



Debates

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Tuesday, 29 August 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.

The Hon Mr Simon Crean **Motion of condolence**

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

That this Assembly expresses its deep regret at the death of the Honourable Simon Crean, former federal Leader of the Opposition, Deputy Labor Leader and Minister of a diverse range of portfolios, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Simon Crean, unionist, Labor leader, family man, died in Berlin on 25 June 2023. Simon was born in Melbourne in 1949, son of Frank Crean, member for Melbourne Ports, Deputy Prime Minister and Treasurer in the Whitlam Labor government. He was brought up in a Labor household with two brothers Stephen and David. Stephen was killed in a skiing accident and David became Deputy Premier of Tasmania. Simon's mother Mary, a strong woman who lived to over 100, instilled in him Labor values of caring, compassion and courage, and Simon embodied these qualities throughout his life.

He attended Melbourne High School and graduated in law and economics from Monash University. After graduation he joined the then Storeman and Packers' Union, later becoming its general secretary. Here he learnt the skills of communication and negotiation, always with the aim of a positive outcome—skills which he employed throughout his political life.

Simon was always ready to take the time to bring people with him to “have the conversation”, as he called it. He believed in the power of the collective and the role of unions in improving pay and conditions of working people, but he was no ideologue. He recognised that for workers to be paid well, businesses also needed to prosper.

Simon became president of the Australian Council of Trade Unions in 1985. He played a key role with Bob Hawke as Prime Minister and Bill Kelty as secretary of the ACTU in the Hawke government's prices and incomes accord. Simon persuaded the unions to accept a deferral and an immediate pay rise, a difficult task at any time, Madam Speaker, in return for universal health care, Medicare, and the benefit in the retirement of industry superannuation. The social and economic benefits of those two reforms are a large part of Simon Crean's legacy.

He was elected member for Hotham in Melbourne's south-eastern suburbs in 1990 and was immediately appointed Minister for Science and Technology in the Hawke government. He represented the electorate of Hotham until his retirement from parliament in 2013. He always advocated for his constituents and his community—to be a “champion for the electorate”, for the electorate, as he put it. His loyalty was repaid when he convincingly defeated a challenge to his Labor preselection in 2005. He was a cabinet minister in the Hawke, Keating, Rudd and Gillard governments, a record unequalled in modern Labor history.

He was Leader of the Opposition from 2001 to 2003 in what was a difficult time for federal Labor following three successive election defeats. As deputy Labor leader he had loyally served opposition leader Kim Beazley, but as leader he led a divided parliamentary party through difficult times. He resigned in November 2003, recognising that he had lost the support of his colleagues in the caucus.

He was the first federal Labor leader since 1916 not given the opportunity to contest an election. As Leader of the Opposition, Simon took the politically unpopular but principled position to oppose the Howard government's involvement in the Iraq War. In what must have been an incredibly courageous speech, he stood on the deck of HMAS Kanimbla and told the troops leaving for the Middle East that he did not believe they should be going. He said he recognised that they were obeying their orders, and he supported them, but that he opposed the government's decision to send them.

In the parliament he said that Prime Minister Howard had stated an argument for war, not a plan for peace. He said that Howard had committed Australia's young men and women to an undeclared war without the mandate of the Australian people, the Australian parliament or the United Nations. Labor's opposition to the Iraq War, and Simon Crean's courageous leadership, have been vindicated by history, but at the time it came at a political cost. Labor was labelled as “appeasers” and accused of talking like Saddam Hussein.

Simon Crean made a huge contribution to Australia through his work in an extraordinarily diverse range of ministerial portfolios: from science and education, to primary industries, employment, regional development, local government, trade and the arts. As Minister for the Arts, he believed that the arts and creative industries are central to who we are as a nation. One of his final acts as a minister was to launch Creative Australia, the 2013 national cultural policy.

I am pleased that the Albanese government used Simon Crean's work as the basis for its most recent cultural policy, Revive: a five-year plan to renew and revive

Australia's arts, entertainment and cultural sector; including, I am pleased to say, increased access to the national cultural institutions here in Canberra and increased funding for repairs and maintenance of their aging buildings.

As Minister for Regional Australia, Regional Development and Local Government, Simon Crean championed the work of local government to deliver core services that people rely on every day. He supported constitutional recognition of local government, a proposed amendment overtaken by the events of 2012 and 2013, but which may one day rise again.

He was also a champion of the rights of the territories and argued for great autonomy for the ACT and the Northern Territory. After his retirement from politics in 2013, Simon remained active in national business and community affairs. Among other roles he was Chair of the Australia-Korea Business Council; Chair of the Australian Livestock Exporters' Council; a board member of Linfox; Deputy Chancellor of Monash University, and when he died in Berlin he was on the trade delegation as Chair of the European Australian Business Council.

The Prime Minister said at Simon Crean's state funeral that Simon was:

... a great Australian who served his country and his community with humility and compassion, with integrity and intellect. A beloved son of the Australian Labor Party whose personal qualities earned him a respect that knew no political boundaries.

Clare O'Neil, Simon's successor as the Member for Hotham, said:

Simon made Australia a better, fairer country. He was a reformer, a thinker, a doer, a negotiator; a politician who brought a good mind and a good heart to every task. He was egalitarian to his core – equally at home in the suburbs or a country, on the factory floor or the boardroom, at the footy or at the opera.

Simon was a devoted husband to Carole, his wife of more than 50 years; brother to Stephen and David; father to Sarah and Emma; and, recently, grandfather to Cosmo. We mourn his passing, but we celebrate his life and his contribution to our nation. Simon Crean was a true Labor believer: a great Australian. On this sad occasion, I extend my condolences to Carole, Sarah, Emma and David.

MS LEE (Kurrajong—Leader of the Opposition): On behalf of the Canberra Liberals, I pay tribute to the Honourable Simon Crean. The Labor Party has lost a loyal servant and stalwart of the party who dedicated his life to the service of Australians. He will be remembered as a gentleman who truly reflected the traditional values of his party.

Simon Crean was born into the world of politics. His father, Frank Crean, served as Treasurer, then Deputy Prime Minister in the Whitlam government. Simon studied law and economics at Monash University and was first elected ACTU vice-president in 1981, eventually becoming president in 1985. Following his time in the union, he made his move into politics. He was elected as the member for Hotham in 1990 and continued to serve as the member for Hotham, being re-elected for seven consecutive elections and retiring in 2013.

Simon Crean had a distinguished political career. He was a minister in four Labor governments, deputy leader to Kim Beazley from 1998 to 2001 and led the Labor Party from 2001 to 2003. Of course, one of Simon Crean's most profound moments in his parliamentary and political career was when he opposed Australia's involvement in the Iraq War as Leader of the Opposition, a position that took great courage at the time.

Following his retirement from politics, Simon Crean continued his dedication to public service. He served as chair of the Australia-Korea Business Council, and, of course, the European Australian Business Council.

Madam Speaker, reading the many tributes paid to Simon Crean, I was struck by how so many of them reflected on his commitment to his local community, and how he never lost touch with his local ties. I was particularly touched by the words of the former prime minister, the Hon. Julia Gillard, when she said:

He hated injustice and fought hard to bring opportunity to all. He took his work seriously, but was also caring, sociable, and fun.

On behalf of the Canberra Liberals, our sincerest condolences to his wife Carole, his daughters Sarah and Emma, and their families, and to his many loved ones and colleagues.

MR RATTENBURY (Kurrajong): I rise today to mark the passing of former federal Labor leader Simon Crean and offer my condolences to his family, his friends and his innumerable connections in the Labor Party and elsewhere, on behalf of both myself and the ACT Greens.

Mr Crean was a dedicated and principled man who devoted so much of his life to serving the community and working to protect workers' rights. He was renowned for taking the time to genuinely connect with community members and for acting with integrity, commitment and honesty. These are such valuable traits in a member of parliament, and he will be missed.

It is inevitable that we speak of loss when someone has died, and yet in this instance the idea of loss seems even more fitting than usual, because this nation did not just lose Simon Crean at his unexpected death, while he was still working for his country as head of the European Australian Business Council. No, I would argue that Australia also lost him twenty years ago, as a potential Prime Minister, when poor polling led to his resignation as opposition leader, without him ever having faced an election. He was replaced by Mark Latham.

I cannot help indulging briefly in a hypothetical. By the accounting of everyone who knew him, Simon Crean was curious, kind, adventurous; a lover of art, beauty, nature and family; a truth-seeker, and, as Prime Minister Albanese said at his funeral, a man of "humility and compassion ... integrity and intellect". How might our country have been different if a man of these qualities had stayed on as Labor leader and pulled out a win at the 2004 election?

That question invokes the reflection made by Victorian state Labor MP Nick Staikos during his own condolence speech in the Victorian parliament, where he suggested Mr Crean could well have been, and I quote:

... the best prime minister Australia never had.

Of course, we will never know for certain what a Crean government would have been like, but it is not too late to carry forward at least one of his strongly-held beliefs: that Australia does need war powers reform. This matter has been touched on already in the discussion today, but in 2003, during his tenure as opposition leader, Mr Crean led the push against Prime Minister Howard's captain's-call decision to take Australia into the Iraq War.

There was a vote in the Senate against the Howard plan, and that vote actually won, 37 votes to 32, supported by Labor, the Democrats, some independents and, of course, the Greens. Prime Minister Howard ignored that vote and carried on regardless. Fifteen years later, in 2018, Mr Crean said:

Today more than ever, in a period when there is much less trust in government and our political institutions, we need to reflect on how such a momentous decision should be made in the future ... It can't be just a prime minister's call. We need to find a better way to ensure it is a process and decision of the Parliament.

As a strong supporter of war powers reform, as is the Greens party as a whole, I hope the words of Simon Crean will be remembered and taken seriously and will help to bring about change. In the same way, I hope the entirety of his life and legacy will continue to inspire politicians and leaders of all stripes to greater heights of dignity, decency and commitment to public service. My thoughts and good wishes, and those of my Greens colleagues, go out to his family and to all those mourning his loss.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health): I rise to speak briefly about a great man with whom I worked briefly and indirectly, and who I admired from near and far. I became a staffer after the 2004 election which had not gone well for Labor. A couple of years earlier, I recall watching a budget in reply when Simon Crean was leader. It was a hard time for the party, and I did not have high hopes for the speech. But once it started, I watched every word. He was a leader laying out a case for change; not just opposition for opposition's sake, but optimism for our country. He was a man of vision and integrity whose purpose was always to make the world a better place and to stand up for those who rely on good government.

Of course, in that role, Simon did oppose and argue back strongly where he thought the government was taking the country in the wrong direction. His brave and principled opposition to the war in Iraq has been much talked about since his death. In those difficult times, Simon displayed the strength of character that Senator the Hon. Penny Wong described in her condolence speech:

... he understood that our job in Labor is not to do what is easy for ourselves. Our job is to do what is right and sometimes hard for Australia.

As a staffer, from early 2005 in opposition, and then in government, I met someone who was completely genuine. As many have said, Simon was a thoroughly decent man. He was someone committed to good government, and Mr Rattenbury is not wrong to speculate that Simon Crean would have been an outstanding Prime Minister.

He was also someone committed to supporting women at all levels of the party, and, indeed, more broadly—in politics, the union movement and the wider world. When I said I was going to speak today, a friend who worked for Simon for many years told me, “I can certainly vouch for Simon’s keen support for and of women in the party at all levels—staff, branch members and colleagues.”

The Honourable Clare O’Neil MP, who succeeded Simon as the member for Hotham, a seat he held for 23 years, said:

He joined the union movement when there were barely any women in senior positions within the union movement or the Labor Party. That changed because people like Simon stood up and advocated for it ... There was nothing in this for Simon Crean, but he stood behind me and beside me because he believed I could do it and he wanted to help a young woman in the Labor Party. He offered me that support throughout my entire life in politics.

This sentiment has been echoed across party lines in Parliament House since Simon’s passing. Victorian Liberal MP Zoe McKenzie said:

... the member for Hotham referred to Simon's industrious support of women in the Labor Party. Perhaps less well known is his support and encouragement of women in the other side too.

Before the 2019 election I put my hand up and failed ... Simon was the first to put the wind back in my sails—‘You’re a great Liberal warrior, Zoe. You’ll be back.’

Madam Speaker, I could hear Simon saying that.

Greens Senator Sarah Hanson-Young, for whom Simon was a family friend, spoke of the depth of Simon’s empathy and humanity, describing it as:

... bigger than party politics. His commitment to the Labor Party was strong, but his believe in good politics was always at the centre of everything that he did ... when I first came to this place Simon always made an effort to check in and see how I was going, and that continued long after he had left and I was still here.

Sentiments like this pervaded social media following Simon Crean’s unexpected death in late June. The Labor Party has lost a giant, but Simon’s family has lost a beloved and deeply loving husband, father, grandfather and brother. Simon was devoted to Carole, his wife of more than 50 years, and his family. My deepest condolences to them all. Thank you for sharing this remarkable man with the Labor movement, the party, the people of Hotham and Australia.

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

Justice and Community Safety—Standing Committee Report 18

MR CAIN (Ginninderra) (10.22): I present the following report:

Justice and Community Safety—Standing Committee—Report 18—*Inquiry into Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023*, dated 13 July 2023, including additional comments (*Mr Braddock*) and a dissenting report (*Mr Cain*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 18th report of the Standing Committee on Justice and Community Safety, tabled out of session on 14 July 2023. The committee held a public hearing on 15 June 2023. At the hearing the committee heard from government ministers and their accompanying directorate officials, the ACT Human Rights Commission, the legal sector, peak groups and various experts and members of the community.

The report made 23 recommendations. I note, the committee member, Mr Braddock, made additional comments and there is also a dissenting report from Mr Cain. I am speaking obviously at the moment in my capacity as chair. On behalf of the committee I would like to thank everyone who contributed to this inquiry. I certainly thank the other members of the committee, Dr Paterson and Mr Braddock, for their cooperation and support.

I do commend the report to the Assembly but I would like to say a few words in my individual member's capacity. As I have touched on, I did issue a dissenting report and the thrust of that report was to support the following recommendation. I recommend that two years following the raising of the age of criminal responsibility to 12, and implementing the therapeutic support regime, the ACT government implement an independent review of the impact of these changes and include in such a review an investigation into whether the minimum age of criminal responsibility should be raised further.

So I dissent, from the part of the bill, Madam Speaker, that has a timetable for raising the age to 14. I make a few notes and a few reflections on my dissenting report. There were many interesting and interested parties lodging submissions, noting that the ACT would be the first jurisdiction to raise the age to 14. Opinion was certainly divided over the staged approach of raising it firstly to 12, then to 14, with some carve outs for serious offences against individuals.

While I agree the minimum age of criminal responsibility should be raised to 12, given that the ACT would be the first jurisdiction to do so, it would seem prudent, in my opinion, to evaluate the impact of this raised age and including in that review, to review to efficacy of this new therapeutic approach to dealing with crimes otherwise committed by 10- to 12-year-olds.

To me this seems like a prudent approach. There is a significant step that the bill does anticipate, which I do support, which is raising the age to 12. I think it is prudent to take time to review that change, a very significant change I might say, and to see how this new therapeutic support regime actually interacts with that age cohort who would otherwise commit crime.

As mentioned in my dissenting report, there are a series of carve out for serious offences that were due to be carved out under the bill. I note that during public hearings the Attorney-General, Mr Rattenbury, stated that the Greens ministers did not support the carve outs:

As you note, there are four offences, which are identified in schedule 1, that the government has created as exceptions. This is a heavily contested part of the legislation. It is, I think, a known fact that the Greens ministers did not support this during the cabinet process but, nonetheless, the cabinet has resolved to proceed on this basis.

During the same session I did ask the Minister for Health, Ms Stephen-Smith, what evidence the government had collected to support the carve outs. I quote:

The government undertook some focus group research in relation to this. I am not sure whether that has previously been made public, but I am sure that we can provide it to the committee if it has not been. I am totally speaking out of turn here, so I will need to check and take it on notice. I think it is important to recognise that the community does have views in relation to this matter. That was informing cabinet considerations, so I will need to take on notice whether I can provide it. I think that, in the context of the conversation we have been having, it would be useful to the committee. I am not the owner of that information, so I will need to check.

In response to that, the written response to the question taken on notice, the Minister for Health said:

In December 2021, Kantar Research was engaged by the ACT Government to conduct research to explore community views, attitudes, and values in relation to raising the minimum age of criminal responsibility in the Australian Capital Territory.

The report was compiled with input from the community, including focus groups. The report is attached.

I note the question taken on notice and the response, as well as this document from Kantar Public—it seems, is the name of the author—is available on the committee website.

It was interesting to see how the government—obviously noting again that the Greens ministers would not support the carve outs as stated by the Attorney-General during the hearings—so the methodology adopted by Kantar was as follows. This is from the Kantar Report itself.

Focus groups and on-on-one interviews were held with 32 people from within the ACT of different ages, life-stages and socio-economic backgrounds, and also

included participants from Aboriginal and/or Torres Strait Islander and Culturally and Linguistically Diverse backgrounds. Participants were drawn from all of the major geographical ‘districts’ within the ACT (e.g. Tuggeranong, Belconnen, Weston Creek/Molonglo, etc).

There was a brief statement on supporting the carve outs in the Kantar Report. I quote that from the report:

Perceptions around the severity of different types of crime are subjective, however there was a clear view that crimes against a person (i.e. that would or could lead to physical harm) require a higher level of response. Thinking about the potential severity/impact of crimes also started to erode the initial perception of ‘innocence’ that participants tended to link to very young offenders.

I will touch on this in terms of how the community—as investigated by the government’s own research contractor, there certainly seems to be a difference in opinion as to how you treat children up to 12-years-old, maybe 13, compared to those older. Again this supports my, I think very sensible recommendation, to review the impact of raising the age before even thinking about going higher.

The carve outs themselves were criticised by many in their submissions because obviously it is difficult to see why, for example, a 12-year-old could not be deemed responsible for an otherwise criminal act and why would a 13-year-old not also be considered responsible for such a criminal act. The ACT Human Rights Commission said the carve outs were:

... incompatible with the Human Rights Act—that is, the rights of the child and the right to non-discrimination and equality ...

A fairly strong and direct statement.

Regarding whether 14 is the best age or not to raise the age of criminal responsibility to, I quote from the Kantar report. Again, this is the government’s own research contractor to ascertain the community’s views on raising the age to 12 and then to 14:

There is little distinction between the youngest offenders (i.e. 10 to 12-year-olds) who are typically seen to be victims of circumstance, in that there must be something ‘else’ causing/driving their offending – they are not ‘criminals’ as such. Therefore, the community is generally comfortable with a change to MACR that will help 10, 11 and 12-year-olds avoid interactions with criminal justice system. This tends to dissipate when thinking about older cohorts (13 years and above).

This is a conclusion from the government’s own researcher. And yet they persist with this step to raise it to 14:

Overall, there is a sense that the ACT community would be relatively comfortable with the MACR increasing to 13 years ... but beyond this age, there are very mixed views about where the line should be drawn.

I quote again from ‘Key conclusions and take away learnings’ in this report:

However, the community appetite to raise the MACR to a higher age is impeded by several interrelated issues that can start to act as a negative cognitive loop (there is generally a reduced empathy for offenders who are older than 12; the reasons for the reform are perceived to be ‘weaker’ when thinking about older children who are committing crimes ...

This is a conclusion from the government’s own report. Of course, one of the arguments in favour of raising the age to 14 was somehow we would be aligning with international consensus, but the Kantar report certainly did not support that approach. I quote from the conclusions of this report:

The United Nations Committee, as an international body, was not a source that resonated with the audience and felt distant...Similarly to the United Nations, participants felt the Australia-wide trusted champions were not close to home and did not resonate.

Again, these are the community’s feelings in the government’s own commissioned report. To finish—and relevant to my recommendation of exercising a sense of caution—I note the observation about the idea of the ACT leading the nation in reform. Under the heading “Nation leading: ACT leading the way”, the report stated:

Being ‘nation leading’ wasn’t seen as a primary reason for change, doesn’t change minds, and makes the community feel like we’re taking a risk on a reform that others haven’t (or won’t).

Quite frankly, Madam Speaker, the evidence the government has relied upon to support raising the age to 14—and with carve-outs—the evidence in this report, summarising the views of members of the community, would suggest that we should not go to 14. It recommends something that the government has said it is committed to nonetheless. This so-called evidence to support raising the age to 14 is actually not there and, in fact, there is strong evidence that one should not. Again, to emphasise my recommendation, I believe my recommendation would more rationally follow the government’s own research than the recommendation in the bill to raise it to 14.

So I urge the government to rethink this bill and, when it comes forward for debate, to consider my recommendation and to adopt what I consider to be a sensible approach: to review the impact of the change to 12, and to go out to the community again, perhaps to more than 32 people, to see how this therapeutic support regime works for that 10 to 12-year-old cohort and whether there is actually a case for raising the age further.

MR BRADDOCK (Yerrabi) (10.36): I want to start by saying that raising the age of criminal responsibility has clearly been a long time coming. Throughout the committee’s inquiry into this bill it was evident just how much work had gone into building this reform package. It is not just the technical change that we are raising the age but the development of an entire wraparound scheme—a scheme which picks up the kids who fall through the cracks and intervenes before they risk learning the lesson that crime is normal.

We are building communities rather than prisons, and I am happy to be part of this reform journey. I want to draw attention to my additional comments on this bill and,

in doing so, I want to emphasise that the Greens believe in listening to the science, taking the best academic advice and doing what is right, even if it is not necessarily popular. Social justice is one of our core pillars and the Greens are always keen to lead by example.

This is why I have paid significant attention to the submissions of academics and human rights experts. They expressed concerns about the exceptions for 12 and 13-year-olds who commit specific serious offences. Their evidence was extremely clear: the inability to form criminal intent is not dependent on the nature of the crime. These exceptions have no basis in science, lack legal logic and act counter to the advancing of human rights. Even if a 12-year-old did commit something as serious as murder, the new response pathways for children being developed by the government would result in a better outcome for the Canberra community than the criminal justice system.

While Canberrans may be rightly anxious about our city's ability to respond to such serious events, a starting assumption should be still to trust in the expert advice of our leading academics and to let them bring us on a journey of reform. Dr John Boersig of Legal Aid ACT recognised the importance of this journey. Legal Aid's evidence was part of what made me increasingly comfortable with the staged implementation, but it emphasises to me that the question of extending the reforms to comprehensively cover that advice should be one of when and not if.

There is no reason to permanently bake these exceptions into our laws, particularly when those exceptions fall short on the human rights of Canberrans. It is not enough to hope that they may be amended by a future government depending on the outcome of a scheduled statutory review. Consistent with the advice of the ACT Human Rights Commission, my additional recommendation is that the government should insert a sunset clause to the exceptions so that a statutory review is scheduled to occur after five years or three years after the age is raised from 12 to 14.

When that review comes, a default expectation should be that it will be time for those exceptions to disappear and to create an imposition on the government of the time to consciously decide whether we are still not ready for them to be lifted and to legislate accordingly. If no decision is made and the expert advice is to withdraw, those exceptions should be followed by default. I would like to thank my colleagues Mr Cain and Dr Paterson. I ask that the government give serious consideration to my additional recommendation.

DR PATERSON (Murrumbidgee) (10.40): I wish to acknowledge the incredible amount of work that has gone into this bill from the Minister for Health, the Attorney-General and the relevant directorates. I would also like to thank my JACS committee colleagues and the committee secretariat for their work on this inquiry.

The really stark finding in this inquiry was the overwhelming support for raising the age of criminal responsibility. This support came to the committee from many submissions—from the community, from researchers, from the ACT Human Rights Commission and from community sector organisations—all suggesting that the reform will improve outcomes for children who come into contact with the justice system. Removing children under the age of 12 from the youth justice system, as will

occur at the passage of this bill, is a really important step, as is the raise the age to 14 in 2025, with the inclusion of the necessary carve-outs.

The JACS committee visited Bimberi as part of this inquiry, and it was my personal observation that detention centres are not places for young people. We need, as this bill does for the 12 to 14-year-olds, to look at how we work with young people prior to any crime being committed. For those who do commit serious crimes, we need to rehabilitate them so that the system does not work against the community in instilling a lifetime cycle of crime in these individuals. The research evidence is clear that the younger the age the individual comes into contact with the criminal justice system, the more adverse the long-term outcomes are.

There are a few points in the recommendations that I would like to briefly speak to. One is the referrals to the therapeutic support panel. The committee heard evidence that additional behaviours such as cruelty to animals, arson and starting of bushfires should be added as a precursor for referral to the therapeutic support panel. There was lots of evidence heard in the inquiry about the mandated specific time frames in which the panel is to act on a referral. We heard evidence particularly from ACT Policing and from Legal Aid that this referral time frame needs to happen as quickly as possible. I do believe that that is the intention of the bill, but there were questions raised around what happens to these young people in those minutes and hours of the first intervention.

There were questions raised in the inquiry around the ACT National Preventative Mechanism bodies, including the office of the Inspector of Correctional Services. I look forward to the government's response to their call for unfettered access to intensive therapy places. I also think there were questions raised around protections for victims of domestic violence from children under the minimum age of criminal responsibility that are worth exploring.

Again, thank you to the committee members. I again point to the recommendation that the Assembly pass the Justice (Age of Criminal Responsibility) Legislation Amendment Bill.

Question resolved in the affirmative.

Estimates 2023-2024—Select Committee Report

MR PARTON (Brindabella) (10.43), by leave, I present the following report:

Estimates 2023-2024—Select Committee—Report—Inquiry into Appropriation Bill 2023-2024 and Appropriation (Office of the Legislative Assembly) Bill 2023-2024, dated 18 August 2023, including additional comments (Ms Clay), together with a copy of the extracts of the relevant minutes of proceedings and a schedule of unanswered questions.

I move:

That the report be noted.

This is the first and final report of the Select Committee on Estimates 2023-2024. The committee was established on 15 May, and the Assembly referred the appropriation bills to the committee on 29 June this year. The committee received two submissions and held 11 public hearings. Witnesses answered 407 questions. After the hearings, pursuant to standing order 253A, I tabled a schedule indicating that six questions on notice and six questions taken on notice were not answered.

The committee's report has 123 recommendations. The committee looks forward to its recommendations and findings informing the budget debate. On behalf of the committee, I would like to recognise ministers and ACT government officials for their assistance to the committee over the two weeks of hearings. We also thank the community groups who took the time to write submissions and appear at the community day and industry group day. I thank my colleagues on the committee, Ms Clay and Mr Pettersson. I commend the report to the Assembly.

Additionally, I would like to add that I have spent nearly seven years of my life in this place, and to some extent it is a bit of a surprise that up until this last couple of months I had (a) not chaired a committee; and (b) not participated in the committee marathon known as estimates all the way through. There was of course the one year where we all participated, but I have done both now. Not only did I survive—please do not laugh at this, Madam Speaker—but I quite enjoyed the experience. In part, I must say that is because of the company that I had the pleasure of sharing that journey with. Ms Clay was my deputy chair and Mr Pettersson was the other committee member. We knuckled down and got lots done, but we did so in an atmosphere of hardworking collegiality and pragmatic goodwill. This was a genuine team effort and everyone played a part in getting to a final product.

I have spoken to Ms Clay about this. I did want to add that I am a little disappointed that Ms Clay saw the need to add additional comments, but she certainly made it very clear that these were not dissenting comments but additional comments. As the chair and as the only opposition member on this committee, I could well have fought to have a recommendation that the budget not be passed, because ultimately that is my personal view. When that recommendation did not get up—because it would not have—I could have then included additional comments to that end, but I just did not believe that that is what this process is about. I do not want to suggest that Ms Clay did not have the committee's blessing in supplying additional comments and neither does she need our blessing to do that; it is just that, as the chair, I would rather that she had not.

One of the wonderful things about this parliament is the size of it. Because we are so small, just 25 members, it means that we all play multiple roles and we all get to be hands-on on most things. One of the downsides is that in setting out to replicate most of the functions of much larger parliaments, sometimes we are a little stretched on the ground in doing that. The estimates marathon always stretches us. I want to thank the secretariat for rising to the occasion and making the magic happen every day throughout the process. Thanks to Kathleen, Adele, Miona, Kate, Sophie, Anna, Peter, Consul, Adam, Emma, Lydia, Dikshes and Satyen. You have all been amazing and you have been amazing against the odds, because it is pretty clear that there is not really sufficient time to put together as detailed a report into estimates hearings as the task deserves.

Recommendation 1 of the report is that the ACT government should in future allow four weeks—and I would say at least four weeks—between the close of hearing dates and the date the report is due. If nothing else, it allows sufficient time for responses to questions taken on notice to be taken into account, because there are still questions that have not been answered. You have to ask: what was the point of asking those questions in regard to the final product, the report into estimates?

Thanks to the miracle workers known as the secretariat, we were able to put this report together, but it could have been so much better with sufficient time. I can understand observers arriving at the conclusion that the government—and I do not think we can remove ourselves from the pure fact that this is a long-term government—goes through statutory processes like estimates hearings but they would rather the committee did not have sufficient time to properly scrutinise what it is that they are doing.

We have laid down a report with well over 100 recommendations. I can tell you one of the weird things about the aftermath is that you are just not sure which recommendations will garner outside attention, particularly from mainstream media. As the chair, I was a little surprised when the *Canberra Times* made the call to lead their coverage on this report with the recommendation that the government should clearly establish the role of the ACT Government Procurement Board and about the transparency of procurement. I did not know which one they would pick, but they went with that one.

We certainly do not rate the recommendations in order of importance and different people will get different things out of this report. The *Canberra Times* chose to focus on the fact that the committee had recommended that more support be given to improve the Canberra to Sydney rail connection; the government should increase the number of public housing properties; the SLA should purchase and redevelop more existing urban zone land to deliver more infill development; the government should plan a school for Belconnen town centre; and the government should release a preliminary business case for light rail to Woden as soon as practicable.

From that scant selection of recommendations I think it is fair to say that all three committee members played a major role in the drafting of the recommendations, because they are certainly scattered amongst the sorts of things that you would expect we would be pushing for. There was a genuinely collegiate process that was followed to determine what ended up in the final report.

I want to thank all the witnesses who participated in this process, from the community day right through to the end. I do want to mention, too, that during the hearings, through Head of Service Kathy Leigh, we paid tribute to the life of senior public servant Dr Damien West, who was tragically lost to us. I think it is safe to say that it is difficult for us to understand. I do not think we can underestimate the effect his passing had on so many within the ACT public service and beyond. Certainly, as a committee, we did whatever we could to take that tragic event into account. That is all I wanted to say about the report. I am sure the other committee members will have other things to say.

MR PETTERSSON (Yerrabi) (10.52): The estimates committee process is a long and gruelling two weeks, delving into every single component of ACT government spending. If you are lucky, there is some shouting or maybe even a constitutional crisis to liven things up! However, it is mostly just long days trying to tease out specific answers on policy or expenditure. It is an important accountability mechanism and vital to inform the debate we are about to undertake on the budget. I firmly believe that this report does a good job of summarising and responding to the issues raised with this committee through stakeholders and members' lines of questioning.

In total, the committee agreed to 123 recommendations—123 recommendations agreed to by all committee members. All of the recommendations are reasonable to some extent and, I think, speak to all members' shared interests in making the ACT an even better place to live. There are, of course, practical realities that make the implementation of some of these recommendations unlikely; nevertheless, there is value in them being stated. In particular, I would like to highlight several recommendations that I think are of specific interest to Yerrabi residents:

Recommendation 15

The Committee recommends that that ACT Government consider establishing an independent Gungahlin Arts ...

Recommendation 20

The Committee recommends that the ACT Government expands the CIT Gungahlin footprint, offering more study options ...

