex characteristics and it will indeed be compatible and mutually reinforcing. For those reasons we are happy to support this first amendment.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 12, by leave, taken together and agreed to.

Clause 13.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.28): Pursuant to standing order 182A(b), I seek leave to move amendments to this bill that are minor or technical in nature.

Leave granted.

**MR BARR:** Thank you, members. I move amendment No 1 circulated in my name and I table a supplementary explanatory statement to the government amendments [*see schedule 2 at page 1901*].

These are very minor amendments. Section 7(2) of the bill contains a definition of sex characteristics. Where the term sex characteristics is used elsewhere in the bill it is intended to have the same meaning as in section 7(2) and that subsection is used to provide a cross-reference to the relevant definition. The bill contains two such cross-referrals to the definition in section 7(2). These are in section 8 and section 43. The bill omitted to include a cross-referral to the definition in one section that uses the term sex characteristics and that was section 13. The provisions within section 43 do not use the term sex characteristics and so a cross-referral is unnecessary. These minor and technical amendments I move today correct those two technical matters.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14.

**MS CASTLEY** (Yerrabi) (11.30): I move amendment No 2 circulated in my name [*see schedule 1 at page 1900*].

This amendment ensures any views of the child's parent or guardian have been communicated and must also be considered by the assessment committee when considering if the child would suffer significant harm if the proposed treatment or an alternative treatment option were not undertaken. This is about supporting and protecting the views of parents or guardians in this very complex process. Importantly, this amendment does not remove the requirement to reconsider the wishes of the child. Considering the views of the family of the child when undertaking the assessment will not undermine the process but rather strengthen it.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.31): The government will not be supporting this amendment. This amendment would change section 14 of the bill, "Assessment of significant harm—children," to require the committee to directly consider any expressed views of a decision maker—generally a parent in this instance. Parents should always have a voice in care decisions for their children; they already do so, and will continue to do so under the legislation.

There are a number of reasons why mandatory consideration of parental views is not explicitly written into the bill in the way these amendments would envisage. First, parents are already the consenting authority for a child who is a protected person, and will continue to be so. Under this bill it would not make sense for a doctor to apply for an individual treatment plan that does not already have parental support, because the treatment would ultimately not be consented to. Such an application would be unprofessional and a waste of time and resources of a doctor, a family and indeed the board. We do not expect this scenario to arise, and if it did, parents would still ultimately need to provide consent to an approved plan proceeding. In effect, parental views are evidenced by the existence of a plan application, whether or not the parent is the formal applicant.

Secondly, at its core the purpose of the legislation is to assess whether a proposed treatment is deferrable or not, with the goal of giving a protected person—usually a child—more autonomy over their own body. The provisions of this bill are focused on doing what no other law currently does: testing the deferability of any proposed treatment and creating a legal requirement to consider the child's views. In contrast, existing law gives parents the right to decide whether to consent to a treatment when a child cannot and this right remains unchanged.

Thirdly, committees will be required to consider evidence put before them in an application made under section 11. That section already states that an application can include the reasons why the treatment plan is proposed, including evidence addressing the assessment criteria mentioned in section 13. The government expects that this will commonly include any reasons or rationale that parents may give. The bill already contains a mechanism to guarantee committee consideration of parental views. All they need to do is tell the committee in the application. The board secretariat will be able to assist with any questions about how to do that.

Finally, if for some reason parent input has not already been put before the committee, a committee has the power to seek out further information from parents under section 18(1). So any committee that wanted, for example, to assess whether a plan had parental support could of course do so.

This amendment is therefore not necessary to ensure parents' views about the treatment to be considered and so the government will not be supporting it.

Question put:

That **Ms Castley's** amendment No 2 be agreed to.

The Assembly voted—

Ayes 5

Mr Cain  
Ms Castley  
Mrs Kikkert  
Ms Lawder  
Mr Milligan

Noes 12

Mr Barr  
Ms Berry  
Mr Braddock  
Ms Burch  
Ms Cheyne  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Gentleman  
Ms Orr  
Ms Stephen-Smith  
Ms Vassarotti

Amendment negatived.

Clause 14 agreed to.

Clause 15 agreed to.

Clause 16.

**MS CASTLEY** (Yerrabi) (11.39), by leave: I move amendments Nos 3 and 4 circulated in my name together [*see schedule 1 at page 1900*].

These amendments are to ensure an assessment committee may only approve an individual treatment plan if there is sufficient evidence provided to the committee by the applicant that the views of the parents or guardians of the child have been appropriately considered, and that the parents or guardians will also have access to the same support and information provided to the child.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.39): The government will not be supporting these amendments. I understand the intention of the amendments to be ensuring that parents, in addition to being given access to all of the information set out in paragraph 16(b) are also, “Given or have access to the things mentioned in paragraph (c) of the bill.” I think that is what Ms Castley is seeking to do—that is, appropriate support to understand the information being presented takes into consideration their cognitive ability.

The government supports the provision of information to families in the best way that supports their understanding. However, there are policy and technical problems with the amendment as it stands which mean we do not support it at this time. The technical problem is that, as drafted, the amendment would have the effect of requiring that the same supports provided to the protected person are provided to the parent. However, these supports are unlikely to be of help to the parent, as the support needs of the child and the parents will likely be completely different. The amendment therefore would require something to be done that would not be very helpful to the family. For example, this means that access to play therapy, to explain the medical procedure to the child, would be the same offering to the parent. We do not believe this was the intended effect of the amendment, but it would be the effect as it is currently drafted.

More broadly, health professionals already have a responsibility to ensure understanding when seeking consent to perform a medical procedure. This bill does not change these existing requirements for informed consent. It is already therefore a requirement on doctors obtaining consent to ensure that the consenting person has access to supports where that would be necessary for them to understand what they are consenting to. In the earlier example this would mean that where a parent requires something, such as an interpreter, in addition to the child's play therapy, this would already be provided as part of obtaining consent.

The contribution to the protection of people with variations in sex characteristics that this bill is making is ensuring that protected persons have supports to understand information. This is what is different to existing law and it is why the clause is in the bill in the first place. Additional requirements are therefore not needed for parents as the consenting party.

In relation to amendment 4, this would change section 16 of the bill, "Assessment criteria—individual treatment plans" to require the committee to assess whether the applicant, where that is a doctor, had considered parental views. Amendment 5 that follows is consequential to amendment 4. For the same reasons that I set out for amendment 2, the government considers this amendment to be unnecessary, and so we will not be supporting the amendments.

Question put:

That **Ms Castley's** amendments Nos 3 and 4 be agreed to.

The Assembly voted—

Ayes 5

Mr Cain  
Ms Castley  
Mrs Kikkert  
Ms Lawder  
Mr Milligan

Noes 12

Mr Barr	Mr Davis
Ms Berry	Mr Gentleman
Mr Braddock	Ms Orr
Ms Burch	Ms Stephen-Smith
Ms Cheyne	Ms Vassarotti
Ms Clay	
Ms Davidson	

Amendments negatived.

Clause 16 agreed to.

Clauses 17 to 30, by leave, taken together and agreed to.

Clause 31.

**MS CASTLEY** (Yerrabi) (11.45): I move amendment No 6 circulated in my name [*see schedule 1 at page 1900*].

This amendment has been developed following extensive consultation with stakeholders. It puts into the legislation itself the specific medical qualifications of members, rather than those being contained in the regulation, and will ensure that a larger proportion of members of the board and assessment committees come from a medical background. It maintains the government's proposed membership in the bill, but adds additional members from those specialist medical areas. As I mentioned before, this has been developed as a result of our consultation process with stakeholders.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.46): The government will not be supporting this amendment as it would fundamentally alter the scheme by expanding the committees from five to eight members and making all of the eight members doctors. So it is not supported.

The purpose of the committees is to assess only whether treatment is necessary to avoid harm and whether the treatment proposed is the one that least restricts future options. In a context where a person is unable to legally make a decision about a treatment that will permanently affect their own body, clinical decision making will remain with doctors in consultation with families.

The proposed amendment would completely alter the balance of expertise on the committee, undermining its capacity to effect change. This is a matter that was debated extensively during the development of the reform. Best practice, as recognised by the medical community, is that consideration of the SC treatments occur in a multi-disciplinary team. The reform supports such a multi-disciplinary team, consideration of cases and any reports or recommendations from a multi-disciplinary team would be among the evidence that the committee could consider. Section 18 of the legislation refers to that. The government actively encourages the use of these teams to continue to provide clinical care for people born with variations in sex characteristics.

The proposed amendment would also potentially exclude eligibility of multiple important medical professions from being represented for individual cases, such as neonatology and paediatric gynaecology. We consider the categories listed in the bill as currently drafted achieve the appropriate balance needed to enable committees to perform the role that is envisaged by the legislation.

We will not be supporting this amendment.

Question put:

That **Ms Castley's** amendment No 6 be agreed to.

The Assembly voted—

Ayes 5

Mr Cain  
Ms Castley  
Mrs Kikkert  
Ms Lawder  
Mr Milligan

Noes 12

Mr Barr	Mr Davis
Ms Berry	Mr Gentleman
Mr Braddock	Ms Orr
Ms Burch	Ms Stephen-Smith
Ms Cheyne	Ms Vassarotti
Ms Clay	
Ms Davidson	

Amendment negatived.

Clause 31 agreed to.

Clauses 32 to 42, by leave, taken together and agreed to.

Clause 43.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.50): I move amendment No 2 circulated in my name [*see schedule 2 at page 1901*].

This is minor and technical. I addressed the need for this amendment in my comments on my first amendment. I commend it to the Assembly.

Amendment agreed to.

Clause 43, as amended, agreed to.

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

Bill, as amended, agreed to.

## Unit Titles Legislation Amendment Bill 2023

Debate resumed from 22 March 2023 on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.51): This bill responds to the substantial growth in the development of mixed-use unit plans and the requirement for legislation to adequately provide for the governance and administrative arrangements in these buildings. The bill amends six pieces of legislation and is the second tranche of reforms in the unit titles legislative space, intended to modernise the framework in line with substantial growth in multi-use developments.

As examples, the bill removes the requirement to update the corporate register with a unit owner's details when a unit is exchanged. As a result, the personal details are not provided or stored where a sale does not proceed. The bill will also allow for the subleasing of common property and clarifies the circumstances where this may occur. This will enable, for example, minor business activities to be established—for example, a coffee cart or florist. These business activities, however, cannot impede the use or the enjoyment of a unit.

The purpose is to update unit titles legislation to better support unit living, involving situations where owners corporations may want to sublease part of the common property for their unit plans. This would provide a clear framework for subleasing common property and create a structure to protect the rights of owners.

If a unit owner feels that their right to privacy, for example, is limited as a result of these impediments, they will be able to lodge a complaint with the owners corporation and then go further, to the ACAT, if it is unresolved.

The bill will also clarify where consent for the installation of sustainability infrastructure may be withheld by an owners corporation. The bill clarifies the circumstances where consent for the installation of sustainability infrastructure may be withheld by an owners corporation. Additional grounds for refusal of an application to install sustainability infrastructure will limit the existing rights that unit owners have, whereas they may in fact be eligible under the current criteria. It will, for example, address situations such as the installation by one owner of an EV charging station which significantly uses up the building's power capacity, and which may mean that EV charging stations may not be able to be installed for other users.

The decision to install sustainability infrastructure on common property has the potential to impact on an owner's access to the shared space. This may also result in additional levies being paid by the owners to cover installation and maintenance costs. The new provisions aim to help make owners corporations aware that these types of issues should be taken into consideration before further decision-making occurs.

I want to acknowledge that these are minor changes in this legislation. I want to thank the department for a briefing which I had on 18 May. I note that EPSDD, who did the briefing, is handing over this policy space to the Justice and Community Safety Directorate, as EPSDD is primarily focused on the reform packages that have been agreed to. I will be keeping an eye on this, of course, to see how the community is responding to these changes and whether other amendments are needed going forward. The Canberra Liberals will be supporting this bill.

**MS CLAY** (Ginninderra) (11.55): This bill is part of the government's regular program of omnibus amendment bills. It makes minor legislative amendments to five different pieces of legislation—the Civil Law (Sale of Residential Property) Act 2003, the Land Titles (Unit Titles) Act 1970, the Unit Titles Act 2001 and the Unit Titles (Management) Act 2011, in addition to the regulations. The bill also makes consequential amendments to another piece of legislation.

This bill will amend a number of territory laws relating to the development and functioning of unit plans. The bill will, amongst other things, require owners corporations to lodge copies of all alternative rules when a rule is amended, it will streamline unit titles applications and approval processes, and it will allow subleasing of common property.

The bill will clarify the fees and timing of unit title certificates and it will amend the default rules for unit plans to add further examples where permission for the installation of sustainability infrastructure may be withheld. The Greens are happy to support this bill.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.56), in reply: I welcome the opportunity to address the Assembly today as we debate the Unit Titles Legislation Amendment Bill 2023, which was introduced into the Legislative Assembly back in March.

As you have heard, Madam Speaker, the bill represents the second of two stages of unit titles reform as a project. The bill further streamlines and improves the legislative processes that relate to the development and management of units plans. In the last two years, from 1 January 2021 until 31 December 2022, 246 new units plans were registered in the ACT. These units plans contain about 7,000 new townhouses and apartments.

People are choosing to live in townhouses and apartments for a variety of reasons. Rather than being a transitional dwelling type, unit-titled developments are catering to a wider cross-section of the population, including families. It is in this context that the government is working to make sure that the legislation associated with the development, governance and administration of units plans remains fit for purpose.

Living or working in a unit-titled development does add a layer of governance. This is necessary if there are shared structures and services, such as rooftops, driveways, stormwater systems and pools. There must be systems in place to manage their upkeep and use to ensure that they remain safe.

In a units plan, these include sinking funds, management contracts, and people with delegated responsibility to oversee this, such as executive committees made up of individual unit owners, and strata managers, who are employed to manage day-to-day aspects of a units plan, such as collecting levies.

At its core, the work of the government's Unit Titles Reform Project has been about ensuring that the government's role in these processes—the legislative and regulatory frameworks within which units plans operate—remains effective in supporting the governance, management and operation of units plans.

The way that the government has gone about doing this has been by engaging with and listening to the people that these laws and regulations impact—people who live or work in units, and the people whose professional work revolves around this sector, such as planners, strata lawyers and surveyors. These people and sectors were all



represented on the Units Titles Reform Consultative Group, which has been working with the government since 2019. I would once again like to extend my thanks to all of the members of that consultative group, who provided their time and expertise to inform the legislative development process. Their knowledge and experience have been very much appreciated.

I will now provide a brief overview of the provisions of the unit titles bill. The bill streamlines the provision of information on the corporate register by removing the requirement for a unit owner to give the owners corporation notice if they enter into an agreement to sell the unit, with notification to be provided only at settlement.

It improves processes to request a unit title certificate and a unit title update certificate. It does this by placing a four-month time limit for an eligible person to request a unit title update certificate from the owners corporation after they have obtained a unit title certificate. The bill clarifies the payment of an insurance excess by noting circumstances in which owners corporations may recover insurance excess payments.

The bill requires owners corporations to lodge an updated compilation of all of their alternative rules each time they change a rule or rule. Previously, owners corporations were only required to lodge an amended rule or rule. This change means the prospective owners will have access to a full and current set of rules when they are purchasing the unit.

The bill also establishes a process for existing units plans to “opt in” to a building management statement via a special resolution. Building management statements were introduced in stage 1 of the reforms to help manage complex multi-lease buildings that include a units plan.

The bill clarifies audit requirements by providing that all units plans with more than \$250,000 in the combined funds under management must participate in an annual audit of their financial records. The bill outlines the process to exempt class B units from building insurance for the whole complex if individual units are insured. A resolution to exempt themselves from building insurance must be registered with the Registrar-General within three months of the decision so that all future owners will be aware of this decision.

The bill permits the subleasing of common property in certain circumstances. It formalises the process of using common property for business activities, provides a clear framework for the subleasing of common property, and a structure to protect the rights of unit owners.

The bill clarifies that the building damage scheme does not apply to two-unit units plans. It does this by preventing the elimination of a unit in a two-unit class A units plan if one unit is the subject of a building damage scheme. The bill streamlines the process for lodging units plans in electronic format by removing the requirement to lodge multiple copies of units plans, now that plans are lodged online. It provides further examples of when consent can be withheld for sustainability infrastructure installation, being financial considerations or equity of access to common property, easements, utility services or facilities.

Finally, the bill makes improvements to the unit titles application and approval process by allowing applications to be lodged without some of the required materials. These materials will still be required before the application is approved but this allows processing of the application to commence.

The bill and its predecessor, the Unit Titles Legislation Amendment Act 2020, aim to strike a balance between protecting individual rights and ensuring that a consistent set of minimum standards and rules are adopted across unit-titled developments, to cater for the wide variety of developments that exist now and will be built in the future, and the ways that these will be managed and will operate. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.03 to 2 pm.**

## **Ministerial arrangements**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (14:00): Madam Speaker, as you can see, there are a few ministers absent from question time today. Could Minister Steel's questions please be directed to me; questions in Minister Vassarotti's portfolio of the environment can go to Minister Gentleman; and building and sustainable construction and housing matters can go to the Deputy Chief Minister. Otherwise, ask me.

## **Questions without notice**

### **Government—land release**

**MR HANSON:** My question is to the Minister for Housing and Suburban Development. Minister, I refer to the government's land release at Jacka, where nearly 4,500 applicants applied for just 217 blocks, with an average block price of \$650,000 and a stamp duty bill of approximately \$15,000.

This follows the Whitlam land release in November last year where nearly 5,500 applicants applied for 193 blocks, in Macnamara where nearly 7,500 applicants applied for 51 blocks and in Whitlam in March 2022, which had over 12,000 applicants for just 101 blocks.

Minister, given that thousands of Canberrans are missing out time and time again on blocks, will the government commit to releasing more land for single, detached housing?

**MR GENTLEMAN:** I thank Mr Hanson for the question. Yes, we do; every year we provide more land in the Indicative Land Release Program. We will be doing that again, of course, this year.

**MR HANSON:** Thanks, Minister. Minister, do you consider \$650,000 for a single block of land to be affordable?

**MR GENTLEMAN:** I do not think it is up to my judgement as to whether this figure that Mr Hanson has quoted is affordable. But we do of course have affordable housing in our Indicative Land Release Program, and it is a percentage of the total amount of housing that we provide for the ACT.

**MR PARTON:** Minister, what does your government have to say to the tens of thousands of Canberrans who are consistently missing out on securing these blocks of land?

**MR GENTLEMAN:** It is important, of course, that we do provide whatever we can in block release and land release for the territory. It is a growing program. We have worked on our housing and planning strategy from 2018 where we talked about the growth of Canberra and ensuring that we do more urban infill in the appropriate areas to keep the cost of housing down for the future.

If we were to sprawl the way that the Canberra Liberals want to, it would cost even more for more Canberrans into the future. We know that urban sprawl is incredibly expensive. That is why we have taken the decision in 2018 program to ensure that we condense the amount of growth that we have in our boundaries, ensuring that we can provide more affordable housing into the future.

### **ACT Emergency Services Agency—operations**

**MR MILLIGAN:** My question is to Minister for Police and Emergency Services. Minister, last week it was the ambulance officers voting to get out of the ESA due to incompetence; now it is the firefighters calling on the ESA to get out of emergency service operations. Minister, can you tell the people of Canberra what is going on in the agency that is causing these concerns?

**MR GENTLEMAN:** I thank Mr Milligan for his question. Of course, ESA does a remarkable job across the ACT in providing our emergency service personnel at the right time, when they are particularly needed, and ensuring they have the resources and the facilities to do that emergency service work. And they do. We have invested more funding into ESA over the past couple of years. We will continue to do that. You would have seen the rollout of the very new electric fire truck just the other day—

**Mr Hanson:** Madam Speaker, on a point of order, on relevance: the question is about why the staff are raising so many concerns. Could the minister be direct to that point.

**MADAM SPEAKER:** The minister is within scope. He has over a minute to reply.

**MR GENTLEMAN:** Thank you, Madam Speaker. Of course, they will raise concerns and we want them to. In emergency services, we want them to advise us

when they have concerns, particularly about the equipment that they are using, and we have responded, of course, to those concerns by ensuring that the maintenance of that equipment is up to speed and these vehicles are safe on our roads. We have something like 330 vehicles in our ESA, so to send nine trucks away for maintenance is not noteworthy.

With regard to the way they feel about the operation of the ESA itself, we should remember the history of this. This was formed out of the 2003 bushfires, when the coroner told us that these agencies, working individually, did not work well together—they did not respond well in the 2003 fires—and made the recommendation to create the ESA. That structure has been in place for many years and it is a very workable structure, and I have every confidence in the ESA and the ESA Commissioner.

**MR MILLIGAN:** Minister, does the problem lie with the top-heavy senior management of the ESA—too many chiefs—as has been said by the frontline workers?

**MR GENTLEMAN:** No, it does not.

**MS CASTLEY:** Minister, could you give a specific date when the promised review of the ESA will be finalised and published for the people of Canberra so that we can have a better understanding of the problems?

**MR GENTLEMAN:** I will take that on notice and will come back with the date.

### **ACT Ambulance Service—staffing**

**MR MILLIGAN:** My question is to the Minister for Police and Emergency Services. Minister, according to the *RoGS—Report on Government Services*—the ACT Ambulance Service has the second highest staff attrition rate in Australia, at 11.4 per cent, almost double that of the next one, Western Australia at 6.5 per cent. What are the reasons for this result?

**MR GENTLEMAN:** I thank Mr Milligan for the question. Of course, there are many reasons for people leaving the ACT ambulance service. Paramedics have said to us that it is particularly tough doing two very long night shifts in a row. We have been meeting with them to look at a possible new roster for the future. That is one of the reasons. They have a 14-hour night shift, and this is historic. They started this shift pattern a long time ago, when the work on night shifts was quite light, so they were able to take a rest every now and again. Now the work is quite demanding, and they are working well past their 14 hours. In fact, you cannot just leave a patient at the end of your shift. You have to go and complete the term and take them to hospital when needed.

I do feel for our paramedics and the pressure that is on—

*Opposition members interjecting—*

**MS STEPHEN-SMITH:** On a point of order. I am right next to Minister Gentleman, and I can barely hear him for all the interjections.

**MADAM SPEAKER:** Members, no interjections. Mr Gentleman, do you want to add?

**MR GENTLEMAN:** Thank you, Madam Speaker. I was saying that—

*Mr Parton interjecting—*

**MADAM SPEAKER:** I just asked for no interjections! Mr Gentleman?

**MR GENTLEMAN:** Thank you, Madam Speaker. I was giving the history of the 14-hour night shift and why it is so draining now on our officers. We are doing the best we can to assist them as they go about their important work across the territory, and we will continue to do that work with them.

**MR MILLIGAN:** Minister, how are you going to find 60 additional new staff on top of the ongoing burden of replacing ambulance staff that are leaving?

**MR GENTLEMAN:** We have not come up with a final figure of what we need for the roster yet, or the amount of recruiting we will have to do, but I can say that ESA has been doing an exceptional job in recruiting. Each time we have put a recruiting round out we have filled those numbers, so I do not consider that there will be a strain on trying to fill extra numbers. I think that we will be able to achieve that.

Of course, there are good working conditions. Looking in the forward years for our paramedics—we provide them with them the best resources, and the best vehicles and equipment. We were the first, I think, to give them the powered stretchers. We will continue that work with our paramedics.

**MS CASTLEY:** Minister, what will happen if the new 60 additional staff, as reported in the *Canberra Times*, cannot be found? Will the current roster be continued?

**MR GENTLEMAN:** It is a hypothetical question, and it is a referral to a *Canberra Times* story, not the sort of work we have been doing. Can I say: the ESA is doing everything it can to recruit. We have said that we will institute the new roster. That will alleviate the pressure on our paramedics into the future, and compared to other jurisdictions, I am sure we will see a lot of lateral recruitment for people wanting to come and try our new roster.

### **Children and young people—out of home care**

**MRS KIKKERT:** My question is to the Minister for Families and Community Services. Minister, the *Family matters report 2022* states:

Policy and legislation in each state and territory must require children and families to be asked at their earliest engagement with child protection systems about their Aboriginal and Torres Strait Islander identity, and for this status to be recorded as early as possible.

The report notes, however, in the ACT:

Current practice for identifying Aboriginal and Torres Strait Islander children is extremely poor ... This is resulting in children's identity being ignored or inaccurately recorded.

Minister, what role has this extremely poor practice played in your repeated inability to state, when asked, what percentage of Aboriginal and Torres Strait Islander families are being referred to a family group conference when it is your government's policy to refer all of them?

**MS STEPHEN-SMITH:** As Mrs Kikkert well knows because we have explained to her many times, the reason we are not able to put a proportion on that is because referrals to family group conferencing occur at different times in the process and we do not necessarily count in the same way all of the families that interact with the child protection system in the way that she is talking about. In relation to the specific issue raised by the *Family matters report*, I would make two points. I do get a monthly report on the number of children and young people who are engaged with the child protection system. From month to month there are a very small number of those children and young people who in that particular month, their identity as Aboriginal and Torres Strait Islander or otherwise has not been determined, but by the following month that has been resolved. It is practice that child and youth protection service work to do that at the earliest possible opportunity. It is also something we will be specifically addressing in upcoming legislation as Mrs Kikkert is aware. We are working to modernise the Children and Young People Act and that is one of the elements we will be picking up in that modernisation.

**MRS KIKKERT:** Minister, how are you able to accurately report to the Productivity Commission each year the total number of Aboriginal and Torres Strait Islander admissions to out of home care if your government cannot tell anyone what the current Indigenous referral rate for family group conferences is?

**MS STEPHEN-SMITH:** I refer Mrs Kikkert to my answer to the previous question.

**MS LAWDER:** Minister, can you explain why children's identities are not being asked for and accurately recorded at their earliest engagement with the territory's child protection system, and what are you doing to make this simple step happen?

**MS STEPHEN-SMITH:** There are absolutely attempts to ensure that children's identities as Aboriginal and Torres Strait Islander or otherwise is identified at the earliest opportunity but Ms Lawder betrays a lack of understanding if she thinks this is simple step. Many families do not actually identify as Aboriginal and Torres Strait Islander when they first come into contact with the system. That is not how they identify in the community and it is only subsequently, when quite a lot of work has been done, that it is then identified that in fact the child does have Aboriginal and Torres Strait Islander heritage. The fact that the opposition would describe this as a simple process is simply a reflection of their lack of understanding of the complexity of child protection work generally.

**Sport and recreation—swimming pools**

**MR DAVIS:** My question is to the Minister for Sport and Recreation. Minister, on 10 March this year the *Canberra Times* reported that the YMCA wanted out of their contract to manage Canberra's five public pools: Canberra Olympic Pool, Dickson Pool, Gungahlin Pool, the Lakeside Leisure Centre and the Stromlo Leisure Centre. Subsequently, the ACT government put a call out for new managers, with tenders closing on 13 April this year. Can you please provide the Assembly with an update on this work and on whether a new manager for Canberra's pools has been sourced?

**MS BERRY:** No, I do not have an update on the process and where it is up to. I will have to take that question on notice.

**MR DAVIS:** Minister, have you been provided with the reason from the YMCA that they wanted out of the contract with the ACT government to manage Canberra's public pools?

**MS BERRY:** That is a question for the YMCA. I have not been provided with any other advice.

**MR BRADDOCK:** Minister, can you ensure that, as part of the transition to a new contractor, there will not be any adverse impacts on workers, such as the teachers, administration staff, coaches and lifeguards who work at those pools?

**MS BERRY:** As I said, the request for tender process is continuing and I do not have any other advice on where that is up to.

**Belconnen—bus services**

**MRS KIKKERT:** My question is to the Chief Minister, on behalf of the Minister for Transport and City Services. Chief Minister, in the latest network update, the minister cancelled over a dozen bus services in my electorate. These include services from the Nos 2, 3, 4, 8, 23, 24, 30, 31, 32, 44 and 45 bus routes. The new network now has the last bus from Civic to Belconnen leaving at 11.13 pm on weekdays, whereas in the previous network the latest bus was the next day, at 12.17 am. MyWay data shows that, by cancelling the services that operated between 11.13 pm and 12.17 am in the last network, you may have forced over 25 people a day who used to board a bus during those times into either their cars or taking an approximately \$23.40 Uber or taxi ride home. Chief Minister, why did the minister decide to strand potentially up to 25 people daily in the middle of the night?

**MR BARR:** I thank Mrs Kikkert for the question. I do not have the detail of those bus routes to hand, so I will take the detail of the question on notice, on behalf of Minister Steel.

I make the broad observation that, across the transport network, the government endeavours to move as many people as possible in the most efficient way, utilising the available resources. Clearly, with late-night services, demand can vary from zero to potentially the numbers that Mrs Kikkert is referring to. It can be that there is demand for services on particular routes, particularly late at night. I am certain that the

transport route planners at Transport Canberra take that into account when providing their advice on the design of the network.

**MRS KIKKERT:** Once you cut those people's buses, how did you then expect them to get home, with the cost of living making driving or taxiing more and more expensive?

**MR BARR:** It is difficult to comment on these particular routes without having the information in front of me, but I will take the question on notice, again, on behalf of the minister. Again, I make the observation that we cannot provide a universal service for everyone at every moment and point in time when they may wish to move from one part of the city to another. A public transport system does, of course, need to focus on moving the greatest number of people to the greatest number of possible locations when demand is highest. That is clearly an aim of the network. Equally, it also has to endeavour to provide the longest range of services over the greatest span of hours that is possible. Cities that have much larger populations than the ACT also experience this challenge.

**MR CAIN:** Chief Minister, can you ask the minister whether he explored the option of procuring smaller buses to service those late off-peak times before they were cut?

**MR BARR:** Thank you, Mr Cain. This idea does come up frequently. I do not believe it is the size of the bus that is the major issue. In fact, the major cost associated with the delivery of a public transport service is the salary of the driver of that service. In fact, on a per passenger basis, it is more efficient to have larger buses and larger forms of transport. I know it is often put into the public arena that it would all be much more efficient and work better if the buses were smaller. I do not actually think that is the case. Obviously, there are additional costs associated with the operations of the bus fleet, the more bus varieties you have. That is fairly straightforward transport economics. If you have a smaller number of vehicle types, that means less maintenance costs. Obviously, you need to hold fewer spare parts because you only have a smaller number of vehicle types. I do not think it is a solution that Mr Cain may be offering, but I am happy to raise the question he has asked with the minister.

### **Work health and safety—silica dust**

**MR PARTON:** My question is to the Minister for Industrial Relations and Workplace Safety. Minister, in 2022, your government introduced mandatory Silica Dust Awareness Training for construction workers without an effective industry awareness campaign. The deadline for the completion of this training is just weeks away, on 1 July. Minister, are you able to tell us how many workers in the ACT have completed this mandatory training and how many are still yet to complete it?

**MR GENTLEMAN:** I thank Mr Parton for the question. The silica training is an important piece of workplace safety that we are working through. We know that silicosis is a very difficult disease to deal with and is often deadly. That is why we brought the legislation into place, following concerns from the community and proponents across the ACT.



To date, the providers have been providing as much training as they can. I will have to take the specific numbers on notice and come back to Mr Parton on those.

**MR PARTON:** Minister, what is the penalty for failure to complete this training by the 1 July deadline?

**MR GENTLEMAN:** I do not have the penalty in front of me. I will take that on notice as well.

**MR CAIN:** Minister, will you be extending the deadline given the physical impossibility of compliance from most ACT construction companies?

**MR GENTLEMAN:** I have not made that decision yet. We are aware that there is difficulty in delivering the courses, and we are working through that.

### **Taxation—revenue**

**MS CLAY:** My question is to the Treasurer. Chief Minister, given moves in other states, including Victoria, to make changes to land tax, payroll tax and tax exemptions in order to raise revenue for important government spending initiatives, is the ACT government working through any additional progressive tax measures which could raise revenue to fund essential public services?

**MR BARR:** Of course, I would not want to pre-empt the budget that is only a matter of weeks away, Ms Clay, but suffice to say that, in looking at some of the changes that the Victorian government announced, they have largely moved to a position quite similar in many instances to the tax arrangements that currently operate in the territory. For example, lowering thresholds on exemptions for land tax more closely now reflects the ACT taxation arrangements. There are some elements of the Victorian tax reforms that simply would not be applicable in the ACT. For example, they have a different payroll tax for their regions, as opposed to Greater Melbourne. I would not propose that there be a different payroll tax for the Namadgi National Park than there is for the city of Canberra. Options like that certainly will not be pursued in the territory budget, but we—

**Mr Hanson:** Have you ever seen a tax you did not like, Andrew?

**MR BARR:** Unlike the opposition, I do understand the need to raise tax efficiently in order to provide the services that the community needs. At least I will not be perpetuating the fraud that you can have lower taxes and more services, like what was offered by those opposite at the last election.

**MS CLAY:** How does the ACT government learn from and work with interstate peers to improve our tax and treasury settings?

**MR BARR:** We have a really excellent body called the Board of Treasurers—that is, state and territory treasurers and their officials. We meet three or four times a year. And, yes, we do work together on a range of tax harmonisation issues, as well as regulatory reforms and processes around dealing with the changing economy. We have worked together on GST compliance and on payroll tax compliance.

Also, I have been able develop new taxation ideas and arrangements. Often, those ideas have come from jurisdictions with a Liberal government.

**MR HANSON:** Not anymore.

**MR BARR:** That is true. There are not many Liberal governments left—that is true—but Tasmania is an active participant in the Board of Treasurers. Examples of the sorts of innovations in tax policy that have been agreed over the years include the utilities network facilities tax and the point of consumption betting tax that emerged out of South Australia but has now been picked up by other jurisdictions. And, of course, as we see a transition away from fossil-fuel transport, there will be a need to shift from taxes on petrol and diesel to some form of other taxation in order to provide revenue to fund our roads and road maintenance into the future.

### **Canberra Hospital—expansion**

**MR BRADDOCK:** Minister, this week the ACT government announced that the ACT will soon have Australia’s first all-electric, gas-free major hospital building. Can you please tell me the policy background leading up to this decision?

**MR RATTENBURY:** I was very pleased to see the update this week from the Minister for Health and the Chief Minister of the progress that is being made on Australia’s first all-electric hospital expansion. This is a really important step in electrifying Canberra and making sure that our government assets are “walking the talk”, so to speak, and developing the industry capability.

Action 5.13 of the *ACT Climate Change Strategy 2019-2025* is to:

Ensure all newly built or newly leased Government buildings and facilities are all-electric and climate-wise (where fit for purpose).

That has been a really important policy that has driven a lot of action in the last couple of years. Certainly, getting off gas makes sense not only from the point of view of the fact that we need to cut our climate emissions but also with the ACT having its 100 per cent renewable electricity supply—it is the obvious transition to make, particularly with around 20 per cent or so of our current emissions coming from gas use.

The ACT Greens have advocated for the electrification of government assets for some time now. I am really pleased that we are able to secure that outcome as a government working on this project. The Dickson office building at 480 Northbourne Avenue is an example of an all-electric government facility. We have got three all-electric schools being built now, and the hospital is the latest project.

When the hospital expansion was first considered, in my role as climate change minister I raised the necessity of looking at this as an option. We sought out costings of a traditional approach of having gas versus an all-electric approach. Whilst it took the project team some time to work through it, I was really pleased that by the end of that work the marginal cost of going all-electric was very minor, particularly in the scale of this project. It really sets a trend and a benchmark moving forward.

**MR BRADDOCK:** Minister, what are some of the other benefits of a gas-free, all-electric major facility like this?

**MR RATTENBURY:** As colleagues in the chamber will know, the ACT government is working to phase-out fossil fuel gas by 2045 at the latest. Designing all-electric facilities from the outset is a really effective way to do that because it avoids the need for an expensive retrofit later that not only potentially costs quite a bit of money but also is quite disruptive. Building all-electric from the get-go is a much better way to approach things. By running on renewable electricity, an all-electric facility is, of course, zero emissions in its operations, which makes a good contribution to meeting our emission reduction targets. Most all-electric facilities also have reduced running costs, particularly with the price differentials we are now seeing between gas and electricity. The economic case stacks up.

I think the important part of government taking a lead in this space is that this is a nascent industry, the capability is still developing, and each project that the government drives builds that industry capability, creates certainty that those jobs will be there in the future and encourages more people to develop the skills that we are going to need as part of this major transition we are making in our city.

**MS CLAY:** Minister, what proportion of Australia's emissions come from the health and hospital sector?

**MR RATTENBURY:** I think most people would be surprised to know that around seven per cent of Australia's national emissions are caused by the healthcare sector—using a lifecycle assessment approach which considers all the resources in our healthcare system. Globally, it is around four per cent on average. You can imagine the variation between countries there. It is a sizeable sector when it comes to Australia's greenhouse gas emissions. That underlines the importance of the healthcare sector playing its part in seeking to tackle emissions.

Something like the all-electric new building at the hospital is a really important part of that, but it plays through a range of other areas, including the vehicles that are used to support hospitals, recycling efforts and procurement decisions. The healthcare sector does need to play its part, just as many others do. The healthcare sector is obviously a unique one in the sense that it is a 24/7 operation, so there is some complexity to the health sector, but there is certainly plenty of progress that can be made in addressing the health sector's emissions.

### **Transport Canberra and City Services Directorate—claims unit**

**MS LAWDER:** My question is to the Minister for Transport and City Services or the Chief Minister. Chief Minister, as of 1 June, there were 398 claims relating to pothole damage from the 2022 calendar year that remain pending to be paid out. There have already been 397 claims submitted so far this calendar year alone. Applicants are told not to ask for an update on their claim because this could delay the process. The minister has stated on numerous occasions that processing times have been delayed due to the influx of claims. Chief Minister, why has your government not better resourced the Transport Canberra and City Services claims unit to enable them to cope with the claims?

**MR BARR:** I thank Ms Lawder for the question. Obviously we will endeavour to process those claims as quickly as we can. We are in a period of full employment. There are more job vacancies than there are unemployed people in the ACT, so it is not straight forward in any area of the labour market to be able to recruit hundreds of extra people at the moment. We will do the best with the resources we have available. I appreciate the issues Ms Lawder has raised. People do need their claims processed as quickly as possible and I understand the team is working very hard to ensure they are processing the claims as quickly as possible.

**MS LAWDER:** Chief Minister, is the reason your government will not introduce interest on successful compensation claims that you have claims that take over 300 days to resolve?

**MR BARR:** I do not believe so Madam Speaker.

**MR CAIN:** Chief Minister, why is there a double standard with your government allowed to take over 300 days to pay successful compensation claims to Canberrans, and yet if residents do not pay their rates or registration fees on time they are hit with a late fee or interest?

**MR BARR:** There are numerous exemptions from that policy in relation to late fees and the circumstances of individual cases are taken into account. So there might be—I will be generous and accept the opposition's suggestion of 300 days—there might be a case that has taken that long. There might be, I will need to have that confirmed, but there would be—

*Opposition members interjecting—*

**MR BARR:** Well you are so often incorrect in your questions in this place.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members. Members. Enough.

**MR BARR:** What I would point out is that where there are exceptional circumstances, on either side of the equation that Mr Cain has talked about, the ability to not render a late fee or an interest penalty is applied.