Recommendation 100

The Committee recommends that the Government continue to upgrade Yerrabi Pond District Park ...

Recommendation 108

The Committee recommends that the ACT Government complete the Gungahlin Transport Plan as a matter of priority.

There are many wide-ranging recommendations of interest to all Canberrans. For those, unfortunately, you are going to need to read the report.

In closing, I would like to thank my fellow committee members, Mark and Jo. It is very easy for committee processes to become acrimonious and tense. This inquiry was not that. It was fun, light-hearted and collegiate, so thank you to both. The committee is, of course, more than its members. It takes many helping hands to deliver a seamless estimates process. To the committee secretariat, broadcasting, attendants, and Hansard: thank you. To all the witnesses who gave us their time and attention: thank you so much. Bring on the debate.

MS CLAY (Ginninderra) (10.54): I would like to make a few comments in my capacity as an MLA, adding to my additional comments in the committee report. I do

not feel the need to speak about the report itself. Our chair has done a great job of summarising that, as has my colleague Mr Pettersson. I cannot explain how difficult it is to be locked in a room here for 11 days of solid hearings. I am quite pleased at the company that I landed that particular gig with. It certainly made it much, much easier.

But I did feel the need to lodge some additional comments on this report. I do not usually do this. I have only once before lodged an additional or a dissenting comment. It is something I do after careful thought, and it is something I do because it is really important. In this case there were a lot of different issues and different views from different members. A Green, a blue and a red walk into the committee room and a long joke ensues! We obviously all have different views. The only thing that I really feel moved to speak about at the moment is climate. It is because of the depth of the climate crisis at the moment that I felt the need to lodge these comments.

The Select Committee on Estimates questions ministers on the proposed budget before it is debated. This allows members of the public to gauge government priorities and to test whether they are implementing them well. The hearings took place from 17 to 31 July 2023. It was winter here in Canberra, but globally we saw the hottest summer and the highest oceanic temperatures on record. We saw horrific fires and heatwaves all around the world. Both our poles suffered record-smashing melts. The UN chief took a look at the weather and announced that we had entered the era of global boiling. He urged our leaders to step up for climate action and climate justice.

The ACT is taking climate action. We have declared a climate emergency and we have set a climate strategy. We have a pathway to electrify the city and to phase out fossil fuel gas and switch to EVs. Our local clubs will become heat and smoke refuges for the next Black Summer and smokepocalypse. We are planting trees, protecting green spaces and taking action to cool our city through living infrastructure targets, and we are building battery and renewable energy capacity. But are we doing enough? People see how fast governments and society moved on other crises—the COVID pandemic, the global financial crisis and world wars—and they ask us constantly if we are acting fast enough on this one.

Around 60 per cent of ACT tracked emissions come from transport, primarily cars. Our EV strategy will cut emissions, but even EVs have a heavy footprint in terms of roads, parking, congestion, urban space and manufacturing. Our transport hierarchy puts active and public transport at the top and private vehicles at the bottom. Do our budget priorities match that? In estimates we heard there is appetite for better rail connections but limited action to deliver them. We discussed the \$650 million put into roads, with escalating costs but no public business cases showing that they are still value for money, despite the Auditor-General stating that we should see this public information.

We heard that construction of the fourth bus depot has been delayed and government is reconsidering when we will need it, as the minister does not think the fleet will reach a size that will require a fourth bus depot for some years. We heard no plans to deliver on earlier commitments to improve the bus timetable. We have seen a reduction in services and a budget that does not deliver more buses, more drivers or service improvements. Light rail is being expanded by one stage per decade, with

nothing in this budget to speed that up. Progressive governments in Europe and Scandinavia are tackling aviation emissions and private car usage by setting reduction targets and prioritising alternatives like road, rail, shipping and electric aviation. Our government are committed to increasing flights for passengers and freight, as if they have never heard of the climate meme “air-freighted asparagus”.

Almost 10 per cent of ACT tracked emissions come from waste. The government has wound back its former commitment to a city-wide FOGO program and facility by 2023, delaying this until 2026, to concentrate on building a replacement materials recovery facility instead. Organic waste sent to landfill in 2026 will still be generating emissions in 2046. The government could build two waste facilities at once. It could trial new or existing commercial composters or insect farmers or tackle waste through programs ahead of a big capital build that has been delayed, but our government is not doing that.

Our government states its commitment to urban densification, as recommended by the IPCC. Sprawl destroys our environment, which is a tragedy in its own right, but it also affects nature’s ability to draw down carbon. Sprawl also increases our car dependency and our carbon-intense development. The government is meant to build at least 70 per cent of new housing as infill, not greenfield sprawl, but questioning revealed that it has been counting knockdown rebuilds as part of that 70 per cent. That means we have been seeing new homes built as sprawl but knockdown rebuilds, not additional homes, being counting as infill. It presents us with a double challenge in a housing and climate crisis.

Climate change brings more invasive plants and animals and less predictable weather. We need much better environmental protection and land management to cope. From a budget of nearly \$7.5 billion, we have just \$5.2 million for environmental protection.

Our schools, sportsgrounds and assets will need to adapt to much greater extremes of heat, flooding, drought, fire and smoke than we have ever seen before. Questioning of two directorates revealed the lack of strategic coordination to adapt their facilities. The Minister for Climate Action said that there is work to do to coordinate this, but there are only so many things that can be done at once and there are urgent infrastructure priorities in other areas.

The budget allocates \$217 million for environment, sustainable development and climate change, which is around three per cent of the total budget. Climate assessments on major decisions might help to ensure we set the right priorities, and that may be why the Commissioner for Sustainability and the Environment has been calling for climate assessments of budget decisions, under an established methodology, since 2019. But the Chief Minister, appearing in various capacities, did not think quantitative, methodical assessments were needed. The Minister for Water, Energy and Emissions Reduction is developing a tool for standardised climate assessments. I welcome this, and I call on it to be urgently implemented in the ACT.

No government has the luxury of focusing on only one issue. We have a housing crisis as well. We always need quality health care, education, transport and urban and community services. We must ensure that taxpayers’ money is spent sensibly and with integrity. We discussed all of these issues in estimates, as we should, but I remain

worried about the level of priority our government is giving climate action and adaptation. Do our budget priorities meet the crisis we face?

I once again thank my colleagues on the estimates committee, and our extraordinarily hardworking secretariat, who had to put together a huge body of work in incredibly stressed and rapid time frames. Everyone involved took a fair and collegiate approach to managing the hearing and to writing the report. That is why I have submitted this as additional comments and not as a dissent.

Question resolved in the affirmative.

Petitions

The following petitions were lodged for presentation:

Pest management—Indian (common) myna—petition 17-23

By **Dr Paterson**, from 2108 residents:

To the Speaker and Members of the Legislative Assembly

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

- the Common (Indian) Myna was Declared a Pest Animal by Minister Vassarotti MLA in June 2021;
- the International Union for the Conservation of Nature (IUCN) has identified this myna species as one of only three birds on the list of the world's 100 most invasive species;
- research by Dr Kate Garrock at Australian National University found that Common Mynas have contributed to the decline in native birds in Canberra;
- Common Mynas pose a risk to rare and endangered insects and reptiles (eg. the Golden Sun Moth, Perunga Flightless Grasshopper, Grassland Earless Dragon) as well as disturb public amenity by their raucous calls and fouling of backyards and public areas;
- there is overwhelming community support for myna control action; and
- effective control demands a prompt systems-wide response across all landscapes, public and private lands, to significantly reduce Common Myna numbers across the ACT.

Your petitioners therefore request the Assembly require the ACT Government to undertake the following:

1. adopt the Precautionary Principle and the No-Regrets Principle – in accordance with sound and long-standing environmental and conservation policy – when assessing the risk posed by the Common Myna and in considering response strategies;
2. promptly develop a Common Myna control plan relating to public lands that links with and complements the existing community-action program on private domestic property;

3. work with commercial owners and the volunteers' program to identify areas of high myna concentrations, and act as a catalyst to collaboratively develop and implement control plans for business and commercial areas with those high concentrations;
4. investigate if there are new technological approaches applicable to myna control on broad-scale public land, business premises and private domestic properties;
5. direct relevant ACT Government agencies to promptly undertake myna control activities in their areas of responsibility, and in particular schools, nature reserves and urban parkland; and
6. ensure that the ACT Government agencies work with existing community groups already implementing myna control activities to enable successful and coordinated pest management across the ACT.

Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Environment, Climate Change and Biodiversity.

Parking—public ovals—petition 4-23

By Ms Vassarotti, from 1134 residents:

To the Speaker and Members of the Legislative Assembly

The following residents of the ACT draw to the attention of the Assembly to the actions of private schools in the ACT, who are developing car parks on protected public Urban Open Space (PRZ1). In particular the Brindabella Christian College in Lyneham has developed a school carpark on part of the adjacent public oval without approval, and the Canberra Grammar School in Griffith is seeking approval to formalise a car park on a public park over the road from the school.

These sites are protected and are intended to provide green open space for the enjoyment and recreation of everyone in the community, as well as flora and fauna habitats, and environmental corridors. Carparks for private institutions are prohibited developments on these sites under the current planning legislation (s315 and s51-56).

Your petitioners, therefore, request the Assembly to call upon the government to:

1. Stop allowing private schools and private institutions to develop car parks on protected public green open spaces that border their block, and withdraw government support for the current (and any future) applications for private car parks on PRZ1 zoned or protected public land, and take action against private schools who have built car parks without permission.
2. Uphold the ACT Legislation to protect public urban open spaces that are reserved under s315 of the Planning and Development Act (2007) OR that are zoned as sites where private car parks are listed as prohibited, and to manage the sites accordingly.

3. Ensure that protected public urban open space that has been degraded by unauthorised car park developments is regenerated.
4. Require private schools to conduct a Transport Impact Assessment (TIA) when expanding or developing to ensure that the development does not impede the functioning of active travel or public transport operations for the wider community, and to implement sustainable transport strategies to meet any excess traffic demands that they can't meet by onsite car parks (e.g. operating buses for their students, or acquiring a suitably zoned block for offsite parking, and facilitating active travel to school).

We request the Assembly to:

5. Provide oversight (e.g. via officers of the Assembly) to ensure that the ACT Government makes decisions and manages public land protected by the planning legislation with integrity and good administrative conduct.
6. Strengthen the legislation to ensure that a Transport Impact Assessment (TIA) that considers all road users is completed as part of school expansion developments, including developments otherwise exempt from a DA.

Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Planning, Transport and City Services.

Lyons Early Childhood School—transport—petition 14-23

By Ms Davidson, from 96 residents:

To the Speaker and Members of the Legislative Assembly

The following residents of the ACT draw the attention of the Assembly

Lyons Early Childhood School is a place where everyone belongs. Families are celebrated for their diversity and uniqueness, and everyone is welcome. We choose the school for its model of inquiry based learning through play, supported by research from neuroscience to NAPLAN.

We are so lucky to have this on offer in the ACT.

Yet families at this amazing little school, which caters for children from birth to year 2, are faced with a big problem. When their eldest child moves to year 3, the siblings need to move schools too. Otherwise the parents need to find a way to be in two places at once – thus far, a feat no one has achieved.

The kids need a solution. They do not want to worry about their parents being late, or feel unsure about whose car they will be collected in, or whether they have been included in the car pool plans that change regularly. There is always that hanging question “What if they forget”, “What if they get sick”, or “What if my kids are having a really off day and getting picked up by someone else is just a bridge too far”.

Parents constantly feel like they are pushing friendships, asking people they may barely know to take responsibility for, and wait with, their child while they make sure the sibling is safe.

Some families have no choice but to enrol in the already full to bursting out of school hours system – which we know is experiencing an unprecedented staffing and occupancy crisis.

The current public transport route recommendation to walk the half hour, 2.8km distance is not a safe solution for 8 and 9 year old children.

We need help!

Your petitioners, therefore, request the Assembly to call on the Government to provide a school bus that will reliably, and safely, bring those kids from Hughes to Lyons.

Woden—arts facilities—petition 5-23

By Mr Cocks, from 62 residents:

To the Speaker and Members of the Legislative Assembly

The following residents of the ACT draw to the attention of the Assembly the lack of ACT government investment in art and culture in the Woden Town Centre. Woden is a place for people to embrace arts, culture and creativity. This will nourish our collective wellbeing, and connect our emotions, ideas, stories and heritage.

A well located multi-purpose arts facility for visual and performing arts and music would complement the proposed CIT, encourage local activity on our streets and provide confidence to the private sector to establish a day and night economy, a ‘vibe’ in the core of Woden.

The introduction of buses from across Canberra’s south hub into our growing town centre will also enable our diverse community to access the arts, socialise and have fun through creative activities.

Your petitioners, therefore, request the Assembly to call upon the Government to:

- Invest in a multi-purpose arts facility for visual and performing arts and music in the Woden Town Centre.
- Investigate options to include a multi-purpose arts facility in the proposed CIT, particularly opening up onto the west plaza to activate the core of Woden.

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

Ministerial responses

The following responses to petitions have been lodged:

ACT Policing—Gungahlin—petition 6-23

Mr Gentleman, Minister for Police and Emergency Services, dated 7 August 2023, in response to a petition lodged by Mr Pettersson on 9 May 2023 concerning police resourcing for Gungahlin.

The response read as follows:

Dear Mr Duncan,

Thank you for your letter of 9 May 2023, regarding petition 006-23 lodged by Mr Michael Pettersson MLA. The petition requests a new police station and additional police resources for Gungahlin District. This letter is my response, pursuant to Standing Order 100.

The ACT Government notes the petitioners' concerns regarding:

- An improved new office space within six months;
- An increased number of police officers in the ACT budget 2023-24;
- Committing to a timeline for increasing resources to meet the demands of Gungahlin;
- Ensuring proper community consultation is followed.

ACT Policing's highest priority has always been the safety and security of the community along with its workforce.

When discussing crime in the ACT, it is important to remember the advice from successive Chief Police Officers that Canberra is a very safe city – one of the safest in Australia. The ACT Government continues to work with, and invest in, ACT Policing to ensure that incidents of crime remain low and that they are responded to quickly when they do occur. While the ACT experiences low crime rates compared to other jurisdictions, the ACT Government acknowledges that property crime does not discriminate; it can affect anyone and is often opportunistic in nature, requiring residents and business owners to always remain vigilant.

ACT Policing is committed to maintaining its visibility and presence throughout Canberra, including in Gungahlin. Target areas for patrolling are based on intelligence, with ACT Policing's Intelligence Team analysing a variety of information sources to identify patterns, convergences and prioritisation to maximise crime reduction opportunities and increase community safety.

Community Focused

In consultation with the ACT Government, ACT Policing is transitioning to a community-focused, proactive model of policing under the Police Services Model (PSM) to ensure the ongoing safety of the Canberra community. This includes a strategic accommodation plan that will consider future policing needs. Additionally, education and public messaging are important components of crime prevention, community safety and enhancing confidence in police. ACT

Policing is committed to raising awareness of community safety through active engagement with the entire community and the delivery of effective safety messaging.

ACT Policing Intelligence advises on patterns of offending in the district of Gungahlin and officers will continue to work with the community and key stakeholders to ensure the community is safe. ACT Policing encourages continued reporting of suspicious behaviour by members of the community, in order to be able to prioritise its resources effectively and efficiently.

Gungahlin Joint Emergency Service Centre (JESC)

In response to critical accommodation issues for ACT Policing at the JESC, the Government is relocating the ACT Rural Fire Services and ACT State Emergency Service units from the JESC to premises in Mitchell in mid-2024. Following this relocation, the JESC will be reconfigured, allowing ACT Policing to increase its operational footprint to relieve urgent accommodation pressures.

Sufficient police for a faster response time

Canberrans can be assured that police resources have always been available to support and protect our community – and always will be. Like all organisations, ACT Policing has to manage its resources appropriately in line with operational priorities, which impact police response times. ACT Policing prioritises its responses to life threatening emergencies first, followed by incidents where there is an immediate threat to a person or property.

Canberra's condensed geography means that officers can move across the territory in a timely manner, with police regularly undertaking duties in different patrol zones as resources are required. As such, ACT Policing has additional resources available to respond to incidents in Gungahlin, as well as those located at Gungahlin Police Station. ACTP's dispatch system ensures the closest and most available resources are allocated. While police stations will always be a part of the police ecosystem, ACT Policing officers have more communication tools and technology than ever before, which allows them to do more of their work on the road and respond faster to crimes when they are occurring.

The ACT Government is continuing to ensure that Canberra remains adequately served by our frontline police officers and that ACT Policing has the resources necessary to keep our community one of the safest in the world.

Since the petition was tabled, the ACT Government has announced an investment of an additional \$107 million over five years towards delivering 126 new ACT Policing personnel. This continues the transition towards a more visible, proactive and connected police service. This funding injection represents a significant increase in resourcing for ACT Policing.

By bolstering police numbers and equipping them with the necessary resources, police will be better able to respond to incidents and the evolving needs of the ACT community. This funding injection is a record spend on the police force since self-government began.

Through the transition to the PSM, ACT Policing is developing the ability to more effectively deploy its resources based on intelligence and manage its workforce efficiently.

I trust this brings the petitioners assurance that their concerns are understood and have been acknowledged by the ACT Government.

Environment—kangaroo management—petition 10-23

Ms Vassarotti, Minister for the Environment, dated 10 August 2023, in response to a petition lodged by Ms Lawder on 9 May 2023 concerning a review of the kangaroo culling program.

The response read as follows:

Dear Mr Duncan

Thank you for your letter dated 9 May 2023 about E-PET-010-23 that was lodged by Ms Lawder MLA with the Assembly on 9 May 2023. Pursuant to Standing order No 100 of the ACT Legislative Assembly, I am pleased to provide you with this reply and supporting information to address the subject of the petition.

The ACT Government has the significant responsibility of managing some of Australia's last remaining high quality natural temperate grassland and grassy woodlands. These areas provide habitat to many plant and animal species that are threatened with extinction.

The ACT Government has decades of experience in managing all threats to these critical ecosystems, including the persistent overgrazing by kangaroos. Whilst confronting to some individuals and groups within the community, the ACT's kangaroo management program operates on proven science, extensive experience and a continual improvement philosophy to help ensure kangaroo numbers remain sustainable and that these critical ecosystems remain resilient and healthy.

Supporting information

Achieving sustainable kangaroo populations

Eastern Grey Kangaroos are an integral component of the native grasslands and woodlands within the ACT. Kangaroo grazing is important for maintaining the health and function of these ecosystems. The purpose of the kangaroo management program is to moderate, not eliminate, kangaroo grazing in ACT nature reserves by keeping kangaroos at sustainable densities.

Specifically, the aim of kangaroo management in ACT lowland grassy ecosystems is to maintain kangaroos at densities that conserve the natural integrity of the ecological community and result in the maintenance of healthy habitat for other plants and animals, including several key threatened species.

Various scientific studies have been undertaken on the relationship between kangaroo populations and grassy layer structure, and relationships between grassy layer structure and the biodiversity of other native species such as beetles, birds, reptiles, and plants. Kangaroo densities are managed to maintain average grass heights between 5 -15 cm because research has shown that grass in this height range is associated with providing the maximum biodiversity benefits for both native plant and animal species. Further information on the research

informing the management program can be found at:
Macropod research - Environment, Planning and Sustainable Development
Directorate - Environment (act.gov.au).

The sustainable number of kangaroos to remain in priority nature reserves is calculated in accordance with the *Nature Conservation (Eastern Grey Kangaroo) Conservation Culling Calculator Determination 2018* (which is an instrument under the Eastern Grey Kangaroo: Controlled Native Species Management Plan 2017). In recent years, annual site-specific vegetation monitoring has been incorporated into the program which allows the output of the culling calculator to be adjusted to account for the current vegetation conditions. This means in rainy years with high grass growth, the sustainable number of kangaroos to remain is adjusted upward to account for the additional food resources available. In hot and dry years, where there is little grass growth, or in severely overgrazed reserves where the grassy layer needs to recover, the number of kangaroos to retain would be revised down. Annual population estimates are then used to calculate how many, if any, kangaroos need to be culled to achieve the desired population density. Minimum population densities are retained to ensure no risk of extinction from culling activities.

Information about vegetation assessments, kangaroo population surveys, target densities and management recommendations is made available in the Eastern Grey Kangaroo Conservation Management Advice Reports published online at: <https://www.environment.act.gov.au/nature-conservation/wildlife-management/eastern-grey-kangaroos>. The 2023 report will be made available at the conclusion of the current culling program.

ACT Kangaroo Population surveys

The ACT Government relies on globally recognised best practice scientific methodologies for undertaking kangaroo population estimates. Methods for counting kangaroos are described in the Eastern Grey Kangaroo: Controlled Native Species Management Plan (2017) (EGK:CNSMP) and in the 2021 peer reviewed publication “How many macropods? A managers guide to small-scale population surveys of kangaroos and wallabies” available at: <https://onlinelibrary.wiley.com/doi/10.1111/emr.12485>.

In 2014, Kurahaupo Consulting independently reviewed the kangaroo population count methods, count results, the method for determining the number of kangaroos to cull in the ACT, and the science behind the relevant parts of the 2010 Kangaroo Management Plan (the key policy driver at the time). The review endorsed the ACT Government’s counting methods and culling advice.

The ACT Government currently uses three methods for estimating kangaroo populations:

- Direct counts – Direct counts involve a small group of observers searching the entire site in a coordinated way and counting all individual kangaroos without missing any or counting any more than once. This method is only suitable for small sites with open vegetation and requires a high amount of knowledge about the site and the behaviour of the animals. More than one count is carried out to ensure a reliable, repeatable estimate has been derived.
- Sweep counts – Sweep counts involve a coordinated line of people walking across a site and counting the kangaroos that move through the line. This method requires careful coordination of the counters, aided by the use of

two-way radios and maps. Repeat counts are carried out to ensure a reliable, repeatable estimate has been derived. This type of count is suitable for sites larger than those that can be counted directly, and where the vegetation and terrain allow for good visibility from one counter to the next.

- Walked Line Transect Surveys – The walked line transect method is currently the most common method used by the ACT Government and is suited to larger sites where kangaroos cannot be reliably counted by a direct or sweep count. This type of survey involves an observer walking linear transects and, upon encountering kangaroos, recording a GPS location, the number of kangaroos observed in the group and the distance and compass bearing to the group. These observations are then analysed using the program ‘Distance’ to provide a population estimate for the whole area. Importantly, surveys utilising this method adopt linear transects which are unbiased with regard to landscape features such as tracks or waterbodies, that are known to influence the distribution of kangaroos across the landscape and hence risk a bias in abundance estimates. Observers walk approximately 44 km of transects per site over approximately 11 days. Surveys are undertaken in the early morning, when kangaroos are evenly dispersed across the grazing landscape and are most likely to be detected from survey lines.

These methods are described in more detail in the peer reviewed publication mentioned above.

The ACT Government was provided with a redacted version of the report prepared by Jane Robinson and John Grace, “Eastern Grey Kangaroos in Canberra Nature Park. Population estimates and culling history 2009-2021”. The ACT Government is also aware of more recent surveys undertaken by the “Save Canberra’s Kangaroos” community group. The ACT Government is a supporter of citizen science and commends the authors for the report. However, the method used by this group to survey kangaroo populations is inappropriate for most sites in the ACT. The method is described by the authors as “Direct Observational Count”. As noted above, direct counts are only suitable for small sites with open vegetation and require the entire area of the site to be searched in a single visit. This method was applied to all sites by the citizen science group and on many occasions only part of a site was surveyed in a single visit. This approach has a high likelihood of underestimating the true kangaroo population size.

Staff from the ACT Government have recently provided information to members of “Save Canberra’s Kangaroos” about appropriate count methods for Farrer Ridge Nature Reserve. It is intended that further discussions will be held with members of this group to provide additional information about the currently used counting methods.

No identified need for kangaroo management program suspension

The ACT Government’s kangaroo management policy and programs are based on scientific knowledge supported by ongoing research, appropriate regulation and monitoring and national codes of practice. Ongoing improvement and review have been, and will continue to be, a key feature in the development of kangaroo management policy and the implementation of management programs in the ACT.

The ACT Government is fully transparent in the science behind the kangaroo management program, the lengths that it goes to with respect to animal welfare

issues and the community perceptions to kangaroo management. Extensive information is available on the program's website (<https://www.environment.act.gov.au/parks-conservation/plants-and-animals/wildlife-management/eastern-grey-kangaroos>).

The key review processes that have been undertaken since the program began in 2009 include:

- 2010 – The ACT Kangaroo Management Plan was released. This plan provides principles, objectives and policies relating to kangaroo management in the ACT. Its explanations include over 400 references including approximately 125 peer reviewed science journals and 155 books or book chapters, most of which have been peer reviewed.
- The conservation cull has been challenged in the ACAT three times: 2012 (did not go to hearing), 2013 and 2014 (reported in *Animal Liberation ACT v Conservator of Flora and Fauna (Administrative Review)* [2014] ACAT 35). Additionally, the cull of Eastern Grey Kangaroos on Defence land was challenged in 2009. All four challenges were unsuccessful and the ACAT held that the conservation cull on both Territory and Defence land was valid.
- 2014 – Kurahaupo Consulting independently reviewed the kangaroo population count methods, count results, the method for determining the number of kangaroos to cull in the ACT, and the science behind the relevant parts of the 2010 Kangaroo Management Plan. The review endorsed the ACT Government's counting methods and culling advice.
- 2017 – The Eastern Grey Kangaroo: Controlled Native Species Management Plan was released. This plan is an update on the 2010 Kangaroo Management Plan and applies only to Eastern Grey Kangaroos in the ACT. It is a statutory plan under the Nature Conservation Act 2014 and includes two instruments detailing the process for calculating the number of kangaroos to cull for conservation and rural purposes. This plan incorporates relevant research conducted since 2010, and some updates to policies and codes of practice.
- 2018 – The ACT Government's adaptive management approach to managing kangaroo impacts on conservation lands was reviewed by a panel of experts during a Kangaroo Management Research Workshop. A report was prepared detailing recommendations, including the adoption of a management goal for grassy ecosystems of maintaining native grass heights between 5 and 15cm tall. This recommendation has become a key component of the management program. The review report is available online at: https://www.environment.act.gov.au/data/assets/pdf_file/0006/1550292/kangaroo-management-research-report-april-2019.pdf.
- 2008, 2011, 2015, 2019 and 2022 – Phone polls of ACT residents opinions to kangaroo management have been undertaken (see below).
- In 2021 staff from ACT Government contributed to numerous peer reviewed journal articles that were published in the special issue "Optimum management of overabundant macropods" in the journal *Ecological Management & Restoration*, available at: <https://onlinelibrary.wiley.com/toc/14428903/2021/22/S1>.
- Macropod culling is conducted under the strictest animal welfare standards. An independent audit of compliance with National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial

Purposes is undertaken at 5–7-year intervals. A 2017 audit found that all aspects of the Code of Practice were complied with and can be viewed at https://www.environment.act.gov.au/data/assets/pdf_file/0009/1556892/animal-welfare-assessment-kangaroo-culling-2017.pdf.

Current reviews

Current reviews being undertaken by the ACT Government include:

- Update to community support research.

Completed in December 2022, the Environment Planning and Sustainable Development Directorate contracted Micromex Research to undertake a random telephone survey of 605 ACT residents to gauge current attitudes towards kangaroos and kangaroo management. Key results from the 2022 survey include:

- 54% of respondents were satisfied or very satisfied with ACT Government's current management of kangaroos.
- 76% believe the culling of kangaroos is appropriate under certain circumstances.
- 66% are supportive of kangaroo culling for the conservation of grassland and woodland animals.
- 71% believe it is important/very important to develop and apply fertility control methods to control the breeding of kangaroos in Canberra.

Overall, the results of the survey show that most ACT residents value kangaroos and support the ACT Government's management practices. However, there remains the need for the government to continually remind and reaffirm the goals and purpose of kangaroo management in the ACT to ensure the community has access to information about the program.

- Review the 2017 Eastern Grey Kangaroo: Controlled Native Species Management Plan.

A review of the plan is being undertaken in 2023 and will include:

- Evaluation of the effectiveness of the conservation culling program in achieving target population densities and grass structure,
- Review of the 2017 Plan, the culling calculator instruments, the methods used to estimate kangaroo density and the above evaluation by an independent reviewer,
- Consultation with key stakeholder groups including the Ngunnawal community.

The process of engaging a suitable independent reviewer is underway. Recommendations from this review will be made public once completed. The full review and revision of the Plan is expected to be completed by the end of 2023.

- An independent veterinary audit of the 2023 conservation culling program to ensure continued regard to animal welfare issues. This audit is currently underway and will be publicly released when it is made available to the Directorate.

Casey—traffic management—petition 7-23

Mr Steel, Minister for Transport and City Services, dated 13 July 2023, in response to a petition lodged by Mr Pettersson on 9 May 2023 concerning traffic management for the Grove Retirement Village.

The response read as follows:

Dear Mr Duncan

Thank you for your letter regarding petition 7-23, lodged by Mr Michael Pettersson MLA, regarding traffic management for the Grove Retirement Village.

Monty Place, the access road to the Grove Retirement Village, has been designed and constructed to have left-in and left-out only access. Monty Place is located close to two adjacent roundabouts on Gungahlin Drive and as such, providing full movement of traffic to Monty Place would significantly adversely affect traffic on Gungahlin Drive.

Access to developments is not generally permitted from arterial roads. During the development assessment process for the Grove Retirement Village, it was agreed that access could be provided from Gungahlin Drive on the basis that the access would only provide movements left in and left out. This mitigates conflicting movements, which makes the access safer. By removing right turns, it reduces the impact of the access on the arterial road traffic. Given the proximity of the roundabouts either side of Monty Place on Gungahlin Drive, the impact on residents of the Grove Retirement Village is minimal.

Safety issues that arise at Gungahlin Drive / Monty Place are usually a result of drivers attempting to make illegal maneuvers rather than travelling the short additional distance to the adjacent roundabouts. Transport Canberra and City Services (TCCS) has installed low-cost measures to dissuade drivers from making illegal maneuvers and to help guide visitors to use the roundabouts to access the Grove Retirement Village.

TCCS will arrange for a safety assessment of the Monty Place / Gungahlin Drive access to be undertaken by an independent consultant to assess if further measures may be appropriate. This assessment will include a review of the crash history for this section of Gungahlin Drive and the adjoining roundabouts.

Transport Canberra provides multiple bus services from Casey Shops that connect to Gungahlin and beyond. These services run approximately every 30 minutes during the day and every hour after hours and on weekends.

Regarding the proposed development at Gold Creek Homestead, any comments should be directed to the Development Assessment team within the Environment Planning and Sustainable Development Directorate as part of the usual consultation process.

However, I can confirm that the ACT Government has delivered a 2020 election commitment to develop a Gungahlin Reference Traffic Model comprising the

base year model calibrated to 2022 conditions, and future base year models for 2026 and 2031 periods. These models provide outputs for weekday morning and evening peak hour periods.

The model 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. It will provide performance indicators and a prioritised program of initiatives.

The MNP and other future transport planning activities, will consider duplication of single lane sections of Gungahlin Drive, Horse Park Drive and Clarrie Hermes Drive. However, it will also be necessary to consider other measures which promote public transport and active travel in order to reduce network demand and to meet Government and community climate change objectives.

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.

I trust this information is of assistance.

Motion to take note of petitions

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

That the petitions and responses so lodged be noted.

Lyons Early Childhood School—transport—petition 14-23

MS DAVIDSON (Murrumbidgee) (11.04): I seek leave to table an out-of-order petition along the same lines as the one just tabled.