### **Emergency services—Thank a First Responder Day**

**MS ORR:** My question is to the Minister for Police and Emergency Services. Minister, yesterday was Thank a First Responder Day. Can you please update the Assembly on what Thank a First Responder Day means and the important role that first responders play in keeping the ACT community safe?

**MR GENTLEMAN:** I thank Ms Orr for her question and for her interest in first responders across the ACT. They do a fantastic job. As Ms Orr said, 7 June 2023 was Thank a First Responder Day. It is a day when we ask the community to join us in saying two simple words to our first responders: thank you. I had the privilege of attending

Government House last night to join the Governor-General in thanking the representatives of our first responder agencies who were present for the work that they do.

Our first responders are ordinary people who do an extraordinary job. They have families, commitments and homes to go to at the end of their working day. They have dinner to make, shopping to do and bills to pay as well. But they also dedicate every day to protecting us and keeping us safe.

**Mr Hanson:** What do the police say about all this?

**MR GENTLEMAN:** Whether it is the firefighters, who battle fires; the police, as Mr Hanson has just said; the paramedics, who respond to emergency situations every day; the triple-0 operators, who provide life-saving emergency call-taking and despatch; or the SES men and women who leave their own families at home to ensure that another family has a roof over their heads, we owe every one of them, as well as the families who support them throughout it all, a debt of gratitude.

**MS ORR:** Minister, can you please highlight for the Assembly the important role volunteers play as first responders?

**MR GENTLEMAN:** I am always reminded of the diverse and important role that volunteers undertake in our community. Whether it is helping people in the most vulnerable situations caused by storm and flood damage, braving extreme heat and challenging conditions during bushfires or gathering the intelligence and data needed to inform operational responses, our volunteers are always ready and willing to put their community first. The work our volunteers do can never be understated. The energy and commitment our volunteers give during their time away from their families, undertaking training in order to be ready to protect the ACT community, is to be commended.

There are approximately 1,600 ACT Emergency Services Agency volunteer members. These include members of the ACT State Emergency Service, the ACT Rural Fire Service, ACT Fire & Rescue community fire units, and mapping and planning support, our ESA chaplains, ACT Fire Brigade Historical Society volunteers and the ESA Pipes and Drums. There are also 64 Australian Federal Police volunteers who support policing here in the ACT. The AFP's Volunteers in Policing Program has a long, esteemed history of operating in the ACT.

The volunteers of the ACT SES have provided unwavering support to the Canberra community and communities across Australia through three consecutive La Nina events and continue to volunteer for training and operational response. On average, ACT SES volunteers collectively volunteer more than 24,000 hours per year in support of the Canberra community.

**MR BRADDOCK:** Minister, how is the ACT government helping first responders to meet the challenges of climate change?

**MR GENTLEMAN:** I thank Mr Braddock for the question. Where we can, we support them with new technologies, such as the electric fire truck. Looking at

operational capability, we have committed to improving the experience of our service volunteers through investing in improved facilities, up-to-date vehicles, quality training and appropriate recognition.

But it is a drain on them. We had a hook-up yesterday with national emergency ministers. A number of jurisdictions now are really struggling to keep their volunteer base, which is not so much the case here in the ACT. Our ACT ESA is doing a fantastic job of ensuring that our volunteers are trained up to speed and engaged.

We are doing some really proactive work, such as the Birrigai day last year, where all services worked together. All of our volunteers and paid emergency services staff worked together in an exercise at Birrigai, including our education providers. It was a very successful exercise to keep the interoperability of our ESA and our volunteers going well.

There will be benefits to the community from the resource projects, including the electric fire truck, which will help us to improve the way that the services operate in the future, given that we are looking at more severe events as we see the impacts of climate change.

**Mr Barr:** Further questions can be place on the notice paper, Madam Speaker; thank you.

### **Supplementary answers to questions without notice ACT Emergency Services Agency—operations**

**MR GENTLEMAN:** I was asked a question about the timing of the ESA culture review. The report will be with the director-general by the end of this month.

### **Sport and recreation—swimming pools**

**MS BERRY:** I want to provide a little bit more information about the pool contracts in the ACT. Whilst I cannot comment on the request for tender process, as it is going through the evaluation stage, I want to acknowledge and thank the YMCA New South Wales and the Dickson Aquatic Centre Pty Ltd for their service over the years in operating some of our public pools across the ACT. Both of these organisations independently decided to cease operating the pools and subsequently reached mutual agreement with the ACT government on these decisions. It is intended that the four non-seasonal pools will remain in operation, with full services available to the public through the transition.

With regard to existing employees, YMCA New South Wales will no longer be the operator once the new contract is announced, but the YMCA is committed to working with the new operators to explore the options for continued employment. The new operators will have responsibility for all decisions regarding the transfer of employment. Of course, the Dickson Aquatic Centre staff are seasonal and align with pool seasons.

## Papers

**Ms Cheyne** presented the following papers:

Electricity Feed-in (Large-scale Renewable Energy Generation) Act, pursuant to subsection 22(5)—Review of the operation of the Electricity Feed-in (Large Scale Renewable Energy Generation) Act 2011—

Review, dated May 2023.

Government Response, dated June 2023.

### **Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011—review—government response**

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (2.42): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Electricity Feed-in (Large-scale Renewable Energy Generation) Act, pursuant to subsection 22(5)—Review of the operation of the Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011—Government response.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (2.42): I am pleased to note the tabling of the 2022 Review of the Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011. A review of the act is required under section 22 of the act after its fifth year of operation and every five years thereafter, and must be presented to the Legislative Assembly within six months of completion. The review was completed in December 2022.

The Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011 was established as a vehicle to help the ACT meet targets established under the Climate Change and Greenhouse Gas Reduction Act 2010. This act set a target for reducing greenhouse gas emissions in the territory by 40 per cent below 1990 levels. This target was achieved on time in 2020. The climate change act also set a target for the territory to be powered by 100 per cent renewable electricity by 2020. This target was achieved on time as a direct result of the large-scale renewable energy scheme.

The primary purpose of the act was to support and encourage the establishment of renewable energy generators within the National Electricity Market, from which the electricity that powers the ACT is drawn. The act achieves this by providing a fixed feed-in tariff to renewable energy generators that provides a financial base for their operations.

The act establishes a “contract for difference”, whereby renewable energy generators receive top-up payments when the wholesale cost of electricity falls below the respective feed-in tariff rate, but it requires those generators to pay back the difference when the wholesale price of electricity exceeds the feed-in tariff.

The reverse auction process established to contract renewable energy generators has ensured that the ACT has been able to meet its targets with only a small financial impact on ACT electricity consumers. It is worth noting that other jurisdictions are following the ACT's lead in the use of reverse auctions to drive the uptake of large-scale renewable energy.

The review finds that the act is fulfilling its objectives as defined in section 5 of the act. The review finds that the act has been effective in promoting the establishment of large-scale facilities for the generation of electricity from a range of renewable energy sources in the Australian capital region and other places, consistent with the development of the National Electricity Market.

To date, the ACT large-scale feed-in tariff scheme has resulted in the deployment of 839.9 megawatts of renewable energy capacity. Of this, 40 megawatts was large-scale solar and 799.9 megawatts was large-scale wind, which have contributed 6.79 per cent and 93.21 per cent of total generation respectively to date. Most of this capacity has been installed in South Australia, at 51.1 per cent, with 25 per cent in Victoria and 23.9 per cent in the New South Wales-ACT region.

The review also identifies the activities undertaken by project proponents intended to assist development of the renewable energy generation industry in the ACT. The review finds that the act has been effective in reducing the ACT's contribution to greenhouse gas emissions and has contributed towards the achievement of the ACT's greenhouse gas emission targets, and that from 2020 all of the ACT's electricity demand has been met by renewable sources.

The review also finds that the cost impact of the large-scale feed-in tariff scheme on ACT electricity consumers to date has only been around \$69 per year, or around \$1.32 per week. This is expected to decline further in the future, although there is a high level of uncertainty around electricity spot price modelling.

An additional benefit is that the new renewable electricity generation driven by the act would have placed downward pressure on electricity spot prices. This reduces electricity costs not only for ACT consumers but for all consumers in the jurisdictions where the renewable generators have been built.

The review makes only two recommendations to improve the effectiveness of the act. The first of these is that the government explore the feasibility of using more granular emissions intensities to increase the accuracy of calculating the reduction of greenhouse gas emissions achieved under the act. While the ACT government is satisfied that the current methodology used to determine whether the ACT has achieved its 100 per cent renewable energy target is accurate and appropriate, we will continue to investigate options for accounting for emissions reductions to ensure best-practice accounting methodologies are maintained, and the efficacy of the 100 per cent renewable energy target.

The second recommendation supports the establishment of a territory-owned financial vehicle that would be financially and operationally responsible for administration of the large-scale feed-in tariff scheme. This recommendation would place the financial



risk associated with the scheme on the ACT government and ACT residents, and requires further investigation and consideration by the government.

The ACT government is proud of the policies and programs it has implemented that have had a real impact on reducing the ACT's and the nation's greenhouse gas emission profile. I commend the 2022 Review of the Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011 to the Assembly.

Question resolved in the affirmative.

## **Period Products and Facilities (Access) Bill 2022**

**Ms Orr**, by leave, presented the following papers:

Period Products and Facilities (Access) Bill 2022—

Revised explanatory statement (Updated).

Revised supplementary explanatory statement.

## **Leave of absence**

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

That leave of absence be granted for this sitting to Dr Paterson due to personal reasons, and to Mr Steel (Minister for Skills) due to ministerial business.

## **Business—night-time economy**

**MS ORR** (Yerrabi) (2.49), by leave: On behalf of Dr Paterson, I move:

That this Assembly:

(1) notes that:

- (a) the ACT Government is currently consulting with community and industry and working to support a thriving night-time economy in the ACT, a recommendation of the Better Regulation Report 2022;
- (b) this strategy will complement ongoing work including the *Canberra: Australia's Arts Capital – A Statement of Ambition for the Arts 2021-2026* and *CBR Switched On – ACT's Economic Development Priorities 2022-2025*;
- (c) nightlife can be one of the most important aspects of a city's character and there are many things that contribute to the success of a night-time economy. This includes ensuring that night-time activities and areas provide a diverse, vibrant and safe night out;
- (d) as night-time economies develop, it is important to ensure that public safety is part of both public consultations and the overall policy framework;
- (e) rates of violent and sexual assault are highest in Canberra's night-life areas of Civic and Braddon according to crime statistics published by ACT Policing;

- (f) Canberra's premier night-time and entertainment destinations like Civic and Braddon would benefit from a cohesive safety strategy that effectively ensures patrons of licenced premises are sufficiently safe as they enjoy the city's nightlife;
  - (g) states such as New South Wales, Victoria and Queensland have effectively implemented nightlife safety strategies to create a safe and secure patron experience in the night-time economy;
  - (h) in 2022, Sydney joined 90 global destinations by becoming accredited by the "Purple Flag" initiative, which accredits cities who meet standards of excellence in vibrancy, diversity and safety at night;
  - (i) to achieve Purple Flag accreditation, areas need to meet a set of criteria, including access to public transport, adequate street lighting and great food and beverage offerings; and
  - (j) the Purple Flag initiative has seen many benefits including a:
    - (i) reduction in crime and anti-social behaviour in accredited cities;
    - (ii) raised profile and an improved public image for the location;
    - (iii) wider patronage, increased expenditure; and
    - (iv) more successful mixed use economy in the longer term; and
- (2) calls on the ACT Government to:
- (a) ensure that public safety considerations are part of the consultation process for the ACT night-time economy;
  - (b) explore the potential for Purple Flag accreditation for Civic and/or other areas as part of the consultation and work on the ACT night-time economy;
  - (c) explore embedding a public safety plan as an initiative to strengthen and support the ACT night-time economy, especially in Civic; and
  - (d) update the Assembly on progress following consultation on the night-time economy.

What I am about to read is said on behalf of Dr Paterson.

Canberra is a vibrant community with much to offer, from our world-class artists and performers to our classic speak-easies. Canberra has so much potential to be a national night-life destination. Minister Cheyne's work on the night-time economy is something that live music enthusiasts, foodies and small businesses are very excited about, and I commend all of the work that she has done in this space.

The ACT government is currently consulting with the community and industry on a night-time economy strategy which aims to support a safe, vibrant and thriving night-life in Canberra as part of the recommendations provided in the Better Regulation Report 2022.

As we pursue our night-time economy strategy, I am of the view that a key and critical part of a good night out is getting home safely at the end of it. That is why I bring this motion to the Assembly today, as I think that the public safety considerations are critically important to the success of the night-time economy work.

Canberra's night-life provides endless opportunities for working and socialising, but the success of the night-time economy is fundamentally tied to the perceptions of public safety. Frances Crimmins, CEO of the YWCA Canberra, shared with me that their particular recent survey results indicate that, for women in particular, their personal safety is a key consideration when choosing to go out with friends or take on late-night shifts at work.

The 2019 YWCA "Our lives: women in the ACT" survey found that 54 per cent of women reported feeling unsafe in public spaces after dark, which is exacerbated for Aboriginal and Torres Strait Islander women, and women with a disability. Ms Crimmins highlighted that public safety must be a core consideration for the ACT government when taking steps to further develop Canberra's night-time economy.

There is encouraging progress in this space, with figures released by the Productivity Commission this month highlighting the ACT as the safest jurisdiction in Australia, with the lowest number of physical assaults than any other state or territory.

Whilst this is promising, it is still clear that the ACT's night-time precincts do attract more crime. In the period between 1 January 2023 and 31 March 2023, ACT Policing crime statistics listed 65 assaults, 10 sexual assaults, 33 property damages and 197 other offences in Canberra city. These are most commonly associated with drunken behaviour. This area had a permanent population of just under 5,000, according to ABS data. In comparison, the nearby suburb of Turner had a similar population of around 5,000, and ACT Policing statistics list only six assaults, two sexual assaults, 12 property damages and 19 other offences.

While we are heading in the right direction when it comes to safety, there is room for improvement, and I hope we can take this opportunity during the consultation process for a night-time economy to improve safety after dark in Canberra. The ACT has a real opportunity to ensure everyone feels safe and welcome.

The key to a good night out is returning home safely at the end of it, and the night-time economy work that the ACT government is doing is a great time to progress discussions around public safety and ensuring that a safe and welcoming Canberra night-life is at the forefront of our night-time economy strategy.

To make our night-life precincts more safe and secure, I propose through this motion that the ACT government explore the potential for "purple flag" accreditations in Canberra's night-life precincts of Civic and Braddon, as well as the other areas, as part of the ongoing consultation on and development of the ACT's night-life.

The purple flag initiative accredits night-life precincts that meet a set of best-practice standards and safety measures, access to transportation and adequate lighting, as well as diverse food and beverage offerings. Waving a purple flag signifies to the community that the area meets safety, social, and arts and cultural standards.

Sydney used the purple flag initiative to revive its night-life after the COVID-19 lockdowns, with so much success that the New South Wales government is now looking to expand the scheme across the state. If accredited, we would join

90 locations across the world, including Sydney, Stockholm and Dublin. All of these locations have reported benefits, including a raised profile and improved public image, reduction in crime and antisocial behaviour, and a more successful mixed-use economy in the long term.

The adoption of purple flag accreditation has seen real safety benefits for the precincts that it accredits. The necessary standards needed to wave the purple flag mean that an area has requirements to socialise and work in a safe environment that celebrates diversity, and with sufficient access to late-night public transport.

Chrystina Stanford, CEO of the Canberra Rape Crisis Centre, said that the centre is really pleased to see this important initiative being presented. She said:

We fully support the Purple Flag accreditation being adopted in the ACT, and also support the leadership from government in progressing strategies that have an end goal of keeping our community safer.

Canberra has so much potential to be a national destination for our night-time economy—from everything a foodie could dream of to those who want to hit the dance floor, go to the theatre or see live entertainment. I want to make sure that, as we work on a night-time strategy, public safety is a core part of the consultation and consideration.

The key to a good night out is everyone returning home safely at the end of the night. The night-time economy work that the ACT government is doing is a great opportunity to progress discussions around public safety and ensure Canberra at night is welcoming and safe. I hope we can fly the purple flag and show the world that we are a world-class destination that meets high standards of excellence in vibrancy, diversity and safety at night.

On behalf of Dr Paterson, I would like to thank, in anticipation, all members for passing this motion today. I am sure we will all look forward to updates after the night-time economy consultations. I hope we will soon fly the purple flag. We all know that Canberra has a lot to offer, and I hope that we can share our favourite spots with even more people.

**MR DAVIS** (Brindabella) (2.56): I rise to speak to Dr Paterson's motion on the night-time economy and public safety. A city's night-time economy is a fundamental part of its character. Whether it be New York, Tokyo or Sydney, large metropolises have distinct charms and cultures that are inseparable from—or are perhaps even defined by—the types of services, events, atmospheres and diversities that are catered to after hours. These cities have strategically invested in the development of their night-time economies and appointed official roles to oversee that growth, often called night tsars, night mayors or night commissioners.

In a small city like our own, the night-time economy is no less crucial. The night-time economy encompasses a broad range of activities and services, the obvious one being night-life. But the night-time economy is so much more. It is also everything that services and enables night-life, including night workers, night transport and night services that can be unrelated to classic night-life, like emergency services and health services.

Night-time economy research spans policy areas including public health, economics, justice, community safety, design, urban planning, transport, arts and creative industries. Prior to the pandemic, Australia's night-time economy included 2.3 million businesses and 1.1 million employees and generated \$134 billion in turnover. That is nine per cent of Australia's labour force and four per cent of our national economy. The pandemic brought significant challenges and changes to the industry, but it is recovering strongly. People are back to wanting diverse, vibrant, safe spaces to be in at night, and our policies must cater to this.

Research shows that the night-time economy plays a pivotal role in the ACT's overall economy. In 2021 it saw \$3.6 billion in turnover and employed 32,000 people. The night-time economy's proportion of establishments, sales turnover and employment plays a large role in our territory's economy. Comparing these indicators at a national average, our night-time economy is more focused on food, but it is below the national average for entertainment and drinking segments.

We all move through cities differently. I want our night-time economy to cater to those differences. What does it feel like navigating the different parts of our city at night as someone living with a disability? What does it feel like navigating our city at night with children, or as a restaurant worker finishing their shift at 2 am, or as somebody who does not consume alcohol, or as someone who is trans or non-binary, or as someone who has difficulty reading or who cannot read English?

The ACT and everyone who lives in and visits our fantastic city deserve a night-time economy that caters for all needs. This kind of night-time economy aligns with the core principles of the ACT Greens. We believe that arts and cultural activities help define our many communities and should be open and accessible for everyone to engage with, participate in and enjoy. We believe that everyone has the right to live in a safe and peaceful community, free from crime and the fear of violence, and we believe that the ACT government's decisions and activities should aim to create a robust, diverse and sustainable economy that harnesses the ACT community's skills, assets and innovations.

I want the ACT to have a night-time economy that has a unique, diverse scene for creative industries, including music, art, theatre, dance and other creative pursuits. I want our night-time economy to create safe public spaces for all people. I want our night-time economy to cater for different financial needs, with public spaces, indoor and outdoor, and ones that people can spend time in for free. I want our night-time economy to enable people to move around our city easily, cheaply and in a way that limits their emissions.

Night shift workers are too often an invisible part of our economy. Night workers occupy a more vulnerable space. They have reduced access to their unions and training, and longer commutes if they use public transport, because of service infrequency. I want a night-time economy that caters not only to people who enjoy the night-time economy but to all those people whose work makes it possible. We want everyone to feel safe at night. We would not have a bustling, vibrant night-time economy if people did not feel safe in our city. I thank Dr Paterson for her motion and her request for public safety concerns to be included in the ACT government's future work on the night-time economy.

Much like the decriminalisation of drug use and possession has minimised the harms caused by drugs, better management and engagement of night spaces can have deterring effects on antisocial behaviour, crime and alcohol abuse. Research on the night-time economy in New Zealand has shown that few people feel safe in their cities, while the number of night-time establishments has declined sharply in recent years, alongside a suite of policies that disincentivise the growth of night-time economies. Unsurprisingly, people feel more safe, not less, in areas that are bustling and well lit.

Harm reduction can take many forms, such as Australia's first permanent drug testing service, which recently reached a milestone of testing more than 1,000 samples. Pill testing has been championed by my Greens colleague Minister Rattenbury since 2016, when his motion to establish the service was originally voted down by Labor and Liberal members in this place. People regularly discard their drugs at the facilities once they have been tested. We are helping to reduce the harm caused by drugs throughout the community by empowering people to know what substances their drugs contain.

Planning and shared recreational spaces can support night-time safety. The other day I was speaking to Woody from the Canberra Skatepark Association and he was telling me how the skatepark design and planning in Belconnen had made it a much safer place to be, even at night-time, which also means that it is more family and kid friendly. It is well lit and close to town. It has pedestrian walkways built right near it, meaning that there is regular foot traffic, and it has apartment buildings surrounding it, so it has eyes on it consistently. This kind of clever planning could be better implemented all over our city for a variety of public spaces that help support safe, vibrant night-time activities. Strategies like these will help Canberrans feel safe while they are participating in the night-time economy and also help to reduce the demand on policing in popular areas.

Sydney has one of the greatest night-time economies in this country, yet the *Sydney Morning Herald* reported on 4 March this year that a survey said 90 per cent of women in Sydney felt unsafe in public spaces at night. One proposal put forward was for 24-hour public transport. That might be jumping the gun a bit for the ACT, but having frequent, safe, accessible and affordable transport is one obvious way to improve safety and access for more people in our night-time economy. Making sure that our transport system works optimally for all types and times of demand could be a great way to increase participation in our night-time economy and improve public safety.

Arts, music and entertainment are huge cultural drivers. I attended MusicACT's State of the Territory event last Sunday, with Minister Cheyne and Ms Lawder, which looked extensively at the role of the night-time economy as an enabler and driver of Canberra's music scene. Live performance in the ACT's night-time economy was worth a whopping \$12 million in 2021, a little over one-third of what it was in 2019, before the pandemic. While attendance has also halved, the music industry in the ACT is significant, with 570 pro-music members, over 1,100 songwriters and almost 100 live music venue managers. Despite this, MusicACT said that the ACT does not have the succession of live music spaces to cater for career growth, meaning that people

end up leaving Canberra to pursue opportunities elsewhere. Partly for this reason, generating a strong income for musicians, music industry professionals and businesses alike remains a challenge.

The majority of our night-time economy is focused in Civic and inner city areas, but I do not want us to discount the value of and increasing demand for a night-time economy in our district centres like Tuggeranong. Join me on Thursday at the karaoke at PJ's, I say. In many of these town centres there is already bustling activity at night and we should be encouraging this and supporting people to do it safely.

Urban planning has a huge role to play in how we plan for these locations and the growth of our night-time economy, particularly activities that are known to impact neighbouring areas, such as noise impacts on residents from live music. This has been an ongoing challenge for live music in the territory. The ACT Greens have been calling for the establishment of an entertainment precinct now for more than a decade. In this Assembly, I know my Greens colleagues have asked consistently about whether entertainment precincts will be finally incorporated into the Territory Plan.

Entertainment precinct laws put the onus on new developments to appropriately insulate their developments against noise. We do not want to put the onus on music venues to limit their operations or to turn their music down. You go to a live gig to hear the music turned up. Entertainment precincts will help to protect the long-term future of our music and entertainment industries without exposing residents or businesses to unreasonable or unexpected levels of noise. In areas like Fortitude Valley in Brisbane, entertainment precinct laws have helped ensure that these vibrant mixed-use areas work well for everyone—residents, nightclubs, live music venues, cafes, restaurants, hotels and retail businesses.

Canberra's music and events culture has evolved organically over time, with entertainment venues popping up in our city and town centres and even some at local shops. We must ensure that these kinds of venues are valued in the way that we plan our city into the future, as well as forecasting and strategically planning for dedicated growth in night-time economy activities in designated areas throughout our city. Careful planning must also consider the risk of gentrification that a substantial growth in clubs, foods and drink venues, entertainment and arts spaces can have if they are inappropriately integrated or distributed throughout our city. Research highlights a number of ways for cities to revitalise their night-time economies, particularly while economies recover from the pandemic.

Policies known to enable and encourage safe and diverse offerings and participation in the night-time economy include diversifying the night-time economy's offerings; attracting brand-new audiences through different experiences and a variety of events; active government support for live music and the arts; finding ways of encouraging repeat visitors to the city; adopting measures that encourage the use of public transport, like flexible pricing and timetable modelling; investing in infrastructure to make cities attractive, globally recognised and safe at night; and expanding outdoor dining options.

Dr Paterson's motion raises the potential for Canberra to become a Purple Flag city, an accreditation that is awarded to cities that have used innovation, curation, planning

and partnerships to deliver night-time economies that have diverse users, low crime rates and high expenditure and deliver successful mixed economies for their cities. I believe Canberra can, and should, strive to achieve these goals, and I commend Dr Paterson for her motion.

**MS LAWDER** (Brindabella) (3.07): I am pleased to speak on this motion today because our night-time economy, like many other areas of Canberra's economy, has been under ever-increasing stress and faces increasing challenges and a constantly increasing regulatory burden. This has been happening over the past two decades of the Labor-Greens government.

We have a significant contribution from the arts sector, with live music and entertainment. The night-time economy has been estimated to be around 14 per cent of the ACT's economy and represents a significantly higher proportion of the private sector economy in Canberra. It is also a critical ingredient in our city's ability to attract major events. More than just a set of numbers, the night-time economy is an essential contributor to the culture and livability of our city.

Every now and then, it seems that Labor and the Greens remember that the night-time economy exists, and they make announcements, undertake another review or release another strategy! But decades of plans with no follow-through seem somewhat pointless and counterproductive. It is important to note that the challenges for businesses operating in a night-time economy are not restricted to safety.

Sometimes in this place it is a bit like groundhog day. I know that almost 15 years ago the Legislative Assembly passed a motion, supported by the Canberra Liberals, recognising that live music and events are an integral part of our culture and essential for maintaining a vibrant, culturally diverse community. The motion called for a range of actions, focused on supporting the night-time economy. That was nearly 15 years ago. That motion resulted in a committee inquiry, which identified many of the strategic issues the night-time economy faces, including public safety, noise abatement, defined entertainment precincts and the ever-increasing and disproportionate regulatory burden faced by businesses operating in the night-time economy.

We know that entertainment precincts provide certainty for business operations. This is so important. Sadly, the government response to this committee report declined to action the vast majority of the report, and instead established an inter-directorate committee to look at reducing barriers to the production of live music in the ACT. It embarked on planning and strategising that failed to save far too many businesses that operated in the night-time economy.

In 2011, the ACT Planning and Land Agency undertook extensive research into how to support the night-time economy from a planning perspective. This was work which was built on by private researchers but which the government has refused to prioritise, at least up until now. In 2016, the Keep Canberra Open campaign again eloquently articulated the barriers facing the night-time economy, and the Labor-Greens government responded with more promises and more commitments.



In 2019, four years ago, the Canberra Liberals brought a motion to the Assembly in an attempt to drive genuine action to support the night-time economy, including the establishment of entertainment zones, and to address a range of real and significant barriers to the night-time economy. This motion ultimately resulted in the delivery of the ACT's Entertainment Action Plan, which was promising, but the government response since then has been underwhelming.

Let's also remember and acknowledge that the night-time economy was one of the areas hardest hit during COVID, with the night-time economy and entertainment sector operating under COVID-19 rules for 704 consecutive days.

Just last year the government again said it was going to address the regulatory burden on the night-time economy. It said that a significant overhaul of regulations would help businesses like clubs, bars and music venues operate more easily in the night-time economy.' Night-time economy businesses welcomed the government's statement as a change in the right direction, with one business owner stating that "over the last 20 years most of the rules and restrictions governments of all kinds have put on the night-time economy have only got stricter and harder". The minister told us last year that she was going to fix the regulatory problems, but here we are, another year on, and we do not appear to have much progress. As this motion notes, we are just getting another round of consultation.

I turn to some of the specific points in this motion. The Canberra Liberals have long understood that, in addition to the personal impact of crime and criminal behaviour, there is a chilling effect that the lack of safety has on people's ability and willingness to participate in the night-time economy. In other words, it is not only safety; it is the perception of safety. That is why the Canberra Liberals have campaigned so hard to get this government to increase police numbers, and we will continue to do so.

The Canberra Liberals support this motion because public safety is an essential ingredient—albeit only ingredient—in supporting a healthy and vibrant night-time economy, and because Canberrans should be able to enjoy our city at any time they choose. We support the need to keep our community safe, through Purple Flag accreditation and/or through any other measure. It is time that the government acknowledge that they have failed the night-time economy for the past 20 years. They have misled Canberrans, and the night-time economy operators as well, for the last 14 years at least. They have simply used consultation plans and strategies as an excuse for not addressing the real barriers faced by the night-time economy.

We want an after dark destination to deliver a thriving, 24-hour economy, with a rich mix of entertainment and activities for people of all ages, with safe, friendly and fun access to high quality amenities and services. That also means that it is safe for the workers in the night-time economy. I note that, largely during COVID and over the past few years, in Fortitude Valley in Queensland, and in Sydney, there has been the implementation of better night-time equality rules and regulations, better support for the night-time economy and better implementation of entertainment precincts and things like Purple Flag accreditation.

Meanwhile, this government's actions have largely made it harder and harder for businesses to operate. The community, therefore, is the loser. It is time that something

changed. Having said that, we support this motion because we support the importance of public safety.

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (3.15): I thank Dr Paterson, through Ms Orr, for bringing this important motion to the Assembly. The night-time economy is of vital importance to Canberrans and visitors, and for the development of a livable and vibrant city. A key priority for this government is building on Canberra's unique strengths and developing our city as a leading worldwide destination. We want to support tourism, business, trade and investment opportunities and to provide a gateway to our diverse region.

Our city has changed and grown a great deal in the last decade. We are all too aware that Canberra's night-time and entertainment economy has been significantly impacted by the COVID-19 pandemic. We were proud to support our live performance venues in 2021 and 2022 through two rounds of Amp It Up! business support grants, as well as additional support for nightclubs.

Last year we amended the regulatory processes for responsible service of alcohol certification and training to make it easier for interstate hospitality workers to be employed in the ACT. Interstate RSA certificate holders can now complete the ACT refresher course, instead of the ACT full course, when their interstate certificate expires. I understand Mrs Kikkert in particular is very fond of her food truck experiences. Food trucks and other hawker businesses have benefited from hawker permit fees being permanently waived.

As has been pointed out, last year we released our Better Regulation agenda, which foreshadowed our review and our consultation on the night-time economy that would be starting this year. Now is a great opportunity to review the policy, legislative, regulatory and process frameworks and settings to ensure that they are working their best to support our night-time economy, and working closely with community and businesses.

This review, led by the Better Regulation Taskforce, with key support from many government agencies, will focus on the key areas of sound, licensing, liquor and planning. This review and consultation will inform the settings and frameworks for the entertainment precinct work, led by Minister Gentleman, but also the settings that support the night-time economy across all of Canberra.

Earlier this month I flagged that the ACT government has put pen to paper and developed a draft vision for the night-time economy. This is now being tested with industry and community. Defining what we want to achieve for our night-time economy through this vision gives us parameters or guidance in reviewing our settings. I was very pleased to reveal that draft vision for the first time at the MusicACT State of the Territory on Sunday afternoon, and am equally pleased to share it now:

The Vision is for a city where the night brings exciting opportunity for all Canberrans and visitors to connect, explore culture, work and have fun.

A city after dark that is safe, easy to get around and accessible.

Where there is plenty to see and do, which is visible or easily found.

Where talents and creativity of businesses, artists and entrepreneurs are readily showcased and valued.

Canberra, day and night, a better experience for everyone.

With this vision we are making it clear that safety is a top priority—not just the safety of those who will enjoy what Canberra’s night-time has to offer but of those who will work within it to help provide those wonderful experiences. Public safety considerations will be embedded as part of the consultation process, together with work that has already begun with ACT Policing and the relevant policy agencies.

I acknowledge the hard work that already exists through the service provided by the CBR NightCrew. The ACT government is committed to funding the service, which currently runs in Civic on Thursday, Friday and Saturday nights, with the aim of minimising harm to vulnerable people in Canberra’s late night entertainment district. The services aim to reduce alcohol and drug related crime and antisocial behaviour and contribute to the vibrancy of Canberra city’s late-night economy by assisting people who are affected by alcohol or drug consumption or who are otherwise are experiencing difficulty. It does so through contacting family or friends; providing sober-up support; de-escalating potential violent incidents; providing first aid; and minimising the risk of sexual assault. The service includes both roaming volunteer teams looking for at-risk people to assist and a “safe space” tent located at platform 8 in the city bus interchange.

Safety in a night-time economy also encompasses other issues, such as lighting and transport options, and how well an individual knows a particular area, as well as the diversification of entertainment options and the diversification of individuals enjoying those options. A truly successful night-time economy will only thrive if it is accessible to all, regardless of age, gender, sexual identity, cultural ability, physical and mental ability, and friend and family grouping. To this end, I welcome the inclusion of exploring Purple Flag accreditation.

Purple Flag is a pilot program currently being initiated in four New South Wales areas. Accreditation has already been awarded to YCK Laneways in the Sydney CBD, as well as Parramatta CBD. Purple Flag in New South Wales has been franchised from the UK administrators, where it has been successfully implemented in a number of areas. There are over 90 Purple Flag accredited areas across the world.

Accredited Purple Flag areas meet standards of excellence in managing the night-time economy and allow members of the public to identify areas that offer a diverse and well-managed night-time economy that extends beyond just liquor. It is important to note that the Purple Flag program is led not by government but by industry. Government involvement is via support in the way of forming industry working groups and engagement to assist with the process.

While it is too early to report on the New South Wales pilot schemes, we know that internationally Purple Flag areas have reported a safer, more inviting, inclusive and

diverse night-time economy, and this all attracts visitors. This is a standard that we want for Canberra's night-life—an inclusive approach that encourages diversity of venues and experiences, one that nurtures the arts and is made up of a broad range of businesses and activities, including restaurants, cafes, pubs, bars, theatres, galleries, festivals, markets and live music, as well as other culturally focused activities, and businesses operating in the retail and fitness sectors. Through that inclusivity and diversity will come increased perceptions of safety, as well as an increase in actual safety indicators, backed by data.

Our task force has already established connections with the New South Wales Office of the 24-Hour Economy Commissioner and members of the team administering and assessing the Purple Flag pilot program. I am pleased to say that a presentation has already been provided to government. We will also be looking at a number of initiatives from across the world that could be used to promote public safety in the night-time economy. Work will be ongoing to ensure that public safety remains a priority. Consultation on reforms, especially one as large as looking at the various settings and frameworks to support the night-time economy, is not a one-off. We will continue to listen to all stakeholders and will collaborate with businesses and the community to support and grow a thriving night-time economy in Canberra.

I thank the Better Regulation Taskforce for leading this important work, as well as the many partners and contributors across the ACT government who are helping to realise this vision, including the Business and Innovation team in CMTEDD, Access Canberra, the Environment Protection Agency, the planning authority and many others. I thank Ms Orr for bringing forward this motion today, on behalf of Dr Paterson. I commend it to the Assembly and will be happy to update the Assembly as this exciting program of reform progresses.

**MS CLAY** (Ginninderra) (3.23): I would like to thank Dr Paterson for bringing her motion to the Assembly, and I thank Ms Orr for presenting it for her. We have heard some really great points made today. I will try not to repeat them. I thank my colleague Johnathan Davis for speaking about entertainment precincts, which are related to this area. and for speaking about safety. We have heard quite a lot of discussion from Minister Cheyne and my colleague Jonathan Davis about safety issues.

I think safety and convenience of public transport really is key to this. We have been advocating for this for quite some time. We were hoping to get better bus timetables late at night. We had a bus timetable change earlier in the year. When we wrote to the minister, requesting that the services be extended into the night, we were told that that would not happen. It is really unfortunate. I think that would assist our night-time economy.

I have also just seen the government's response, tabled this morning, to a petition seeking to restore the ANU bus route. I know that is an issue that has come up in the Assembly a few times over the years. This particular petition received 1,237 signatures. I understand that the government thinks there are adequate bus routes elsewhere and that ANU could provide a minibus, but it does not really engage with the problem.

ANU student Skye, the petitioner, has explained this issue really clearly in both the petition and the media. Skye says that the 5,700-plus students at ANU have a really poor choice. The petition says:

... ANU is one of the least safe campuses for SASH—

sexual assault and sexual harassment—

in the country, and being forced to walk back through a dimly lit sparse campus on a night out does nothing to help those matters. Having a safe, public, alternative to running the gauntlet of making their way back to safety would be very valuable for the most vulnerable people on campus.

Good access to late night public transport really is essential for our night-time economy and for safety. I would really like to see Canberra's public transport network improve the frequency and reliability of buses and expand our coverage in off-peak periods, particularly early in the morning and later in the evening, when we have identified a lot of gaps.

We have got to ensure that people having a fun night out or people working early in the morning or late at night on shifts are able to get to work and get home safely and reliably using that public transport. It is a small segment of the population sometimes, but it is really important to give them good choice.

We need to make sure that that public service is not run like a for-profit company, only chasing the most profitable and efficient bus routes in the middle of the day. If we have the buses, and if we have enough drivers for the services later into the evening, we should really consider that. We are very happy to support this motion today, but we would really like to see better public services to back it up.

**MS ORR** (Yerrabi) (3.26), in reply: On behalf of Dr Paterson, I would like to thank everyone for their contributions today. I know she is very passionate about this topic and looks forward to what can be realised.

Question resolved in the affirmative.

## **Housing—rental affordability**

**MR PARTON** (Brindabella) (3.27): I move:

That this Assembly:

(1) notes:

- (a) that Canberra consistently has the highest rents in Australia and a very low vacancy rate;
- (b) according to CoreLogic, in the March 2023 quarter alone, Canberra was the second most expensive capital city to rent in, at \$674 per week for all properties against a national average of \$570 per week;
- (c) the current vacancy rate in Canberra for units is 1.8 percent, meaning there is practically nothing available;

- (d) if a home seeker is fortunate enough to secure a vacant unit, this will cost them a median \$585 per week, or \$2,300 per month, or \$28,000 per annum while the median equivalent for a house is \$34,000 per annum;
  - (e) these rent levels impose massive hardship on people in lower income brackets;
  - (f) that this situation is a direct result of long-term ACT Government policies including, the very high property rates and land tax regimes and the tangled web of difficult and costly legislative change in the residential tenancies space; and
  - (g) the recent extreme Greens proposal from a number of cabinet ministers to freeze rents for two years;
- (2) further notes that:
- (a) Canberra consistently has the highest median prices in Australia for detached housing despite being a relatively small city; and
  - (b) the Greens proposal would disincentivise the supply of rental accommodation and exacerbate the Territory's homelessness crisis; and
- (3) calls on the ACT Government to:
- (a) stop driving rental prices up through market-distorting legislation, taxation and regulation;
  - (b) release more land for detached dwellings; and
  - (c) absolutely rule out a two-year rent freeze.