Leave granted.

MS DAVIDSON: I table the following out-of-order petition:

Petition which does not conform with the standing orders—Lyons Early Childhood School and Hughes Primary School—School bus—Ms Davidson (497 signatures).

I rise today to speak to the petitions, which call on the Assembly to request that the government provide a reliable and safe school bus service between Hughes Primary School and Lyons Early Childhood School. Lyons Early Childhood School provides education and care for children from birth up to eight years of age. It is a really special place that allows children, their families and their teachers to play, learn and thrive.

However, families with multiple children, enrolled at both Lyons and Hughes, face the difficulty of managing multiple school schedules and pick-ups. With an after school care system that has, in my opinion, some of the very best care workers you could hope to care for your kids but is increasingly under strain, a three-kilometre distance between the schools, in the absence of a school bus many families are forced to rely on makeshift arrangements, especially when they are in a bind. This can be unpredictable and unsustainable, adding stress to parents' lives and uncertainty for their children, who may worry about being forgotten or experiencing a disruption in their normal routine.

For many families, the difficulty of navigating these challenging logistics means younger siblings are pulled from Lyons Early Childhood School prematurely when an older sibling graduates to Hughes Primary School. This can be really upsetting for young students at the Lyons school, who love their friends and teachers, as well as for their families, who will be sad to lose their connection to a great school and local community. This is why it is so important to have a reliable school bus service that runs between the Hughes and Lyons schools. It is a solution that prioritises safety, consistency and peace of mind for both parents and students, as well as allowing all students to stay at Lyons until it is time for them to graduate to Hughes primary for year 3.

I thank the primary petitioners, school students Mia and Chloe, and their mum, Beth, who brought this issue to the attention of their local community and asked me to sponsor their e-petition, as their local member. The care, love and passion they have for the Lyons Early Childhood School shines through, and their ongoing advocacy efforts are a testament to the strength of this beautiful community. I would also like to thank all the people in my electorate of Murrumbidgee who have supported this petition. With the 497 signatures just tabled, plus the 96 signatures on the Assembly e-petition, it is clear that a reliable and safe school bus service is something that this community really needs and wants.

Woden—arts facilities—petition 5-23

MS DAVIDSON (Murrumbidgee) (11.07): I am also pleased to see the community interest in the petition for a Woden arts centre. This is something the Greens have been keen to see, with the commitment in appendix 4 of the Parliamentary and Governing Agreement to “include a live music venue and arts precinct in the construction of the new Woden CIT campus”.

In the estimates hearings on 31 July my colleague Jo Clay asked about this and was told that the Woden CIT campus will include a multipurpose hall that is two storeys high, with room to seat 200 people, and a kitchen adjacent. It will be available to the community for live music and other events. It will be a six-star rated, all-electric building and will, in future, be right next to light rail, with access all the way through to Gungahlin.

Pest management—Indian (common) myna—petition 17-23

DR PATERSON (Murrumbidgee) (11.08): I am very pleased to speak in support of the petition from the Canberra Indian Myna Action Group and residents across Canberra who have a strong wish to see stronger action against this invasive bird

species. The petitioners who signed the Indian myna control petition are calling on the ACT government to promptly develop a common myna control plan while directing relevant ACT government agencies to undertake myna control activities in their areas of responsibility, particularly around schools, nature reserves and open parkland.

This petition was signed by 2,108 community members, which demonstrates the level of support for action being taken, as mynas are playing a role in the decline of our native bird populations in Canberra. The International Union for Conservation of Nature recognises this myna species as one of the world's 100 most invasive species. Only three birds are on that list, and one of them is the myna bird. This finding underscores the need for a comprehensive response that safeguards our unique biodiversity.

The declaration of the myna bird as a pest animal in June 2021, under the Pest Plants and Animals Act 2005, was a critical recognition of the harm that this invasive species poses to our local ecosystem. However, it is of great concern to the petitioners that there has been no action since the declaration. In January 2023 there was also a significant shift in the stance by the minister, who stated that no evidence had been found that common mynas displace the nests of endangered native species or have any effect on agricultural production in the ACT. This is a very disappointing and surprising deviation from the earlier position held by the minister.

In support of the petitioners' assertions, there has been comprehensive research conducted at the ANU, by Dr Kate Garrock and colleagues, confirming the distressing truth. The research has suggested that the common myna has played a role in the decline of native bird populations, including small woodland birds in Canberra. What is also most interesting about this research is, over decades, the documented decline in the growth of numbers of crimson rosellas, sulphur-crested cockatoos and kookaburras due to the establishment of myna bird populations.

The researchers hypothesised that common mynas established in areas of Canberra would negatively affect the abundance of cavity nesting species. This was supported by the data for the cockatoo, the rosella and the laughing kookaburra, which have all seen a decline in their growth of numbers since the establishment of mynas. However, this was not supported by data for the galah, the Australian king parrot, the eastern rosella or the common starling.

The negative impact of common myna establishment on crimson rosella abundance is consistent with previous studies that quantified nest cavity competition between these two species. The negative impact of the myna on the cockatoos and laughing kookaburras is especially interesting, as they are larger than the myna bird. However, anecdotal evidence suggests that the common myna is capable of displacing large bird species and even mammals from cavity nesting sites. These findings underscore the need for a comprehensive response to safeguard our biodiversity.

Further research conducted by this ANU team reported that the impact of community culling of myna birds was that too few individual birds were being removed from the Canberra population, and natural reproduction, survival and/or immigration of the myna birds was able to replace the culled individuals. This highlights the value of undertaking basic population modelling to assess if potential control measures are

capable of achieving desired outcomes. This goes a long way towards what the petitioners are asking for: that the government needs to work with the community to control this pest invasive species.

One of the key points that was made in this research is that, due to limited resources and short funding cycles, there is a clear risk that management priorities by governments are given to species with clear and immediate impacts, rather than species such as the myna that slowly and persistently reduce the abundance of native species in our community.

I would like to thank everyone in the community who took the time to sign this petition. I look forward to the responses of the Standing Committee on Environment, Climate Change and Biodiversity and the minister, after their consideration, and to a positive outcome to meet the needs of Canberra residents. Thank you.

Woden—arts facilities—petition 5-23

MR COCKS (Murrumbidgee) (11.13): This petition calling on the government to establish an arts centre in Woden stems from the community's deep disappointment and frustration with the government's lack of investment in and support of the Woden community. For too long, too many promises have remained unfulfilled. Woden could be, and should be, the economic heart and community heart of the south, but that requires a different approach from what we have seen under this government. Woden, sadly, has seen too many facilities close over the life of this government—sports facilities, educational facilities and community facilities. It is time to change Woden's trajectory, and an arts centre for Woden could be part of that equation.

Arts provide a way for the community to come together; arts provide places for individuals to pursue the things that they care about, and the things that they love. For me, growing up, it was often performing arts—music, drama at times, and anything where I could be on a stage and express the person that I was in those ways. For many other people it is visual arts. As shadow minister for mental health, I make note of the benefit of arts in mental health. Arts therapy increasingly has been recognised as invaluable for many mental health conditions.

I would like to thank Fiona Carrick and the Woden Valley Community Council for their efforts in bringing this petition forward. It has been through attending their meetings and speaking with their members over a long time that this desire for community facilities has been drawn most clearly in my mind. If we can get investment in things that matter to the community, the community will see Woden as a place to be and we can see Woden thrive.

Parking—public ovals—petition 4-23

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (11.15): I would like to rise briefly to thank the petitioners who have raised the issue of the impact of private schools and private institutions encroaching on protected public urban open space in their local community.

These petitioners particularly note that Brindabella Christian College in Lyneham has developed a school car park on part of an adjacent public oval without approval, and the Canberra Grammar School in Griffith has been seeking approval to formalise a car park on a public park over the road from the school. These sites are protected and are intended to provide green open space for the enjoyment and recreation of everyone in the community, as well as flora and fauna habitats and environmental corridors. Car parks for private institutions are prohibited developments on these sites, under the current planning legislation.

I am aware that a number of petitioners have been trying to get action on these issues for a number of years. This has been met with limited success and has resulted in this petition being generated. Briefly, the petitioners call on the government to stop allowing these situations to develop and to ensure that the legislation is dealt with and the sites managed accordingly. They also call for the protected public urban open space that has been degraded by unauthorised car park development to be regenerated. Again, I would like to thank the petitioners for the significant work that they have done in trying to manage this issue, and I look forward to the response of the minister.

Question resolved in the affirmative.

Planning, Transport and City Services—Standing Committee Reference

Motion (by **Ms Davidson**), pursuant to standing order 99, agreed to:

That the petition and the out-of-order petition just tabled relating to transport for families split between Hughes and Lyons schools be referred to the Standing Committee on Planning, Transport and City Services.

Justice—Board of Inquiry into the Criminal Justice System report Ministerial statement

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.18): Today I am tabling the report of the Board of Inquiry into the Criminal Justice System in the ACT. On 21 December last year, along with the Attorney-General, I announced the board of inquiry. This was done to examine whether the ACT's criminal justice entities were working effectively together and appropriately within their respective statutory frameworks. Specifically, the board of inquiry examined the conduct of criminal justice agencies involved in the trial of *R v Lehrmann* to determine whether the issues raised in public reporting on this case have wider implications for the prosecution of criminal matters in the territory.

The board of inquiry commenced on 1 February 2023 and involved a submissions process, subpoenaing of a variety of different records from multiple entities, and a series of both public and private hearings, examination of exhibits and, finally, the consideration of these to form the recommendations of the report that I am tabling. To be clear: the board of inquiry was not a criminal trial, although the report did find that the prosecution of this matter was appropriate on the evidence available at the time.

As I think is well known, the chair of the board of inquiry, Mr Walter Sofronoff KC, provided me with his final report on Monday, 31 July 2023, in the afternoon. The report contains 10 recommendations, of which the government agrees with eight and agrees in principle to two—these being subject to further consultation with the Office of the DPP, ACT Policing, the Victims of Crime Commissioner and other legal stakeholders. The government published Mr Sofronoff's report to me on 7 August 2023 on the Justice and Community Safety Directorate's website, along with the government's interim response. Both of these documents will be tabled today.

Since receiving the board of inquiry's report, the government has established an implementation committee. The committee's focus is on progressing and implementing the report's 10 recommendations, as reflected in the interim government response, and working closely with affected agencies and stakeholders. The committee will meet regularly and advance work that will strengthen community confidence in how our criminal justice agencies respond to matters concerning sexual assault in the community.

To get that work underway, the government is today introducing the Victims of Crime Amendment Bill 2023 in response to recommendation 2 of the board of inquiry's report in relation to the Victims of Crime Act 1994. As foreshadowed in the interim government response, ACT Policing, the Office of the Director of Public Prosecutions and the Victims of Crime Commissioner have been consulted in the preparation of these legislative amendments.

As was noted in my joint media release with the Attorney-General on 7 August, in response to the board of inquiry's commentary in relation to the ACT's Director of Public Prosecutions, Mr Shane Drumgold SC, and after discussions between Mr Drumgold and the Attorney-General, Mr Drumgold subsequently decided to tender his resignation.

It is a matter of public knowledge that the report was provided to media organisations prior to the release of the report by the government and prior to me receiving the report as required under the Inquiries Act 1991. I am advised today—late last night, in fact, at the time of drafting this speech—that Mr Drumgold has now commenced legal proceedings in relation to the content of the report. This has been made public on media websites in the last hour. These proceedings will obviously occur in the context of the appropriate judicial review provisions. Accordingly, it is not appropriate for me to comment further in relation to the findings or processes associated with the report and its release.

The original case of *R v Lehrmann*, for which the inquiry was called, and the inquiry itself, disappointingly, have now been the subject of significant interest right across the nation. With this interest, of course, comes scrutiny—millions of opinions and judgements from those on the outside looking in. I will make these observations. We as a country need to do better in our reporting of these matters, particularly when it comes to alleged sexual assaults and other intimately violent crimes, and recognise the real and significant human impact it has on those involved.

Out of all of this, I want one clear message from the government: we encourage Canberrans to keep reporting alleged crimes. The government's response to this report and its recommendations will, I hope, lead to a better and more robust system

that reflects the needs of alleged victims, as well as the presumption of innocence of those accused.

I present the following papers:

Australian Capital Territory Board of Inquiry—Criminal Justice System—Final report—

Report prepared by Walter Sofronoff KC, dated 31 July 2023.

Interim Government response, dated 7 August 2023.

Board of Inquiry Report—Ministerial statement, 29 August 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Justice—Board of Inquiry into the Criminal Justice System report

Ministerial statement

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.25): Given the allegations made in the criminal trial that gave rise to the board of inquiry, I would like to acknowledge that there may be people listening today who have experienced sexual violence directly or be close to those who have. The impact of sexual violence can include long-lasting trauma and it can be triggering to hear statements like the ones being made in this place today.

In the ACT we are fortunate to have Victim Support ACT, who deliver the Victim Services Scheme for the ACT government. This service is free, confidential and available to people who have experienced crime in the territory. It is my heartfelt hope that people who have experienced crime are not dissuaded from seeking the assistance that is right for them because of this inquiry report.

Towards the end of this statement, I will set out the work that the ACT government has recently completed and work that is ongoing with regard to sexual assault prevention and response. Minister Berry will then address that work in more detail. All of this is to say that, while the board of inquiry report has highlighted areas for improvement in our criminal justice system, there is a volume of work that is underway or has already been completed.

The Chief Minister has set out the background to the Board of Inquiry into the Criminal Justice System in the ACT. The purpose of the inquiry was to examine the conduct, amongst other things, of criminal justice agencies involved in the trial. The government was concerned to ensure that the territory's framework for progressing criminal investigations and prosecutions is robust, fair and respects the rights of those involved; and that the territory's criminal justice entities work effectively together, and appropriately within their respective statutory frameworks.

On 1 February 2023, the board of inquiry commenced. The inquiry was established by the Inquiries (Board of Inquiry—Criminal Justice System) Appointment 2023 under section 5 of the Inquiries Act 1991, and was conducted by the former Queensland Solicitor-General and retired judge of the Queensland Supreme Court and Court of Appeal, Mr Walter Sofronoff KC.

As noted by the Chief Minister, the Chief Minister received the inquiry report on 31 July 2023 and published it and an interim government response to the report on 7 August 2023. He has this morning now tabled both of those documents.

Turning to the recommendations of the inquiry report, as observed earlier by the Chief Minister, it contains 10 recommendations. The ACT government agrees with eight recommendations and agrees in principle to two recommendations, subject to further consultation.

Of the 10 recommendations, three recommendations called for government to consider law reform on the following issues: amendments to the Victims of Crime Act to clarify the threshold for giving the victim an update about the status of the investigation; clarification on disclosure of protected confidences, including whether there should be a statutory prohibition against disclosure of protected confidence without leave of the court; and the scope and content of the obligation of disclosure owed by the prosecution in criminal proceedings.

Six recommendations were directed to ACT Policing and/or the Office of the Director of Public Prosecutions and called for the development and refinement of policy and guidance materials—recommendations 1, 3, 4, 6, 7 and 9—with five recommendations calling for training of ACT Policing officers—recommendations 1, 3, 4, 6 and 10.

These recommendations relate to formulating a policy to define the threshold to charge for a criminal offence, and training for ACT Policing on how it should be applied to evidence gathered during investigation—recommendation 1; devising and implementing governance material and training on the storage and disclosure of counselling notes—recommendation 3; amending governance material and providing training on the brief adjudication process, the police quality assurance process for a brief of evidence, to ensure a more consistent approach to compiling briefs of evidence—recommendation 4; improving policy guidance and training around the use and preparation of disclosure certificates—recommendation 6; formulating a protocol around the availability of police witnesses to a legal representative for a defendant—recommendation 7; updating the prosecution policy on processes for recording retrial decisions—recommendation 9; and reviewing the collaborative agreement to include a complaints mechanism between agencies—recommendation 10.

In addition to the recommendations, the report made a number of observations, including that ACT Policing investigators involved in the matter of *R v Lehrmann* consistently acted in good faith and conducted a thorough investigation; that it was appropriate to prosecute the matter of *R v Lehrmann* on the information available to ACT Policing and the DPP; that the intense media reporting and publicity put pressure on investigators and the prosecution; that the extent of the media and publicity was unique and far from what is usual in criminal proceedings in the ACT; that there was

tension between the DPP and ACT Policing throughout the investigation and trial that led to the deterioration of the effectiveness of the relationship between the entities; that the involvement of the Victims of Crime Commissioner, Heidi Yates, with Ms Higgins during the *R v Lehrmann* trial was consistent with her statutory functions; and that adverse commentary was made against the ACT Director of Public Prosecutions, Mr Shane Drumgold, who has given notice of his intention to retire and will not return to work. As the Chief Minister has noted, Mr Drumgold has now commenced legal proceedings in relation to the report.

I would now like to inform the Assembly about an additional document—a letter to me from the New South Wales Director of Public Prosecutions, Ms Sally Dowling SC, dated 14 August 2023, which I received via email on that same date. This letter sets out what Ms Dowling describes as a “significant factual inaccuracy” in the report. At paragraph 129 of the report, the board refers to a matter, *R v Barrett*, in the following terms:

In *R v Barrett* a New South Wales Supreme Court judge ordered a permanent stay of proceedings because, in her opinion, the principal Crown witness was such a ‘serial liar and fabricator of evidence ... that police refused to continue taking statements from him’. This was a case in which a prosecutor ought to have concluded that the case was not just weak: it was a case in which there was no reasonable prospect of success because of the unanswerable problem of credibility of the crucial witness.

A link to a news article published by the *Australian* on 14 July 2023 is footnoted by the board as the apparent source of the quote from the Supreme Court judge. Ms Dowling has brought to my attention that the matter in question “involved the prosecution of a NSW offence of unwarranted demand with menaces pursuant to section 294K(2) of the Crimes Act 1900 (NSW)”. She wrote to me:

The prosecution was conducted by the Commonwealth Director of Public Prosecutions under delegation from and with the consent of this Office. As outlined in the news article, the matter was in fact discontinued by the prosecution prior to the hearing of Mr Barrett’s application for a permanent stay. Consequently, the merits of the application were never litigated, and no order for a permanent stay was ever made.

Ms Dowling summarised:

The quotation that appears in the Report, which is purported to be the opinion of the presiding NSW Supreme Court judge about the principal Crown witness, appears to be drawn from the first paragraph of the news article. That paragraph paraphrases the views of the Australian Federal Police, and is not attributed to the presiding judge.

Ms Dowling concluded:

In my view, this matter is not an example of a failure by the prosecution to identify a case where there was no reasonable prospect of conviction because of the “unanswerable problem of credibility of the crucial witness” as suggested by the Report.

I will table a copy of the letter from Ms Dowling.

I acknowledge the view held by people in the community that the justice system often fails to meet survivors' needs for healing and justice. That is why the ACT government is seeking to improve it. I would like to canvass a range of measures that the ACT government has already implemented or is working on now. Later, Minister Berry will table the inaugural ministerial statement on the Sexual Assault Prevention and Response Program.

In early 2021 the ACT government announced the establishment of this program, led by an independent steering committee tasked with setting key priorities for future work and action by government to develop effective, systemic, evidence-based responses to sexual violence in the ACT.

In December 2021 the steering committee released the *Listen. Take Action to Prevent, Believe and Heal* report, which made 24 recommendations for reform. The recommendations cover a broad range of themes, including a long-term sexual violence prevention strategy, an ongoing consultation program with victim survivors, enhanced workplace safety, improved data collection, and a government model for the coordination of these reforms. The majority of the recommendations were either agreed or agreed to in principle by the ACT government.

Recommendation 15 proposed a review of sexual assault matters reported to ACT Policing that did not proceed to charge. In May 2022 the Sexual Assault Police Review commenced, as a collaboration between the ACT Office of the Director of Public Prosecutions, ACT Policing, Victims Support ACT and the Domestic, Family and Sexual Violence Coordinator-General. The purpose of this process is to understand the reasons for the low number of sexual assault cases progressing to charge within the ACT. The Sexual Assault Police Review is currently examining 749 allegations of sexual violence made to police between 1 July 2020 and December 2021 that did not progress to charge.

In addition to this, the ACT government has agreed to fund an independent researcher to investigate options to expand the availability of restorative justice and explore alternative civil justice responses to sexual violence, in response to recommendation 13 of the *Listen. Take Action to Prevent, Believe and Heal* report. The independent researcher will produce a report and make recommendations to guide future reform in this area.

There has also been significant legislative reform. This year the Assembly passed the Sexual Assault Reform Legislation Amendment Act. The legislative change will explicitly provide that evidence of prior domestic and family violence between parties is admissible in sexual offence proceedings. Earlier, in 2022, the Assembly passed amendments, including the Family Violence Legislation Amendment Bill 2022, which changed the name of "sexual relationship with a child or young person under special care" to "persistent sexual abuse of a child or young person under special care". This amendment supported the work of Ms Grace Tame and is intended to improve national consistency in the name of this offence, as well as give weight to the victim's experience.

The Crimes (Consent) Bill 2022 updated the Crimes Act 1900 to align with contemporary community understanding and expectations of consensual sexual

activity. The amendments shifted the principle meaning and definition of sexual consent from something that is presumed and can be negated to something that is unassumed and must be given.

The Justice and Community Safety Legislation Amendment Bill 2022 (No 2) proposed to amend the Evidence (Miscellaneous Provisions) Act 1991 to allow for the recorded evidence of a witness who provides their evidence in the courtroom in one hearing to be admissible as the witness's evidence in a related proceeding. This aims to help ensure that vulnerable witnesses who opt to give evidence in court are not re-traumatised in subsequent proceedings. In this sitting, Minister Cheyne will present the Victims of Crime Amendment Bill 2023, to implement the second recommendation of the board of inquiry.

In conclusion, the inquiry has been an important step in reviewing our criminal justice system, reflecting on current practices and processes, and identifying areas where agencies can work together to strengthen the system for all who engage in it. The government takes allegations of sexual offences seriously and acknowledges the devastating impact that sexual violence has on individuals, families and the community. The government is committed to ongoing work being undertaken by multiple agencies to prevent and respond to sexual violence in our community. The outcomes of the board of inquiry, as well as the range of other measures implemented or underway, are designed to ensure that our system of justice is robust, fair and respects the rights of those involved.

I present the following papers:

Board of Inquiry—Criminal Justice System—Final report—Copy of letter to ACT Attorney-General from NSW Director of Public Prosecutions, dated 14 August 2023.

Report of the Board of Inquiry into the Criminal Justice System—Ministerial statement, 29 August 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Crime—sexual assault prevention and response

Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.39): Today I am tabling the inaugural ministerial statement on the Sexual Assault Prevention and Response program.

This statement is an opportunity to share with you the progress we have made in the 2022-23 financial year to make the ACT a safer place for us all. My speech today is a shorter summary of the full statement that is being tabled.

Before I begin my statement, I would like to acknowledge the many victim-survivors of sexual violence in our community. I thank the victim-survivors who shared their stories with us as part of this work; and I acknowledge all victim-survivors, whether you have come forward to tell your story or feel that you cannot. We do this work to make real and positive change in our community so that all victim-survivors can heal and feel heard.

The past few years have been incredibly challenging for victim-survivors of sexual assault but they have also been eye-opening. Our community has become increasingly aware of the prevalence of sexual violence. But we have also become more aware of how important it is to address this issue as a priority.

Just over a year ago, on 9 June 2022, I made a ministerial statement on the government response to the *Listen. Take Action to Prevent, Believe and Heal* report tasked to the steering committee on the Sexual Assault Prevention and Response program. The *Listen* report made 24 recommendations to improve how we prevent and respond to sexual violence in our community.

A coordinated whole-of-government approach has been adopted to deliver on the recommendations. The role of the Coordinator-General for the Prevention of Sexual Violence was created and combined with the former Coordinator-General for Family Safety role, to now be the Domestic, Family and Sexual Violence Coordinator-General. This role ensures we are working cooperatively to deliver on these reforms.

I am proud to be standing here to update the Assembly about work on the many matters that were agreed to in the government response. The full statement being tabled contains more detail; so I will be brief.

In the 2022-23 budget we committed a total of \$9.6 million to start delivering on a foundational set of strategic recommendations. In addition, funding of \$2.8 million was committed in March 2022 to establish a cross-agency task force to review sexual assault cases that were reported to ACT Policing within an 18-month period but did not proceed to charge. This funding will be used to establish a victim-survivor consultation program, appoint independent sexual violence advisers and pilot a multidisciplinary centre.

This is all about ensuring that our reforms are guided by the voices and experiences of victim-survivors and bring specialist sexual violence services together to have a trauma-aware and healing-informed response.

In this year's budget, we announced \$1 million for the second phase of these reforms, including research into ways to hold perpetrators accountable and additional funding to establish the multidisciplinary centre.

We are determined to improve the system and services that we provide in order to ensure that victim-survivors feel empowered to share their story without shame, to heal and to regain control of their lives.

Since the announcement last year to pilot a multidisciplinary centre for sexual violence, significant preparation work has been done to lay the foundations for this project. The multidisciplinary centre will allow us to take a more coordinated approach to supporting victim-survivors of sexual violence and child sexual abuse.

We know that victim-survivors need a choice and dignity to achieve recovery and healing. Regardless of a victim-survivor's decision to pursue criminal justice responses, they will be fully supported to access any of the services offered within the multidisciplinary centre.

The ACT government has also initiated an independent specialist services review of domestic, family and sexual violence specialist crisis response services in the ACT. It initially focuses on crisis responses, with victim-survivor voices at the forefront, and will enable effective future investments and ensure best practice crisis responses in the ACT. Over time, the broader domestic, family and sexual violence service responses will be reviewed.

The Sexual Assault (Police) Review is established to action recommendation 15 of the *Listen* report. It is reviewing sexual assault cases which were reported between 1 July 2020 and 31 December 2021 to ACT Policing that did not progress to charge. The purpose of the review is to better understand the reason for the low number of sexual offence reports proceeding to the point of charge in the ACT.

I hope that this review will identify what we need to change to improve justice outcomes for victim-survivors. Sexual violence is still far too prevalent in our community and the justice system is traumatic for victim-survivors. This review is one step to looking at our criminal justice system and the effect on victim-survivors and the community.

ACT Policing have an important role to play in preventing and improving responses to sexual and family violence. The police can be the first point of contact for victim-survivors, and it is critical that police act effectively and respond appropriately. I look forward to sharing this with everyone once that work is completed.

The ACT government has also progressed a number of law reform measures to better align ACT laws with the community's attitudes and expectations about sexual violence. Last year, the Assembly passed the Workplace Legislation Amendment Act to introduce mandatory requirements on workplaces to report sexual assault to WorkSafe ACT.

This year, the Assembly also passed the Sexual Assault Legislation Reform Amendment Act. This legislative change will explicitly provide that evidence of prior domestic and family violence between parties is admissible in sexual offence proceedings.

People who dedicated their time to share with us their stories, their expertise and their advice have helped tremendously to enable this reform. For anyone watching today, I know this topic can be traumatic and triggering. I want you to know that support is available, and a list of services can be found on the ACT Government Community Services Directorate website.

I hope that you are assured that the ACT government is taking steps forward to change things for the better.

I present the following papers:

Sexual Assault Prevention and Response Program—
Annual Statement—2023, dated August 2023.
Ministerial statement, 29 August 2023

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 32

MR CAIN (Ginninderra) (11.47): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 32, dated 22 August 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR CAIN: Scrutiny report No 32 contains the committee's comments on six bills, 24 pieces of subordinate legislation, proposed amendments to two bills and one government response. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Report 17

MR CAIN (Ginninderra) (11.48): I present the following report:

Justice and Community Safety—Standing Committee—Report 17—*Inquiry into Supreme Court Amendment Bill 2023*, dated 6 July 2023, together with a copy of the extracts of the relevant minutes of proceedings.

The report was circulated to members on 6 July 2023 pursuant to standing order 254C.

I move:

That the report be noted.

MR CAIN: This is the 17th report of the Standing Committee on Justice and Community Safety, tabled out of session on 6 July 2023. The report makes four recommendations. The committee recommends that the Assembly pass the bill.

On behalf of the committee, I would like to thank everyone who contributed to this inquiry. I would like to thank particularly the members of the committee, Dr Paterson and Mr Braddock, and our wonderful secretariat for their support. I commend the report to the Assembly.

Question resolved in the affirmative.

Report 19

MR CAIN (Ginninderra) (11.49): I present the following report:

Justice and Community Safety—Standing Committee—Report 19—*Inquiry into Electoral and Road Safety Legislation Amendment Bill 2023*, dated 24 August 2023, including additional comments (*Mr Braddock*), together with a copy of the extracts of the relevant minutes of proceedings.

The report was circulated to members on 24 August 2023 pursuant to standing order 254C.

I move:

That the report be noted.

MR CAIN: The report makes 15 recommendations. The committee included in our recommendations that the Assembly pass the bill. I note that committee member Mr Andrew Braddock MLA has made some additional comments.

On behalf of the committee, I would like to thank everyone who contributed to this inquiry. I thank the other members, Dr Paterson and Mr Braddock, for their cooperation and conciliatory approach, and I again thank our professional secretariat for their support. I commend the report to the Assembly.

Question resolved in the affirmative.

Economy and Gender and Economic Equality—Standing Committee

Statement by chair

MS CASTLEY (Yerrabi) (11.50): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economy and Gender and Economic Equality relating to statutory appointments, in accordance with continuing resolution 5A.

I wish to inform the Assembly that, during the reporting period 1 January 2023 to 30 June 2023, the committee considered four statutory appointments.

Pursuant to continuing resolution 5A, I present the following paper:

Economy and Gender and Economic Equality—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2023.

Education and Community Inclusion—Standing Committee Statement by chair

MR PETERSSON (Yerrabi) (11.51): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education and Community Inclusion relating to statutory appointments, in accordance with continuing resolution 5A.

During the reporting period 1 January 2023 to 30 June 2023, the committee considered a total of 11 appointments and re-appointments to the following bodies:

- Board of the ACT Teacher Quality Institute;
- ACT Board of Senior Secondary Studies;
- Board of the Canberra Institute of Technology; and
- University of Canberra Council.

Pursuant to continuing resolution 5A, I present the following paper:

Education and Community Inclusion—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2023.

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

DR PATERSON (Murrumbidgee) (11.51): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment, Climate Change and Biodiversity relating to statutory appointments, in accordance with continuing resolution 5A.

During the reporting period 1 January 2023 to 30 June 2023, the committee considered nine statutory appointments to the interim ACT Heritage Council.

Pursuant to continuing resolution 5A, I present the following paper:

Environment, Climate Change and Biodiversity—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2023.

Health and Community Wellbeing—Standing Committee Statement by chair

MR DAVIS (Brindabella) (11.52): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health and Community Wellbeing relating to statutory appointments, in accordance with continuing resolution 5A.

During the reporting period 1 January 2023 to 30 June 2023 the committee considered no appointments and no reappointments.

Pursuant to continuing resolution 5A, I present the following paper:

Health and Community Wellbeing—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2023.

Statement by chair

MR DAVIS (Brindabella) (11.53): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health and Community Wellbeing.

In my role as the chair of the Standing Committee on Health and Community Wellbeing, I wish to table a communique concerning briefings provided by the Minister for Health and the ACT government officials to the committee concerning the transition of Calvary Public Hospital Bruce to Canberra Health Services.

On 11 May this year, the Standing Committee on Health and Community Wellbeing issued a statement acknowledging the motion in this Assembly that the Health Infrastructure Enabling Bill 2023 would be debated by the Assembly prior to any committee inquiry or report.