Canberra is in a rental affordability crisis. That is a fact of life. The associated numbers around this rise and fall from time to time, and I am sure that those opposite will make a fair bit of hay out of the vacancy rate numbers revealed by Domain and the Real Estate Institute earlier in the week, because they were heading in the right direction. I quote Maria Edwards, from the ACT Real Estate Institute, on ABC Radio this morning. Maria said that there has not been an increase in supply. She indicated on radio this morning that the anecdotal evidence was that a large number of renters had moved back home to save money. She indicated that many landlords were nervous. They were holding onto their properties at the moment because the market had come down somewhat in the last 12 months and that, as interest rates rose, and as the raft of residential tenancies laws are eventually felt by those landlords, there were some tough decisions for many landlords to make.

Those on the other side of this chamber continue to suggest that when some investors leave the market they will be magically replaced by first homebuyers. Again, Ms Edwards, on radio this morning pointed out that the first homebuyer loans were down in the ACT in the last 12 months, by around 15 per cent. She went on to say that there is no new supply. If there are no or very few new properties coming onto the market, if investors are selling off their properties or putting them on the short-term market, Mr Davis, there will be fewer properties available in the rental pool. I am quoting you, really.

**Mr Davis:** I'm working on that.

**MR PARTON:** Maria is absolutely right in what she says. The numbers will be short-lived. We will fall off another cliff again; there is nothing surer. I would also note that, although there is, in theory, a temporary easing of the vacancy rate, we are not seeing an easing of the rents being asked; if we are, it is very marginal. I am not suggesting that the back end of the year will provide much good news in this space.

It is my motion, Madam Speaker; it has not been obliterated yet by the Chief Minister, so it is in its original form. At the moment, in its original form, I can speak to my motion, and I can choose to speak to whatever part of it I want to speak to; so I will.

What I want to focus on is that the motion notes the recent Greens proposal from a number of cabinet ministers to freeze rents for two years. It calls upon the government to absolutely rule out a two-year rent freeze. Colleagues, as we welcome the minister for housing to the chamber, let us talk about that. Let us all go on the record and talk about this.

In any other jurisdiction, if the Minister for Homelessness and Housing Services held a press conference to flag her support for a two-year rent freeze, it would mean that, in that jurisdiction, there was a two-year rent freeze being rolled out. I am not sure that that is what we are doing, but we do not really know. We have the chance today to absolutely rule it out or to put on the record what we really think about it. This is the chance. This is the theatre of ideas in here. We can tell the world what we genuinely believe about this. Today, we have the chance to test cabinet solidarity—if there is any of that left! I have not heard Ms Berry speak at this stage about the concept of the two-year rent freeze, and I am very keen to hear more from Mr Rattenbury.

We know what Michael Fotheringham, the director of the Australian Housing and Urban Research Institute, thinks about it, don't we, Madam Speaker? He made some very clear statements about it last week. He criticised the Greens for floating “populist ideas that we know won't work as alternatives to this package of legislation.” He was referring to the federal legislation. He said: “We need to move beyond that sort of politicking to actually create solutions that will work.” Dr Fotheringham said that rent freezes can scare landlords. I think he is scaremongering! Dr Fotheringham is reported as saying:

... rent freezes can scare landlords into selling, creating “turmoil for the tenant who's likely to risk eviction” and “a lot of upheaval in an already disturbed market”.

Dr Fotheringham went on to say:

“Just using that language immediately puts it into a more alarmist category ...

He is almost suggesting scaremongering! He said, “It's actually unhelpful.” This is a direct quote from that hard-right Michael Fotheringham:

... it's actually unhelpful and it scares landlords ... [who] are looking at cost of living and interests and thinking, well, this isn't going to work ...

He closed, in the article in the *Canberra Times*, by saying:

“What we need to do as a housing system is move away from—

this is what he said, Mr Davis—

the ‘us versus them’ thinking of landlords versus tenants, and actually realise that a good outcome for managing a property long term sustainably is good for both.”

This is Michael Fotheringham. We are not talking about a rabid, right-wing property mogul; we are talking about an esteemed academic who spends his entire life trying to get people into housing that will allow them to live their lives in a meaningful way. That is Dr Michael Fotheringham. I am looking forward to a response from Mr Rattenbury on that today.

We know that, if there were to be a rent freeze, Mr Rattenbury would be the responsible minister. We also know that Mr Rattenbury wrote to the Chief Minister in late April, imploring him to consider this measure. I do not have the letter, obviously. He wrote to the Chief Minister, in the same way that I might write to him—I write to Mr Barr from time to time—as a non-executive member, asking him whether he could get the responsible minister to act; except, in this case, Mr Rattenbury is the responsible minister.

It is all very bizarre, isn’t it? If you want to talk about a mockumentary script, this is right up there. Mr Rattenbury wrote to the Chief Minister to ask the Chief Minister to ask him to implement this measure. I wonder what the Chief Minister thinks about this. We have seen a little of what the Chief Minister thinks about this because I note that in his amendments he says:

- (4) finally notes that further rental property reform proposals have been put to Government, including monitoring and regulation of short-term rental accommodation, further regulating vacant homes, and further rental controls including a two-year rent freeze ... which are currently being assessed to determine if such reforms would provide greater protections ...

I have the number of Michael Fotheringham. In fact, I am attending another AHURI forum in Sydney next week, if you want to come along and join us. I am sure he can give you further advice on this.

I am keen to find out more; indeed, most landlords in the ACT are pretty keen to find out what the Chief Minister thinks about this. They are all very keen. Who will go on the record and genuinely talk about this? Are we going to rule it out? Are we going to implement it? Who is actually flying the plane here? That is what I want to know.

In regard to rental affordability, I would note that there is a *Riotact* story that went up on that platform—it went up in the last 24 hours—about the massive growth in the short-term rental market here in the ACT. The story suggests that more investors are making the most of Canberra’s growing short-stay accommodation market, which can yield up to 30 per cent more revenue than a traditional long-term rental property.

There are four comments on the story—or indeed there were when I was preparing this speech a little earlier today. I will read out all four of them. I want to advise that



these comments are not from a mockumentary, as Mr Rattenbury might believe. These are the real people who live real lives on a different planet from the one where the Greens reside. Jorie1 says:

What a great idea. My current tenants are terrible—don't pay rent on time, do damage to the property, are rude and noisy—and the ACT tenancy law protects them, not me. So changing over to something better and not having to put up with long-term rude tenants sounds good to me. And if I can make more money, charge decent market rent and not be bound by ridiculous low rental caps, that's even better. And also not have to pay thousands for new energy stuff that the ACT Government says rentals need to have. I'll definitely be looking further into this type of thing.

L Angers says:

Given all the law changes it's easier than long-term rentals. The returns are better too.

Will Newby says:

We gave up renting, Barr and Rattenbury assume all landlords are mega millionaires.

And devils\_advocate says:

Short stay accomodation will become an increasingly attractive choice for landlords, particularly with the ACT "government" imposing increasingly draconian anti-landlord regulations.

There you go. That is from the *Riotact*. If that is an indicative sample from landlords, I wonder where we will end up here, people!

In regard to the "calls on" to release more land, I want to touch briefly on the recent ballots, the last four, in Jacka, Whitlam and Macnamara. They display that the government is absolutely strangling the supply of land for detached dwellings, and doing so to force up the price of housing, escalating rates and land tax.

In recent months we have seen just shy of 30,000 applications for 562 blocks. Let us get this straight. We have had 562 successful applications to win the opportunity to pay for a block of land, and just over 29,000 unsuccessful applications. I repeat: 29,000 unsuccessful applications, the ones who missed out. If they were all able to build a home, that would translate to more than the combined population of Yass, Murrumbateman and Bungendore! I wonder what those people, who had their finance approved and were ready to buy a home, are going to do. I guess time will tell.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (3.39): It is Thursday afternoon at the end of a long sitting fortnight, and it is "Parton hour"! In all seriousness, Madam Speaker, I rise to speak on the motion. I seek leave to move the amendments that I have circulated together.

Leave granted.

**MR BARR:** I move:

1. Omit paragraph (1)(c), substitute:

“(c) the current vacancy rate in Canberra is 1.8 percent, currently the highest in the nation and an increase over the past year from a low of 0.5 percent, but still under the preferred range of around three percent;”.
2. In paragraph (1)(d), omit “\$585”, substitute: “\$550”.
3. Omit all words after paragraph (1)(e), substitute:

“(f) the most recent rental supply and cost data shows supply is increasing, and ACT rents are stabilising (so falling in real terms); and

(g) the Real Estate Institute of Australia released research on 7 June 2023 which stated “Rental affordability declined in all states and territories, except in the Australian Capital Territory where it improved.”;
- (2) further notes that the ACT Government is working to improve housing affordability and accessibility, by:
  - (a) attracting large-scale build-to-rent developments with an aim to quickly grow the number of long-term rental properties in the ACT by 5,000 dwellings;
  - (b) delivering its extensive public housing renewal program and commitments outlined in the Parliamentary and Governing Agreement for the 10th Assembly; and
  - (c) passing the Planning Bill 2022, which will facilitate the release and development of more land for housing;
- (3) additionally notes that the ACT Government has undertaken a range of measures to assist existing renters’ security and comfort, by:
  - (a) implementing a range of pro-tenant tenancies reforms, such as ending no cause evictions and setting minimum energy efficiency ratings;
  - (b) capping rental increases to a maximum annual rate of CPI plus 10 percent of CPI, a model being explored for adoption by other Australian jurisdictions;
  - (c) establishing a Rental Relief Fund, which is providing targeted support to low-income households who are experiencing rental stress with grants of up to four weeks rent up to \$2,500; and
  - (d) implementing a land tax exemption scheme for property owners who make their property available for rent through a community housing provider, at a rate less than 75 percent of the current market rent;
- (4) finally notes that further rental property reform proposals have been put to Government, including monitoring and regulation of short-term rental accommodation, further regulating vacant homes, and further rental controls including a two-year rent freeze and two percent rent cap, which are currently being assessed to determine if such reforms

would provide greater protections for tenants while facilitating the necessary large-scale stepped increases in affordable housing in Canberra; and

- (5) calls on the Government to continue to implement evidence-based housing and rental policies that improve accessibility and affordability.”.

I appreciate the opportunity to talk about the wide range of reforms that the government has brought in during the last and the current Assembly to directly support current and future renters in Canberra.

In moving my amendments to the motion, I have attempted to maintain some elements of Mr Parton’s original motion, albeit with some factual errors corrected, as a demonstration that there is, of course, always more to do in housing. My amendments reflect much more accurately the current state of rental affordability in the ACT, and the status of certain policies and proposals before the government.

From the outset, we acknowledge that rent increases here and across the country are putting a strain on many tenants, but the ACT has much stronger structures to mitigate those increases. As my amendments outline, recent data released by the Real Estate Institute shows that the ACT is the only jurisdiction where, over the last survey period, renting has in fact become more affordable, and rent levels appear to have plateaued in the territory, unlike other major metropolitan areas in other states and territories. Given the current rate of inflation, that means rents are falling significantly in real terms.

Overall, housing and renting remain relatively affordable in the ACT relative to our average income levels. In December 2022, the proportion of family income required to meet average rent payments was 21.1 per cent in the ACT, compared to 23 per cent nationally. This made Canberra the third most affordable jurisdiction to rent for the median household.

Of course, not every household is the median household and there are Canberra tenants who are doing it tough. No-one is denying that, which is why we have brought in significant measures to protect renters and improve access to good rental properties in a range of sizes, locations and price points.

The measure that has garnered the most national attention recently is capping of rent increases. In other jurisdictions, we have heard of renters copping two or three rent increases in a year, with no upper limit on the increase. There are horror stories in Sydney and Brisbane of rents going up by over 20 per cent in January this year, and then up again, and we are only in June.

The ACT is the only jurisdiction in Australia to provide specific guidance on what is considered a reasonable rent increase in a periodic tenancy. Our formula, introduced in 2019 by then Attorney-General Gordon Ramsay, and supported at that time by both Labor and the Greens, limits the annual increase to 110 per cent of the consumer price index.

This has certainly captured the attention of the national media and, I can confirm, other state and territory leaders, and was discussed during the national cabinet meeting in Brisbane in April, and with leaders on the sidelines of that meeting. I will not be surprised if a formula similar to ours is implemented in other jurisdictions as part of a rental protection harmonisation project that is underway across the Federation.

The Residential Tenancies Legislation Amendment Act commenced on 1 April 2023. These reforms are another significant step forward in strengthening tenants' rights so that they feel secure in their homes. No-cause evictions have now been removed from ACT tenancy law. This means that a landlord cannot end a tenancy unless there is a specific or legitimate reason for doing so. The law now sets out all of the grounds on which a tenancy can be ended, and no other grounds for termination are permissible.

The removal of no-cause evictions gives tenants greater confidence in asserting their rights under the law, as they no longer need to fear being evicted without any reason at all. The removal of no-cause evictions from tenancy law delivers on one of the government's commitments to the community under the Parliamentary and Governing Agreement for this Assembly. Removing no-cause evictions, in combination with our rent increase cap, is clearly working effectively to moderate rental increases.

There are a number of other important tenancy reforms that have recently commenced, including ensuring that tenants are not asked to make rent bids in order to secure a property, strengthening tenants' rights to grow food and to compost, and changes to support minimum standards for rental properties, making sure that landlords have to tell tenants when their property meets the minimum standards that are enforced. I am sure Minister Rattenbury will outline some further detail in his contribution to the debate.

We understand that, despite these overall protections, some renters are really struggling with payments for a range of reasons. The Rent Relief Fund has therefore been established to provide targeted short-term support, particularly for low income households in the private rental sector who are experiencing rental stress or severe financial hardship.

The fund will be available through the coming fiscal year and provides grants for up to four weeks of rent, capped at \$2½ thousand, to help tenants and occupants maintain safe, secure and stable accommodation. Grants will be paid directly to the eligible applicant's landlord or grantor. To be eligible for a grant, the household must be experiencing rental stress or severe financial hardship. Applicants must also meet income limits, which vary depending on the number of people in the household.

Rental stress is defined as where a household pays more than 30 per cent of their income in rent and has cash savings of \$5,000 or less, excluding superannuation. Severe financial hardship can exist where a household pays less than 30 per cent of their income but has cash savings of less than \$3,000, excluding super.

My amendments make it clear that the government is, of course, always willing to consider further proposals put to it if the object and result are to improve the daily life

of current and future tenants. Of course, these and all proposals need to be subject to rigorous scrutiny to ensure that they do not have unintended negative consequences for current renters, or act as a roadblock to the delivery of new rental properties.

Reforms need to be evidence based and structured to improve accessibility and affordability. There will always be a need for a strong and diverse rental market in the territory. We need to ensure that that remains sustainable and grows at a higher rate than our city's population growth.

I have been looking back at the data and, a decade ago, we had 140,657 rateable properties in the territory; and, of that 140,657, 37,291 were subject to land tax, so they were rented out at some point, constituting then, in 2012-13, 26.5 per cent of all housing in the territory that was available for rent.

Fast-forward a decade, and the number of properties in the city has grown from 140,000 to 184,158, and the number of rental properties has grown from 37,000 to 56½ thousand. The rental market now represents 30.7 per cent; so 30.7 per cent of all properties in the territory were rented and attracted some form of land tax. That is how we determine if they are in the rental market. Rental properties have increased as a share of the total number of properties in the territory and increased in absolute terms quite significantly as well.

In spite of the opposition from the Canberra Liberals to a number of the rental reforms that we have implemented over the last 10 years, with a suggestion that that would lead to a collapse in the supply, in fact the opposite has occurred.

As I said, we will always need a strong and diverse rental market in the territory. We have listed some ideas in my amendments that have been proposed, and these will, of course, go through usual policy scrutiny. I do note at this point that, with Canberra rents stabilising—falling in real terms, in fact—and increased supply about to hit the market, a rent freeze may not have the same urgency as it would in other jurisdictions where it is being advocated, or nationally.

One area that undoubtedly improves access to rental properties is fostering the delivery of build-to-rent models that include an affordable component. By bringing build-to-rent to Canberra, the government is looking to increase the number of private rental properties, particularly at the more affordable end of the rental market; to grow the number of affordable rental options available at less than market rent, predominantly targeted at households in the second income quintile; increasing choice and diversity for renters, with homes that are specifically designed and built to meet long-term rental needs; and offer opportunities for long-term tenure arrangements. I am not talking about 12 months, rolling over, but often rental agreements that can be for three, five, 10, 15 or even 20 years, if the tenant wants that sort of security. This enables tenants to establish themselves as part of a community and to personalise their homes.

The prospectus that we released last year has been successful in increasing the ACT's market attractiveness for both community housing providers and private providers for affordable long-term rental. This will provide large-scale multi-unit developments where residential dwellings are retained by a single owner and rented out long term, with the government's preference being at least 15 to 20 years, rather than being sold to individual purchasers in the market.

The build-to-rent model has the potential to provide long-lasting community benefits with greater housing choice for tenants, by expanding access to high-quality dwellings in a very stable rental environment. Genuine build-to-rent provides increased rental security, along with a range of wider social and economic benefits, as tenants, as I have said, are better able to establish themselves in their community.

The Planning Review, which is touched on in one of my amendments, also outlines why the passage of the Planning Bill is so important over the medium term to foster more and diverse housing options for Canberrans. The objective and vision of the planning system review is to deliver planning and land use reforms that make housing supply more responsive to demand.

Central to this work is sustainably constructed and well-located housing near employment, transport, recreation and public open space. The new planning system will facilitate more affordable housing—again, near employment opportunities, near transport and near public services.

As I outlined in my speech on that bill last week, it will also ensure that the city remains livable as we experience a changing climate and more extreme weather events. It seeks to make sure that we get maximum effective use out of our existing infrastructure—the billions and billions of dollars of assets that the territory holds, such as roads, light rail, our water, sewerage and electricity infrastructure. It is about maximising the efficiency of public investments whilst reducing the environmental impact of future population growth.

I commend these amendments to the Assembly as an accurate reflection of the ACT rental market as it stands now, in June 2023, and that outline the actions the government is taking to directly benefit current and future Canberra renters. Our focus is on growing the rental supply faster than the rate of population growth. In doing so, we are focused on increasing existing renters' security and comfort, making sure we have targeted support for Canberrans who need it most, and, importantly, beyond the private rental market—and I am sure the Deputy Chief Minister will touch on this—continuing our public housing growth and renewal program.

Supply-side solutions are critical, Madam Speaker, but that does not mean you cannot also look at improved protections for renters. The two are not mutually exclusive and the government is pursuing both. It is a little bit more complicated and sophisticated than Mr Parton's presentation this afternoon would suggest. But the government, across multiple ministers who have responsibilities in different areas of the regulation and supply of housing, and the attraction of new investment into the territory, are pursuing a nation-leading agenda of reform across planning and land use, innovative new housing supply models, and innovative and supportive regulatory frameworks to support renters in the long term. I commend my amendments to the Assembly.

**MR DAVIS** (Brindabella) (3.53): I thank Mr Parton for the motion. Unfortunately, the overarching thesis is ideological conjecture with a few rogue facts that give absolutely no support to the conclusions that Mr Parton draws. We are going to start with some of the facts. The ACT's housing crisis is real, just as the nation's housing crisis is real. It impacts renters enormously and disproportionately. Thirty-one per

cent of Canberrans are renters and, in the last census, one quarter of renters said they paid more than 30 per cent of their household income on rent, putting them into the definition of rental stress, with some of our essential workers paying up to 76 per cent of their income on rent!

Once again, this year's Anglicare Rental Affordability Snapshot found there was not one property in the ACT's private rental market that was affordable for someone on JobSeeker or on a pension—not one! Each year, the snapshot shows us a similar situation and each year we express concern, but we fail to make the step change needed to deliver a substantially different outcome.

There are now over 3,000 people in our city who need help and need rents that are protected from an out-of-control housing market that has lost its connection to the primary purpose of housing—and that is fundamentally to provide a safe home; homes not to be commodified, commercialised and traded but real homes for real people. Even with record investment in public housing, we cannot meet the needs in our local community that have been created by a failure of the private housing market.

We know that a safe home is the foundation for a good life, yet the escalating level of need for public housing means that we are only meeting a fraction of this need despite this record investment. It will be impossible to solve homelessness in the homelessness sector alone. We will not solve housing affordability through public housing authorities, particularly after decades of eroding the capacity of these authorities to respond. We need to face the facts that we have to intervene in the private rental market to ensure that all Canberrans can have a safe, affordable place to live—a home close to their work, education, families and communities, that is sustainable for them, their natural environment and the climate.

Mr Parton wants to put the cause for this situation on the policies and reforms of the ACT government, and in particular the ACT Greens—in particular, “the very high rates and land tax regimes” and legislative changes to the Residential Tenancies Act. As we saw yesterday with Mr Parton's anti-car motion, there is absolutely no willingness on the part of the Canberra Liberals, personified by Mr Parton, to look at new facts and evidence and then come to a conclusion that is not purely ideological and motivated by a crass political agenda.

Failure in the private housing market is complex. There are reforms at a federal level that we know would substantially improve housing markets across Australia, including the ACT—reforms to negative gearing and capital gains tax discounts that artificially inflate house prices and largely benefit people on high incomes who already own more homes than they need. These aside, there are many measures that we are taking here in the ACT to alleviate pressures on our housing market. Reforms led by the ACT Greens in this place are the reason that our housing and rental markets are not worse than they currently are, and we are working every day to improve the situation.

Where does Mr Parton find the evidence for his claims that strengthening renters' rights is the cause of the housing crisis? I welcome Mr Parton taking time in his closing remarks to show us exactly how he has reached the conclusion that improving the lived situation of the more than 30 per cent of Canberrans who rent their home is

negatively impacting prices in the rental market. He might find it a bit difficult, though, because research—and we are both quoting from the same research here—from the Australian Housing and Urban Research Institute shows that there is no statistical evidence for properties exiting the private rental market in response to the strengthening of renters' rights, both in New South Wales and in Victoria. I am going to repeat that: there is no statistical evidence for properties exiting the private rental market in response to the strengthening of renters' rights in New South Wales and in Victoria. Survey data showed tenancy laws are rarely a factor in the decision of landlords to dispose of properties. Their conclusion was that housing policy agendas should centre on housing rights and reject the threat of disinvestment. That is the exact opposite of what Mr Parton is doing.

My Greens colleagues have continued the legacy of the former Greens member for Murrumbidgee, Caroline Le Couteur, who consistently called for improvements to renters' rights, for a vacancy tax and for an end to no-cause evictions. Minister Rattenbury recently secured substantial improvements to the Residential Tenancies Act, finally putting an end to no-cause evictions, prohibiting soliciting rent bidding and providing for minimum energy efficiency standards. These improvements mean that the ACT now has some of the strongest rights for renters in the country. And, yes, we Greens want to do more! We must do more.

We want to strengthen renters' rights further and put tougher limits on rental increases. We want to see a two per cent cap on all rent increases and a freeze on two-year rents, because the situation is out of control. I challenge any person in this place who can look a constituent of theirs who rents in the eyes and argue against a rent freeze. We are working to build more public housing and making sure that the ACT is a place where the private rental market can grow. We want to explore the role that short-term rental accommodation plays in keeping private rentals off the long-term market. We have an estimated 1,000 properties that are not available for long-term rent because they are used for short-term rent through platforms like Airbnb.

Mr Parton, in his speech, highlighted a gross article in the *Riotact* today, where real estate agencies are starting to pivot their business model and are actively incentivising landlords to pull their homes out of the long-term rental market and, instead, run suburban unregulated pseudo-hotels. The government knows exactly what I think needs to be done to improve that space! That number of properties—already 1,000 in this market—would make a huge dent in the demand for housing if they came back into the long-term rental market and would improve our vacancy rate. We also want to explore how a vacancy tax would help support a healthy rental market, because, while there will be those who hand-wring about the idea of a new tax, fundamentally I would hope we all agree that you have no business owning a residential property that sits empty for an extended period of time in a housing crisis, without an explanation. There is no good reason at all. Government regulations should disincentive that kind of behaviour.

The ACT's land tax regime in no way negatively impacts the supply of rental properties, despite how often it is repeated, ad nauseam, by the Canberra Liberals, their landlord donor base and those who would like to get out of paying their tax liabilities. The ACT's land tax regime in no way negatively impacts the supply of rental properties. How do we know? You receive a land tax exemption in the ACT if



you provide your property at an affordable level. Despite that offer, the number of investment properties that are subject to land tax has increased in the last decade, from 26 per cent of total dwellings to more than 30 per cent of total dwellings. That is an increase in the number of people with investment properties or the same number of people who own more investment properties, or some combination of the two. That means that the ACT has become a more popular place to invest in property and put those places on the long-term rental market. Given the uptake of the exemption offer is growing but remains modest, land tax is clearly not an unbearable imposition on landlords. That evidence directly contradicts Mr Parton's unfounded assertions around land tax.

Last week, Mr Parton's colleague Mr Cain, the shadow planning minister, gave a speech about the government's new planning system. This is quite funny because, in the speech, Mr Cain accused the government of being too quick to develop. Mr Cain said: "It is almost as if they rush to build before they even plan." This is extraordinary. It is almost like Mr Cain was actually reading Mr Parton's motion this week which notes a range of housing problems, blames them on the Greens and proposes no solution for planning or where houses should go, and then he calls on the ACT government to "release more land for detached dwellings".

Mr Parton has spoken loud and clear. There were 7,800 registrations for 51 blocks in the second release of Ginninderry, and 4,476 registrations for the 217 blocks in Jacka. I quote Mr Parton: "We have seen 29,700 applications for 560 blocks." That is spread across the four latest land releases. It begs the obvious question: where do Mr Parton and the Canberra Liberals plan for these new blocks to go? It is almost like the Canberra Liberals are the ones in a rush to build with no plan at all. They would like to convince the 29,700 applicants for the 650 blocks that, were the Liberals on the Treasury bench, they would all get a block.

**Mr Parton:** A block for you, a block for you—

**MR DAVIS:** Mr Parton, I want to know, and I think the Canberra community deserves to know, where the Canberra Liberals intend to find almost 30,000 large new blocks of land. Where do you intend to find almost 30,000 large new blocks of land? Until the Canberra Liberals are prepared to answer this question, they cannot be taken seriously on the question of land release. I suppose they want to just pave all over West Murrumbidgee and the Western Edge, Kowen, CSIRO, Ginninderra, Ginninderry, Molonglo and Gungahlin. If the Canberra Liberals had their way on housing affordability and planning, you would be living in a distant suburb that is closer to Cooma than it is to Canberra. They want to build more suburbs until our bush capital has absolutely no bush left at all!

You might recall that there was a motion a little while ago where the Canberra Liberals took up my claim when I challenged them, saying "Where would you actually release land?" The leader of the opposition, Ms Lee, had a great idea. I looked at Ms Lee's Facebook post on her motion, where she proposed more building on suburban blocks west of the Murrumbidgee River, in Tuggeranong. The comments on Ms Lee's own Facebook page were overwhelmingly "No." They said, "Leave the river alone," and "That is nature reserve. Is there nothing the Liberals will not decimate?" It certainly seems that way, does it not, if there are 30,000 new suburban blocks under the Canberra Liberals?

I ask Mr Parton, through you, Madam Speaker: do you really think that every person who puts their hand up for a block of land should get one?

**Mr Parton:** It is your speech, buddy—

**Mr DAVIS:** Yes—that is what I thought. He is usually pretty keen to interject. I gave him an absolute yes or no opportunity to answer the question. He was not willing to take one up. I am going to only assume that Mr Parton would like to pretend to the people who are wanting to get a block, “You will get a block.” Then he will go to the Conservation Council and say, “No, we will not decimate the bush capital,” and then he will meet with REIACT and say, “Yes, landlords have it way too hard” and then he will meet a group of young people who rent and say, “No, you renters have it way too hard, but it is all the Greens’ fault. The Greens—the ones who want to freeze rents and cap rents and make your home more efficient—are actually the ones doing you a disservice, Mr and Mrs Renter.” I mean, please!

There is plenty of land in the ACT to build more homes. The ACT government is committed to at least 70 per cent of new homes as urban infill, while the ACT Greens think this should be increased to at least 80 per cent—a small difference.

**Mr Parton:** Go with 90!

**MR DAVIS:** Gee whiz—you are a caricature of yourself sometimes, Mr Parton. Eighty-one per cent of Canberra’s residential land is RZ1. What that means is single detached homes on what are usually quite large blocks. In my electorate of Tuggeranong, the majority of RZ1 blocks are over 800 square metres, and I know of many of my constituents in Tuggeranong who would be more than happy and interested in considered proposals to subdivide their blocks and welcome even more Tuggeranongites.

Imagine how many more homes we could build if we were focused on more medium- and high-density development—high-quality development close to schools, shops and transport. Oh, that is right—we are actually doing that, because this government and the ACT Greens know that we do not have to choose between the environment and housing! We do not have to decimate our nature reserves to give way to urban sprawl. There is actually a better way of fixing our housing crisis than what Mr Parton and his colleagues propose. Let us choose a better way.

**MR RATTENBURY (Kurrajong) (4.07):** We have seen a motion today from Mr Parton that is clearly a fairly transparent effort to advance a political narrative that he wants to build and, at the same time, he wants to squash down any initiatives that might assist renters in our city. That political narrative is a manufactured one. It ignores the fact that there is a housing rental crisis, or it seeks to blame it on the ACT government, depending on which bit of the argument you are listening to. The fantasy that there is either not a problem or it is all the ACT government’s fault is just not founded in the facts. It ignores the fact that housing and rent are largely part of a market based system, and, as a market based system, housing is impacted by a range of macroeconomic factors like interest rates and cost-of-living increases. These are some of the realities that are out there.

What is clear from the ongoing actions of our colleagues across the chamber is that they have no interest in supporting Canberra renters, no interest in improving the lives of Canberra renters and no ability or desire to see the world from the perspective of a Canberra renter. There are few things that get Mr Parton more fired up than a proposal to try and assist renters. It seems to really clash with the world view of the Liberal Party here in the ACT. This needs to be called out. Really, the Liberal Party should just acknowledge it instead of going through the embarrassing charade that their opposition to rental reforms is done for the benefit of renters, which is the story they try to tell us. I do not think anybody is being fooled by that.

We have seen the recent examples where the initiatives that this government has brought to bear to try to ensure that those who rent in this city get a reasonable deal and seek to address some of the market failures that are out there have been roundly opposed by the Canberra Liberals. The first of those—and the Chief Minister has spoken about this—is the move to end no-cause evictions. We did this because renters overwhelmingly want this protection to give them some security, allow them to enforce their own rights and prevent them from being unfairly cast out at the drop of a hat for no reason or perhaps, unfortunately, in some cases, for vengeful or discriminatory reasons. But, no, the Canberra Liberals want us to keep no-cause evictions, even though the act sets out a whole range of valid reasons to evict people—obvious things such as when the landlord needs to sell or renovate their property, if someone fails to pay the rent or when there has been abusive behaviour or damage to the property.

Mr Parton thinks that landlords must be able to evict someone for no reason at all, including ways that are inherently unreasonable. Why should landlords be able to evict people unreasonably? Mr Parton's view essentially says to renting people, "Landlords will leave the market if they cannot kick you out of the house unreasonably, so this is for your own good. It is for your own good that you have no rights and no security." That is the logical extension of the argument that is being put in this place. I should point out here that the evidence does not support the view that this reform will cause landlords to leave the market and disadvantage renters. Mr Davis went through the data in some detail, and I welcomed his remarks in that regard.

Every rental reform we bring to this parliament has been opposed by the Liberal Party. Let us look at another example. How about the recent government initiative to introduce minimum energy performance standards for rental properties? Thankfully, this reform has now commenced and, over the coming years, rental properties in Canberra will be brought up to a minimum level of insulation. It will keep renters healthier and save them money in heating and cooling bills. However, it was not implemented without the significant opposition and attacks from our colleagues across the chamber. Apparently, renters should not have decent insulation in their homes. The excuse, once again, is that landlords will leave the market. Again, this is an unsupported claim.

On this issue, Mr Parton's view is that landlords will leave the market if they have to ensure renters do not freeze or boil, so this is for your own good, renters. It is for your own good that you and other Canberrans literally die from the heat and the cold. I do not mean to exaggerate here, but houses that are too cold contribute to six per

cent of all deaths in Australia every year, so this is a very material issue. As a government, we have a responsibility to ensure that people are living in warm and safe homes. This is what we have seen in this place: constant opposition to seeking to improve the lot of renters in this city.

Let me touch on a couple of quick points in the debate and then I will resume my seat. Mr Parton derided me for writing to the Chief Minister. It continues a long misunderstanding of the Liberal Party that, in a two-party government, you debate ideas. You need to flag with each other things you want to do and ways to move forward, and you need to start policy discussions somewhere. That continues a long trend. We have seen it from Mr Hanson for years, where he cannot get his head around the fact that there is a two-party government in this city.

On the specific policy proposals the Greens have put forward, it is appropriate to debate these policy issues. We have seen a fundamental failure in the rental market in Australia. We need to look at new options to ensure that renters are not facing unreasonable rent increases, that renters have the opportunity to afford a decent rental price and that we do not see landlords putting up the prices too quickly.

The Chief Minister has spoken about the measures we have in the ACT, and there is a lot of merit in those measures, but we have also seen examples where tenants have been evicted and then the landlord immediately puts the property back on the market with an increase well above the cap. No-cause evictions are part of responding to that. Ending no-cause evictions is an important response to that. The reality is we need to continue to think about this, because what we are seeing is renters being squeezed. Mr Davis provided some great data on this that I do not feel the need to repeat. It is important we have these discussions, and that is why the Greens will be supporting the Chief Minister's amendment today.

In the Chief Minister's amendment, he has outlined a number of key facts. He has outlined the circumstances in the ACT, and I think they are all an accurate account of the situation. He finishes by noting the further work that the government is doing to consider a range of options. That is entirely appropriate. We should be open to future options. The Greens have put some on the table. There may be others out there, but that is the discussion we need to have in order to ensure that we are doing the best we can to ensure that renters get a fair go in this city.

That is why we are pleased to support the Chief Minister's amendment. It identifies the current situation, it notes that there is scope to consider further issues and it calls on the government to consider implementing those evidence based housing and rental policies that improve accessibility and affordability. There will be debates about what the best ones are. I look forward to those discussions. It is our duty to do our best to support the renters in this city.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.15): I am actually pleased that Mr Parton has brought this motion to the Assembly today.

**Mr Parton:** I am here to help.

**MS BERRY:** Thank you. The government will not be supporting it. Of course, I support the Chief Minister's amendment that has been passed around.

I think every member who has spoken on this issue today knows that there is a nationwide housing crisis and that the ACT is not immune to that. Mr Parton, you must know that. However, to simplify the causes of the housing crisis, like Mr Parton has, does nothing to get more Canberrans into homes.

While supply is part of the solution, it is only part of the solution. The commonwealth government have many of the levers in their control that impact housing. This includes the adjustments, the very, very low rate interests and their taxation settings like negative gearing and capital gains tax. This does impact housing affordability, not just here but across the country as well.

If there is one thing to be learnt from what is happening in the Senate more recently around the Housing Australia Future Fund, it is incredibly difficult to understand why we would stand in the way of getting on with the job of building more homes for people who desperately need them.

**Mr Parton:** It is; I agree. Mr Rattenbury is the one laughing. I agree.

**MS BERRY:** Mr Parton, it was 28 days ago when the HAFF Bill was voted down by the federal Liberals, the Nationals and the federal Greens political party. I just think it is on all of us to do everything we can to respond to the housing crisis that we have in the ACT. There is now a 28-day delay—and it is continuing—of funding flowing.

We in the ACT have always said that we will do everything we can—and we punch well above our weight here in the ACT—with regard to our investment in public, community and affordable housing. But we cannot resolve this issue on our own. The federal government is finally stepping in after over a decade of neglect from the coalition. We are keen to do what we can and to work with the federal government so that more people have more housing options, and housing options that are affordable.

As the ACT government has responded to population growth and changing market conditions, we have continued to increase our investment and focus. That is what progressive governments do. They create policies to address market failures, where they can build safety nets to catch the vulnerable and the disadvantaged. Progressive governments take action; they do not just point at vacant blocks of land and say, "Build something there."

Canberrans have been taking action with the government on so many facets of the affordable housing process. Madam Speaker, you have heard from the Chief Minister about the tax settings and policy initiatives we have established, like the stamp duty schemes to support Canberrans who can afford to buy. Likewise, you have heard from Minister Rattenbury about the private rental market reforms that our government has legislated to make renting a home in Canberra more secure and fair.

In fact, at the housing ministers meeting, where we have been tasked with the job of looking at rental market reforms, other states and territories are looking to the ACT to ensure that their rental reforms are progressive and appropriate, to address some of the other issues that are affecting housing affordability within their own states and territories.

We cannot forget that just two days ago we celebrated the passing of the Planning Bill into legislation. This is yet another example of the ACT government's work, and in particular through my colleague, Minister Gentleman, who has been carrying this out for a number of years to ensure our city is a place for everyone now and into the future.

One of the benefits of reforming planning is how it creates conditions for achieving our 70 per cent urban infill target, and that is not to mention the ongoing land release program. Of course, the ACT government is not the only developing organisation that releases land. We are part of the land release that is available in the ACT and we do our bit. We are working hard to carry out the necessary studies to release as much greenfield land as is feasible, without playing fast and loose with our environment.

When it comes to community and public housing, we are making strides towards it, and I am proud that we are growing our public housing stock through a \$1.2 billion growing and renewing public housing program—the biggest investment in growing and renewing public housing in this ACT government's history.

The government will also see the public housing portfolio increase by 400 homes and 1,000 public housing homes renewed by 2027. This unprecedented program of public housing renewal is just one of the ways in which we are working to ensure that disadvantaged Canberrans have safe and comfortable homes that meet their needs.

We have also beefed up our work with community housing providers to complement the public housing sector in the ACT. Community housing providers such as CatholicCare, Argyle Housing and Barnardos Australia all play an essential role in this city's landscape. This government is wholeheartedly committed to working with this sector to ensure that more Canberrans get into a home that they can afford.

I know that Mr Parton cares deeply for Canberrans and for his constituents in Tuggeranong and wants to ensure that they have decent, good quality, affordable homes of their own. So, whilst I am pleased to be talking to this motion today, it does not really describe the care that I know he has for his constituents. Unlike others of the Canberra Liberals, the government will continue to keep working to ensure that more Canberrans have affordable housing options. We will not lose sight of what needs to be done, and we will not be distracted from our goal of equitable, diverse and sustainable housing supply for the ACT community.

I just wanted to touch on one of the matters that Mr Davis raised around vacancy taxes. I know he keeps calling for the ACT government to implement a vacancy tax. Through the Chief Minister's directorate, the government put in a submission on a vacancy tax to describe the kinds of consequences or whether that tax is appropriate for the ACT. In their submission, the government talks about the kind of tax and what the government would need to do to actually enforce a vacancy tax such as the one that is described by Mr Davis.

It would be a tax that would be quite difficult to manage and quite difficult to ensure that people were paying. The tax would be difficult to apply because you would have to find out from the actual owner of the house whether or not the home was being intentionally left vacant, or you would have to find that it was not just a deceased estate or where someone has been hospitalised or where a dwelling is uninhabitable or untenable.

The ACT government would have to depend on utility providers to implement the tax on these homes. And it could be as simple as somebody just turning on the water every week to show that the house had some usage or that people were there, if we were having to apply the tax settings in that way through the utility providers.

It might not be very cost effective and might cost more to implement than the actual reforms that I think Mr Davis is trying to achieve in this space. The government's submission to that committee about why a vacancy tax would not really be viable in these circumstances is the government making sensible and responsible decisions.