The 11 May statement announced that to provide appropriate scrutiny over executive government decision to acquire Calvary Public Hospital Bruce, the Standing Committee on Health and Community Wellbeing had instigated fortnightly briefings in non-sitting weeks with responsible ministers and ACT government officials.

The briefings allow committee members to receive detailed information on the ongoing transition from responsible ministers and officials, to provide opportunities for members of the committee to ask questions about the transition's progress and to provide advice about the ongoing transition.

On 23 May and 20 June this year, the Standing Committee on Health and Community Wellbeing received the briefings from Minister Stephen-Smith and officials from the ACT government. On 23 May the briefing comprised processes for future information sessions between the minister and the committee, including standing agenda items for Calvary Bruce Private Hospital and Clare Holland House, and that the minister will propose protocols for how the committee will treat information provided.

On 20 June the briefing included:

- the acquisition and priorities for the transition process;
- payments for staff who choose a redundancy package (with the understanding that almost all staff at Calvary Public Hospital Bruce have been offered roles);
- job offers and payroll systems; and
- negotiations about the operation of Clare Holland House.

The minister provided a proposed protocol for the handling of information that would be discussed in subsequent briefings.

The committee notes that, as of 20 June 2023, 1,059 Calvary staff registered for transition employment offers with Canberra Health Services, noting that 1,500 staff members denote a functional workforce. The committee also understands from the briefings that the transition of assets and staff to Canberra Health Services will occur up to and following the acquisition of 3 July 2023.

The committee thanks the minister and officials from ACT Health Directorate and from Canberra Health Services for their commitment to regularly meeting with the committee throughout the remainder of 2023.

I seek leave to table the communique concerning briefings provided by the Minister for Health and the ACT government officials to the committee, concerning the transition of Calvary Public Hospital Bruce to Canberra Health Services.

Leave granted.

MR DAVIS: I present the following paper:

Health and Community Wellbeing—Standing Committee—Calvary briefings by Minister for Health—Communique, dated 14 July 2023.

Justice and Community Safety—Standing Committee Statement by chair

MR CAIN (Ginninderra) (11.56): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety relating to statutory appointments, in accordance with continuing resolution 5A.

During the reporting period January 2023 to June 2023, the committee considered a total of 18 appointments and re-appointments to the following bodies:

- Sentence Administration Board;
- Gambling and Racing Commission;
- ACT Civil and Administrative Tribunal (ACAT);
- ACT Integrity Commission;
- Official Visitor Disability Services Act; and
- Legal Aid Commission Board.

I now table a schedule of statutory appointments considered during this reporting period:

Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2023.

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

MS CLAY (Ginninderra) (11.57): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning, Transport and City Services relating to statutory appointments, in accordance with continuing resolution 5A.

I wish to inform the Assembly that, during the reporting period 1 January 2023 to 30 June 2023, the committee considered nine statutory appointments.

I now table a schedule of the statutory appointments considered during this period:

Planning, Transport and City Services—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2023.

Public Accounts—Standing Committee Statement by chair

MRS KIKKERT (Ginninderra) (11.57): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to statutory appointments, in accordance with continuing resolution 5A.

I wish to inform the Assembly that, during this reporting period, 1 January 2023 to 30 June 2023, the committee considered three statutory appointments to Icon Water Limited.

I now table a schedule of the statutory appointments considered during this period:

Public Accounts—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 January to 30 June 2023.

Victims of Crime Amendment Bill 2023

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

Title read by Clerk.

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) (11.58): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Victims of Crime Amendment Bill 2023 to the Assembly today. The bill represents the important first step in the government's commitment to implement the recommendations of the final report of the board of inquiry into the criminal justice system. The bill amends the Charter of Rights for Victims of Crime in the Victims of Crime Act 1994.

The Victims of Crime Act commenced operation in 1995. The act implemented key recommendations of the ACT Community Law Reform Committee to improve the delivery of justice to victims of crime in the ACT. It did this by establishing governing principles for the treatment of victims of crime. It also provided for the appointment of a victims of crime coordinator to ensure that criminal justice agencies engaged appropriately with the needs of victims of crime.

Upon commencement, the act consisted of just 19 provisions, which were designed to ensure that the victims of crime were treated with respect and dignity; were given regular updates of the progress of police investigations, including when charges were laid or modified; were not exposed to unnecessary contact with the accused; and were notified of the impending release of an offender from custody.

Since then, the legislation and other tools to support victims of crime in the ACT have continued to develop, including therapeutic supports and financial assistance, as well as, critically, the charter of victims' rights.

The charter provides a robust victims' rights framework by imposing clear and detailed obligations on justice agencies. These obligations guide victim engagement practices and provide rights for victims as they navigate the justice processes. The charter recognises that victims of crime have limited influence on the course of investigations and any proceedings that follow them.

Victims rarely have lawyers to protect their interests; and the investigation, trial and court processes can re-traumatise victims, particularly women and vulnerable people. ACT justice agencies work tirelessly to support victims of crime and are often tasked with the extremely challenging duty of operating in a way that strikes a balance between the interests of the accused and those of the victim.

Despite this, participating in the justice process can be distressing for victims, and the supports and entitlements that are available to victims are not always consistently applied or easy to access. This can put pressure on victim support and health systems, reduce participation in education and employment, or even deter people from reporting crimes or cooperating with prosecution.

The amendments in this bill build on the rights of victims already in the charter by ensuring that police provide updates as early as possible to victims about important changes in investigations. The Victims of Crime Act currently expressly requires police to give updates to victims about changes in the status of an investigation after that change in status has occurred.

The current definition of "change in status" sets out examples which are changes that have already happened. The amendments replace these expressly listed examples of events that have happened and require police to give victims updates as soon as practicable after they decide to make a change in the status of the investigation, specifically when police decide to lay charges or obtain an arrest warrant.

Expressly requiring police to give updates before charging or arresting a person will ensure victims have an opportunity to make representations to police and to other relevant agencies to address any concerns they have about their safety. This amendment puts victims' safety first.

Police will still be required to update victims after a change in the status of the investigation has occurred. This is because the definition of “change in status” will remain inclusive. This includes when police have arrested a person or have obtained an arrest warrant.

Another matter is that some victims, particularly in the domestic and family violence context, do not report the crime against them and do not wish to press charges. Despite this, police and the Director of Public Prosecutions may decide to lay charges and prosecute the suspect despite the victim’s unwillingness to cooperate with authorities. In those circumstances, providing an update to a victim that police have decided to charge or arrest the suspect could lead the victim to tip off the suspect, causing the suspect to abscond or actively evade police.

The charter addresses this by providing that, where police consider giving an update would prejudice an investigation, police are not required to give the victim an update. The point at which a decision to charge or obtain an arrest warrant is made may be after the investigation is complete. In that case, it is the ensuing court proceedings that may be at risk of being prejudiced.

To address this risk, the bill broadens the circumstances for which police are not required to update a victim. Specifically, the bill provides that, if giving an update to a victim would prejudice the matter generally, which would encompass proceedings or anything else related to the investigation or proceedings, the police are not required to give the victim an update.

A review of the charter will commence in 2024. This will provide an opportunity to evaluate its effectiveness and further strengthen the ACT’s victims’ rights framework, in line with cultural and systemic reforms and continually developing community expectations in relation to victim engagement.

People who are impacted by crime as victims and survivors are central to the justice process, and so the success of the charter relies on the ongoing engagement and commitment of ACT justice agencies. Treating victims with respect encourages more community members to feel comfortable reporting crime to police, and the charter will continue to ensure that community members have an understanding about the justice process and will provide an assurance that they will be treated appropriately throughout the process.

This bill is an important step in the government’s commitment to implementing the recommendations of the final report of the board of inquiry and ensuring that the justice process meets community expectations about a growing recognition of victims in the justice process. I commend the bill to the Assembly.

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

Children and Young People Amendment Bill 2023

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

Title read by Clerk.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (12.06): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Children and Young People Amendment Bill 2023. This bill is one element of important and ongoing reform to child protection laws in the ACT. The bill supports the government's commitment to keeping children and young people safe and connected and living their best life.

The ACT government is undertaking ambitious reform across child and family services. We are enhancing our ability to protect children and preserve families. Guided by Next Steps for Our Kids 2022-2030, the ACT strategy for strengthening families and keeping children and young people safe, our reform effort is focused on enabling earlier support in a stronger, more transparent and culturally safe system.

Central to our reform effort is the need to shift investment in our system towards earlier support and diversion, to address the root causes of issues before they escalate. We know that we need to provide effective support to families earlier and reduce the burden on tertiary services. Tertiary services, while essential for addressing acute and complex needs, are often engaged when issues have already reached crisis levels. By investing more resources in earlier support and diversion, we can prevent these crises from occurring or mitigate their impact. Earlier supports ensure that families are receiving the support they need at the right time. The government's commitment to investing in families aligns with the growing body of evidence that highlights the importance of early intervention in improving long-term outcomes for children and young people.

Engagement with the statutory child protection system should be a last resort. If we can help families before they reach crisis point, we can prevent child protection engagement. We are changing the way Child and Youth Protection Services works with other elements of the system, particularly community sector partners, and updating the legislation will underpin this practice and systemic reform.

The CYP Act is one of the territory's most extensive and intricate pieces of legislation. Since its commencement in 2008, the act has been subject to regular amendments, leading to a progressive increase in complexity. Recent inquiries, reviews and research, combined with feedback from system users and developments in other jurisdictions, have highlighted the need for substantial legislative reform.

The bill I am introducing today is the first of two tranches of legislative reform. The key aspects include: shifting the focus to early support and intervention for children, young people and families to facilitate positive life outcomes and long-term community wellbeing; establishing effective diversion pathways from the statutory child protection system to earlier support services; promoting a proactive approach to addressing issues before they escalate; implementing targeted measures to redress the

over-representation of Aboriginal and Torres Strait Islander children and young people in the statutory child protection system; enhancing data gathering and information sharing mechanisms to better understand challenges within the child protection system and to inform decision-making; and adopting a responsive approach to align with modern policy settings and emerging needs.

The end result of this two-stage process will be a modern, fit-for-purpose and accessible Children and Young People Act. The amendments proposed in this bill represent critical and foundational steps towards implementing essential whole-of-system reforms in the child protection and family support sector. The bill aims to streamline and clarify existing child protection processes and practices and, importantly, takes action to address the over-representation of Aboriginal and Torres Strait Islander people in the statutory child protection system.

This proactive approach will not only bring immediate improvements but also lay the foundation for a system that embraces a more family focused orientation in the longer term. Building a strong legislative foundation now will ensure that our services remain relevant and responsive to the needs of families now and into the future.

The bill implements recommendations from the Our Booris, Our Way review, the National Framework for Protecting Australia's Children, and the National Agreement on Closing the Gap. The two-stage reform will also deliver on our commitment to modernise the Children and Young People Act, reflected in the Next Steps strategy.

The government acknowledges that Aboriginal and Torres Strait Islander children and young people continue to be over-represented in the child protection system and that more must be done to address this. As is the case across our reform agenda, a core aim of this bill is to support a sustained reduction in their over-representation. We are steadfast in our commitment to working closely with the community to address this issue, ensuring that Aboriginal and Torres Strait Islander children can grow up safe and strong with their families and communities.

The bill is a clear demonstration of our commitment to strengthening safeguards for Aboriginal children and their families; supporting children and their families now and into the future; and ensuring that the voices of Aboriginal and Torres Strait children, families and organisations are heard in decisions that affect them.

The bill will amend the Children and Young People Act 2008 to explicitly specify that, when decisions are being made about Aboriginal and Torres Strait Islander children and young people, the Aboriginal and Torres Strait Islander Child Placement Principle must be applied. The principle acknowledges the child's right to be raised within their own family and community, supports Aboriginal and Torres Strait Islander people to participate in significant decisions affecting their children, and ensures that children are placed in accordance with the placement hierarchy if they become involved with the statutory system.

The placement hierarchy starts with a member of the child's family, followed by prioritising placement with extended family, the local Aboriginal community and the wider Aboriginal community, in a descending order of priority. This is designed to

ensure that the highest possible level of connection to family, community, culture and country is maintained for an Aboriginal and/or Torres Strait Islander child or young person in out-of-home care.

abuse and risk, reflects a more progressive and responsive policy approach to addressing child sexual abuse, aligning with the ACT government's commitments to improve systemic responses to child sexual abuse. Consistency and comprehensive coverage in addressing family violence concerns are ensured through aligning the definition of family violence with the Family Violence Act 2016.

The bill provides a revised definition of neglect that includes circumstances where a "child or young person's basic physical, emotional, developmental or psychological needs not being met". This definition aims to avoid unhelpful stigmatisation and create an environment where families are more likely to seek and receive the necessary help and support they may need to ensure the wellbeing of their children.

The proposed amendments, in conjunction with strong policy and practice alignment, hold significant potential to strengthen child protection efforts through enhanced clarity, broader inclusion of risks, preventive measures and more collaborative approaches. Also, some of the amendments are applied to the sections of the act that relate to prenatal concern reporting. As a result, there is an amendment in the bill that uses the term "pregnant woman". This is the term currently used in other parts of the Children and Young People Act 2008. However, for the information of members, the second tranche of reform, which will effectively deliver a new Children and Young People Act, will ensure gender-inclusive language is adopted. This aligns with our ongoing commitment to an inclusive understanding of gender identity.

Finally, among other clarifying amendments, the bill makes changes to the functions and responsibilities of the ACT Children and Young People Death Review Committee. The amendment expands the committee's scope to consider individuals aged 18 to 24 years, as well as serious injuries to children and young people. This measure aims to reduce preventable deaths of children and young people in the ACT and bring systemic changes to enhance support and services to families.

In conclusion, the Children and Young People Amendment Bill represents a significant step towards improving our child protection system and supporting families in need. It addresses critical issues, aligns with our commitments under a number of local and national strategies, and lays the groundwork for a more effective and compassionate approach to safeguarding Canberra's vulnerable children and young people. The bill is an important element of our broader reform agenda for the child protection and out-of-home care system and for the broader systemic response to vulnerable families.

I look forward to bringing the second tranche of legislation to this place in 2024 and continuing to implement this reform over the remainder of this decade. In the meantime, I commend this bill to the Assembly.

Debate (on motion by **Mrs Kikkert**) adjourned to the next sitting.

Sitting suspended from 12.19 to 2 pm.

Questions without notice

Taxation—general practice clinics

MADAM SPEAKER: Ms Lee, welcome back.

MS LEE: Thank you, Madam Speaker.

My question is to the Treasurer. Treasurer, how much tax revenue per annum will you raise by levying payroll tax on general practitioners who are currently not subject to it?

MR BARR: That will depend, of course, on the contractual arrangements as they relate to those practices that, potentially, have a payroll of over \$2 million. I can advise the Leader of the Opposition that for a payroll once it exceeds \$2 million the tax amount would be \$6,850 for every \$100,000 above the \$2 million tax-free threshold. There are currently fewer than 10 GP clinics that are registered and are already paying payroll tax.

MS LEE: Treasurer, what modelling have you done to calculate how much your payroll tax on the GPs will cost patients, and will you table it?

MR BARR: The analysis that has been undertaken would indicate that that would, potentially, be \$1 to \$2 if GP clinics did not restructure their contractual arrangements. So, to be clear, there has been no change to payroll tax legislation and no change in the ACT to the way the Revenue Office approaches the integrity of the payroll tax system and compliance matters. What the government has announced is that there will be no retrospective application, so any GP practice that has not already declared and is not already paying payroll tax, of which I have indicated there are fewer than 10, will not be subject to any retrospective assessment of their past payroll tax liabilities.

In large part, given the \$2 million payroll tax-free threshold, and the fact that most GP practices will not reach that threshold, it is unlikely that there will be any substantive impact in relation to fees for patients. To the extent that there could be, it has been modelled at \$1 to \$2, but only on the largest corporate practices, of which there are very few in the ACT.

MS CASTLEY: Treasurer, is the RACGP wrong?

MR BARR: Are they wrong? Certainly their analysis, from my meetings with them, assumed that payroll tax was applicable on the entire payroll. They did not understand the \$2 million tax-free threshold. They undertook modelling and put a figure into the public arena that they have confirmed to me, in a meeting, was based on an assumption that if your payroll went, for example, to \$2.1 million, you would pay payroll tax on the entire \$2.1 million, not on the \$100,000 that was above the \$2 million threshold. That was a factual error in their work, and they put that into the public arena. It has been corrected multiple times, including with you, Ms Castley, in estimates. It is not correct. It is a wild assertion with no basis in fact.

Taxation—general practice clinics

MS LEE: Treasurer, you have said your payroll tax on GPs will affect fewer than 10 practices. Which ones are they?

MR BARR: I cannot name individual taxpayers, but I can advise the Assembly that there are less than 10 who are registered and already paying payroll tax. It is clear that in order to pay payroll tax, you must have a taxable payroll—payroll, not turnover, which has been mistakenly reported numerous times, and there is a big difference—payroll above \$2 million. That means you would have a lot of staff. Most do not.

MS LEE: Treasurer, how many patients will it affect?

MR BARR: There is no basis on which to assume any patients would be affected, because there has been no change to taxation arrangements. There has been no change to taxation arrangements.

Mr Hanson interjecting—

MADAM SPEAKER: Members. Members.

MR BARR: If GP practices structure their affairs in accordance with the payroll tax rules—if they have a payroll of less than \$2 million—then they do not pay any payroll tax. Those who are already paying payroll tax have presumably already factored that small level of taxation into their fee-setting arrangements.

There are already GP practices that are registered and have been paying payroll tax. Presumably, that is factored into their billing. What the government has done—and this is something that not every state and territory has done—is say, “We will not chase you retrospectively and, if you bulk-bill, we will not chase you prospectively,” because we are nowhere near the national level of bulk-billing in this jurisdiction. Even the ask to bulk-bill 65 per cent of consultations is a full 10 percentage points below the current national average and nearly 20 per cent below where it was a little over a year ago.

What the commonwealth government has done is put in place a tripled incentive to bulk-bill under 16s and concession card holders. So what we want to see is more patients bulk-billed. What those opposite want to see is a diminution of Medicare, because that is what you have stood for as a party since Medicare was established.

MS CASTLEY: How many practices will be affected by your proposed two-year amnesty?

MR BARR: How many practices would be affected? Any practice that went over the \$2 million payroll-tax-free threshold and would achieve the 65 per cent bulk-billed consultation would then not be liable for any payroll tax. There are only a certain number of practices in the ACT that would be in that circumstance—likely, a handful.

Canberra Institute of Technology—Tuggeranong

MR DAVIS: My question is to the Minister for Skills. Minister, last week we heard that the new supersized Woden CIT will be opening in 2025, alongside the light rail-ready transport interchange and green spaces for residents, students and businesses. We also heard that the partially empty office space on Anketell Street in Greenway will be converted into a 76-suite apartment hotel for opening by mid next year. Those office spaces are currently home to Tuggeranong's CIT, and I have heard from a number of my constituents just how much they value having access to local CIT spaces to enable and support their studies. Minister, given these announcements, what is the future of CIT Tuggeranong?

MR STEEL: I thank the member for his question and his interest in CIT, which is the foundation of our vocational education system here in the ACT. I can inform him that the CIT's tenancy in Tuggeranong is not affected by the proposed new hotel, although CIT is located within the same building. This is an important part of our campus. In fact, we have seen more courses being delivered out of CIT Tuggeranong recently. It is a fantastic story. We have seen more courses in information technology being relocated out to Tuggeranong in semester 2 of this year. Students have been providing really positive feedback about moving to the facilities at Tuggeranong and the range of amenities that they provide. It has resulted in increased utilisation at CIT Tuggeranong.

Previously, the computer lab rooms accommodated three classes per week but it has now increased to 13 classes per week, so we are seeing really good utilisation, and we are looking forward to that utilisation and that great quality learning that is being delivered at CIT continuing in Tuggeranong.

MR DAVIS: Minister Steel, what are the lease arrangements currently in place for the CIT Tuggeranong, and, at a minimum, how much longer will CIT Tuggeranong continue to operate in its current location?

MR STEEL: I will have to consult with the territory authority and seek some further information about that specific request.

Taxation—general practice clinics

MS LEE: My question is to the Treasurer. Treasurer, have you done any analysis of how many GP practices are likely to close when you levy the payroll tax?

MR BARR: Payroll tax has been in place for a long time. We have a payroll-tax-free threshold of \$2 million. We have given the surety to GP practices that we will not be retrospectively seeking payroll tax liabilities from them. We have said that we will not do so prospectively for the next two years, whilst they make adjustments to reflect the nature of payroll tax legislation that is harmonised across Australia. No jurisdiction is proposing what the Canberra Liberals are putting forward—that there be a complete exemption. No jurisdiction is proposing that!

Ms Lee: A point of order, Madam Speaker. My question was pretty direct. It was: have you done any analysis? The Treasurer has not got to that.

MADAM SPEAKER: It was around practices closing, and I think his response is addressing the issue.

MR BARR: If any practice closes, it will be because of the last 10 years of neglect of primary health care by the federal Liberal Party. It will not be as a result of the application of a minor territory tax.

Mr Cocks: When is Albo going to fix it?

MADAM SPEAKER: Members.

MR BARR: Well, Mr Cocks, Albo has fixed it by putting forward a tripling of the bulk-billing incentive, which has done more in one budget to address problems in primary health care than the political party of those opposite has done over 10 years of running the system down.

What else is happening is a change in practice, for example, by allowing pharmacists and nurse practitioners to do more, by moving away— *(Time expired.)*

MS LEE: Treasurer, have you done any analysis on how general practice closures will affect hospital emergency wait times?

MR BARR: What the government is doing is seeking to enhance access to primary health care. We are investing in more ACT-government-run community health facilities. We are investing, in partnership with the commonwealth, in reform of the primary healthcare sector. As I was saying, making changes—

Ms Lawder: Have you done any analysis?

MR BARR: Yes, we have undertaken analysis with the commonwealth in relation to primary healthcare reform. This is a major national cabinet priority. It means fewer calls on GPs' time, by virtue of changes to the length of prescriptions—60-day rather than 30—meaning millions fewer presentations to GPs. It means increasing the scope of practice—

Ms Lee: A point of order, Madam Speaker.

MADAM SPEAKER: Resume your seat, Mr Barr.

Ms Lee: Madam Speaker, the question was pretty straightforward: have you done any analysis on how GP practice closures will impact emergency department wait times? It was nothing to do with 60-day prescriptions. I ask that you direct the Treasurer to be directly relevant.

MADAM SPEAKER: To me, it was a broad question. It was around impact of GP services closing. I am not directing the minister, but I think that, in a policy area, he is addressing the response regarding patients' access to GPs.

MR BARR: The expectation that the opposition have around practice closures is unfounded. That is the first point to make in response. Second is that the government

is fundamentally changing the nature of primary health care, in partnership with the commonwealth, to make it cheaper. That is why we are supporting more bulk-billing and why you, in putting forward the proposal that you have, are opposing it. It is very achievable.

Opposition members interjecting—

MADAM SPEAKER: Members, with the noise, I could not hear who had the call for a further supplementary, but I will give it to Ms Castley. Members, we are all huddled back in our original seating. It is a bit noisy these days. Ms Castley, you have the call.

MS CASTLEY: Treasurer, are the RACGP and the AMA incorrect when they say that your payroll tax on GPs will lead to practice closures? Are they wrong?

MR BARR: There is no basis on which payroll tax would be the reason that a GP practice would close in the ACT. We have the highest payroll-tax-free threshold in the nation. Our effective payroll tax rate is the lowest, up to a payroll of around \$3 million, because of the \$2 million tax-free threshold. The 65 per cent of consultations bulk-billing objective that we have set was achieved in quarter 3 of 2021-22 and quarter 4 of 2021-22. It has been achieved inside the last few years. There is now a tripling of the incentive to bulk-bill under 16s and over 65s. It has been done; it is done every month everywhere in the nation, except here—everywhere except here.

Ms Castley: A point of order, Madam Speaker.

MR BARR: Sixty-five per cent is not unreasonable.

MADAM SPEAKER: Treasurer, resume your seat.

Ms Castley: I asked the Treasurer if he could confirm whether the RACGP and AMA were incorrect when they said that it would lead to practice closures, not whether we are meeting the 65 per cent. It is just whether the AMA—

MADAM SPEAKER: There is no point of order. He is responding to the accuracy of the information, as far as I am concerned. Anything else, Mr Barr?

MR BARR: Lobby groups who seek to minimise tax will make all sorts of wild accusations. This debate has been full of that, and it has been based on a fundamental misunderstanding about how the tax is applied and how it is collected. It has also been based on, frankly, a lack of ambition in relation to bulk-billing—an ambition that is achieved everywhere else and has been achieved in the ACT as recently as two years ago. *(Time expired.)*

Taxation—general practice clinics

MS LEE: Treasurer, are the RACP and the AMA(ACT) making, “wild accusations” when they say that the 65 per cent bulk billing figure is unachievable?

MR BARR: Yes, because it was achieved in quarter 3 of 2021-22 at 69.2 per cent, and in quarter 4 of 2021-22 at 67.7 per cent. Nationally, the GP bulk-billing rate has been at 88 per cent, 87 per cent, 83.4, 80.5 and 78.1 through 2021-22, 2022-23, all the way through to quarter three of fiscal 2022, which is when the latest data is available. So this was achieved in every state and territory except here. We are lower; the national average is about 75 per cent; we are asking to get to 65 per cent, which was where we were in the June quarter of 21-22.

There is coming in on 1 November, a tripling of the incentive to bulk-bill under 16s and those over 65, particularly those who hold concession cards. It is not an unreasonable ask to see more patients bulk-billed. If those opposite think that more patients bulk-billed is a poor policy outcome, stand up and say that.

What we are seeking to do, Madam Speaker, is lower the cost of primary healthcare as part of a suite of reforms that include expanding the scope of practice of pharmacists and nurse practitioners, reducing by millions the number of presentations required through GP practices.

Ms Lee interjecting—

MR BARR: Primary healthcare is going to fundamentally change. These are initiatives supported between the commonwealth and the states and territories. *(Time expired.)*

MS LEE: Thank you, Madam Speaker.

Treasurer, did you consult with the RACGP, AMA or any GPs before you proposed the 65 per cent bulk-billing figure? What was the outcome of those discussions?

MR BARR: Yes, I had several meetings, and were very clear that the government would not simply wave payroll tax obligations without anything in return—that our objective was to drive up the rate of bulk-billing, which was acknowledged to be significantly lower in the ACT than elsewhere.

My objective has been clear. I understand that lobby groups will seek to minimise their tax and minimise the tax of their members. But my responsibility as Treasurer is to protect the integrity of the territory's tax system and if there is to be—if there is to be any special exemption provided for any particular industry sector, then the community must get a dividend from that. The dividend we are seeking is more bulk billing.

DR PATERSON: Chief Minister, why is it so important to get the bulk billing rates on par with national averages in the ACT?

MR BARR: What we are seeking to do, Madam Speaker, is ensure that more people are bulk billed. We are seeking to align our policy direction for primary healthcare reform with the federal government's policy direction. They have announced a significant incentive to GPs to bulk bill more patients. But what ultimately is going to happen in this sector is that there will be a move away from fee-for-service funding arrangements.

There is going to be multidisciplinary teams, there is going to be more direct government employment of health practitioners to ensure that healthcare becomes more accessible for more people.

We are strengthening Medicare, Madam Speaker. We are strengthening Medicare whilst those opposite for four decades have sought to tear it down!

Light rail—green track

DR PATERSON: My question is to the Minister for Transport and City Services. Minister, what is the ACT government doing to ensure Canberra's first green track is successfully implemented in the Light Rail Stage 2A project?

MR STEEL: I thank Dr Paterson for her question. Light rail provides many benefits. One of those is improving Canberra's streetscape, including through landscaping. Stage 2 of light rail is the biggest infrastructure project in the history of our city and, as we are designing and building the new stages, we want to make sure that we are creating as many opportunities as possible for green spaces along the alignment, including permeable surfaces like green track. To achieve that, the ACT government is building a new type of light rail track that has not been used in Canberra before which involves the planting of grass and other low-lying shrubs as part of the city's Commonwealth Park project.

The project will introduce green tracks on parts of Northbourne Avenue, London Circuit and Commonwealth Avenue. On Northbourne Avenue, the final green track will be planted with low-lying species and forms part of the overall landscape design of Northbourne Place. On London Circuit, the green track will be located in front of the Melbourne Building and planting will be mirrored in the median in front of the Sydney Building, maintaining symmetry about the two heritage buildings. The final section on the Commonwealth Avenue median will maintain consistency along this highly significant avenue and, to ensure Canberra's first green track is successfully implemented, the ACT government is building a prototype to trial the green track design, construction and maintenance approach.

DR PATERSON: Minister, what is the technical process for testing the green track prototype?

MR STEEL: I thank Dr Paterson for her supplementary. The prototype will test the green track design, construction and maintenance approach and will inform the final approach to be used on the Light Rail Stage 2A project. The prototype involves the design and construction of a 20-metre by 30-metre section of the green track. In addition to landscaping, drainage and irrigation, the works include installing sections of track, as well as infrastructure that will be required to support the light rail, such as concrete substructures and a vehicle location system. Supporting infrastructure will also be required to ensure the structural integrity of the prototype, such as retaining walls.

Construction is expected to start in September and be finished in December this year. This will be then followed by 12 months of monitoring. The prototype will test different turf mixes and irrigation systems by putting them through rigorous stress in

different temperatures and soil types. This will test the suitability of the selected grass, groundcover and tree species in all four seasons of Canberra's climate and ensure that we get the best outcomes for our city as part of the Light Rail Stage 2A project.

MR PETTERSSON: Minister, where will the green track prototype be located, and will it be publicly accessible?

MR STEEL: I thank Mr Pettersson for his question. The prototype will be tested and grown at the National Arboretum Canberra and will include the supporting infrastructure required to simulate the environment where the future light rail track slab will be in the city. The National Arboretum was selected for several reasons: the Arboretum is on territory owned land and, therefore, there is no additional cost associated with the land use; also, the location is publicly accessible, just south of the village centre, near Forest Drive at the Arboretum, allowing the community to preview the design before Light Rail Stage 2A construction begins. After the 12 months of testing is complete, the prototype will be removed and the area will be reinstated. The imported topsoil and irrigation system will remain in place for future use by the National Arboretum.

Green tracks are a really good solution to counter the urban heat-island effect, reduce glare, absorb more rainwater and contribute to noise reduction. Their inclusion in the Light Rail Stage 2A project will achieve a very positive outcome for the Canberra community, on top of all the wider transport and economic benefits.

Minister for Health—Drugs of Dependence (Personal Use) Amendment Act 2022

MR HANSON: My question is to the health minister. Minister, I refer to leaked recordings of you talking to a group of activists about how you introduced drug laws. You are recorded as saying:

We took it to the election quietly ... so that after the election we were able to work on it quickly ...

Minister, how can you claim to have any mandate for these reforms when you are recorded as saying you deliberately, and knowingly, took them to the election quietly and did not expose your real plans until after the election?

MS STEPHEN-SMITH: I thank Mr Hanson for the question, because it does allow me, as I have done a couple of times on radio, to put this into perspective. I have to say, if I were trying to introduce drug law reform by stealth in the ACT, I have been an abject failure! Mr Pettersson has let me down! Mr Pettersson, who introduced a motion to this place in August 2020, where we debated this matter, and where Mr Hanson said:

It is probably going to surprise Mr Pettersson—and maybe a couple of others who like to characterise the Liberals' view of drugs as akin to that in the Philippines ... but we will be supporting this motion.