I just wanted to quickly refer to the amendment that Mr Barr has made, where he talks about the two per cent rent tax. Mr Parton, you asked for what I thought about this. I think point 4 of Mr Barr's amendment describes where the government sits on this. We need to be assured that it would not have unforeseen consequences to increasing the supply of affordable housing, which is the work that Minister Barr has been doing around the affordable rental prospectus and around inviting investors into the ACT to provide even more affordable rentals in the ACT.

So, whilst it is there, and the government will consider it, I think, at the moment—as Mr Barr has described—with the interest rate settings and the changes in the amount that rental properties are charging right now going down, that it might actually cause more damage than what people are trying to achieve in this space by having more affordable rentals.

Finally, I want to confirm that the ACT government will continue to take housing supply across a range of different areas. It is complex and complicated. We know we cannot do it on our own. We are keen to work with the federal government. We have identified additional land where we think we can build more homes, including homes for people who need them most.

**MR PARTON** (Brindabella) (4.25): In closing, sometimes I get a little bit over the top down here in the chamber—I do not know if you have noticed, Madam Speaker, but sometimes I do—because I am passionate about stuff. I want to commend Mr Barr and Ms Berry and, to some extent, Mr Rattenbury for the tone of their responses to my motion.

I genuinely want to thank—and I know I would speak on behalf of Ms Castley—Mr Barr for his tone earlier when responding to the amendments from Ms Castley to the Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023. We appreciated that tone.

Mr Barr, in his amendments, as he has pointed out, has not quite obliterated my motion. He has left a little bit standing. Irrespective of that grace, we will not be supporting the amendments.

I thank the Chief Minister for outlining the measures that have been implemented by this government, which are designed to protect tenants and additionally designed to moderate rental increases. As has been stated in this chamber and elsewhere time and again, the Canberra Liberals do not necessarily subscribe to the theories behind many of these changes.

I know that, in response to the Canberra Liberals position, there has been a bit of discussion today. Mr Barr was the first one who rolled out some figure that I think I first heard presented at the recent cost of living inquiry, showing that rental properties have increased as the share of the entire dwellings in the market from 26 per cent to just over 30 per cent. We certainly noted those figures when they were originally presented. Mr Barr and others suggest that somehow this data suggests that the changes to residential tenancies laws and others have had no impact whatsoever on investors because of that increase in the total number.

I know that I am paraphrasing to some extent and I am simplifying it. Over more than a decade we have seen a number of things—and, yes, a number of these things are national and they apply to every jurisdiction—but I would argue that a number of long-term ACT government policies have genuinely impacted here too, and a massive cohort of Canberrans, potentially an entire quintile, have just given up absolutely on ever being able to purchase a home. They have just given up and are just consigned to, “We are renting.”

I know some of them may have chosen before just to rent long term anyway—I get that—but there is also a bunch who 10 years ago might have said, “You know what; I can give this a shot,” and now they have put the cue in the rack and said, “No; it is not possible.” Thanks to a land release and other policies of this government, these people have ceased to dream the great Australian dream.

Given that the number of public and social housing properties continues to decline, despite the ongoing rhetoric from Ms Berry, where do you think these people are going to live? They have to live in rentals. So the increase in the total percentage of rental properties is much more a reflection of home ownership drifting out of the reach of tens of thousands of Canberrans than it is on anything else, in the view of the Canberra Liberals.

Mr Davis insists that I spend too much time talking about him. So, Madam Speaker, I am going to respect his position and completely ignore his speech today, at his request. So, at his request, I am going to completely ignore his speech.

As far as Mr Rattenbury’s response, Mr Rattenbury could not be further from the truth when he asserts that we, the Canberra Liberals, are somehow against renters. We are just not. When I was elected into this place I was renting.

Again, I would take you back to the comments of Michael Fotheringham from AHURI, who called out Mr Rattenbury’s push to freeze rents for two years as being



meaningless, shallow, populist policy that would achieve the absolute opposite to what they wished to achieve.

I think it is the extreme example of where the Greens are that all of the experts suggest that their push to freeze rents for two years would be diabolical. I think that the Greens know that is the case. They know full well that that policy initiative would be diabolical.

I would thank the Chief Minister for making mention in his amendments to the bill that I brought to this chamber in the last term. I refer to his 3(d) amendment. I am not going to go through it again.

**Ms Berry:** Which one?

**MR PARTON:** Okay, at Ms Berry's request: Mr Barr's 3(d) amendment is:

implementing a land tax exemption scheme for property owners who make their property available for rent through a community housing provider, at a rate less than 75 percent of the current market rent;

This first appeared in a bill in this place under my name and was ruled out of order by that bloke over there.

Anyway, I thought Ms Berry was extremely gracious, as she normally is. But I just have to say that people are tiring—and I know you are tiring—about the constant talk of the growing of public housing. We often ask questions in Estimates and other hearings and we get told that it is point of time data. But that point of time data never seems to get to where it is supposed to be getting. We did hear a 2027 date that was given today.

At this stage of the game, the growth and renewal program has included a hell of a lot of renewal but not a great deal of growth. We here on this side will keep on banging the drum there because, like you, we want to see people living in homes that will allow them to live fulfilling lives.

That is what this motion is about. I am going to sit down now and just say that we will not be supporting Mr Barr's amendments.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 11

Noes 4

Mr Barr	Ms Davidson
Ms Berry	Mr Davis
Mr Braddock	Ms Orr
Ms Burch	Mr Rattenbury
Ms Cheyne	Ms Stephen-Smith
Ms Clay	

Ms Castley  
Mrs Kikkert  
Mr Milligan  
Mr Parton

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

## **Climate Change and Greenhouse Gas Reduction (Natural Gas Transition) Amendment Bill 2022**

Debate resumed from 4 August 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (4.36): The Canberra Liberals are not supporting this bill today. This legislation will limit Canberrans' choice when it comes to selecting their preferred energy source for their homes. We feel that this is a flawed piece of legislation. It contains a Henry VIII clause, enabling legislation to be amended by regulation, and we have not seen any substantive detail on the content of possible regulation.

As usual with the Greens-Labor government, the bill is half-baked. It is about being seen to take action without actually delivering meaningful results. In drafting this legislation, the Greens-Labor government have failed to consider the territory's pipeline infrastructure, which could have as long as 80 years remaining of its useful life. They will just ignore and junk these assets. If this government were a business, they would have been sacked long ago for inefficiency and mismanagement. Canberrans deserve better.

The proposed legislation is also in conflict with the Australian Energy Market agreement between the commonwealth and all states and territories. Apparently, this conflict is the reason why the Henry VIII clause is needed. Once again, I say that it is a poorly conceived piece of legislation, and we will not be supporting it. Nevertheless I would like to thank officials from the Environment, Planning and Sustainable Development Directorate and the minister's energy adviser, who provided a briefing to Ms Lee's office on 5 September last year, and thank Kelli from Ms Lee's office for putting together some notes for me today.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (4.38): I am pleased to support the bill. It demonstrates that progress on climate action can be achieved. I want particularly in this context to draw members' attention to the price determination of the ICRC yesterday, and how the government's actions over an extended period of time in pursuing renewable energy have, indeed, benefited this community not only by way of emission reduction but also, as we are seeing now, by much lower energy prices.

We must recognise that gas is still a significant part of ACT energy consumption. Twenty-two per cent of our annual emissions are from gas, and that is split roughly fifty-fifty between households and industrial use, by volume.

The amendment today to enable the prohibition of new gas connections for certain developments is the next step in the territory's journey towards our net zero future. Over the next 20 years, the price of fossil fuel gas will continue to increase, so it is in the interests of ACT gas consumers to gradually transition off fossil fuel gas supply. It does not have to happen today or tomorrow, but over the next couple of decades, at the time that is right for them, gas consumers—whether they are households or in the business sector—should be making that transition.

Detailed modelling undertaken in 2021 and early in 2022 has helped us to understand the impact of the different transition options. This includes the impact on gas and electricity consumption, prices and distribution networks. The modelling shows that, based on existing consumer trends and government policy, gas consumption is likely to decrease by 60 per cent by 2045, when there will likely be about a 21 per cent increase in demand for electricity. These findings have helped inform the government's decision.

Modelling by GHD shows that retail gas prices are expected to increase by around 19 per cent over the period 2022-29, adding approximately \$220 to the annual gas bill for the average household by 2029. The overwhelming drivers of gas price increases over this period will be the international price of gas, wholesale costs and, of course, the cost of maintaining and moving gas through the territory's gas network—the distribution cost.

The ACT government's decision to phase out the use of fossil fuel gas has been informed by extensive research and analysis, including technical modelling and consumer research. The government's view is that we need to act now to manage these impacts and to ensure an orderly and equitable transition away from fossil fuel gas supply. Getting this transition right will ensure that Canberrans benefit from cheaper power, cleaner air and a healthier environment. The amendment today to enable the prohibition of new gas connections for certain developments is an important step in this journey.

I want to be clear, though, that the government is also progressing the development of an integrated energy plan. We are also working to identify and engage with groups and business sectors who will need additional support in this transition in the coming decades. We are working to develop and deliver education and engagement programs to encourage consumers to transition to more efficient electric appliances, again at the time that is right for them; assessing the potential for a renewable gas network, including how it may be used for particular situations where solutions other than electrification will be needed; and collaborating with stakeholder groups across the territory, including those in the property development area, gasfitters and Evoenergy, to deliver this net zero transition in a coordinated way.

The integrated energy plan work is critical. This electrification transition requires a coordinated and planned approach to maintain a secure, affordable and reliable energy supply across the ACT. The transition will be guided by the government's delivery of a new integrated energy plan for the territory by 2024. This plan will set out how the ACT will transition away from fossil fuel gas use over a couple of decades and optimise our energy system, how we will engage and support energy consumers, and how we will establish collaborative partnerships with organisations across

the territory to support the energy transition. It will include a gas transition pathway, alongside community battery storage, electric vehicles, funding options to support electricity network upgrades, and renewable gas opportunities, among other projects. The electrification pathway will be supported by the continued growth and uptake of household and business solar PV systems and battery energy storage, as well as the increased energy efficiency of buildings and appliances.

With respect to increasing electricity demand and supporting the energy grid to manage the transition, it is, again, critical work to ensure that the energy grid can support the increase in electricity demand that will flow from these reforms. In order to support this, the government is investing in a number of large- and small-scale battery storage systems. We have talked about these extensively in this place over the past few years.

The Big Canberra Battery, an array of battery systems, will be spread throughout Canberra and provide at least 250—and I mean at least; it will be bigger—megawatts of stored renewable energy to supply grid reliability and security. This infrastructure will strengthen our energy grid whilst also reducing greenhouse gas emissions and supporting more skilled local jobs.

We understand that this transition will be more complex for some members of the community than others. Those who are reliant on gas appliances and have no electric alternatives are a particular focus for us. Through measures such as our Sustainable Household Scheme and Home Energy Support Program, we are supporting households to make the switch, to be able to support them with the upfront capital cost of the investment in energy efficient upgrades, whilst reducing their carbon footprints and, importantly, saving them a lot of money through reduced energy bills. Through our Business Energy and Water Program and other initiatives, we are seeking to support small and medium-size businesses in the territory in the same way.

These initiatives are empowering Canberrans to adapt to climate change and also helping them to respond to current and what we know will be future cost of living pressures.

The ACT government also understands that the gas transition over the coming decades will impact on those working in the gas industry, particularly gasfitters. Skills and jobs transfer will be an important part of the transition, as will identifying opportunities for new business and new business opportunities in the transition. The government will investigate these options and will support these workers through the transition because we are absolutely focused on ensuring that all Canberrans have the opportunity to benefit from this net zero transition journey.

The government itself needs to lead by example. We will not shy away from the complex reforms that are needed to achieve the net zero transition. This is complex and difficult work. We will be, I suspect, 10 years ahead of most other states and territories in making this transition. There are lessons that will be learnt from our experience, but there are also benefits from being the first mover.

We are already taking serious action to reduce government emissions and to achieve net zero emissions across government operations by 2040, which is five years earlier

than our target across the broader economy. This means we are electrifying 10,000 older public housing properties. We are transitioning our entire public transport fleet to zero emissions vehicles. We are upgrading public pools, so that they will be heated with electricity rather than gas. We are pursuing zero emissions alternatives for our waste collection services, and we are electrifying our schools and our hospitals. The Minister for Health and I were able to tour the new electric heat pumps on the roof of the new critical services building at the hospital expansion in Woden. The new north-side hospital that the government will build will be all-electric. We continue, beyond hospitals and schools, to look at other essential services to ensure that, over time, they too can totally run off renewable electricity.

This, all combined, is a serious set of actions to address climate change. This government is showing leadership within the public sector and showing leadership amongst the states and territories in Australia.

It is my view that the overwhelming majority of our community is demanding this sort of leadership from government, so it is disappointing that the opposition will not be supporting this bill today. It is not the first time that they have been on the wrong side of history on this issue. But I note that it was opposition in a respectful way. There was no shouting or raised voices this afternoon, so I will not shout or raise my voice in my concern that this is not a unanimous piece of legislation.

I am pleased that it will pass this afternoon, and we will continue our journey. Maybe, at some point in the future, those opposite will make it a truly tripartisan journey for this territory. In doing so, we can then have all, or nearly all, of our community with us. At the moment I think three-quarters are already there. They want this sort of action from the territory government. We look forward to ensuring that more people can benefit from the net zero transition that will be occurring over the coming decades.

I thank Mr Rattenbury for the bill and commend it to the Assembly.

**MS CLAY** (Ginninderra) (4.49): This is a really, really good day for climate action, and we do not have enough good days. I have been a politician for a really short period of time—I have only been doing this job for 2½ years—and I can remember in 2020, back at the election, the Greens were campaigning to get off gas and to have an EV policy, and the two old parties both labelled that as crazy. Now, 2½ years later, we have got both of those policies in place and we are just about to pass a bill that will help us transition really easily and smoothly off gas.

As part of this job I have sat through three committee inquiries that have helped us on this transition to electrifying everything. We have had an EV inquiry, we have had a renewable energy inquiry and we have had an inquiry into this bill. I am speaking in my capacity as an MLA, not on behalf of those committees, but I have got to say that the inquiry into this bill was really simple. We only had 10 submissions. We only made seven recommendations.

We really are getting down to the point of looking at the little details of how we get this right. How do we make sure that we make a just transition? How do we make sure that we have the right policies and education in place to do this well? It is a very different story from where we were a few years ago, when there were still massive

policy debates about: “Could we? Should we? When will we? How will we? Is this going to wreck people? Is this going to ruin our city?” Of course, it is not.

We are also seeing today the benefits from these really smart and sensible changes. The ACT is already insulated from the electricity price increases that we are seeing all around Australia. I think we are probably going to be seeing in a few years time that the ACT will be insulated from the really sharp increases we are going to get in fossil fuel gas, diesel and petrol. We actually need to do this for the sake of looking after our people, as well as taking climate action.

I am very, very pleased to be here today to watch this. I am a bit sad that we are still facing opposition. It is not particularly strong opposition to this. There was not really much to say in the inquiry, and there is not a lot to say today about why you would not do this. Why on earth would we stick up for and defend a moribund, ageing fossil fuel piece of infrastructure when we actually can electrify everything? We need to start doing that in a smart and sensible way, now. I am very, very happy to see this bill today and I am really excited about the next steps.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.52), in reply: I welcome the opportunity to address the Assembly today and to close the debate as we consider the Climate Change and Greenhouse Gas Reduction (Natural Gas Transition) Amendment Bill 2022.

This amendment bill inserts a new regulation-making power into the Climate Change and Greenhouse Gas Reduction Act 2010 that will allow a future regulation to be developed to prevent new fossil fuel gas network connections in greenfield estates and infill development. Natural gas is a fossil fuel, and it accounts for approximately 20 per cent of the ACT’s current greenhouse gas emissions. Natural gas, or fossil fuel gas, is not the clean, green and cheap energy alternative that it was seen to be in the 1990s.

Electric technology has improved significantly, and zero emissions renewable electricity and storage is now a reality. As I have noted before, research has shown that electricity is the most efficient and readily available technology to support and move away from fossil fuel gas use. The Grattan Institute’s *Flame out* report, released in 2020, noted that a moratorium on new gas connections was a no-regrets pathway to decarbonisation.

Canberra is already leading the way, with Ginninderry and the medium-density housing area of Swinger Hill in Phillip, which was built in 1972, having proven that living in a cold climate without gas mains connections is not only possible but is more cost-effective. The suburb of Jacka is on track to be the second all-electric suburb in the territory, and future stages of Whitlam and Denman Prospect are also planned to be all-electric.

Recent statistics from the Australian Energy Regulator show that net gas network connection growth in the territory is slowing. This is due to a high rate of disconnections from the network, rather than the rate of new connections declining. What this means is that people are paying to switch to electric, whilst developers

continue to include gas as standard in many new developments. This is why the government needs to act.

The ACT government has committed to phasing out new natural gas or fossil fuel gas connections. These commitments are outlined in the Parliamentary and Governing Agreement for this Assembly and also the ACT Climate Change Strategy 2019-25. The bill ensures that a future regulation to prevent new gas connections will not conflict with the gas distributor's obligations to provide connections under the national energy laws that apply in the territory. The bill will partially achieve our commitments to phasing out new natural gas or fossil fuel gas connections set out in the agreement.

Essentially, this amendment bill will achieve these things in the following key ways: it will create a regulation-making power to limit new gas network connections in prescribed circumstances; it will provide a mechanism to modify the national energy laws, but only to the extent that they give effect to preventing new gas network connections; it will require that the chief planning executive's advice is sought and considered before making a regulation; and it will make compliance with the legislation a condition of the gas distributor's utility licence.

The ACT government has commenced and will continue consultation with the ACT community and industry stakeholders regarding the potential shape and application of a future regulation. This includes consultation with Evoenergy, the ACT's electricity and gas distributor. This consultation will ensure that we understand the consequences to developers, customers and the electricity network before any new regulation is made. What is clear from consultation to date is that community members and stakeholders are concerned that allowing developers to continue to use gas will lead to significant costs and barriers to transition for future owners. A future regulation will consider the needs of the community and businesses and will be accompanied by a regulatory impact analysis.

Consultation has also shown that the community is concerned about future costs associated with existing users disconnecting from the gas network. Whilst the disconnection of existing gas users is outside the scope of the proposed regulatory change, the ACT government will deliver later this year an integrated energy plan to support and outline the pathway towards electrification. Ensuring that the transition is just and that our most vulnerable are supported through the transition is a key focus of this work.

The bill represents an important step for the territory in its progress towards achieving its legislated net zero emissions target. In addition to this, we are also actively educating the community, including the recent release of the Make Your Next Choice Electric tool. This is an Australian-first partnership with leading consumer advocacy group Choice that provides advice and solutions for consumers looking to electrify their homes.

This is in response to research which shows that people are worried about the cost, but mostly they are worried about getting good, clear advice on how to do it. People feel either a bit time poor or like they cannot get good, objective advice. This partnership with Choice is designed to address that concern, which the community has expressed

to the government through the research that we have undertaken. Having fully decarbonised the ACT's electricity supply, addressing greenhouse gas emissions from the combustion of fossil fuel gas is the next logical and important step.

I thank members for their contributions today. I am interested to explore this discussion further. Ms Lawder made the remark that we are removing people's right to choose their energy source. The logical extension of that argument is that you should be allowed to continue to pollute. I just do not think that that is a sustainable position, both from an ecological point of view but also from a logical point of view. That will be an interesting conversation to continue. I am interested to understand the thinking behind that and what approach that position represents. What should we do if we want to continue to have choice, when we know that fossil fuel gas is a really problematic source of greenhouse gas emissions in the territory that we need to move away from? That is for another day. I think it is an interesting discussion to have.