He went on to say:

In striking that balance that we are trying to achieve between the justice issues and the health issues ... the simple offence notice has proven very effective over many years for the use of cannabis ... That is not to say that, after looking at it, we will necessarily say that it should occur. There may be some drugs and some situations where we would never support a simple offence—

And I did not say that they would—

notice being applied ... But I can envisage circumstances ... where a simple offence notice may be a better way of proceeding for all concerned. I can envisage that. I welcome a debate, an examination, a look into the feasibility of how this would play out.

When I was speaking at the fringe event at the ALP national conference, what I was responding to was Mr Hanson's previous claim that we had not told anybody that we were even thinking about it before the election. We had not told anyone! We had brought a motion into this place, we put it in our election commitment, but Mr Hanson had previously claimed that no one knew! Everyone was in the dark about it!

Opposition members interjecting—

Mr Pettersson's views on this matter and Mr Pettersson's campaigning is very well known. So, when I said, "We took it to the election," in my mind I went, "Well, okay, I will acknowledge we didn't shout it from the rooftops." We did not shout it from the rooftops. I acknowledge we did not shout it from the rooftops.

Opposition members interjecting—

Ms Berry: On a point of order.

MADAM SPEAKER: Members! There was a point of order. I am assuming it was because you could not hear the minister?

Ms Berry: It was that a member of the government should not have to yell to be able to answer a question over the ruckus coming from the opposite.

MADAM SPEAKER: Members, whilst it has been a number of weeks since sittings, the noise levels can be kept a little bit lower please.

MR HANSON: Minister, is it true that Mr Pettersson's motion called for an investigation by the government into civil offence notices that you never actually conducted?

MS STEPHEN-SMITH: It is true, and that is what we took to the election. The reason we did not shout it from the rooftops or talk about it that much was that it was existing ACT Labor policy. It was existing ACT Labor policy that we took to the election, and there are many ways to conduct an investigation. Mr Pettersson released an exposure draft of his legislation in December 2020. He released it to the public—stealthily released it to the public to have a public conversation about it! Then, he introduced a bill to the Legislative Assembly in February 2021, and that bill was referred to a select committee established to inquire into the bill, and that committee

undertook a public investigation into the proposal—a public investigation into the proposal that sought submissions, that had public hearings, that produced a report, and then the ACT government responded to that report.

The committee handed down its report in November 2021, and the government responded in June 2022. We took extra time to respond, because we did, in fact, do the investigation that Mr Hanson is talking about: we engaged with the community, we engaged with people with lived experience, we engaged with service providers, and we engaged with ACT Policing to ensure that the amendments that we made to that bill would mean that bill could deliver evidence-based reform that was workable here in the ACT. That is exactly what we are delivering. Again, if we are trying to do it by stealth, that we have failed in. If we are trying to deliver evidence-based reform, that we have succeeded in.

Mr Hanson interjecting—

MADAM SPEAKER: Members!

MR DAVIS: Minister, how does this government's progressive approach to drug use—treating drug use as a health issue, not a criminal issue—protect some of the most vulnerable people in our community?

MS STEPHEN-SMITH: Thank you Mr Davis for the supplementary. Mr Davis is right. The reason we are progressing this reform and the reason we have established drug checking services in the ACT is that we know treating drug use as a health issue, not a criminal one, is not only better for those people who use drugs but is actually better for the community: reducing stigma and enabling people to get access to health care; reducing stigma and enabling people to get access to good information and advice about how to reduce the harm associated with their drug use. That is good for individuals, and it is good for the community, and it is supported by evidence from around the world.

Planning—infill target

MS CLAY: My question is for the Minister for Planning and Land Management and relates to the ACT Government's 70:30 infill targets. In the recent estimates, I learned the government has been counting a knockdown rebuild towards the infill target of 70 per cent even though in most cases this does not increase the number of dwellings as it is just a replacement of one house for another house. Can you tell me how many knockdown rebuilds there are for each year of the program since 2017-18?

MR GENTLEMAN: I thank Ms Clay for the question. I do have statistics available for the past six years for knockdown rebuilds. This is in the form of a building approval report. There is a total of 375 single dwelling developments or knockdown rebuilds. EPSDD use various reporting methods to understand the number of development approvals that have occurred for the demolition of a single dwelling and the construction of multi-unit development as well. The current system does not include a direct reporting query for that type of dataset. So to determine any statistics for multi-unit development we have had to do some very detailed, dedicated resourcing to review each application to ensure it relates to single dwelling, but 375 over the period.

MS CLAY: Minister, can you confirm, is that 375 dwellings per year or is that 375 dwellings since 2017-18?

MR GENTLEMAN: Madam Speaker, over the past six years.

MR PARTON: Minister, why is your government seeking to extend the urban sprawl of Canberra deeply into NSW if greenfield developments are so sub-optimal?

MR GENTLEMAN: I do not agree with the premise of the question, it being sub-optimal. It is a different style of dwelling. It is quite a unique development that is going on Ginninderry and we have been in partnership with the group to go through the outcomes of that. I think it is a unique proposal ensuring the people living in the area can get very close to the very intrinsic part of the ACT environment and I look forward to the work continuing.

Budget 2023-2024—health infrastructure

MR PETTERSSON: My question is to the Minister for Health. Minister, how do the recent budget investments relate to key parts of the ACT government's infrastructure plan that was launched in July?

MS STEPHEN-SMITH: I thank Mr Pettersson for the question. New hospitals and health centres are key to the health infrastructure plan that was launched on 4 July, and the ACT government is continuing to deliver record investments in the ACT's health infrastructure. The health infrastructure plan sets out our plan for the next five years and beyond to build new and improved infrastructure across the city, and we have backed up this plan with significant investments across our hospitals and our community health infrastructure. In the last decade we have invested more than \$1.7 billion in health infrastructure, and in the 2023-24 budget, we are investing more to deliver both hospital and community-based facilities.

We are progressing detailed design of the new more-than-\$1 billion northside hospital. For a two-year investment of more than \$64 million for detailed design we will continue working with clinicians and the community to design a new state-of-the-art consumer centred and all-electric hospital for our growing region. We have invested in new facilities for the Watson health precinct, including an Aboriginal and Torres Strait Islander residential rehabilitation service in partnership with Winnunga Nimmityjah; the new southside hydrotherapy pool; expanding and upgrading our public endoscopy suites; and a new acute palliative care ward at Canberra Hospital.

In 2024, we will open a critical services building, and we are continuing to work on the transformation of the Canberra Hospital through the 20-year masterplan. The ACT government is building the health services we need now and into the future to deliver the best outcomes for our community.

MR PETTERSSON: Minister, can you provide further detail on why there are two areas of focus for health infrastructure in the ACT—hospital and community infrastructure?

MS STEPHEN-SMITH: I thank Mr Pettersson for the supplementary question. The ACT government is committed to meeting the growing healthcare needs of our community. Mr Pettersson is right: the health infrastructure plan outlines two key areas—hospital infrastructure and community health. This reflects the government’s commitment to improving acute services infrastructure, but also delivering more health services in the community, closer to home. The completion of the Canberra Hospital expansion and the new northside hospital will ensure that we will continue delivering more state-of-the-art acute facilities for our growing region—not just for the ACT, but as the only tertiary services in the southern New South Wales region. That means more treatment spaces, more operating theatres, new emergency departments and even better critical care infrastructure.

With the three ACT public hospitals now operated by Canberra Health Services, we can also take a territory-wide approach to health infrastructure planning that has not previously been possible, but ensuring that the right care is delivered in the right place and at the right time also means moving more care into the community so that consumers do not have to access the hospital campus when they do not need to. That is why we have invested more than \$16 million to roll out our new health centres across the city. This funding will support design and construction of the south Tuggeranong health centre—Madam Speaker, in your own electorate—and to being planning and design work for north Gungahlin and the inner south.

Through new health centres in south Tuggeranong, the inner south, north Gungahlin and west Belconnen into the future, alongside a strategic review of community health assets across the ACT, we are developing a long-term plan for the upgrade, renewal and construction of community facilities across the city. These areas of focus will build on the significant work we currently have underway continuing to expand services at our walk-in centres, introducing community based medical imaging at Weston Creek, and establishing the partnership model for Canberra Health Services at Molonglo.

MS ORR: Minister, how will the health update and the recent health infrastructure investments support the ACT community and the health workforce into the future?

MS STEPHEN-SMITH: I thank Ms Orr for the supplementary question. We are ensuring that our facilities are safe, welcoming and accessible for patients, carers, families and visitors. We are also continuing to invest in new equipment and designs that support our dedicated workforce. This means that the ACT’s health workers can provide high-quality care to support the health of our city and region in state-of-the-art facilities that promote their safety and their professional development.

On Monday this week, I announced that expressions of interest for the new health construction consumer reference group had opened for consumers to be part of the work that we are doing across the territory. The consumer reference group will complement strong engagement of clinical and other staff in health infrastructure design and construction. This engagement builds on the significant work undertaken as part of the Canberra Hospital expansion project, which has delivered nation-leading consumer-centred designs across the critical services building.

The engagement with our health workforce has also supported important changes to design and construction, with a new pandemic overlay, a state-of-the-art hybrid theatre and an enhanced central sterilizing services department. We have also listened closely to consumers and our workforce in investing more than \$15 million for a new acute palliative care ward, and more than \$8 million to expand and upgrade our public endoscopy suites to deliver improved speciality services to our community.

Our primary investment will support more services across the city, more speciality services in dedicated facilities and inclusive designs that meet the needs of our community and our dedicated health workforce.

Minister for Health—Drugs of Dependence (Personal Use) Amendment Act 2022

MR HANSON: My question is to the health minister. Minister, I refer to leaked recordings exposed in the media under the heading, “ACT’s boast: how we quietly, quickly went soft on drugs”. From the reporting, this is what you said:

It was done through a private member’s bill which means it could be done much more quickly.

If the government had tried to do it, I tell you it would have taken two years to develop the legislation ... and we would have had to deal with all this risk aversion and complexity.

Minister, why did you seek to avoid normal government processes by having this legislation tabled as a private member’s bill?

MS STEPHEN-SMITH: I note that Ms Lee is planning to introduce a private member’s bill this afternoon. It is in fact a normal part of the way that the Legislative Assembly works.

Opposition members interjecting—

MADAM SPEAKER: Members.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson.

Opposition members interjecting—

MADAM SPEAKER: Members, that is it. The next one is warned.

MS STEPHEN-SMITH: Labor members in this place have regularly introduced private members’ bills. This was the second private member’s bill that Mr Pettersson had introduced on the topic of drug law reform. I seem to recall that, when he introduced his first private member’s bill, Mr Hanson warned that the sky would fall in and the world would end, with the full decriminalisation of the personal use and possession of cannabis. But that did not happen, and it will not happen this time, either.

The point I made earlier, in response to a previous question, was that we did in fact take considerable time to consider the private member's bill. Do you take two years before you introduce it to the Assembly and then go through a committee process or do you introduce—and I do not control Mr Pettersson's timing. Mr Pettersson wants things to be done quickly, because Mr Pettersson is ambitious for progressive, evidence-based reform. Mr Pettersson wanted this done quickly, so he introduced a private member's bill; then the government took considerable time to consider this bill. The Assembly took time to consider this bill, and the government took time to consider this bill.

The committee received 59 submissions, 778 responses to an online survey and held five days of public hearings. The committee's final report was tabled on 9 June 2022 and the government responded to that over considerable time, taking all of that evidence into account.

MR HANSON: Minister, what conversations did you have with Mr Pettersson prior to him tabling this legislation?

MS STEPHEN-SMITH: I do not know how it works in the Liberals' party room, but when Labor members introduce a private member's bill into this place, it does in fact go through the caucus process. Relevant ministers are consulted and all caucus members are consulted. That is part of the process of bringing a private member's bill to this place in the Labor Party. I do not think I am speaking out of turn. I do not think any of my colleagues would mind me saying that we are a collaborative group. We bring things to caucus. We discuss it, then private members introduce a bill and it goes through the standard Assembly process.

In this particular case, Mr Hanson himself moved for the establishment of a select committee on the Drugs of Dependence (Personal Use) Amendment Bill so that it could be considered very closely. It was considered very closely—openly and closely. The government consulted with all relevant stakeholders.

Mr Hanson interjecting—

MS STEPHEN-SMITH: Mr Hanson, you might want to take the spin of a national broadsheet on this matter, but anyone who has been paying attention to ACT politics would know that this was a very open and transparent process.

MR CAIN: Minister, can you confirm when this recording was made, and in what context, and do you stand by the comments you made in the recording?

MS STEPHEN-SMITH: It was hardly a secret gathering. I was at the ALP national conference. I actually sponsored the panel that I was sitting on, and which Mr Pettersson facilitated. It was advertised that I was going to be there, with a panel of experts from ACT, Victoria and Queensland. I was the last one to speak on that panel, so I was summing up a range of things that other people had said.

Could I have been a bit tighter and more careful in my language? Probably, I could have been a little bit more careful in my language, and explained everything I was

going to say in words of two syllables, so that Mr Hanson would understand it. But anyone who was in that room who heard everybody else on the panel and who had the full context of what I was saying would absolutely have understood—

Ms Lee: Madam Speaker, a point of order.

MADAM SPEAKER: Resume your seat.

Ms Lee: There was clearly a personal reference there to Mr Hanson. Come on!

MADAM SPEAKER: Ms Lee, please. There is no point of order. Given the interjections that have played out in the last little while, we will just let it go.

Members interjecting—

MADAM SPEAKER: Members!

MS STEPHEN-SMITH: I apologise for any imputation in relation to Mr Hanson, Madam Speaker.

MADAM SPEAKER: I was about to say welcome back to question time after weeks of leave.

Minister for Health—Drugs of Dependence (Personal Use) Amendment Act 2022

MR HANSON: A new question, Madam Speaker. I will try and keep it in single syllables for you minister!

Minister, I refer to leaked recordings of you telling activists, that in Labor, “We need to take the steps to get things done and then we need to take the next steps.” So minister, is it true you are encouraging other jurisdictions to hide this legislation before elections, take it by stealth and then make radical drug reform? And this is now the template you want rolled out in other jurisdictions?

MS STEPHEN-SMITH: Madam Speaker, when we were talking about next steps in drug law reform and delivering an evidence-based approach to the use of illicit drugs, delivering an approach that treats illicit drug use as a health issue not a criminal one, we have taken a step wise approach. As Mr Hanson himself noted in the debate on Mr Pettersson’s motion in August 2020, there was originally a simple cannabis offence notice that was in place for some period of time. Then we had the full decriminalisation of cannabis. We are moving to a simple drug offence notice for a range of other illicit drugs. Similarly we took a step wise approach in relation to drug checking with festival-based pill testing, widely supported by the community, and a fixed site drug checking service.

Other jurisdictions have taken other measures, like a drug consumption facility. The only point I was making there, and again in the context of everything that everyone else on the panel had said, was that each time you take a step here, somebody like Mr Hanson tells you that the sky is going to fall in. That all kinds of things are going

to happen. Then you take that next step in drug law reform or in harm reduction measures and the sky does not fall in. The community understands. You have that conversation with the community. They know what harm reduction is. They know why it is important to treat illicit drug use as a health issue not a criminal one and that is why they support our policies in this regard.

MR HANSON: Cannabis usage has increased significantly in Canberra since Mr Pettersson's reforms on cannabis. Do you expect the usage of heroin and ice to increase by a similar amount?

MS STEPHEN-SMITH: No.

Mr Hanson: Why not? You said that was the template—

MADAM SPEAKER: Mr Hanson, I said the next one would be warned. You are now warned.

MR CAIN: Minister, how can the people of Canberra have faith in your word, when the record now proves that you were not being upfront about Calvary and not being upfront about drugs like heroin and ice?

MS STEPHEN-SMITH: Madam Speaker, I completely reject the premise of that question. I have been up front with the community. In fact, when people stop me on the street and they thank me for mine and the Chief Minister's responses through COVID, one of the key things they say to me is, "We really appreciated how honest, open and upfront you have been with us, and you are with us."

Canberra Hospital—Cardiology Unit training accreditation

MS CASTLEY: My question is to the Minister for Health. Minister, on 23 March you told the Assembly that the Royal Australian College of Physicians visited the Cardiology Unit and CHS were awaiting the RACP report and will act on any suggestions from that review. Can you confirm whether the Cardiology Unit at Canberra Hospital received this report and the status of Cardiology's training accreditation after receiving the report?

MS STEPHEN-SMITH: I previously responded to questions on notice from Ms Castley in relation to training accreditation, and there is no further information in relation to any other areas where training accreditation has been affected. I will take on notice the detail of her question if there is anything in relation to that.

MS CASTLEY: So, Minister, you cannot confirm whether this report has been handed down and the Cardiology Unit has seen the report? Was that a no, just to be clear?

MS STEPHEN-SMITH: Is this another question?

Ms Castley: That is my question.

MS STEPHEN-SMITH: I will need to check whether that report was actually a report in writing and, if it was, where that report and response are up to. I did get an

update relatively recently in relation to Cardiology, and that update indicated that the RACP was very happy with the progress that had been made against some of the issues and challenges that we are all very well aware of in relation to Cardiology. That matter has been very well ventilated—some of the challenges that Cardiology at Canberra Hospital was facing, probably around a year ago, and has been facing over the last little while. The latest update I have was that the RACP was happy with what has been happening since, but I will give an update for Ms Castley in that regard.

MS LAWDER: Did the RACP meet with the Cardiology Unit in July, and what was the outcome of this visit and meeting?

MS STEPHEN-SMITH: My understanding is that the RACP did meet with Cardiology in July and, as I say, my understanding is that the RACP has indicated to Canberra Health Services that it is comfortable with the progress. I am addressing some of the challenges in Cardiology, but, again, I will take on notice to provide a more detailed update to the Assembly in relation to the report itself.

Canberra Hospital—training accreditation

MS CASTLEY: My question is to the health minister. Minister, on 17 August, the president of the AMA told ABC radio that there were some more units with training accreditation issues—besides those being experienced by the Fetal Medicine Unit, Obstetrics and Gynaecology, and the Child at Risk Health Unit—as well as plastic surgery having its accreditation for the training term revoked.

Do you maintain that these are the only four units that have received formal or informal feedback regarding the loss or potential loss of their training accreditation?

MS STEPHEN-SMITH: I can advise Ms Castley that I called the president of the AMA, ACT, following that interview to try to understand what he was, in fact, referring to there, because we had just provided a response to Ms Castley in relation to training accreditation and very closely looked at whether there were any other units. He could not advise me of any other units that were at risk of losing any training accreditation. He talked to me about some matters generally. I am not going to go into the detail of our conversation, because he had indicated that it was a conversation between him and me, but he was not able to advise me of any other areas where training accreditation was at risk.

I also called the CEO of Canberra Health Services and asked him to look into it to ensure that we were not missing something. For the information of Ms Castley and members of this place, the specialist colleges deal directly with the areas of the hospital or the health service that they are accrediting, and so it is not always the case that senior management will actually know when the college has said something to one of those specialist areas. We did another look, and I am not aware of any other areas where this the challenge.

MS CASTLEY: Minister, how many units at Canberra Hospital have had their training accreditation suspended, withdrawn or placed on provisional status in the past 12 months?

MS STEPHEN-SMITH: I have already replied to a question on notice to Ms Castley in this regard. I have nothing to add to that question on notice, except to say that there are 12 programs accredited to deliver five years of training at Canberra Hospital, and these programs are: general surgery, neurosurgery, oral-maxillofacial, orthopaedic surgery, vascular surgery, neonatal medicine, emergency medicine, psychiatry, dermatology, medical oncology, palliative care and haematology. We have no evidence that any other area is subject to a training accreditation question mark.

MS LAWDER: Minister, how many trainee doctors have had to be reallocated or have left Canberra Health Services due to training accreditation being suspended, withdrawn or placed on provisional status in the last 12 months?

MS STEPHEN-SMITH: I am only aware of one, which we have spoken about before, and that related to the maternal fetal medicine unit. There was one trainee when training accreditation was suspended there. By mutual agreement, and, in fact, by the request of Canberra Health Services, there was one trainee who had to relocate to another training program to continue their training in maternal and fetal medicine. We have been very clear with Ms Castley that in relation to plastic surgery, which she appears to have equated, the suspension of the accreditation for a term for interns has not resulted in any impact on junior doctors.

The other areas that are subject to a six-month provisional accreditation and review—in relation to obstetrics and gynaecology that training accreditation has not been suspended, it has not been revoked, and I have no reason to suspect that it will be. The Child at Risk Health Unit is subject to a mid-term review—again, training accreditation has not been suspended, has not been revoked. But of course, there is pastoral care being provided and support being provided to trainees in these areas to ensure that they can continue to receive training.

Gungahlin—community facilities

MR BRADDOCK: My question is for the Minister for Sport and Recreation. Minister, Scouts ACT put in a budget submission calling for assistance to build a second scout hall in the Gungahlin District and improvements to scout halls throughout the ACT. The negative response letter they received pointed to the government's funding of the new Gungahlin Community Centre, which I support by the way—but the letter implied this facility might meet some of their needs. Minister, does the government appreciate that Scouts activities have particular requirements for outdoor land access and equipment storage that the new community centre may struggle to support?

MS BERRY: I thank Mr Braddock for the question and acknowledge his advocacy for Scouts ACT by asking that question in the Assembly today. Of course, I acknowledge the work Scouts ACT do across the city and the different needs and requirements they have, within different scout halls and environments across the city. They have been through a budget process and unfortunately through that process not all funding for all organisations is accommodated. However, with regard to Scouts ACT, who were unsuccessful during the budget, I would be very happy to connect with them to point them in the direction of grants and other opportunities that might

be available for them for this type of infrastructure investment they are asking for and for upgrades to their private halls and camp facilities.

MR BRADDOCK: Is the Government concerned that scout halls across the ACT are ageing to the point where more significant upgrades are required and that without support this risks a reduction of hireable space in the ACT?

MS BERRY: As I said, I would be happy to work with Scouts ACT and point them in the direction where they could access funding for those upgrades.

Housing—national cabinet

MS ORR: My question is directed to the Chief Minister. Chief Minister, can you outline some of the major outcomes from the recent national cabinet meeting?

MR BARR: I thank Ms Orr for the question. It was an important national cabinet meeting—one of several this year that will make fundamental changes to elements of intergovernmental relations and public service delivery in this nation. I think the most significant outcomes out of the meeting were additional commonwealth funding, on a performance basis, for states and territories to contribute to a target of 1.2 million new dwelling constructions over the next five years—importantly, supported by another half billion dollars in funding for essential works to enable that, including having essential works to connect water, energy and sewerage; improving amenities to new housing; and improving planning capability.

There was also agreement to the national planning reform blueprint that is relevant in the ACT context because that national blueprint promotes medium- and high-density housing in well located areas, and seeks to streamline approval pathways, which is exactly what is happening in the territory through the new planning system, and the forthcoming debate on the new territory plan.

States and territories also agreed to take further steps to improve renters' rights. In this instance it is clear that the ACT is ahead of the other states and territories, particularly when it comes to no-cause evictions and having a formula in place to limit rental increases. The ACT has managed to strike the right balance, with increased supply and appropriate regulation so that we will see more housing built. It will be up to this place, of course, to support that through planning system reform.

MS ORR: Chief Minister, what will the additional funding for housing mean for the ACT?

MR BARR: In simple terms, this additional funding, alongside the government's planning reforms, is going to mean more housing, more quickly, in places where people want to live—housing that will be focused on affordability and accessibility, whether that is in the rental market or in the home purchase market. We have already submitted and had endorsed our initial implementation plan under the social housing accelerator. And, through the planning system reforms, we are working to ensure that more diverse housing types can be built in locations where people want to live. This is important because it means leveraging off existing city infrastructure and services. It makes the most efficient use of our existing services and will support existing local business.

DR PATERSON: Chief Minister, why is the ACT well placed to capitalise on this additional housing funding?

MR BARR: Thank you for the question. The ACT is well placed because we are already increasing housing supply across the board. The targets that have been set for the territory are achievable, I believe, particularly when this place finalises consideration of the territory plan and district strategies. These new strategies are designed to see more diverse housing built in places where people want to live. We have backed that, in this year's budget, with a significant funding package for the new housing measures, including an affordable housing project fund. Of course, we have continued with tax reform—reducing stamp duty in every territory budget—and we have a large program of new land-release and in-fill projects. And we have invested a further \$236 million in Housing ACT for more and improved public housing.

This package of work across planning, infrastructure and housing gives the ACT a real head start in capitalising on this new commonwealth funding compared to the other states and territories. When combined, it will provide more medium-density housing choices in existing Canberra suburbs through a long-term program of gentle urbanism.

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

Supplementary answers to questions without notice

Minister for Health—Drugs of Dependence (Personal Use) Amendment Act 2022

MS STEPHEN-SMITH: I think I may have misspoken in relation to the select committee on Drugs of Dependence (Personal Use) Amendment Bill and said that the report was tabled on 9 June 2022; it was the government response that was tabled on 9 June 2022.

Canberra Institute of Technology—Tuggeranong

MR STEEL: Earlier in question time Mr Davis asked me about the lease for CIT Tuggeranong. I have been advised that CIT occupies space over two floors in Tuggeranong and CIT's current lease in Tuggeranong expires in January 2026. CIT has recently met with the building owner and discussed matters, including CIT's lease.

Crime—sexual assault prevention and response Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (3.06), by leave: This morning I inadvertently tabled the wrong version of the 2023 Sexual Assault Prevention and Response Program Annual Statement. I now table the correct version:

Sexual Assault Prevention and Response Program—Annual Statement—2023,
dated August 2023.

Transport—active travel—update

MS CLAY (Ginninderra) (3.06): Pursuant to the resolution of the Assembly of 1 June 2023 relating to greater commonwealth investment in active travel infrastructure in the ACT, I wish to table a copy of my letter to Ms Elizabeth Watson-Brown MP, and a copy of her response. That resolution, I am sure members will remember, was about seeking further federal funding for active travel. It included a commitment for each party to write to their counterparts and urge further funding and to table those letters. We are very much looking forward to the other letters. I table:

Active travel infrastructure—Assembly resolution of 1 June 2023—

Copy of letter to Elizabeth Watson-Brown MP, Federal Member for Ryan from Jo Clay MLA, Member for Ginninderra, dated 13 June 2023.

Copy of letter responding to Jo Clay MLA, Member for Ginninderra from Elizabeth Watson-Brown MP, Federal Member for Ryan, dated 17 July 2023.

Papers

Madam Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—

No 4/2023—Procurement of a hybrid electric fire truck, dated 30 June 2023.

No 5/2023—Activities of the Government Procurement Board, dated 20 July 2023.

No 6/2023—Implementation of the ACT Aboriginal and Torres Strait Islander Agreement, dated 10 August 2023.

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

Bills—Inquiry—Electoral and Road Safety Legislation Amendment Bill 2023—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 4 July 2023.

Bills—Not inquired into—

Bail Amendment Bill 2023—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 4 July 2023.

Courts Legislation Amendment Bill 2023—Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 4 July 2023.

Planning (Consequential Amendments) Bill 2023—Copy of letter to the Speaker from the Chair, Standing Committee on Planning, Transport and City Services, dated 6 July 2023.

Canberra Institute of Technology—Consultancy contracts—Assembly resolution of 7 June 2022—Auditor-General's response—Copy of letter to the Speaker from ACT Auditor-General, dated 20 July 2023.

Commissioner for Standards, pursuant to Continuing Resolution 5AA of the Assembly of 31 October 2013, as amended—Annual report—2022/2023, dated 2 July 2023.

Commissioner for Sustainability and the Environment Act, pursuant to subsection 21(2)—Can Canberra ‘Burn Right Tonight’ or is there ‘no safe level of air pollution’?—An investigation into wood heater policy in the ACT—Government response, dated August 2023.

Estimates 2023-2024—Select Committee—Report—Inquiry into Appropriation Bill 2023-2024 and Appropriation (Office of the Legislative Assembly) Bill 2023-2024—Speaker’s response to recommendation 117, dated 29 August 2023.

Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory, pursuant to Continuing Resolution 6A of the Assembly of 10 April 2008, as amended 21 August 2008—Annual Report—2022-2023, dated 5 July 2023.

Standing order 191—Amendments—

Financial Management Amendment Bill 2021 (No 2), dated 5, 6 and 7 July 2023.

Gaming Machine (Club Refuge) Amendment Bill 2022, dated 5, 6 and 7 July 2023.

Motor Accident Injuries Amendment Bill 2023, dated 5, 6 and 7 July 2023.

Transport Canberra and City Services Legislation Amendment Bill 2022, dated 5, 6 and 7 July 2023.

Work Health and Safety Amendment Bill 2022, dated 5, 6 and 7 July 2023.

Mr Gentleman presented the following papers:

Auditor-General Act, pursuant to subsection 21(2)—Auditor-General’s Report No 1/2023—Construction Occupations Licensing—Government response, dated July 2023.

Budget 2023-2024—Financial Management Act, pursuant to section 10—Budget Statements—

A—ACT Electoral Commission | ACT Executive | ACT Integrity Commission | Auditor-General | Office of the Legislative Assembly—Corrigendum to ACT Executive and ACT Integrity Commission, dated 29 August 2023.

B—Chief Minister, Treasury and Economic Development Directorate, together with associated agencies—Corrigendum to Chief Minister, Treasury and Economic Development Directorate, dated 29 August 2023.

H—Transport Canberra and City Services Directorate | Transport Canberra Operations | Cemeteries and Crematoria Authority—Corrigendum, dated 29 August 2023.

Coroners Act—Report of Coroner, pursuant to subsection 57(4)—Inquest into the death of Maarouf El-Cheikh—

Report, dated 30 January 2023.

Government response, dated August 2023, together with a statement.

Economy and Gender and Economic Equality—Standing Committee—Report 7—Inquiry into Annual and Financial Reports 2021-2022—Government response, dated July 2023.

Education and Community Inclusion—Standing Committee—Report 8—Inquiry into Annual and Financial Reports 2021-2022—Government response, dated July 2023.

Environment, Climate Change and Biodiversity—Standing Committee—Report 7—Inquiry into Annual and Financial Reports 2021-22—Government response, dated July 2023.

Estimates 2023-2024—Select Committee—Report—Inquiry into Appropriation Bill 2023-2024 and Appropriation (Office of the Legislative Assembly) Bill 2023-2024—Government response, dated August 2023.

Financial Management Act—

Pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 June 2023.

Pursuant to subsection 30F(3)—2022-23 Capital Works Program—Progress Report—Year-to-date performance as at 30 June 2023.

Freedom of Information Act, pursuant to section 39—Copies of notices provided to the Ombudsman—Freedom of Information requests—Decisions not made in time—Environment, Planning and Sustainable Development Directorate—

FOI 23/024795, dated 18 July 2023.

FOI 23/042240, dated 1 August 2023.

Health and Community Wellbeing—Standing Committee—

Report 9—Inquiry into Annual and Financial Reports 2021-22—Government response, dated July 2023.

Report 10—Inquiry into Abortion and Reproductive Choice in the ACT—Government response, dated July 2023, together with a statement.

Justice and Community Safety—Standing Committee—Report 16—Inquiry into Dangerous Driving—Government response, dated August 2023.

Planning and Development Act, pursuant to subsection 242(2)—Statement of Leases Granted for the period 1 April to 30 June 2023.

Planning, Transport and City Services—Standing Committee—

Report 13—Inquiry into Giralang Shops—Final Report—Government response, dated August 2023.

Report 14—Inquiry into Annual and Financial Reports 2021-22—Government response, dated July 2023.

Public Accounts—Standing Committee—Report 17—Inquiry into grants management—Government response, dated August 2023.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Agents Act—Agents (Fees) Determination 2023—Disallowable Instrument DI2023-195 (LR, 30 June 2023).

Architects Act—Architects (Fees) Determination 2023—Disallowable Instrument DI2023-127 (LR, 22 June 2023).

Associations Incorporation Act—Associations Incorporation (Fees) Determination 2023—Disallowable Instrument DI2023-180 (LR, 30 June 2023).

Australian Capital Territory (Self-Government) Act, Emergencies Act, Road Transport (General) Act and Waste Management and Resource Recovery Act—Emergencies, Road Transport (General), Waste Management and Resource Recovery (Embassy and Diplomatic Residence Fees) Determination 2023—Disallowable Instrument DI2023-159 (LR, 29 June 2023).

Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration (Fees) Determination 2023—Disallowable Instrument DI2023-147 (LR, 26 June 2023).

Building Act—Building (Fees) Determination 2023—Disallowable Instrument DI2023-123 (LR, 22 June 2023).

Canberra Institute of Technology Act and Financial Management Act—

Canberra Institute of Technology (CIT Board Member) Appointment 2023 (No 1)—Disallowable Instrument DI2023-137 (LR, 22 June 2023).

Canberra Institute of Technology (CIT Board Member) Appointment 2023 (No 2)—Disallowable Instrument DI2023-145 (LR, 26 June 2023).

Canberra Institute of Technology (CIT Board Member) Appointment 2023 (No 3)—Disallowable Instrument DI2023-146 (LR, 26 June 2023).

Canberra Institute of Technology (CIT Board Member) Appointment 2023 (No 4)—Disallowable Instrument DI2023-148 (LR, 26 June 2023).

Canberra Institute of Technology (CIT Board Member) Appointment 2023 (No 5)—Disallowable Instrument DI2023-149 (LR, 26 June 2023).

Casino Control Act—Casino Control (Fees) Determination 2023—Disallowable Instrument DI2023-181 (LR, 30 June 2023).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Fees) Determination 2023 (No 1)—Disallowable Instrument DI2023-158 (LR, 29 June 2023).

Children and Young People Act—Children and Young People (Kinship and Foster Carers Risk Assessment) Guidelines 2023—Disallowable Instrument DI2023-202 (LR, 20 July 2023).

City Renewal Authority and Suburban Land Agency Act—

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2023 (No 2)—Disallowable Instrument DI2023-131 (LR, 22 June 2023).

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2023 (No 3)—Disallowable Instrument DI2023-132 (LR, 22 June 2023).

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2023 (No 4)—Disallowable Instrument DI2023-133 (LR, 22 June 2023).

City Renewal Authority and Suburban Land Agency (Authority Board Chair) Appointment 2023 (No 1)—Disallowable Instrument DI2023-134 (LR, 22 June 2023).

City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2023 (No 1)—Disallowable Instrument DI2023-135 (LR, 22 June 2023).

City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2023 (No 2)—Disallowable Instrument DI2023-136 (LR, 22 June 2023).

Classification (Publications, Films and Computer Games) (Enforcement) Act—Classification (Publications, Films and Computer Games) (Enforcement) (Fees) Determination 2023—Disallowable Instrument DI2023-182 (LR, 30 June 2023).

Community Title Act—Community Title (Fees) Determination 2023—Disallowable Instrument DI2023-138 (LR, 26 June 2023).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) (Fees) Determination 2023—Disallowable Instrument DI2023-126 (LR, 22 June 2023).

Co-operatives National Law (ACT) Act—Co-operatives National Law (ACT) (Fees) Determination 2023—Disallowable Instrument DI2023-183 (LR, 30 June 2023).

Court Procedures Act—

Court Procedures (Fees) Determination 2023—Disallowable Instrument DI2023-176 (LR, 30 June 2023).

Court Procedures Amendment Rules 2023 (No 1)—Subordinate Law SL2023-15 (LR, 29 June 2023).

Duties Act—Duties (Pensioner Duty Deferral Scheme) Determination 2023—Disallowable Instrument DI2023-167 (LR, 29 June 2023).

Duties Act, Land Rent Act, Land Tax Act and Rates Act—Rates, Land Tax, Land Rent and Duties (Certificate and Statement Fees) Determination 2023—Disallowable Instrument DI2023-171 (LR, 29 June 2023).

Electricity Safety Act—Electricity Safety (Fees) Determination 2023—Disallowable Instrument DI2023-124 (LR, 22 June 2023).

Emergencies Act—Emergencies (Fees) Determination 2023—Disallowable Instrument DI2023-196 (LR, 30 June 2023).

Energy Efficiency (Cost of Living) Improvement Act—

Energy Efficiency (Cost of Living) Improvement (Energy Savings Contribution) Determination 2023, including a regulatory impact statement—Disallowable Instrument DI2023-155 (LR, 29 June 2023).

Energy Efficiency (Cost of Living) Improvement (Energy Savings Target) Determination 2023, including a regulatory impact statement—Disallowable Instrument DI2023-154 (LR, 29 June 2023).

Energy Efficiency (Cost of Living) Improvement (Penalties for noncompliance) Determination 2023, including a regulatory impact statement—Disallowable Instrument DI2023-156 (LR, 29 June 2023).

Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2023, including a regulatory impact statement—Disallowable Instrument DI2023-157 (LR, 29 June 2023).

Environment Protection Act—Environment Protection (Fees) Determination 2023—Disallowable Instrument DI2023-125 (LR, 22 June 2023).

Firearms Act—Firearms (Fees) Determination 2023—Disallowable Instrument DI2023-197 (LR, 30 June 2023).

Fisheries Act—Fisheries (Fees) Determination 2023—Disallowable Instrument DI2023-129 (LR, 22 June 2023).

Gaming Machine Act—Gaming Machine (Fees) Determination 2023—Disallowable Instrument DI2023-184 (LR, 30 June 2023).

Gas Safety Act—Gas Safety (Fees) Determination 2023—Disallowable Instrument DI2023-122 (LR, 22 June 2023).

Guardianship and Management of Property Act—Guardianship and Management of Property (Fees) Determination 2023—Disallowable Instrument DI2023-177 (LR, 30 June 2023).

Health Act—Health (Fees) Determination 2023 (No 1)—Disallowable Instrument DI2023-150 (LR, 26 June 2023).

Health Infrastructure Enabling Act—Health Infrastructure Enabling Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-14 (LR, 28 June 2023).

Heritage Act—Heritage (Fees) Determination 2023—Disallowable Instrument DI2023-121 (LR, 22 June 2023).

Juries Act—Juries (Payment) Determination 2023—Disallowable Instrument DI2023-175 (LR, 30 June 2023).

Land Titles Act—Land Titles (Fees) Determination 2023—Disallowable Instrument DI2023-185 (LR, 30 June 2023).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2023 (No 1)—Disallowable Instrument DI2023-173 (LR, 29 June 2023).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2023 (No 1)—Disallowable Instrument DI2023-174 (LR, 29 June 2023).

Liquor Act—Liquor (Fees) Determination 2023—Disallowable Instrument DI2023-186 (LR, 30 June 2023).

Long Service Leave (Portable Schemes) Act—Long Service Leave (Portable Schemes) Building and Construction Industry Levy Determination 2023—Disallowable Instrument DI2023-151 (LR, 26 June 2023).

Lotteries Act—Lotteries (Fees) Determination 2023—Disallowable Instrument DI2023-187 (LR, 30 June 2023).

Nature Conservation Act—Nature Conservation (Fees) Determination 2023—Disallowable Instrument DI2023-120 (LR, 22 June 2023).

Partnership Act—Partnership (Fees) Determination 2023—Disallowable Instrument DI2023-188 (LR, 30 June 2023).

Planning and Development Act—

Planning and Development (Fees) Determination 2023—Disallowable Instrument DI2023-139 (LR, 26 June 2023).

Planning and Development (Lease Variation Charges) Determination 2023—Disallowable Instrument DI2023-172 (LR, 29 June 2023).

Public Place Names Act—Public Place Names (Narrabundah) Determination 2023—Disallowable Instrument DI2023-152 (LR, 26 June 2023).

Public Trustee and Guardian Act—Public Trustee and Guardian (Fees) Determination 2023—Disallowable Instrument DI2023-178 (LR, 30 June 2023).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Fees) Determination 2023—Disallowable Instrument DI2023-130 (LR, 22 June 2023).

Rates Act—Rates (Objections Period) Determination 2023—Disallowable Instrument DI2023-161 (LR, 29 June 2023).

Rates Act and Taxation Administration Act—Taxation Administration (Amounts Payable—Rates) Determination 2023—Disallowable Instrument DI2023-160 (LR, 29 June 2023).

Registration of Deeds Act—Registration of Deeds (Fees) Determination 2023—Disallowable Instrument DI2023-189 (LR, 30 June 2023).

Retirement Villages Act—Retirement Villages (Fees) Determination 2023—Disallowable Instrument DI2023-190 (LR, 30 June 2023).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2023 (No 6)—Disallowable Instrument DI2023-201 (LR, 13 July 2023).

Road Transport (Offences) Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-12 (LR, 22 June 2023).

Security Industry Act—Security Industry (Fees) Determination 2023—Disallowable Instrument DI2023-192 (LR, 30 June 2023).

Sex Work Act—Sex Work (Fees) Determination 2023—Disallowable Instrument DI2023-193 (LR, 30 June 2023).

Stock Act—

Stock (Fees) Determination 2023—Disallowable Instrument DI2023-140 (LR, 26 June 2023).

Stock (Levy) Determination 2023—Disallowable Instrument DI2023-141 (LR, 26 June 2023).

Stock (Minimum Stock Levy) Determination 2023—Disallowable Instrument DI2023-143 (LR, 26 June 2023).

Surveyors Act—

Surveyors (Fees) Determination 2023—Disallowable Instrument DI2023-142 (LR, 26 June 2023).

Surveyors (Surveyor-General) Practice Directions 2023—Disallowable Instrument DI2023-112 (LR, 22 June 2023).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Disability Duty Concession Scheme) Determination 2023—Disallowable Instrument DI2023-166 (LR, 29 June 2023).

Taxation Administration (Amounts Payable—Duty) Determination 2023—Disallowable Instrument DI2023-162 (LR, 29 June 2023).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2023—Disallowable Instrument DI2023-163 (LR, 29 June 2023).

Taxation Administration (Amounts Payable—Land Rent) Determination 2023—Disallowable Instrument DI2023-170 (LR, 29 June 2023).

Taxation Administration (Amounts Payable—Land Tax) Determination 2023—Disallowable Instrument DI2023-168 (LR, 29 June 2023).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2023—Disallowable Instrument DI2023-165 (LR, 29 June 2023).

Taxation Administration (Betting Operations Tax—Rate) Determination 2023—Disallowable Instrument DI2023-169 (LR, 29 June 2023).

Taxation Administration (Off the Plan Unit Duty Exemption Scheme) Determination 2023—Disallowable Instrument DI2023-164 (LR, 29 June 2023).

Traders (Licensing) Act—Traders (Licensing) (Fees) Determination 2023—Disallowable Instrument DI2023-191 (LR, 30 June 2023).

Unit Titles (Management) Act—Unit Titles (Management) (Fees) Determination 2023—Disallowable Instrument DI2023-179 (LR, 30 June 2023).

Unit Titles Act—Unit Titles (Fees) Determination 2023—Disallowable Instrument DI2023-144 (LR, 26 June 2023).

University of Canberra Act—

University of Canberra Council Appointment 2023 (No 1)—Disallowable Instrument DI2023-198 (LR, 3 July 2023).

University of Canberra Council Appointment 2023 (No 2)—Disallowable Instrument DI2023-199 (LR, 3 July 2023).

University of Canberra Council Appointment 2023 (No 3)—Disallowable Instrument DI2023-200 (LR, 6 July 2023).

Unlawful Gambling Act—Unlawful Gambling (Charitable Gaming Application Fees) Determination 2023—Disallowable Instrument DI2023-194 (LR, 30 June 2023).

Victims of Crime (Financial Assistance) Act—Victims of Crime (Financial Assistance) Amendment Regulation 2023 (No 1)—Subordinate Law SL2023-13 (LR, 29 June 2023).

Victims of Crime Regulation 2000—Victims of Crime (Fees) Determination 2023 (No 1)—Disallowable Instrument DI2023-153 (LR, 29 June 2023).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2023—Disallowable Instrument DI2023-119 (LR, 22 June 2023).

Water Resources Act—Water Resources (Fees) Determination 2023—
Disallowable Instrument DI2023-128 (LR, 22 June 2023).

Estimates 2023-2024—Select Committee—report—government response

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

That the Assembly take note of the following paper:

Estimates 2023-2024—Select Committee—Report—*Inquiry into Appropriation Bill 2023-2024 and Appropriation (Office of the Legislative Assembly) Bill 2023-2024*—Government response.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (3.10): Mr Gentleman has tabled, on my behalf, the government's response to the recommendations raised by the Select Committee on Estimates inquiring into the Appropriation Bill 2023-2024 and the all-important Appropriation (Office of the Legislative Assembly) Bill 2023-2024.

From the outset, I thank the select committee and, indeed, Legislative Assembly representatives, for their scrutiny of the proposed expenditures in the budget and the accompanying appropriation bills, and particularly acknowledge the assistance provided by the secretariat in the preparation of the committee's final report. I would like to acknowledge my ministerial colleagues and government officials for their active engagement over the estimates fortnight and their work to respond to the hundreds and hundreds of questions that came from the committee and, indeed, the recommendations.

The 2023-24 territory budget acknowledges that Canberrans continue to experience cost of living pressures associated with high inflation and historical interest rate increases. In response to these pressures, the budget provided targeted support across the community of around \$144 million to help ease pressures on vulnerable households and to improve the wellbeing of those in the most need within our community. Our economy continues to perform strongly after recovering from the turbulence of the pandemic. It is underpinned by a very resilient and buoyant labour market, strong population growth and high rates of public investment.

I am pleased that our unemployment rate remains one of the lowest of all Australian jurisdictions. It is also pleasing to see that the ACT's population continues to grow strongly. People want to live in Canberra. Our population is forecast to grow at historically high rates of a little over two per cent through fiscal years 2022-23 and 2023-24. To put that in perspective, the population is growing by nearly 10,000 people a year, before moderating slightly at the back end of the forward estimates. As our population grows, we are committed to investing in the enabling infrastructure that a growing community needs, and to facilitating private sector investment in a

number of important renewal precincts. As well, we have been discussing recently the new housing and commercial opportunities.

In addition to upgrading our existing asset base, we are delivering new and improved facilities and targeting our key priorities in health, education, public housing, urban renewal, road safety and climate action. The select committee's report contains 123 recommendations relating to budget or appropriation bill matters. I am sure it will come as a great relief to colleagues that I will not address each one individually, verbally, in this response this afternoon. The government's written response fulfils this purpose. In summary, the government has agreed to five recommendations; agreed in principle to 24 recommendations; has agreed in part to four recommendations; has acknowledged that 56 of the 123 recommendations relate to an existing government policy; and has noted 33. The government has only not agreed to one, solitary recommendation.

In summary, none of the matters raised in the select committee's report should prevent the passage of Appropriation Bill 2023-2024 or the passage of the ever increasingly important Appropriation (Office of the Legislative Assembly) Bill 2023-2024. So, on behalf of my ministerial colleagues, I am pleased to present the government's response to the Assembly, and we look forward to commencing what we presume to be three or four days of budget debate tomorrow afternoon.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee—report—government response

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (3.15): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Justice and Community Safety—Standing Committee—Report 16—Inquiry into Dangerous Driving—Government response.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.15): I am pleased to advise the Assembly of the government's response to the Justice and Community Safety Standing Committee inquiry report into dangerous driving in the ACT, which I am tabling today jointly with Minister Steel. The government recognises the ongoing concerns in the community regarding dangerous driving, and the ongoing risk that this behaviour poses to the community. The government is committed to reducing the incidence of serious offending and road fatalities, and we further acknowledge the tragic and significant impact of dangerous driving on victims and their families.

I would like to take a moment to acknowledge all the families bereaved by motor vehicle offences, and the loved ones they have lost. I particularly welcome the

presence of Blake Corney's family here in the gallery today—his mother Camille Jago, his father Andrew Corney and his brother Aidan. I also acknowledge bereaved families who may be watching online today. I reflect on the importance of the valuable input provided by many family members to this inquiry. I cannot personally appreciate the degree of tragedy that you have experienced; what I can say is that your courage in contributing to the inquiry process and to reform—so that other families do not suffer such tremendous loss as yours—in the face of your own grief and trauma, is extremely important and greatly valued.

The government is committed to Vision Zero. That is a goal that was adopted while I was the Minister for Road Safety and has been carried forward with conviction by Minister Steel. Vision Zero is the goal of no deaths or serious injuries on the ACT road transport network. Vision Zero acknowledges that deaths and serious injuries on ACT roads are preventable; they are not an inevitability. This is the central philosophy guiding the government's approach to road safety and the government response to the inquiry report.

The ACT government has several ongoing initiatives to address dangerous driving, which will be supported by the government response to the inquiry report. Briefly, the ACT road safety strategy for 2020 to 2025 outlines four key goals for the government. They include changing harmful road-user behaviour, through education and compliance action, and strengthening collaboration between the government and stakeholders. Similarly, the ACT road safety action plan for 2020 to 2023 centres on reducing speeding, reducing drink and drug driving, and increasing protections for vulnerable road users.

The government and ACT courts and tribunals has undertaken an extensive analysis of the data available on dangerous driving sentences and concluded that there has not been a downward trend towards lighter or more lenient sentences. To ensure our sentencing legislation is fit for purpose, the government is establishing a law reform and sentencing advisory council, which will provide additional independent support to the government on sentencing practice in the ACT, which may include the collection, analysis and publication of data on sentencing trends and practices.

The council will also engage with the community and justice stakeholders on issues of sentencing. Implementation work to establish the law reform and sentencing advisory council is continuing, including finalising membership. This is an important opportunity for the government to ensure that community values and expectations on sentencing is considered in law reform.

As mentioned, a large component of this work that must be done to prevent dangerous driving will also reduce recidivism in the ACT. I want to highlight that, from the 2018-19 benchmark, there was an overall reduction in reoffending in the ACT. To expand on this progress, there are several government justice reinvestment initiatives that range from providing justice accommodation, responding to the impacts of drug and alcohol dependence, and providing support for people who have a mental illness or disability, and support for people on bail to ensure that they comply with their bail conditions.

On the issue of bail, outside of the inquiry into dangerous driving, the government is considering bail in the ACT again, to ensure that bail legislation is fit for purpose, and to reduce recidivism and offending while individuals are on bail. Where recommendations are not agreed to, noted or marked as existing government policy, this is to reflect that the recommendations are either existing government policy; that the government proposes to address the issue raised by the recommendation in an alternative manner; that there is a more appropriate entity to address the recommendation; or that the recommendations are not feasible, given the powers of certain bodies and entities under the ACT's legal framework. There are some recommendations that are not agreed to because they are contrary to existing government policy and the government has considered that there were not compelling reasons to alter the policy.

Where recommendations are agreed to in principle, under review, or noted, this is to reflect that implementing the recommendations may be subject to additional factors such as review and consultation on existing legal frameworks, resourcing or that additional time is needed for a government position to be considered.

In closing, I thank the standing committee for conducting the public inquiry into dangerous driving and for providing time and space for a meaningful discussion about road safety for victims-survivors and the Canberra community as a whole. I would like to thank those who contributed to the inquiry by written submission or as a witness in the public hearings.

This inquiry is an important opportunity to call attention to the work and initiatives already progressing in this space, as many of the review's recommendations mirror and complement ongoing work by the government in response to dangerous driving. However, I acknowledge that there is a need for further developments in this area. The government is intent on continuing to progress this program of work in line with the recommendations, in collaboration with agencies both within and outside the ACT government.

Finally, I again acknowledge the families, including those present in the gallery today, who have been bereaved by motor vehicle offences, and I thank you for your contribution to this process.

Question resolved in the affirmative.

Payroll Tax Amendment Bill 2023

Ms Lee, pursuant to notice, presented the bill together with its explanatory statement.

Title read by Clerk.

MS LEE (Kurrajong-Leader of the Opposition) (3.26): I move:

That this bill be agreed to in principle.

Today I bring forward the Payroll Tax Amendment Bill 2023. My bill will achieve two significant things. The first is to ensure that Canberrans are not paying more to see their GP. The second is to provide certainty to GPs and clinics, so they remain viable in the long term in our city.

This is a straightforward legislative amendment. To avoid any doubt around this application, the bill will apply retrospectively to 1 July 2011, when the Payroll Tax Act 2011 commenced. Canberrans already pay the highest out-of-pocket expenses in Australia to see a GP, and we also have the lowest rate of bulk-billing of all capital cities. Whilst many Canberrans are now experiencing a cost-of-living crisis, there will be more pain to come if no action is taken. This so-called ‘sick tax’ will affect Canberrans who are the most vulnerable.

There have been sobering and stark warnings by the Royal Australian College of General Practitioners. I quote directly from its president, Dr Nicole Higgins, who said:

It will be absolutely devastating for the community if more of their local practices are forced to close, and GPs leave town.

The President of the Royal Australian College of General Practitioners has raised the alarm that this tax could lead to clinics closing their doors and GPs leaving the capital.

There have also been sobering and stark warnings by the ACT AMA, and I quote directly from its president, Professor Walter Abhayaratna, who said:

Without general practices that remain viable and thrive in the long-term, it’s unlikely that residents in the National capital will be able to access high-value integrated care.

The President of the ACT AMA has raised the alarm that this tax could lead to Canberrans not being able to access essential health care.

There have been sobering and stark warnings by the national AMA, and I quote directly from its president, Professor Stephen Robson. He said it is “a shocker of a policy that will either bankrupt general practices in the ACT or make senior GPs unaffordable for the most vulnerable Canberrans”. The president of the national AMA has raised alarm that this tax could lead to the most vulnerable members of our community not being able to see their GP—if, that is, their GP clinic does not go bankrupt.

There have been sobering and stark warnings by the Australian GP Alliance, who have warned that it is not—as Mr Barr keeps referring to—fewer than 10 clinics that are affected; it is something that will affect at least 50 per cent of patients in Canberra.

Something must be done, and the Canberra Liberals are doing it. We will unapologetically do everything we can to make sure all Canberrans have access to essential health care; we will unapologetically do everything we can to be the city in Australia where we attract more GPs; and we will unapologetically do everything we can to provide long-term certainty to GPs and their clinics. That is why we are taking this step today.

Whilst this Labor-Greens government has utterly ignored the serious concerns of GPs, the Canberra Liberals are taking leadership and making it very clear where we differ in our response to this issue that has caused—and is causing—much heartache for many GPs and their practices, and the fear they have for their patients.

I say this to every member in this chamber: if you are serious about all Canberrans having access to essential health care, if you are serious about the long-term viability of general practices in the ACT and if you are serious about attracting GPs to the capital, then support my bill.

This is a significant moment for all of us as legislators—as elected members for our community—to stand up and say to all Canberrans: you deserve nothing less than access to your GP when you need it, and it should not cost you more. I commend my bill to the Assembly.

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

Planning—Gungahlin cinema

MR PETTERSSON (Yerrabi) (3.32): I move:

That this Assembly:

(1) notes that:

- (a) the ACT Government retains its longstanding commitment to expanding entertainment options in Gungahlin, including the delivery of a cinema;
- (b) in 2012, the ACT Government selected the site on the corner of Efkarpidis Street and Hinder Street for a cinema development;
- (c) a competitive tender process was undertaken in 2013 and the site was released to Gungahlin Lifestyle Pty Ltd (the purchaser), with the Deed of Agreement with the Territory requiring that the site be developed to include a cinema;
- (d) following a range of the delays on the part of the successful tenderer, the project was given approval in 2017, however, construction was further delayed due to legal action between two competing cinema operators;
- (e) on 7 April 2020, the ACT Planning and Land Authority (the Authority) approved DA201936502 for a two-storey building with ground level commercial space, an upper-level cinema and approximately 117 car parking spaces at the site;
- (f) this planning approval required Krnc Group (the developer) to commence building works by 8 April 2023;
- (g) on 1 May 2023, the Authority wrote to the developer stating that DA201936502 had lapsed as the agreed works had not commenced;
- (h) on 8 June 2023, the Authority again wrote to the developer regarding the status of DA201936502, and restated the requirements of the Act; and

- (i) to date, the Authority has not had a response from the developer or received evidence of commencement;
- (2) acknowledges the:
 - (a) efforts made by the Authority to positively engage with the developer to assist the development to progress; and
 - (b) the strong frustrations of the Gungahlin community which has waited over a decade for a cinema to make Gungahlin its home; and
- (3) calls on the ACT Government to:
 - (a) urgently explore options to facilitate the development of the cinema, noting that the current developer is failing to fulfil their obligations under the Deed and commitments as part of DA201936502;
 - (b) explore ways to secure development for the site that will include cinema works as soon as possible; and
 - (c) reassure the Gungahlin community that its commitment to deliver a cinema is genuine, despite the inactivity and unresponsiveness of the current developer.

I rise today to talk about the passage of time—how some things have changed and how one particular thing has not. If we could rewind to 11 years ago we would find ourselves in the year 2012. Gotye’s hit song *Somebody That I Used To Know* was topping the music charts, Katy Gallagher was leading this territory as Chief Minister after taking the reins from Jon Stanhope, Gungahlin was in the electorate of Molonglo, I was about to turn the ripe old age of 21, the latest Bond film *Skyfall* was raking in big money at the box office and, put simply, Gungahlin looked very different. Light rail was on the precipice of becoming a reality and the town centre had everything people needed, but it lacked the things that people wanted—things like entertainment and hospitality venues.

So locals began advocating for a cinema in the heart of Gungahlin, and ACT Labor heard their voices making an election commitment to release land for the development of the cinema. Following another ACT Labor election victory, the promise was delivered. The empty block on the corner of Efkarpidis Street and Hinder Street was made available by the ACT government and snapped up quickly by a purchaser who agreed to develop the site for a cinema.

Fast forward 11 years to today: Gungahlin is thriving. We have welcomed more people into our community and expanded our suburbs. We have a plethora of amazing local businesses, serving up delicious food, providing new services and selling high quality goods. We have upgrades coming all across Gungahlin, including to Yerrabi Pond, and we have a new health centre and tennis courts on the way.

There have been so, so many positive changes since 2012, but one thing that has not changed is the lack of a cinema. If you take a walk up Efkarpidis Street today you will stop at Hinder Street and see that there is not a lot going on where the cinema was supposed to have been longstanding.

Naturally constituents ask me why this is the case, and they ask it a lot. Many have lamented the fact that they continue to have to travel to Belconnen or Civic to see a

movie. I really do sympathise with this. For some people, including me, it is a mere annoyance of extra travel time, but for far too many it puts the cinema out of reach entirely.

For the benefit of members who may not have followed this saga closely over the years, I would like to share a summary of how we got here. Back before the 2012 election, ACT Labor made a commitment to release land for the development of a cinema and it did. Its construction would be the job of the developer. With this in mind, the ACT government's deed of agreement with the purchaser did its best to try and ensure the cinema would actually be built by including requirement that the site be developed to include a cinema. Unfortunately, after the deed was signed the project was plagued by eight whole years of delays on the part of the successful tenderer and competing cinema operators.

Finally, in April 2020 the ACT Planning and Land Authority approved a development application for a two-storey building with ground level commercial space on the site with an upper level cinema and approximately 117 car parking spaces which are always very popular in the Gungahlin town centre. It sounds great. Imagine all the benefits that this would have brought to Gungahlin: new businesses, more parking, better entertainment—really important things. As part of this planning approval, the developers were required to commence building works by 8 April 2023.

One more time: as part of this planning approval the developer was required to commence building works by 8 April 2023. Well, that was a few months ago now. Throughout this entire wasted decade the ACT Planning and Land Authority has diligently tried to openly communicate and work positively with the developer, but they have been stonewalled, and today there is no evidence that works have commenced. The same metal fence barricading a barren patch of dirt still sits there empty in the middle of the town centre.

There appears to be no appetite to fulfil their obligations under the deed and development application. Sadly, the government's vision for this block of land has been completely ignored. Quite frankly, it is an insult to the people of Gungahlin. They are sick of the lack of action and they just want to see this done.

Now, this project has faced lots of hurdles over the years. Lawsuits and a pandemic are nothing to scoff at. I get it and I am sympathetic, but sympathy only lasts so long. At a certain point, we require action. That is why I am moving this motion today. If the developer will not respond to good faith communication from the Planning and Land Authority, perhaps they will be shamed into action by being publicly called out here in the Assembly.

My motion today also calls on the ACT government to urgently explore options to secure and facilitate the development of the cinema. This may be with the developer's involvement, or it may not. At the end of the day, I want my constituents to feel reassured that this issue remains at the forefront of my mind. I am confident that the minister and the Planning and Land Authority are doing all that they can to make this cinema a reality. The developer should be supported in this endeavour if they show that they are acting in good faith, get their plans in order and start building as soon as possible. It should be that easy, Mr Assistant Speaker.

MR BRADDOCK (Yerrabi) (3.38): Mr Assistant Speaker, do you ever get that feeling that, in your heart, you want to support something, but you also know that it is not that simple? There may be good reasons why things have gone wrong; so it is frustratingly complicated. This is one of those things.

It is almost as bad as the Giralang shops—perhaps it could be even worse. There are certainly some similarities. A developer gains the rights to develop a site and proceeds to sit on their behind, leaving everyone exhausted by the impasse. So here we are again, talking about the cinema. While it is entirely appropriate to talk about something as specific as a particular block in the Gungahlin town centre, we must not lose sight of how this is a systemic problem for other projects across the city as well.

The concept that causes so much frustration to our community members is that, whilst a developer has been sold the lease to a piece of land, the sale carries a social contract. The community reasonably expects to benefit from the development and the use of that land. This community benefit can take many forms, including economic activity that creates jobs and similar opportunities; the provision of services such as technical training or a medical centre; and entertainment, such as restaurants or, in this case, a cinema.

When land is not developed, the community is left holding the can, languishing with lost opportunities. It may be in the form of someone having to commute further to work, lost economic activity, someone else missing out on employment or just a bored teenager lacking entertainment. These are critical things that should not be trivialised. All of this erodes the social licence of the developer.

Critique also rightfully needs to turn to the government. The ACT government has two main policy levers to nudge, drive, incentivise or enforce the development of land so as to generate this community benefit. The first is planning rules and lease conditions associated with that piece of land. The second consists of other economic levers.

Let us start with the planning system. As Mr Pettersson's motion demonstrates, the planning authority has been ineffectual in enforcing the obligations under the deed and commitments made as part of the DA process. It cannot even get a response from the developer. Is it a case of the planning authority lacking the capability or the will to enforce these conditions? I have a mind to call in the planning authority to explain why this may have been the case. Is the ACT government a toothless tiger, having great rules on the books but lacking the courage to actually enforce them?

What also concerns me about this motion is that it calls on the government to do some extremely basic things. I quote:

... explore ways to secure development for the site that will include cinema works as soon as possible ...

This is something that the government should have been doing for the past 10 years. Why has it taken a motion in this Assembly to call for this to happen? What has the government been doing for the past 10 years? Shouldn't we have progressed to the

point of ensuring that we, as a government, are able to enforce the lease and DA conditions associated with this particular block of land and seek remedy when they are not adhered to?

At the same time, with respect to this particular development and this developer, it has fallen off the rails more than any development should have the right to. From the start of the tender in 2013, through to the issuing of project approvals in 2017 and now to the present, it has been excruciating to see how things get drawn out, with legal cases and changing cinema operators.