Today I commend this bill to the Assembly. I note that there is further work to do. The government is undertaking that consultation work and working through a regulation, and that is intended to be ready later this year. I think it is important today also for the community to recognise—and particularly the development sector—that this change is coming. The government is signalling very clearly and very early that change is coming. Now is the time to start thinking about this. Do not get to the point at the end of the year, when we have finished the consultation and when we bring the regulation through, and start saying, "This is a surprise." It cannot and it will not be a surprise. Now is the time to start preparing for the change. I commend the bill to the Assembly today.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 11

Noes 4

Mr Barr	Ms Davidson
Ms Berry	Mr Davis
Mr Braddock	Ms Orr
Ms Burch	Mr Rattenbury
Ms Cheyne	Ms Stephen-Smith
Ms Clay	

Ms Castley  
Ms Lawder  
Mr Milligan  
Mr Parton

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.



## Adjournment

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

That the Assembly do now adjourn.

### **Ms Margaret Ryan—death**

### **Ms Julia Ryan—death**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (5.04): I rise today to recognise two Ryan women who were life members of the ACT Labor Party and have recently passed away—Margaret and Julia. Julia and Margaret were sisters-in-law and committed members of the feminist sisterhood. Both were stalwarts of their local Labor sub-branches—Margaret in my own sub-branch of Canberra North and Julia in Black Mountain.

Margaret Ryan passed away in July 2022 on Bastille Day, the day of revolutionaries. Her daughter, Christina Ryan—someone who all here would undoubtedly know for her activism in disability justice, advocacy and leadership—described Margaret’s death as magnificent and very feminist, which told us that Margaret had died as she had lived. Within ACT Labor, Margaret was adamantly non-factional, aligned only to the ideals of the union movement and the Labor Party, to strength in solidarity and to supporting progressive women in whatever roles they put their hands up for.

I knew Margaret only in her later years, but the feisty young woman described at her funeral shone through in different ways right to the end. My colleague in the other place, the member of Canberra, Alicia Payne, spoke fondly of how she had sought out Margaret when she needed some frank and fearless but always supportive advice. More recently, Christina told me that one of the things her mother and aunt had in common was their behind-the-scenes support for other women, always in the background but somehow also in the centre of things, providing a welcoming home for women who had nowhere to go or were coming to Canberra to study or to support a progressive cause. The Ryan women were for action and activism, not for small talk.

Christina recalled a family Christmas to which Julia had brought a dessert based on one first made for the Russian Imperial Court. This led to an animated debate on the question, “Would you be a Bolshevik or a Menshevik?” There was, of course, no question that they would all have been active socialists of one kind or another.

Margaret was a Ryan because she married Julia’s brother, Patrick. Julia was the second of Edna Ryan’s three children—Edna being, of course, a giant of Australian feminism. Edna and her husband, Jack, were apparently founding members of the Labor Party branch that sent Gough Whitlam to parliament, and Gough is reported to have said in later years, “If you want something done, get a Ryan woman to do it.”

Julia Ryan did a lot. She is someone I have known for much longer as a family friend—one of those incredible feminists that have always been there in the background of my life—part of a generation of women who pushed the boundaries and on whose shoulders we stand today. Two of those women described it this way:

Julia had a lot of firsts, but she is a rather unsung heroine of the women's movement because she was an enabler and a worker, rather than a show pony.

Julia was crucial to the creation of the first Women's Liberation Group in Canberra, and also, separately, to one of the first communes at Majors Creek in New South Wales. She was a teacher in history and geography, one of the group who set up the School Without Walls and a life member of the Australian Education Union. She was a key player in the establishment of International Women's Year in 1975 and instrumental in the opening of the Canberra Women's Refuge on International Women's Day in the same year. This is the service we now know as Beryl, and in 2015 Julia provided the foreword for *Opening a new door: the herstory of Beryl Women Inc.*

Alongside these practical initiatives, Julia was committed—not surprising for a historian—to recording ideas and histories and contributing to a better future through policy and advocacy. She was involved in establishing the Beryl Henderson Foundation, the National Foundation for Australian Women and the Pamela Denoon Lecture.

Having given me a picture of someone who got things started, her friends emphasised that it should not be taken from this that Julia flitted from one thing to another. On the contrary, they said:

She was a stayer, not a sprinter. Julia was not one to get going out the door when the going got tough, and she could always be relied on to find a way through difficulties and to help others who might be struggling.

In her private life, Julia was an adventurous traveller and an entertaining companion. When I think of her, I see her in my mind's eye laughing and enjoying life. She was a loving daughter, sister, mother and aunt and, by all accounts, a tremendous grandmother. My condolences are with her children, Kia and Neil, her grandchildren, Grace, Charlie and Oliver, and all her wider family and friends.

## **Men's Health Week**

**MRS KIKKERT** (Ginninderra) (5.09): Next week, we join countries all around the world in celebrating Men's Health Week. As part of the week's campaign, the Australian Men's Health Forum has released an updated toolkit named Know Your Man Facts, which is available for free to support organisations, groups and individuals. The toolkit provides resources on how to help a mate doing it tough and conversation starters for men and boys so that they feel comfortable regularly checking up on their health and wellbeing. The toolkit also addresses specific health focuses, including diet and sleep quality, smoking and alcohol consumption, physical exercise and heart health, as well as mental and social health. Men's Health Connected will be hosting a series of free online lunchtime talks during the week, and I encourage men in our community to participate.

As shadow minister for families, youth, and community services, this is once again an opportunity for me to advocate for the improved support and awareness of men's health in the ACT. This is not a topic that simply crosses my mind for a day or a week

every year but something I think about regularly. I have two sons and three brothers, so this topic is very close to my heart. For years, I have persisted in questioning this government about addressing the increasing demand for men's counselling services, as well as support for men facing homelessness and other crisis situations, and I will continue to advocate on these matters in this Assembly. I am grateful for the boys and men in my life who have made lasting positive influences on me. I wish they all enjoyed great health, but that has not always been the case.

Canberrans have noticed the gaps in support and services when it comes to looking after men. I am conscious of the fact that, while the ACT government cast their gender-lens eyes when making plans for women, there is no parallel strategy focused on improving services and initiatives for men's health and wellbeing. Last November I supported my colleague Ms Leanne Castley in calling on the ACT government to examine the social determinants of health for men in the ACT and to develop a men's health plan, but this was rejected by the government. When men in our community experience poor health outcomes, the harmful impacts disproportionately effect women, children and other vulnerable members of our community. Harmful impacts include an increased risk of domestic violence and suicide, as well as the effects of alcohol and other drug abuse.

I would like to thank the local organisations that work tirelessly to support at risk and vulnerable men, such as Menslink, Every Man, the Salvation Army, the St Vincent de Paul Society, Relationships Australia, and DVCS. I am also grateful for organisations such as our several Men's Sheds, the YWCA and other special hobby groups popular with men that promote their health and wellbeing. In the past, I have also spoken in gratitude of Mr Craig Durbidge, a resident of my electorate, who started the Belconnen Man Walk. What a wonderful initiative that continues to benefit our local community.

The ACT government needs to do more, and I take this opportunity to remind the government that there is much more to be done than simply observe Men's Health Week. We need to take action, and we need to take action now if the government is truly serious about improving the health and wellbeing of not just men but all people in the community.

### **Federal budget—funding initiatives**

**MS CLAY** (Ginninderra) (5.14): I was on a budget panel a few weeks ago with four amazing women. Women can be so polite. One welcomed the women's budget statement but wondered why so much of the actual money went to the military and predominantly male industries. Another gave thanks for the small increase in JobSeeker but said it would not cover the cost of living increases. A third welcomed funding to combat domestic violence but explained that her women's shelter cannot find housing for those who need it and it is about to run out of money. None of us women on this panel could understand why there would be a federal surplus when people so desperately need services.

The conclusion was all very polite: "A step in the right direction"; "Crumbs"; "A good start." I think that is the nature of a lot of these events. But the problem is that we do not really need crumbs at the moment. We have really big problems, and we need big solutions.

I have this conversation with my daughter. She is only nine years old, but she is actually worried about some of these big problems. That is what happens; they go to school and they talk about these issues. She is worried that she will not be able to afford to rent or buy a house when she grows up. She is also worried that climate change might destroy everything she loves.

She is having these conversations in fourth grade. They run around the playground, they chase dragons, they talk about Minecraft, and they talk about housing and climate change. And they are not irrational fears. We have over 3,000 people on the waitlist for public housing. Last year half of the people here on rent assistance were in rental stress. We have just gone through three years of bushfires, smoke, hail and floods. I was watching the news coming from New York, and they are going through exactly the same smoke apocalypse we did, where they cannot breathe the air and they do not know what they are going to do.

The ACT is not alone in these problems. Most cities are struggling with exactly the same issues: how do we house our people? How do we deal with climate change? We have really big problems.

It is frustrating, particularly now that I am here in the ACT, because we have so much less funding than our federal government. The federal budget comprises \$682 billion. It is a huge investment in our future. I look at that money and I think about what we could do if we had more of that money being spent on the things we need.

Federal Labor has launched its \$10 billion Housing Australia Future Fund. It is not going to build public housing now. It is going to bet \$10 billion on the stock market and, if there are any returns, invest that in some housing later. I am probably one of the few MLAs who actually invests in the stock market. I understand exactly what kind of risk that is. It is not the right way to invest money right now.

They put \$29 billion into climate action, and that is great. It sounds amazing. But when you compare it to the \$41 billion subsidy that they have put into fossil fuel, it is not doing the job. They have doubled down on the stage 3 tax cuts; that will cost Australia \$313 billion. It will give politicians like me a \$9,000 handout, and people on JobSeeker will get less than \$1,500 to try and cover their rising rent.

I have been thinking about this; I am thinking very hard. I am looking at Adam Bandt and my colleagues around Australia, and I am wondering how a Greens budget might look quite different from that. We would dump the stage 3 tax cuts and we would wind back negative gearing; we have policies on that. We would stop new coal and gas mines; we have policies on that. We have quite a lot of policies here in the ACT on the things that we can control. We have ended no-cause evictions and solicited rent bidding. We are pushing for a two-year rent freeze. There are mixed views on that.

We are pushing for much more public housing. I think there are no mixed views on that, but we are struggling to get it done. We have switched to 100 per cent renewable electricity and we are phasing out fossil fuel gas and petrol and diesel cars. There are a lot of mixed views on those last few issues. We hear mixed views in here all the time.

It is interesting to see how different people around the country, Greens and Independents, are looking at these really big problems and saying how they would make different choices. It is really important that we think about what choices we are going to make as we head towards our own budget.

I would also encourage everyone to have a chat to some women near them and listen very hard when they say polite things. Listen behind the words to hear what they really mean. They are often condemning you quite strongly. And have a chat to a kid. The kids just get this stuff right.

### **Scouts ACT—activities**

**MR CAIN** (Ginninderra) (5.18): I invite you to come with me, Mr Deputy Speaker, on a journey—a journey to explore the wonderful contributions that Scouts ACT make to our community.

Scouts provide young Aussies aged five to 25 with fun and challenging opportunities to grow through adventure. What a lovely approach—to grow through adventure. Scouting nationwide has over 66,000 members, making it the largest youth development movement in the nation.

Today scouts can take part in an extraordinary variety of activities—outdoor activities, in particular. There are traditional scouting skills, such as camping and bushcraft, through to more extreme challenges, such as abseiling, overnight hiking, rafting, canoeing, canyoning, snow activities, rock climbing, sailing, archery, and even hot air ballooning.

Scouts also get involved in lots of performing arts, leadership development and community service. They are great volunteers in our community; in amateur radio operation; environmental projects; large-scale Australian events such as Cuborees, Jamborees and Ventures; international events; and service projects in developing countries. They provide practical, valuable skills as well, such as how to apply first aid, how to cook a meal, and fun skills like building a ballista to fire wet sponges at their mates.

Scouts have a unique youth program to help youth develop as they move into the workforce age—responsible risk taking, vocational skills and issues of particular pertinence to Indigenous Australians.

I want to read the wonderful scout promise and scout law that members of the scouts have to abide by. They are wonderful sets of rules to guide one's life. This is the scout promise:

On my honour, I do my best to be true to my spiritual beliefs, to contribute to my community and our world, to help other people, and to live by the Scout law.

The scout law—some great rules of conduct here:

Be respectful. Be friendly and considerate. Care for others and the environment. Do what is right. Be trustworthy, honest and fair. Use resources wisely. Believe in myself. Learn from my experiences. Face challenges with courage.

I mention the scouts in my adjournment speech today because over the past few weeks I have had three separate engagements with scout events. It was a delight on a Friday a few weeks ago at the Canberra Labor Club in Belconnen to join the Kama Scouts trivia night. The Kama is a Belconnen scout group with over 50 years of activities in the region. It was wonderful to get to know some of the adults who support the scouts movement—mostly parents, of course. Not that I contributed terrifically to this, but our table came second in the trivia night.

The next Saturday afternoon I joined some volunteers at the Lions Croke Place Wetlands Landcare Group, and included in that landcare activity that afternoon was a contribution from Lake Ginninderra Sea Scouts, helping to enhance Ginninderra Creek, just down from my home. I thank them for that.

It was a pleasure to attend the Scouts AGM late in May. I was reminded, as I received an award, that I am an official “supporter member of Scouts ACT”. It was very surprising and a delight to receive an award in that capacity. I want to thank outgoing president Jackie Stenhouse and Chief Commissioner Brent Juratowitch for their invitation and for allowing me to be part of that AGM. Coming up in a week and a half, I will be talking further with Scouts ACT, with Chief Commissioner Brent Juratowitch, to see how I can contribute to this very worthy community movement.

Question resolved in the affirmative.

**The Assembly adjourned at 5.23 pm until Tuesday, 27 June 2023 at 10 am.**

## Schedules of amendments

### Schedule 1

#### Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023

##### Amendments moved by Ms Castley

1

##### Clause 6

##### Page 4, line 3—

*after*  
rights  
*insert*  
and ensure the wellbeing

2

##### Clause 14 (a)

##### Page 9, line 14—

*omit clause 14 (a), substitute*

- (a) for an individual treatment plan—must consider the following:
- (i) any wishes the child has communicated in relation to their variation in sex characteristics;
  - (ii) any views a decision-maker for the child has communicated in relation to the likelihood of the child suffering any physical or psychological harm if the proposed treatment or an alternative treatment option were not undertaken; and

3

##### Clause 16 (d)

##### Page 11, line 6—

*omit*  
paragraph (b)  
*substitute*  
paragraphs (b) and (c)

4

##### Proposed new clause 16 (f)

##### Page 11, line 15—

- insert*
- (f) for a treatment plan for a child if the decision-maker for the child is not the applicant—any views the decision-maker has communicated in relation to the proposed treatment or the child's variation in sex characteristics have been appropriately considered.

5

##### Clause 23 (2) (a)

##### Page 16, line 20—

*omit*

section 16 (a) to (e)

*substitute*

section 16 (a) to (f)

**6**

**Clause 31 (1) (b), except note**

**Page 24, line 18—**

*omit clause 31 (1) (b), substitute*

(b) at least 2 members for each of the following categories:

- (i) human rights;
- (ii) ethics;
- (iii) variation in sex characteristics;
- (iv) provision of psychosocial support;
- (v) medicine—general practitioner;
- (vi) medicine—paediatric endocrinology;
- (vii) medicine—paediatric psychiatry;
- (viii) medicine—paediatric surgeon.

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## **Schedule 2**

### **Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023**

#### Amendments moved by the Chief Minister

**1**

**Clause 13 (3), proposed new definition of *sex characteristics***

**Page 9, line 8—**

*insert*

*sex characteristics*—see section 7 (2).

**2**

**Clause 43 (3), definition of *sex characteristics***

**Page 32, line 13—**

*omit*





**Questions without notice taken on notice****Calvary Hospital—acquisition**

**Ms Stephen-Smith** (*in reply to a question by Ms Castley on Thursday, 1 June 2023*):

As of 3:15 pm on Thursday 1 June 2023, there had been 125 people who had completed a transition form to work at Canberra Health Services (CHS). There had also been approximately 200 people who had attended a Workforce Information Session to hear from CHS about the transition.

**Calvary Hospital—acquisition**

**Ms Stephen-Smith** (*in reply to a question by Mr Hanson on Thursday, 1 June 2023*):

The Northside Hospital Transition Team is 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. Further, Executives working in Canberra Health Services have experience in undertaking hospital transitions and advised that the best approach was to undertake the transition in as short a timeframe as possible while maintaining continuity and clinical safety.

**Centenary Hospital for Women and Children—Obstetrics and Gynaecology Unit**

**Ms Stephen-Smith** (*in reply to a question and a supplementary question by Mr Hanson on Tuesday, 6 June 2023*):

- 1) Canberra Health Services received informal feedback on the day of the review that reflected some known challenges in Obstetrics and Gynaecology, however to date no formal report has been received. Canberra Health Services (CHS) will work with the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) to address any recommendations it may make.
- 2) See response to Question 1.

**Calvary Hospital—acquisition**

**Ms Stephen-Smith** (*in reply to a question and a supplementary question by Ms Castley and Mr Hanson on Wednesday, 7 June 2023*):

- 1) The two team members of PricewaterhouseCoopers (PwC) worked on the Northside Transition from 26 April 2023 to 19 May 2023. The actual hours worked for the two team members were 13.5 hours and 25.5 hours, respectively.
- 2) The two team members performed tasks such as review of information, attendance at meetings, and scoping of tasks related to the Northside Transition work program.
- 3) As of 7 June 2023, there was an average weekly headcount of 19.11 PwC staff working on the Northside Transition Project. This equated to a weekly average of

6.94 FTE. The FTE is based on 37.5 hours per week and takes into account the variable nature of work effort across the project, noting that the majority of PwC staff were not allocated full-time to the Project, as is common practice for consultancies.

### **Belconnen—bus services**

**Mr Steel** (*in reply to a question and a supplementary question by Mrs Kikkert on Thursday, 8 June 2023*):

The adjustment to the bus timetable for Term 1, 2023 Network takes into account additional expected traffic delays across Canberra while construction takes place on large infrastructure projects, including raising London Circuit and the Woden bus interchange. The network utilises the full bus fleet and current driver resources, while maintaining service reliability. The network is integrated to ensure the buses are utilised to provide the most efficient and resourceful services.

The timetable ensures bus service are scheduled at levels that are responsive to when passengers travel the most. Patronage data from before the network change identified that approximately half of all weekday bus boardings take place during peak periods between the hours of 7 am to 9 am, and 3 pm to 6 pm.

By prioritising service frequency during these times, we have ensured capacity is available for both commuters as well as school students. Approximately 90% of weekday boardings on the bus network occur between 7 am and 7 pm, and the far majority of boardings occur prior to 10 pm. On average, 0.2% of all bus boardings were made on weekdays after 11 pm.

The adjustments to evening and late-night services have been necessary to balance the current driver resources. Transport Canberra is continuing to recruit drivers and is analysing the traffic delays with a view to improving service frequency at the earliest opportunity. More information will be available throughout 2023.

### **Sport and recreation—swimming pools**

**Ms Berry** (*in reply to a question and a supplementary question by Mr Davis on Thursday, 8 June 2023*):

The procurement process for five of Canberra's public pools; Canberra Olympic Pool, Dickson Pool, Gungahlin Pool, the Lakeside Leisure Centre, and the Stromlo Leisure Centre, is currently underway; however, it has not yet reached completion.

The process is being conducted with the all necessary probity as per standard practice. We understand the importance of timely decision-making and are making every effort to finalise the process in a timely manner without compromising the integrity of the evaluation.

We will announce the outcome in due course once the process is complete.

Regarding the decision of the YMCA not to re-tender for the management and operation of the swimming pools, the YMCA has stated that it is increasing its focus on its NSW operations in-line with the organisation's new strategic direction.