The DA was approved in April 2020, less than a month after the public health emergency declaration. I can forgive the developer's hesitancy to commence construction during the pandemic, but it is now 2023. The DA has lapsed, and the time has now come to put up or shut up.

I mentioned the second tool that the government has. We should not be so naive as to presume it is always just the planning system that is the problem. Our economic development strategy can also fail to create the circumstances that incentivise development of a prime piece of land in the Gungahlin town centre. This, to me, represents an instance of failure in the government's economic development policy settings. The rates and land tax system have failed to sufficiently incentivise timely development of the parcel of land. I am sure that all members here could easily point to similar instances within their electorates, where land is left vacant and derelict, providing precisely zero community benefit. It is a testament to the failings of this government's economic settings to address land banking, or to adequately incentivise development for the benefit of the community.

I strongly encourage a review of rates and land tax to ensure that they are optimally set; otherwise the community will continue to miss out on the benefits that can arise from the development of such land. At the moment there appears to be a plethora of such cases. Most are not brought to the attention of the Assembly like this one today. Let us not treat this as a single, isolated issue, but as a symptom of suboptimal policy settings; otherwise the community will continue to suffer while other blocks of land remain undeveloped.

Where to from here? Members might recall that, back in June, I moved a motion calling for district-specific employment targets and improvements to our economic development strategy so as to support our districts. I deliberately did not mention the Gungahlin cinema fiasco at the time, and it is now worth talking about why.

Globally, the cinema industry is in a long-term decline. Data from the Motion Picture Distributors Association of Australia, which is published by Screen Australia, tells us that the industry peaked in the 1940s, when cinemas could expect to sell up to 20 tickets per head of population. This crashed in the late 1950s, with the advent of television, falling to 3.8 tickets per person in 1969. The introduction of the VHS in the late 1980s caused a further decline to 1.9 tickets per person. There was a resurgence of interest in the years that followed, with ticket sales managing to get back up as high as 4.8 tickets per person in 2001. This was the era of blockbusters like *Titanic*, *Shrek*, the *Star Wars* prequels, *Finding Nemo* and *Pirates of the Caribbean*. Then YouTube launched in 2005 and cinema ticket numbers have been trending down ever since.

To no-one's surprise, pandemic lockdowns and physical distancing restrictions cut hard into cinema attendances. In 2020, cinemas sold just 1.1 tickets per person, the lowest on record. In 2022, it managed to get back up to 2.2. These numbers are as low as the early VHS era, and cinema operators are still weighing up whether the industry has a future that will overcome the novel streaming services like Stan and Netflix, which launched in 2015. They are probably getting close to working out whether the behaviour of cinemagoers has structurally changed or whether a return to the popularity of the early 2000s is possible.

What does this mean? It means that establishing a new cinema is a significantly risky exercise. In this context, it does not surprise me in the slightest to hear that cinema development plans have been put on ice, be it in Gungahlin or anywhere else in the world.

To be clear, I want to see the government pulling its finger out and getting stuff happening in Gungahlin, creating employment and entertainment options and using both the planning and economic levers it has at its disposal, so that the community can enjoy such benefits as jobs, services and entertainment. Ideally, there will be a cinema, as part of the commitment, but in this economy, with this leadership, I will take what I can get in Gungahlin.

MR MILLIGAN (Yerrabi) (3.47): I rise today to talk to Mr Pettersson's motion. I recall that we have spoken on this topic in the past during this term, with a motion brought forward by Mr Braddock. Clearly, this issue of a cinema in Gungahlin has not been resolved.

I will give a recap of this saga. The cinema saga began 11 years ago. In 2012 the ACT government chose the corner of Efkarpidis Street and Hinder Street in Gungahlin town centre for the development of this cinema. The initial delays with the cinema had a lot to do with the government not enforcing development requirements with the successful bidder, which took four years to be resolved.

The developer then made a mistake by endorsing two cinema operators, resulting in lengthy court delays. On 7 April 2020, a resolution was reached. The development application was approved with some conditions, and relevant plans for the development were endorsed. This triggered a two-year time frame for construction to commence. It is obvious that the COVID crisis severely impacted commercial development in Canberra, including the possible start of this cinema.

The motion also notes that this time line specifies that commencement of construction was to start by 8 April 2023, which has obviously not occurred. A viable outcome could be to support the developer to ensure that the cinema development proceeds and is completed in a timely manner. Having read this motion today, however, it would appear that the government has reached out to the developer on two occasions, without any response.

I note that, in the "calls on", it says that the government should explore options to facilitate the development of a cinema. Does this include either working with the

current developer or going back out to market? Mr Pettersson raised in his speech that they are two options that the government could explore.

I also note what Mr Braddock mentioned—that the situation in the community has changed. A lot of people have big screens at home and have signed up to Netflix, Stan and the like. My concern is about whether the boat has sailed for the cinema. Have we lost that opportunity? If it had been built back when it was meant to be started, we could have created a whole culture with Yerrabi residents going to the cinema locally. They have now changed their ways of entertainment and have signed on to these online services, so it might be somewhat difficult to get people to go back to cinemas. We should give it every shot to ensure that this happens.

More broadly than the cinema in Gungahlin, this government should be proactive in supporting the development and construction of a far broader range of retail, entertainment and hospitality venues in the Gungahlin area. This is needed to increase the critical mass and patronage necessary to sustain a growing local population. A strong message needs to be sent that commercial development is important for the growth of the Gungahlin town centre. The commercial sector needs to be convinced that this government will ensure that the right environment is provided for these businesses to set up and flourish.

The Canberra Liberals and I certainly accept the importance of exploring the development of this cinema. A lot of people in the community, particularly in Yerrabi, want to see this cinema built. We think it is very important and that it should go ahead. I also support Ms Castley’s proposed amendment to the motion. I think that it makes a lot of sense and that it represents transparency and accountability, which no doubt Ms Castley will speak to very shortly. We want to see this cinema, and we support this motion.

MS CASTLEY (Yerrabi) (3.52): I move:

Add new paragraph after (3)(c):

“(d) report to the Assembly by the last sitting week in 2023 with all considerations from the Government for (3)(a), (b) and (c).”

I would like to thank Mr Pettersson for raising this issue. It is the second time in this parliamentary term and it is certainly important for the people of Yerrabi, as we have heard. We have all discussed it. We have been crying out for more entertainment in our town centre as well as more commercial and hospitality venues.

This is the second motion this year from a Yerrabi backbencher that has visited previous motions from this term. Mr Braddock mentioned his motion from June this year, revisiting economic development in Gungahlin, because the previous attempts to elevate this issue have failed to capture his government’s attention.

Similarly, in December 2021, Mr Pettersson brought this issue to the Assembly, stating that it was something he was deeply passionate about. Mr Pettersson asked the government to meet with the developer of the Gungahlin cinema within the month to determine their capacity to secure finance, commence construction within the

development approval deadlines and deliver a cinema complex for the residents of Gungahlin, yet no construction has commenced. He also asked the government to confirm its ongoing commitment to delivering a cinema in Gungahlin, yet not one minister responded to Mr Pettersson's motion and they failed to meet within a month with the developer, as he called on them to do. Today, again, Mr Pettersson raises the issue of the Gungahlin cinema.

I have to ask what happened when the government met with Krnc to determine their capacity to deliver the cinema. As far as I can see from the government's update on 24 March, EPSDD met with the developer before Mr Pettersson's motion in the Assembly, and again more than a month after. They determined that the developer was seeking to move forward with the project, given the more normalised operating conditions into the future.

What has happened? We cannot forget that this was an election commitment in 2012. The history of the development of the cinema has been complex. We have all talked about it and we canvassed that back in 2021. Essentially, Mr Assistant Speaker, all you need to know is that a competitive tender process occurred in 2013, yet we still do not have a cinema in Gungahlin. It is a fiasco. It has gone on for far too long. The people of Gungahlin that I speak to are fed up.

Some of the families with kids who were 12 years old in 2013, mine included, were excited about the news of a cinema being built in their town centre, and they are now 22. This is not good enough for our town centre which, as I said, has been crying out for more entertainment, hospitality and commercial space, so that it does not become a place where people just sleep and leave.

Mr Pettersson has placed the blame squarely on the developer in this motion and in his motion in 2021, yet back then there was tripartisan support asking for the government to confirm its ongoing commitment to deliver a cinema, meet with the developer and determine their capacity to deliver a cinema, consider setting an end date for the completion of works under the lease, revise guidelines for granting extensions on development applications, and encourage retail, entertainment and hospitality providers to commence or expand operations in Gungahlin.

After this tripartisan support, we still have no cinema. The meeting with the developer clearly did not yield any result. Reviews were agreed to and essentially the government said that they will not look at Gungahlin town centre specifically for entertainment, retail and hospitality operations.

Clearly, the developer has not started construction, as Mr Pettersson raised in this motion. Did they fail to accurately determine the developer's capacity, or was there some other factor which has prevented construction? Why can't the government look at how they can improve Gungahlin as a town centre and attract these businesses that residents are desperate for?

Mr Pettersson is bringing his second motion, like Mr Braddock did a few months ago, to again call on his own government to take action. But just what is Mr Pettersson asking members to agree to? Recently, Minister Stephen-Smith boasted at a national Labor conference that the Barr-Rattenbury government managed to get drug

decriminalisation reforms through “quietly” by way of a private member’s bill. She said that a private member’s bill was a common strategy to enact reform. Let us not forget that it was Mr Pettersson that sponsored this bill to enable the government to rush it through without making the electorate aware.

Now he is asking members of the Assembly to “urgently explore options to facilitate the development of the cinema”. This is an extremely vague “calls on” from someone in a government that we no longer trust. There is nothing that this government is not prepared to do to get their way.

The Canberra Liberals, unfortunately, do have a few trust issues with Mr Pettersson as a Labor government backbencher, especially with the vague “calls on” for the government to “explore options and ways” to facilitate the development of a cinema without knowing what these options are, although I believe Mr Pettersson did touch on those in his speech earlier.

Mr Pettersson also asks the government to reassure the Gungahlin community that its commitment to deliver a cinema is genuine. How does the government plan to do that? We are keen to know. As I said before, my amendment calls on the government to do that. I reiterate that we will support the development of a cinema, as we demonstrated in 2021.

The Canberra Liberals do support bringing more retail, hospitality and entertainment operations into Gungahlin—something that this government seem to be incapable of doing and have struggled to do for the last 20 years. Unfortunately, we have learnt that the government and their backbenchers are sneaky and underhanded. They like to keep things from the electorate and then enact them quickly and quietly.

As I say, I have circulated this amendment and I am hopeful that they agree to give us a bit more transparency by reporting back to the Assembly by the end of 2023 and letting us know what the government have considered.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (3.58): The government remains committed to supporting the delivery of a cinema for the Gungahlin community. To date the relevant planning approvals have been obtained and the planning and land authority has been working with the proponent to assist with the progression of the development. Despite this, I do share the disappointment of the community that there has been no action on the ground from the developer to date to bring the cinema to fruition. I acknowledge the frustration that the Gungahlin community feels after waiting years for a developer to follow through on their commitment.

On 7 April 2020, the planning and land authority conditionally approved development application DA201936502 for the construction of a two-storey building, approximately 117 car parking spaces, ground-level commercial space, upper-level cinema space and associated offsite works at block 1 section 12 Gungahlin. The DA included a requirement to commence works within two years and complete works within two years of the commencement date.

These were standard provisions for a DA. However, following the COVID emergency, these standard provisions were extended to three years for commencement. The Planning and Development Act 2007 includes provisions for the authority to extend DAs where there have been delays in the development process. These provisions are not in place as a penalty mechanism but are intended to ensure an approval is in effect for a reasonable time to undertake the development.

Given the changes to standard expiry time frames and the delays with the development, the authority will continue to assist the proponent with the DA time frames where appropriate. I acknowledge the positive work of the directorate to date to help facilitate this outcome, but it is up to the developer to make good on their commitment.

As many people are aware, the developer entered into a deed of agreement with the ACT. The deed was established to ensure that a certain level of development could be achieved across the whole block 1 section 12 Gungahlin. Since the commencement of the deed, development has occurred on block 1, which has been subdivided into three blocks.

The Gungahlin cinema site is now proposed for block 2 section 12, and a Crown lease has been granted across the site. The Crown lease is the mechanism to mandate a cinema on the subject site. On 28 February 2022, a Crown lease was granted to block 2 section 12 Gungahlin. The purpose clause in the lease states that the premises must be used for the purpose of an indoor entertainment facility, which must include a cinema with a minimum gross floor area of 3,000 square metres.

The lease includes a building covenant clause to complete the development within 24 months from the date of the lease. It is noted that an extension of time can be granted by the authority under this clause, and in usual circumstances it would be granted. Building covenant time frames within a Crown lease are entered into to ensure lessees do not transfer vacant blocks; they are also in place to avoid land banking.

When a developer complies with the provisions, the developer is issued a certificate of compliance to onsell the development. If provisions have not been complied with, the lessee is able to apply to the authority to extend the time frames before the certificate of compliance can be issued. The extension of time processes for the building covenants is subject to fees, and these fees increase as the building time frame increases.

In summary, I would like to acknowledge that the proponent is not currently in breach of the requirements of the Crown lease, but implore them to engage positively with the directorate and the community to deliver the long-awaited cinema. The proponent has applied and successfully obtained a development approval. The development approval is subject to legislative requirements which allow for extensions to DA time frames.

The developer also currently has the opportunity to extend the building covenants in the Crown lease. These applications are open to any leaseholder, and the lessee can make an application for any desired time frame. However, this will be of little

consolation to the Gungahlin community, who continue to wait for the opportunity to enjoy a trip to the cinema in their own town centre.

There are limited opportunities for the government to intervene at this stage of the development, given that there is currently no breach by the developer. However, the authority is progressing the proposal where possible and liaises regularly with the developer to see to it that the development approval remains active. I implore the developer to fulfil their promise to the community and progress this development as soon as possible.

MR PETTERSSON (Yerrabi) (4.03): In closing, I would like to thank all members for their contributions today—some more than others. Inasmuch as Ms Castley’s contribution was somewhat personal in nature, I can confirm that I do support the amendment. Sitting on this side of the chamber, I often do not feel the need to include clauses such as the one that Ms Castley has proposed, so I do appreciate her putting forward that amendment. I think that it makes the motion even better.

I also want to thank the Gungahlin community for their patience over many years. I know that there is a deep, bubbling frustration, but Gungahlin residents are a polite and kind people, and they want to see this resolved in a sensible manner.

The case for a cinema in Gungahlin is strong. I was somewhat surprised by some of the contributions today, talking down the cinema, as if it was an experience of yesteryear, which cannot be further from the truth. New cinemas are opening up, as we speak, right around the country. People want to go to the movies. I find it unsettling to hear some members in this place cast doubt or uncertainty on the need for a cinema in Gungahlin, but I am sure that their doubts will not creep over to the views of the community. I also appreciate that this Assembly will be supporting this motion today, and I thank members once again for their contributions.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Canberra—cost of living

MS LEE (Kurrajong—Leader of the Opposition) (4.06): I move:

That this Assembly:

(1) notes that:

- (a) Canberrans are facing a cost of living crisis, with living costs in the ACT reaching their highest levels in 20 years;
- (b) over the past five years, Canberrans have experienced significant price increases for essential goods and services, with more increases to essential healthcare to come under the ACT Labor-Greens Government;
- (c) mortgage interest charges having increased by over 91 percent in the last year; and

- (d) the ACT Labor-Greens Government is increasing the tax burden on ACT taxpayers by collecting over \$7 billion in tax from Canberrans over the last three years, an increase of nearly \$2 billion from the previous three years;
- (2) further notes that at a time when Canberrans are facing a cost of living crisis, the ACT Labor-Greens Government:
 - (a) has wasted over \$76 million and counting on the abandoned HRIMS system;
 - (b) has wasted over \$10 million on the Canberra Institute of Technology (CIT) contracts debacle;
 - (c) continues to pay the salary of two chief executive officers for CIT at a cost of over \$600,000 per year;
 - (d) continues to slug taxpayers \$2,000 a day to pay the salary of the outgoing Director of Public Prosecutions;
 - (e) has presided over a close to \$200 million cost blowout for the Canberra Hospital expansion project;
 - (f) mismanaged the Acton Waterfront project at a cost of \$33 million to ACT taxpayers;
 - (g) is spending over \$1.5 million on the rebranding of Canberra Health Services; and
 - (h) continues to waste \$400 million on interest payments on their skyrocketing debt; and
- (3) calls on the ACT Labor-Greens Government to acknowledge that their economic policies are contributing to the cost of living crisis and to apologise to Canberrans for wasting their money.

“The ACT is experiencing a cost of living crisis.” These are not my words; these are the words taken directly from the *2023 Cost of Living Report* by ACTCOSS. Let us have a look at what else the report says:

Despite high average wages, Canberra continues to have the most expensive overall median rent prices and is the least affordable jurisdiction in the country for people on low incomes.

Consumer Price Index (CPI) increases, and cost of living unaffordability have worsened throughout the past year.

The Reserve Bank of Australia (RBA) has raised interest rates 12 times since April 2022. The cash rate is now at its highest rate in over ten years and even many homeowners are also struggling.

More and more people, including people in full time work, are experiencing hardship for the first time.

It is not just ACTCOSS who paint this grim picture. The latest figures from the ABS are just as disturbing. Over the last year, mortgage interest rates rose 91.6 per cent, which is the largest annual rise on record. Employee households recorded the largest annual rise in living costs on record. These figures show what we all know, what

people are telling us when we are out and about, and what they are writing to us about: Canberrans are hurting. Families, seniors, students and some of our most vulnerable are hurting.

The Canberra Liberals have stood in this chamber time and again, talking about the cost-of-living pressures on Canberrans. In response, we get the usual excuses from this Labor-Greens government. We are told about how they are working to alleviate the cost-of-living pressures. But here is the reality: this government's economic policies are putting more pressure on households, more pressure on seniors, more pressure on students, more pressure on some of our most vulnerable.

No clearer example of this can be found than in Mr Barr's recent decision to enforce payroll tax on GPs in the ACT. This decision by the ACT Labor-Greens government, we have been told, time and again, by the AMA and by the RACGP, will either bankrupt general practices in the ACT or make visiting a GP even more expensive for Canberrans. GPs will be forced to either pass on the cost to their patients or cut services, perhaps leading to closing their doors and leaving town. Canberra already has one of the lowest ratios of GPs per capita in the country and the highest out-of-pocket expenses in Australia to see a GP. This deliberate decision will make it even more unaffordable for many Canberrans to access essential health care.

Then we have the Chief Minister's own tax reform agenda—a policy that, in his own words, “is not about raising the overall tax the government receives”. Well, let us have a look at how much this Labor-Greens government actually collects from taxes on Canberrans as part of this tax reform. Since the Chief Minister announced his tax reform agenda, the amount of money the government collects from ACT taxpayers, including household rates, land tax, payroll, stamp duty, vehicle registrations et cetera, has more than doubled. That is an increase of over \$1.3 billion. That is right: the Chief Minister's taxation reform—which, I remind members again, the Chief Minister himself said is not about raising the overall amount of tax—has landed the government a \$1.3 billion windfall.

What are Canberrans getting for that massive windfall? Well, it is certainly not going to easing their cost-of-living pressures. Household rates have increased by an average of eight per cent per year over the last 10 years. The cost to register your vehicle has increased by six per cent over the last 10 years. The utilities tax that Canberrans pay has increased by eight per cent over the last 10 years. The ambulance levy and the emergency services levy both increased by over 10 per cent over the last 10 years. And the list goes on.

It is certainly not going to some of the most essential services that Canberrans should expect. Our health stem is in crisis. Emergency wait times are longer than anywhere else in Australia, and we have elective surgery wait times stretching out for years. Our nurses and doctors are leaving in droves and our hospital continues to lose its training accreditation across multiple departments. We have the lowest number of police per capita in the whole of Australia.

Hazardous materials and desperately needed maintenance in our schools have been neglected for years. Our teachers are dealing with unprecedented levels of violence and bullying in our schools every day. We have a housing crisis that is denying many

Canberrans their dream of owning their own home. Our local roads and basic facilities are in a state of disrepair and we have fewer public housing dwellings than a decade ago.

So, given Mr Barr has slugged Canberrans over a billion dollars in extra taxes, one can only ask: where is the money going, if not on essential services? If not on alleviating cost-of-living pressures, where is it going? The answer is waste and mismanagement. Let us have a look at some of the recent examples of waste and mismanagement that Canberrans are paying hundreds of millions of dollars for. There is the \$76 million, and counting, on the failed HRIMS project that is being decommissioned without ever being used. There are the millions and millions on the CIT contracts debacle. That is not even taking into consideration the fact that we are, to this day, still paying two CEOs. There is the ongoing cost of almost \$2,000 a day to pay the salary of the outgoing DPP.

There is the close to \$200 million blowout for the Canberra Hospital extension project. There is the mismanagement of the Acton Waterfront project, which has seen the contract expand by \$33 million. There is the \$1.45 million for the rebranding of Canberra Health Services. And this is the real kicker: \$400 million—which is over a million dollars a day—on interest repayments alone on the Chief Minister’s skyrocketing debt, and that of course is predicted to increase to about \$600 million a year in the forward estimates.

The Chief Minister and this government are very good at telling Canberrans time and again that they are doing everything they can to help with cost-of-living pressures. But there are two things that they can do right now to do just that, to ease the burden of cost-of-living pressures for Canberrans. First, they must review what their tax policies are doing to Canberrans and, second, they must stop wasting hundreds of millions of dollars of hard-earned taxpayer funds.

Canberrans are hurting. Canberra’s families, pensioners, retirees, young people and students are hurting. The Chief Minister likes to remind us that we have one of the highest average incomes in Australia, along with one of the lowest unemployment rates. That is true, but what the ACTCOSS report very, very soberly points out is that there are many, many Canberrans who are facing a genuine cost-of-living crisis.

Today, the Canberra Liberals are calling on the Labor-Greens government to admit the failures of their own economic policies and the tax reform agenda that has seen increases in rates, registration fees, levies and tax that are directly impacting the cost-of-living crisis for many Canberrans. Canberrans deserve an apology from this government for not using the increased tax revenue—money that Canberrans have worked hard for—to ease the cost-of-living pressures. Rather, this is a government that has wasted hundreds of millions of Canberra taxpayers’ funds through sheer incompetence, waste and mismanagement. I commend my motion to the Assembly.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (4.15): I move:

Omit all text after “That this Assembly”, substitute:

(1) notes that:

- (a) the prices of many essential products have increased across Australia in the last two years, and households are needing to spend more to maintain their relative standard of living;
 - (b) the ACT's inflation rate increased by 6.2 percent from March 2022 to March 2023, compared to 7.0 nationally, which is higher than the five-year ACT average annual increase of 3.4 percent;
 - (c) per capita taxation as a proportion of gross household disposable income in the ACT was 5.9 per cent in 2021-2022, compared with 9.6 percent in New South Wales and 10.7 percent in Victoria. Overall, Government taxes, fees and charges are a relatively small proportion of household costs in the ACT;
 - (d) while Canberrans generally enjoy a high standard of living, there are some households in our community who are struggling, with inflation and interest rates continuing to place pressure on household budgets; and
 - (e) increases to the cost of living, in particular residential costs, disproportionately affect vulnerable households as a greater proportion of their income is required to meet these costs;
- (2) acknowledges that:
- (a) on 9 February 2023, the Legislative Assembly resolved to establish a Select Committee to inquire into Cost-of-Living Pressures in the ACT, which delivered its report in May 2023; and
 - (b) on 11 May 2023, the Committee tabled its report in the Assembly. The report made 52 recommendations to address the cost-of-living pressures, which informed some of the cost-of-living measures funded in the 2023-2024 ACT Budget;
- (3) notes that in the 2023-2024 ACT Budget, tabled on 27 June 2023, the Government introduced new initiatives, and expanded existing ones, to reduce some of the cost-of-living pressures faced by the most disadvantaged and vulnerable members of our community, including through:
- (a) energy and water bill relief:
 - (i) extending the utilities concession to Commonwealth Health Care Card holders, benefitting around 12,000 additional low-income and low-wealth households, taking the total number of eligible households to around 43,800;
 - (ii) extending the one-off increase to the utilities concession for a further year – meaning the total rebate in 2023-2024 is \$800; and
 - (iii) partnering with the Commonwealth Government to provide energy bill relief to Canberrans. Eligible low-income households with an average electricity consumption will receive around \$327 in additional energy assistance in 2023-2024;
 - (b) housing affordability measures, in recognition that housing costs are the largest expenditure faced by households in the ACT and Australia, including:
 - (i) creation of a \$60 million Affordable Housing Fund – the first of its kind in the ACT – to significantly grow the number of long-term affordable rental homes;

- (ii) investing \$233 million in public housing growth, repairs and renewal;
 - (iii) providing \$11 million to support further land release, alongside continued planning reform to enable the private market to deliver as much new housing as possible;
 - (iv) funding for a second large-scale Build-to-Rent project in Gungahlin, following the release of land in Turner for a pilot Build-to-Rent Project – with both projects including an affordable rental component;
 - (v) a one-off \$250 booster payment to households on the priority housing wait list; and
 - (vi) establishing and extending a Rental Relief Fund for people facing immediate difficulty in meeting rental payments; and
- (c) other concessions, such as:
- (i) the Pensioner General Rates and PFESL Rebate, providing around 15,300 households a rebate of up to \$750 per year for general rates and \$98 PFESL rebate per year;
 - (ii) the Conveyance duty concessions – providing 4,800 eligible home buyers up to 100 percent discount on conveyance duty;
 - (iii) spectacle subsidy scheme providing around 10,600 Canberrans with a subsidy of up to \$200 for spectacles;
 - (iv) motor vehicle registration concessions providing 63,900 ACT drivers with up to a 100 percent discount on motor vehicle registration fees;
 - (v) driver licence concessions providing around 6,000 ACT drivers with up to a 100 percent discount on driver licence fees; and
 - (vi) public transport concessions providing reduced or free fares on Transport Canberra bus and light rail services for over 5.9 million trips;
- (4) finally notes that the Commonwealth Government has introduced a number of cost-of-living measures, in partnership with the Territory, or on their own, including:
- (a) cheaper child-care, with Child Care Subsidy rates up to 90 percent for eligible families;
 - (b) new Paid Parental Leave Scheme, meaning around 180,000 families will be able to receive the payment for up to 20 weeks, and increasing to up to 26 weeks by 2026;
 - (c) cheaper medicines through 60-day dispensing;
 - (d) bulk billing incentives for the most common GP consultations for children under 16 years, pensioners, and other Commonwealth concession card holders;
 - (e) energy rebates with up to \$3 billion of direct bill relief for vulnerable households and small businesses;
 - (f) expanding eligibility for the Single Parenting Payment meaning that around 57,000 eligible single parents will receive an extra \$176.90 per fortnight;

- (g) increasing the rate for JobSeeker, Austudy and Youth Allowance payments; and
 - (h) providing the largest increase to Commonwealth Rent Assistance in over 30 years, increasing the maximum rates by 15 percent for eligible recipients; and
- (5) calls on the ACT Government to:
- (a) monitor the reach and effectiveness of its awareness raising campaign to help all eligible Canberrans easily access the concessions and supports they are entitled to, to ease cost of living pressures; and
 - (b) respond to the Select Committee into Cost of Living in the ACT's Final Report on or before 11 September 2023.”.

My amendment omits all words after “(1) notes that” and substitutes the following facts.

The prices of many essential products have increased in Australia over the last two years, as they have around the world, as a result of the pandemic and the war in Ukraine. Households are needing to spend more to maintain their relative standard of living. Wage growth, as a deliberate design structure of the former federal government, was kept to an absolute minimum, although that is now starting to change, and the wage price index now has a three in front of it, whereas it was stuck with a two in front of it through most of the past decade. Fortunately, here in the ACT our inflation rate has been a little lower than the rest of the nation. It increased by 6.2 per cent over the 12 months to March 2023, compared to seven per cent nationally. It is, of course, higher than the five-year ACT average annual increase of 3.4.

When we look at per capita taxation as a proportion of gross household disposable income, we see that comparative, for example, to New South Wales and Victoria, the ACT, at 5.9 per cent, compares very favourably with New South Wales, at 9.6, and Victoria, at 10.7, noting that ACT government taxes, fees and charges are a relatively small proportion of household costs in the ACT. People pay five to 10 times as much tax to the commonwealth government as they do to the territory government. That is the nature of the income tax system and the high incomes in the territory.

As I think even Ms Lee acknowledges, Canberrans generally enjoy a high standard of living. Yes, it is amongst the highest standard of living of any people anywhere in the world. But there are some households in our community who are struggling. Inflation and higher interest rates have placed pressure on their household budgets. Roughly about a third of our city rents, about a third have a mortgage and about a third have fully paid off and own their own home outright. The section of the community who are experiencing the most difficulty are those who are exposed to either interest rate mortgage increases or rental increases.

That third of the community who are not experiencing housing cost increases because they own outright tend to be older and wealthier. They are also benefiting because they tend to be self-funded retirees, benefiting from higher interest rates, in that their deposits, their savings, are earning more interest than was the case previously. That is, I think, an underlying factor as to why the ACT's retail trade figures, for example, have shown the strongest growth of all of the states and territories.

So this cost-of-living impact is hitting different parts of the community in different ways. There is a section of the community who are in fact largely shielded from much of that and are clearly spending, because the retail data is supporting that. Increased cost-of-living costs, and particularly residential costs, disproportionately affect vulnerable households, as a greater proportion of their income is required to meet those costs. I think they are all noted and understood and, I would hope, shared facts in relation to where our economy is at the moment.

My amendment seeks to acknowledge that the Assembly resolved to establish a select committee to inquire into cost-of-living pressures, and that that committee delivered its report in May. The report made 52 recommendations. Some of those recommendations informed some of the cost-of-living measures that were funded in the June territory budget.

In that budget, which I tabled at the end of June, the government introduced new initiatives and expanded a range of existing ones to reduce cost-of-living pressures faced by the most disadvantaged and vulnerable members of our community. That included energy and water bill relief, which I outlined in the amendment. It also included partnering with the commonwealth in relation to a very significant national energy bill relief program.

We invested in housing affordability measures, including an affordable housing fund and investing in public housing growth, repair and renewal, as well as further land release, funding for large-scale build-to-rent projects, a one-off cash payment to households on our priority housing waiting list and establishing and extending the Rent Relief Fund. We also provided additional assistance to a number of commonwealth concession card holders. The details are outlined in part (c), relating to other concessions, in my amendment.

I also note that we have been working with the commonwealth, and they have been undertaking initiatives of their own, to address cost-of-living pressures. I want to acknowledge the increase in the childcare subsidy, the new paid parental leave scheme and the 60-day dispensing that will lead to cheaper medicines and the need for fewer GP appointments, which I understand is going to be in the millions each year. It will be in the hundreds of thousands in the ACT, through fewer GP appointments as a result of that policy decision. I think that is important. It takes the pressure off GPs.

There are also the bulk-billing incentives that were announced for the most common GP consultations for children under 16, pensioners and other commonwealth concession card holders. In that context, it is worth looking at how that plays out across the nation. My attention has been drawn to an assessment of bulk-billing across every primary healthcare network in the country. Every single one, bar the ACT, achieves a 70 per cent bulk-billing rate or higher—every single one.

In the ACT 68.5 per cent of the consultations of under 16-year-olds were bulk-billed in the June quarter of 2023-24. So we can get above 65 per cent on under-16s; we are already doing that. In parts of New South Wales—for example, in Western Sydney—97.6 per cent of under-16s are able to be bulk-billed. Even on the North Shore of

Sydney, 81.8 per cent are able to be bulk-billed. The national average for bulk-billing for under 16-year-olds is 88 per cent. In the ACT it is 68.5.

I look now at the over-65s. What is the bulk-billing rate nationally? For the over-65s, 85.8 per cent of presentations are bulk-billed in Australia and 68.9 per cent in the territory. Again, on the North Shore of Sydney 81 per cent of over-65s are bulk-billed. Across 31 primary healthcare networks, everyone except the ACT manages to get bulk-billing over 70 per cent and, for the cohorts that are targeted for the tripling of the incentive, as high as 98 per cent. Asking for 65 per cent across the board is being achieved in 30 of the 31 primary healthcare networks across Australia, including in areas richer than the ACT.

I think it is very, very important, as part of this initiative to reform primary health care, that we get better outcomes on bulk-billing in the ACT. The commonwealth has put money on the table—a tripling of the incentive, particularly for kids and older people. It is a good initiative and one that took a federal Labor government to implement. We are going to back that by providing a tax exemption if we can get not even to the national average but within 10 percentage points of where the rest of the country is at, to lift from being last on the bulk-billing level by 20 percentage points, to do a bit better. The commonwealth is throwing money at it. We are prepared to put some money on the table as well. That would be an important outcome to address access to health care.

But we have to do more. We have to expand the scope of practice for pharmacists and registered nurses. We have to cut millions of appointments, unnecessary ones, to renew prescriptions that are automatically renewed. So 60 days rather than 30 will free up a lot of capacity in primary health care. That is why it is a reform that has been recommended for some time, and why it is unbelievable that the LNP were seeking to block it in the Senate—unbelievable! They failed, so it is going ahead. That is a really good thing.

Allowing pharmacists to do more and allowing nurses to do more is an important part of improving access to health care. That is touched upon in my amendment. It is an important part of primary healthcare reform. There will be a dedicated national cabinet meeting on this particular issue of primary health care later this year. Out of that, I hope that we can start taking further steps to strengthen Medicare, to improve access not just for Canberrans but for all Australians.

I also note in my amendment that there are a number of other commonwealth supported and targeted programs that support single parents, that increase the rate of Jobseeker, Austudy and Youth Allowance and that provide the largest increase to commonwealth rent assistance in over 30 years. They are targeted to areas where people are experiencing genuine cost-of-living pressures. I think it is important that we focus on those. I think it is important that the government, at the territory level, continues to work with the commonwealth on the sorts of reforms that will deliver real, long-term benefits for this community.

In the remaining time in this debate, I want to acknowledge the Leader of the Opposition's concern in relation to interest payments. I note that she never mentions

the increase in earnings from the territory's investments that sit on the other side of a higher interest rate environment. Our interest payments on cash at bank and our investments are also returning more than a million dollars a day, Ms Lee, and our debt has gone to finance infrastructure for our growing city. Debt is not evil. Households have debt. They have debt for their housing and to meet their future needs. Debt is not unreasonable.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.31): I am pleased to join in this debate today, considering that the cost-of-living pressures being faced by members of our community are in really sharp focus for a lot of people. As living costs continue to increase, we know that some Canberrans are struggling. They are finding it difficult in different ways.

All we have to do is either have what I will call “the conversation” or see what is being reported in the press, whether it is about the increase in interest rates and the impact that has had on people's home repayments or the increases flowing through to other housing costs. Just last week, there were significant public reports on the cost of food going up, particularly fresh fruit and vegetables, and the impact that has on people's ability to eat healthy foods, and of course there is the broader impact on the cost of housing, whether it flows through as increased construction costs or increases in rents. All these things are putting the squeeze on a significant number of people in our community.

We know that we need to target our support programs to make sure that the resources that are available to government are particularly flowing to those who need them the most. It can be risky if we see a scenario where, if you do not target it effectively, some people who perhaps do not need the support as much get in the queue ahead of those who sincerely need the help.

Certainly, there are several areas in my portfolios that relate to cost-of-living pressures that I thought I would reflect on a bit today. Those include issues of rent relief, rental standards, electricity and gas prices, and energy efficiency incentives and support. These are all concrete areas and demonstrate the point I am trying to make. The government does have a role to play. The government can do it effectively, but it needs to be thoughtfully targeted to support those most in need.

Firstly, on energy, we are delivering a range of programs, rebates and supports to help reduce energy costs for low income households, as outlined in the amendment put forward by the Chief Minister. This includes the utility concession to support households with utility bills, the commonwealth government's Energy Price Relief Plan that is providing targeted energy bill relief to households and businesses, and the ACT's large-scale feed-in tariff scheme that is assisting households by returning payments to ACT electricity consumers in 2023-24.

It has been spoken of before, but I was particularly relieved to see regulated electricity prices in the ACT go up by 4.15 per cent this year. Nobody loves an increase, but that is certainly below the rate of inflation and it is well below the increases we have seen in other jurisdictions that have been north of 20 per cent. When you add the commonwealth's Energy Price Relief Plan to the various concessions being supported

by the ACT government, some electricity account holders in the ACT will actually see their bills go down this year. Those sorts of measures significantly help ease the pressure on some of those households and make way for a bit of space in the household budget.

These are really practical measures and I am particularly pleased that the ACT's investments in renewable energy have been beneficial in helping to deliver relative price stability for residents of the ACT as we work to cut emissions and electrify our city. Ensuring a just transition, with support for those who need it, remains a high priority.

What we know is that moving to an electrified household is a cost-saving measure. There is, of course, an up-front cost, but the work that we have done identifies that, for an average three-bedroom household with four people in the ACT with gas appliances at the moment, moving to electrification would save more than \$2,000 a year in energy bills. This is a really important saving, but we need to understand that not everybody has the up-front capital or perhaps money in their mortgage offset to be able to make that initial investment, which is why we have a range of measures in place to help people address those up-front costs.

The integrated energy plan, which is currently under development, will guide our electrification pathway. One of the key considerations in that is making sure we do it in a way that supports people who need financial assistance and other measures, to ensure that this is a just transition and that we do not leave some people behind—that is, people on lower incomes, people who are renting and the like, finding themselves trapped in an expensive set-up in their homes. Support for low income households and renters is a central consideration that is shaping the development of the integrated energy plan.

Housing, of course, is a major cost for most Canberrans. For most households, it is their single largest expense. This is particularly so for renters. We are working to support low income households with rent costs and to make life as a renter more secure, fair and comfortable. To support rental households in times of hardship, the Rent Relief Fund provides grants to low income private tenants for up to four weeks of rent, capped at \$2,500. This is a program that was funded last year and has been extended. It is an important program. It has been administered for the government by Care Financial Services.

The feedback we have had from people who have accessed the program in its early phases has been very powerful. People say it helped them cope when they got an unexpected bill, to make sure they were able to maintain their tenancy, and it helped them pay a medical bill when they had lost their job and needed to find new work. These payments have helped them retain their tenancy, maintain stable housing, make it over a hump in their life and be able to continue supporting their household in whatever shape that household takes. I am very pleased with the feedback.

What has also happened is that, because Care are administering it for the government, people are also getting a broader set of services. Care, through their financial counselling skills, are not only administering the payments but also helping people to develop longer term strategies to improve their financial situation.

It is well-known in this place—it has been discussed many times—that we recently reformed ACT tenancy laws to remove no-cause evictions, meaning that landlords can no longer end a tenancy simply because they want to raise the rent. ACT tenancy laws also contain nation-leading protections for tenants in periodic tenancies against excessive rent rate increases. These measures have been important reforms to seek to strike a balance in the rental market and make sure that tenants do not find themselves subjected to unreasonable rent increases.

To improve comfort and reduce energy costs for renters, this year we introduced the minimum mandatory requirements for insulation in rental properties. I have spoken about these a number of times. People know my view on this. This will not only improve the quality of life of renters, keeping their homes warmer in winter and cooler in summer, but also reduce their energy bills. These are the sorts of things that make a lasting impact. Cost-of-living pressures are particularly acute at the moment, but for low income households they are a constant. That is why these sorts of long-term measures make a lasting impact in helping people to manage their budgets and tackle the cost-of-living pressures they face. We know these are challenging times for some people in our community, and we are committed to continuing to support those who need it and to making Canberra an equitable and inclusive place to live.

In today's debate it is our intent to vote in support of the amendment moved by the Chief Minister. That amendment outlines a range of measures that the government has put in place, some of which I have touched on already, but it touches on quite a number of others. There are a couple of points that I particularly want highlight in the Chief Minister's amendment, including the expansion of the utilities concession this year to commonwealth health card holders, which benefits around 12,000 additional low income and low wealth households. This takes the total number of eligible households to around 43,800. This is a big increase—2,000 households. This is a concession of \$800 a year for their energy bills, and that will make a material impact for the households that tend to have the lowest incomes in our community.

The other point I would make that I think is quite important and is highlighted in the Chief Minister's amendment is the campaign that has now been launched by the ACT government to raise people's awareness of the supports that are available to them. This is some of the feedback we also get from Care, through things like the Rent Relief Fund: often people do not know about the supports that are available to them. I would encourage all members of this place, when they have the opportunity, to draw attention to the ACT government website which outlines for people the sorts of supports that are available, because that is a really effective and practical way of supporting members of our community.

With those few remarks, the ACT Greens members will be supporting the Chief Minister's amendment today. We believe it outlines important information for our community and underlines that all members of this government—Greens members and Labor members—understand the cost-of-living pressures that our community is facing and that we are taking concrete actions to seek to support Canberrans through this particularly acute phase of inflation in our country.

MR DAVIS (Brindabella) (4.41): I thank Ms Lee for the motion and acknowledge that I will be supporting the amendment proposed by the Chief Minister, which I think goes some way to outlining the work that the government is doing to tackle the cost-of-living crisis and, in particular, the focused investment on those in our community who are doing it toughest. It is my view, and it is the view of the ACT Greens, that progressive governments have a responsibility, when the free market disproportionately burdens those with the least, to step in and ensure that appropriate government supports are provided. While we describe what we are currently living through as a cost-of-living crisis, it could perhaps more aptly be described as an inequality crisis.

Economic headwinds like the ones that we are currently living through, with rising interest rates and inflation, disproportionately burden those in our community who were already suffering under the excesses of free market, unregulated capitalism. It exposes these challenges to us and it insists on even more investment to support these Canberrans.

I have said before in this place that I do not think there is a tougher place in this country to live if you are poor than Canberra. That is a consequence of our city's design and its history. As the home of government, we have a stable workforce and a high median household income that manifests in high average house prices. On the whole, most Canberrans live a very nice life, and certainly, relative to most people across this country and, indeed, across the world, Canberrans enjoy one of the highest standards of living anywhere in the world. Certainly, I would not want to live anywhere else but the ACT. I can certainly relate to the experience of going without, being hungry and not having a safe roof over one's head in one of the best cities in the world, and I can tell you that it is disproportionately tougher here.

That is why I was really pleased, earlier this year, to be asked to lead the Select Committee on Cost of Living Pressures in the ACT. I was pleased that committee was tripartisan, with a member representing each of the political parties in this place. That committee received 35 submissions from individuals, peak bodies, service providers and everyday Canberrans explaining to us, both in academic terms and from real lived experience, what this cost-of-living crisis means for them. As a consequence, the three members from three different political parties and three different political philosophies were able to agree on 52 recommendations that the committee made to government on where the government can improve its policy, regulatory and investment response to support Canberrans disproportionately suffering under this inequality crisis.

While the ACT government has not formally responded to that cost of living inquiry, I am particularly pleased to see that a number of its recommendations—and indeed recommendations from the community sector and everyday Canberrans that flowed through the committee process—informed the development of the 2023-24 ACT budget. A number of investments have been made as a consequence of this work. One in particular that I was very pleased to see was a substantial increase to the Utility Concessions scheme. The Utility Concessions scheme saw the one-off payment of \$750 increased to \$800, taking into account the effect of inflation on people's energy

bills. But what I was particularly pleased to see is that we were able to expand access to that scheme to every Canberran with a commonwealth Health Care Card. That increased access to the utility concession rebate by over 12,000 more Canberra households, coming in at a total of more than 43,800 Canberra households.

A bit more niche and a bit more bespoke but no less important, the committee heard an awful lot of evidence from advocates in the disability space about the shortcomings in the Taxi Subsidy Scheme. For those unfamiliar, the scheme provides financial assistance to ACT residents with a disability or significant mobility restrictions. This was identified as requiring improvements, and I am pleased to see that, in the most recent budget, there was an increase in the financial cap and a significant increase in trip number allocations in direct response to the advocates who engaged in the committee process.

We know that another challenge for a number of people in our community living on the margins is that it is an unfortunate reality that they are disproportionately caught up in our criminal justice system. That is why it is so important that the territory invests in strong and equitable legal aid services to support those Canberrans. The committee heard a very specific request from Legal Aid ACT—that, with the increased demand on its services, it required at least an additional \$250,000 per year to maintain those services. I am pleased to see that, after the committee had made that recommendation, it was indeed funded in the last ACT budget.

Motions like this are really important, and it is really important that members engage in these debates. I can certainly say that, in my experience, and I am sure it is the same for every one of the 25 members in this place, an awful lot of my time as a member is spent working with those in my constituency who are disproportionately suffering with this inequality crisis. For some, it is about advocating on their behalf for public housing. For others, it is about helping them access support and a refuge so that they have a safe place to sleep that night. For some parents who contacted my office and explained the burden of getting their children back to school, it was about making them aware of the government's Future of Education Equity Fund grants and making sure that they could access that real-time funding.

For one constituent I met three weeks ago at my electorate office at Jindebah Cafe, it was about making him aware of the free government dental healthcare program that he was not aware of to that point. He was particularly proud to visit me three weeks later after having accessed that service to get the necessary dental care so that he could proudly take part in his daughter's wedding. There are real stories like these that I know every member in this place has, as we go about our work representing our constituents, not just in this chamber but, indeed, out in the community.

All of this leads me to one of the most important and, I suspect, impactful investments the government made in the last budget, as it relates to the cost-of-living crisis: investing in a better promotional program of the schemes and assistance that currently exist. If there was one recurring theme in the submissions that the Select Committee into Cost of Living Pressures observed, and it was one that I certainly observed, it was that, while there were a number of different avenues where the government was investing to support Canberrans who were struggling—run by different departments and different directorates, with different closing dates, different types of applications,

and different websites to source information—it was proving challenging for a number of Canberrans. Having access to clearer, consistent and consolidated information from the government that allows all of us to direct our constituents to one clear place to access all of those services will, I hope, increase uptake in those services. The challenge will then be for government to maintain an increased investment in those programs in the coming years that Canberrans have come to rely on. I and the ACT Greens will certainly advocate for that in forthcoming budgets.

MRS KIKKERT (Ginninderra) (4.50): I thank Ms Lee for bringing this very important motion before the Assembly today. Since my election in 2016, the Canberra Liberals have consistently focused on making life easier for those who struggle financially. Naturally, this includes the 38,000 Canberrans currently living in poverty, almost one-quarter of whom are children.

It also includes all residents whose incomes simply do not match the cost of living in this increasingly expensive city, where the affluent and well-connected are somewhat sheltered from the bad policy decisions and repeated governance failures of an elite, arrogant and increasingly disconnected government. On this point, I quote from the YWCA's 2023 budget submission regarding trends observed at a community food pantry. It said:

Over the last 12 months, the pantry has seen a 50% increase in demand, as well as a changing demographic of users. Typically, users of this services are older women in receipt of the age or disability pension, but what we are seeing now is an increasing number of young families and men in regular employment. To us, this signals that the community need for the service is now particularly dire.

The Ngunnawal Street Pantry, run by Margaret and Paul McGrath, used to see 20 to 30 people a day. Now they are getting up to 60 people a day looking for food. Many people have been referred to them from the Karinya House, Vinnies, Centrelink and the NDIS. Paul McGrath said:

There's a big gap that isn't being addressed. The government and the charities just aren't.

Mrs McGrath added:

They're dropping the ball.

Margaret also said:

People see the pantry as somewhat of a saviour, whether it's a single mum who needs to refurbish her entire home after a vermin infestation or a tradesperson without a can opener for his lunch.

Clearly, the cost-of-living crisis in Canberra is not limited to those who rely on commonwealth support payments. As a member for Ginninderra, I am acutely aware that I represent a disproportionate number of residents for whom life is economically challenging. As I have done many times in the past, I note that, according to the latest census data, residents in my electorate have the territory's lowest average incomes, whether measured as personal income, family income or household income. The

average family in Belconnen earns almost 21 per cent less than the average family represented in this place by Mr Barr and Mr Rattenbury. The result is that cost-of-living increases impact Belconnen residents with much greater intensity.

Let me give just one example. As recorded in the latest census, median weekly household income in the Ginninderra electorate is \$158 less than the ACT average. At the same time, median weekly rents are only \$20 less and the median mortgage repayment is only \$18.70 less when calculated weekly. This means that just keeping a roof over their heads takes up a bigger chunk of Belconnen residents' income than it does elsewhere in the ACT.

In the past, when my Canberra Liberal colleagues and I have raised concerns about cost-of-living pressures, Labor and Greens members have repeatedly and predictably blamed the commonwealth government, and of course they have done so again. This deflection is an exercise in misinformation, however, and does not withstand inspection.

Of course, the cost of living is increasing across the nation, but, at the same time, in many areas, cost-of-living pressures are growing faster in the ACT than in other places, and many of those areas are strongly influenced or directly controlled by the ACT government's policies and priorities. As the *2023 ACTCOSS cost of living report* shows, in the five years to December 2022, the consumer price index, or CPI, for housing in Canberra grew 31 per cent faster than the national average, whilst the CPI for rents increased a whopping 425 per cent faster! The ACT government has a monopoly on land supply and largely determines these outcomes through policy decisions.

In addition, CPI increases for property rates and charges were more than double the national average—a direct consequence of Labor-Greens policy. Over the same five-year period, the CPI for all utility costs rose 133 per cent more than the national average, with the CPI for electricity in the territory soaring more than 12 times higher than the national average.

To make matters worse, as this motion notes, Labor and the Greens have taken from Canberrans nearly \$2 billion more in taxes over the past three years than they did in the three years before that. Where has this money gone? Well, \$76 million of it was thrown away on a scrapped IT system; \$10 million of it was wasted on the embarrassing CIT contracts failure; \$200 million has been lost to a cost blowout on the hospital expansion; and an additional \$33 million was wasted on the mismanaged Acton Waterfront project. If one adds up just those figures alone, the sum is \$319 million. What have the residents of this territory got for those \$319 million? Literally nothing. It is all money wasted, mismanaged or thrown away.

Of course, this is just part of the problem. Ms Lee's motion enumerates other ways in which the current ACT government is wasting taxpayer money, including paying out over \$600,000 per year to maintain two CEOs for CIT, and, since Labor and the Greens are irresponsible at managing this territory's finances, they are sinking us so deep in debt that interest payments alone are costing us another \$400 million a year. Imagine what could be achieved with an extra \$400 million in revenue every single year.

I therefore join with my Canberra Liberal colleagues and call on the Labor-Greens government to show some responsibility for once. Acknowledge that your economic policies have made the cost-of-living crisis in Canberra worse. Demonstrably, they have, and Canberrans deserve an honest government. I likewise call on those opposite to apologise to residents of this territory for wasting hundreds of millions of dollars of their money for zero benefit and no outcomes.

I raised my five children to say sorry when they screwed up, and I expect Labor and the Greens to have the same integrity for this major screw-up. Thank you.

MS LEE (Kurrajong—Leader of the Opposition) (4.58): I thank all members in this chamber for their contribution to the debate. As Mrs Kikkert outlined in terms of some of the hundreds of millions of dollars that have been wasted by this Labor-Greens government through their sheer incompetence and mismanagement, imagine what they could have done for the Canberra community. That is just a couple of recent examples. How many more hundreds of millions of dollars lurk beneath the surface in terms of waste and mismanagement?

During the debate and earlier, when the Chief Minister was speaking to the government's response to the estimates committee report, he spoke about the cost of living and blamed two factors: inflation and high interest rates. No-one denies that. In fact, I started my presentation speech on this motion talking about those factors. But what the Chief Minister fails to talk about, what he absolutely fails to acknowledge, are the factors that are within his government's control: the policies of his government that have led to a cost-of-living crisis. The government wasted hundreds of millions of dollars, and just a few examples were outlined in my motion and reiterated by Mrs Kikkert. Imagine what that money could have done for Canberrans who can least afford it when it comes to housing, when it comes to groceries, when it comes to electricity, when it comes to health care, when it comes to transport, and when it comes to childcare.

We all acknowledge there are factors outside of our control that are impacting the cost of living. But what members on the other side of the chamber do time and time again is turn a blind eye, remain delusional, and deny the devastating impacts that their economic failures are having on Canberrans doing it tough. Instead, Mr Barr talked about how some people are actually doing pretty well and are out there spending. How out of touch is that!

Just in the last two weeks alone, I have been contacted by no fewer than three local businesses that told me, sadly, that they are going to close their doors. The small businesses that have been the backbone of our economy and the small businesses that weathered the storm of all the lockdowns and all the challenges with COVID all said the same thing: it is much tougher now than during COVID. It is tougher now for small businesses than during COVID. That is alarming. When small businesses are having to shut their doors because times are tougher now than when we had lockdowns, when people could not come and purchase things from them, that rings alarm bells. I am sure that none of those small business owners are going to be at all impressed with their Chief Minister who says people are doing it fine and they are still spending. Small businesses that weathered the storm during COVID are shutting their

doors now because things are tougher than during COVID. That should be a sobering thought for all Canberrans.

There has been so much talk about access to health care, and that is one of the most essential services that ACTCOSS have spoken about in terms of increases to costs. Let us go to that. We know, because the RACGP, the AMA and the GP Alliance have told us, that the payroll tax that Mr Barr and his Labor-Greens government will be imposing will make their practices unviable. The federal AMA president issued a stark warning: it will force GP practices to go bankrupt or it will make it unaffordable for some of the most vulnerable members of our community. These are not words to be taken lightly; these are stark warnings about the devastating impact that this tax will have on the Canberrans who can least afford to see their GP.

Of course, there is the devastating flow-on effect if people are forced to choose between putting food on the table or accessing essential health care. If Canberrans are forced to go without access to their GP, not only will this have an impact on their quality of life but it will have an impact on the broader health system. That is the reality we are facing. It is all good for Mr Barr to say, “You know what—our bulk-billing rates could be better, and it is up to the GPs to make sure it happens.”

In the last 22 years of this government, and in over a decade while the Chief Minister has been Treasurer, what policies did they bring to help improve bulk-billing rates? And now, when doctors have sounded the alarm bells, the response is: “It is your problem; you fix it.” That is what the GPs are getting from Mr Barr and this Labor-Greens government: “It is your problem; you fix it.” That is not a government that prioritises addressing the cost-of-living pressures for Canberrans when it comes to accessing essential health care.

In response to a question directly about the impact of states and territories imposing payroll tax on GP clinics, the federal Labor health minister had this to say in April:

Obviously any new, additional cost to general practice is going to be a concern for them, and for me, I’m very worried about the viability of general practice.

He went on to say:

I’m focused, laser-like focus, on making sure general practice has a strong, sustainable future for all Australians. Because I think we all know, that without general practice, which really is the backbone of our health system, you’re going to see reverberations right through the system.

That is in direct response to a question about the impact of payroll tax that will be imposed by the states and territories. That is what the federal Labor health minister had to say.

It is clear that, after 22 years, this is a government that has run out of ideas, has run out of steam, and, most importantly, has run out of respect for the Canberrans who are doing it tough. There has been no acknowledgement about the millions of dollars of wasted taxpayer funds as a direct result of the sheer incompetence of this government.

We will always stand up for Canberrans doing it tough. We will not be supporting Mr Barr's amendment. It calls on the government to do nothing more than what they are required to do as a bare minimum for a government. It is, once again, what they do best: all words, no action. That will not have any impact whatsoever on the Canberrans who are doing it tough. The Canberra Liberals will stand up for the community because we believe that no Canberran should be forced to choose between putting the heater on in the winter, getting access to essential health care or putting food on the table. That is the reality for so many because of the failures of this government when it comes to looking after the most vulnerable in our community.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 16

Noes 9

Mr Barr
Ms Berry
Mr Braddock
Ms Burch
Ms Cheyne
Ms Clay
Ms Davidson
Mr Davis
Mr Gentleman

Ms Orr
Dr Paterson
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith
Ms Vassarotti

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

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

Legislation—climate impact analysis

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (5.13), by leave: I move:

That this Assembly:

- (1) agrees, in principle, that all Members of the Assembly be encouraged to undertake a Climate Impact Analysis when developing Bills that will likely have a material impact on climate change;
- (2) notes that:
 - (a) the ACT Government has committed to introduce a Climate Impact Analysis on all proposed legislation with a material impact on climate change, including Private Members Bills. The Climate Impact Analysis for Private Members Bills will take the form of a voluntary, qualitative self-assessment;

- (b) this work is an Agreed Administrative Reform in the Tenth Parliamentary and Governing Agreement for the ACT, which seeks to examine options to ensure ‘ ... all MLAs have access to climate impact analyses of proposed legislation, where relevant’;
- (c) officials will provide Private Members with guidance material outlining how to conduct a climate impact analysis of their Bill;
- (d) the identification of climate-related impacts from Bills will enable Members in the Assembly to more effectively consider the associated risks and benefits of proposed Bills and develop more climate-friendly legislation; and
- (e) this approach does not seek a change to the standing orders and will be undertaken as a trial for the remainder of the Tenth Assembly.

The purpose of the motion is to ensure that MLAs have access to the climate impact analysis of proposed legislation, where relevant. This motion puts in place a trial, effectively, for the remainder of this Assembly. I think it is worth acknowledging that it is already the case, under the government’s Wellbeing Framework, that all budget business cases and significant policy proposals are required to go through a wellbeing impact assessment, and that this analysis is presented to cabinet to inform government decision-making. The environment and climate domain under the framework enables a qualitative assessment of climate impacts to be conducted for all relevant proposals.

It is worth advising the Assembly that, in addition to the wellbeing impact assessments, the government will trial the climate impact analysis of proposed legislation during the remainder of this Assembly and that this assessment will apply to all government bills. As part of today’s motion, I am proposing that all members of the Assembly adopt the same practice as the government in applying a climate impact analysis to private members’ bills.

The assessment is proposed to take the form of a qualitative self-assessment of whether the proposed bill will have a material impact on climate change, either positive or negative. The Office for Climate Action is currently developing appropriate guidance material to support consideration of climate impacts for future legislation, policy approvals and private members’ bills. This will be released by the end of this calendar year, to support bills that may be brought to the Assembly in 2024.

I think it is also important, whilst I am on my feet, to update the Assembly on work being undertaken to develop a quantitative assessment tool to allow comparative considerations to assist in informing budget decisions. Work is underway across government on valuing emissions reductions to better inform government decision-making on the impacts of climate action initiatives and other significant proposals. This work is being delivered by the Office for Climate Action, in partnership with other ACT government directorates. The office is leading the development of the ACT government emissions abatement assessment framework. The framework will seek to deliver an emissions calculation tool and the guidance material necessary to support a more consistent whole-of-government approach to assessing the emission abatement potential of climate action initiatives and determining project costs, impacts and benefits.

I think it is universally acknowledged that this community is leading Australia when it comes to action on climate change. Continuing to improve our decision-making with respect to emissions reduction and responding to the impacts of climate change will ensure that the ACT is well placed to reach its goal to be the first jurisdiction in Australia to achieve net zero. Bringing forward this motion and including private members' bills in this process is an important step forward for this Assembly, but I do acknowledge that, at this point, this approach does not seek to change standing orders and is a trial for the remainder of the Tenth Assembly. I commend the motion to the Assembly.

MS LEE (Kurrajong—Leader of the Opposition) (5.17): I want to place on the record a couple of important points in relation to this motion. It has just been brought forward by Mr Barr by leave, so, obviously, there was no notice of this motion until it was circulated this morning. In fact, had we not had a lot of committee business to deal with in the morning, it certainly would have been brought up for debate then, leaving members with very little time to get across it.

I also note that earlier today the government tabled a bill by leave, without having raised it and put it on the agenda. If the Labor-Greens government is serious about proper debate, it is important to give members that opportunity and it is important that this does not become a practice, but it seems that that is what is happening. I raise significant concern about this and warn that this should not be the usual way of doing things.

The second thing is that, when you have a look at this motion, there is absolutely no reason why it had to be done in this manner. It does not contain anything that is of great urgency, that could not have waited to be properly placed on the notice paper, to give every member the opportunity to consider it. Is this going to be the usual practice, even for issues that contain no great urgency?

Third, this motion says that this was an agreed reform in the Parliamentary and Governing agreement between the Labor Party and the Greens. Why we are discussing that in this chamber I do not know. Surely, the Labor Party and the Greens do not need to have this debated in the ACT Legislative Assembly to implement what is in their agreement? There is no place for it here.

Finally, I want to make the point that the Chief Minister has indicated that some material will be prepared by the end of this year but has not provided detail in relation to how it will roll out—the mechanics of it—and, indeed, whether there will be more resourcing to go with it to support private members with this additional burden in the preparation of their bills.

MS CLAY (Ginninderra) (5.20): I welcome today's motion. I am pleased to see that it is expanding on the commitment that we have in the Parliamentary and Governing Agreement to ensure that MLAs have access to climate impact analyses of bills. I want to read out the line that we have in there:

Ensuring all MLAs have access to climate impact analyses of proposed legislation, where relevant.

I think it is great that this system is coming in and that it will be expanded to all private members' bills. It is clearly going to assist when we are considering legislation. It is a really good idea to bring it in on a trial basis. I am looking forward to seeing the guidance and to testing that out on our next bill. I think all of these are very sensible steps.

I am a little concerned about the interpretation that I am seeing here of what a climate impact analysis is. This continues a lot of conversations that we had recently in estimates on this point. Climate impact analyses are not usually qualitative analyses. They are quantitative. I am going to try to be really clear and explicit in my language. An assessment like this is usually one that involves numbers. It would be a little bit like doing a cost-benefit analysis or a business case and saying: "We are not going to do a quantitative assessment and put dollar figures in there. We are going to do a qualitative assessment and just give you our interpretation of it." It is not typically the way we do these things.

I am not sure everybody in here is familiar with climate and environmental assessments. These are really familiar tools now, so I will run through a few of the examples that are my favourites, to explain the difference. I first came across carbon accounting in 2010—quite a while ago now; almost 15 years—in a book called *How Bad Are Bananas?* That came from a UK author who was working in Europe in the very mature industry of carbon accounting. He was running estimates on everything from sending a text message to eating a banana to flying across the world. He was running through climate assessments, with numbers, with standard industry methodologies that helped people to gauge what has a big impact and what has a little impact—not with a qualitative assessment but by giving people numbers on a page so that they could balance it up. That was about 15 years ago. That is where Europe was a decade and a half ago.

Here in Australia and in the ACT we are actually in a pretty good space with some of our ratings. We are very familiar with a lot of our quantitative ratings. We use Infrastructure Sustainability Council ratings, and we use those with major projects. We use those on a lot of our projects already. We use Nationwide House Energy Rating Scheme, or NatHERS ratings, and we use Green Star. All of these we use already in the ACT, but they are not qualitative assessments. They all use standard industry inputs. They are tools that use numbers and turn those numbers into simple information that really helps decision-makers to compare the impacts of different decisions.

The reason I am familiar with some of these tools is that I used to do a bit of carbon accounting. I ran a project in which I set out to cut my carbon footprint and that of the average Australian by 75 per cent, running different experiments. I did not do qualitative assessments; I intentionally used industry carbon accounting and numeric data because it is pretty well known that people are not very good at judging these things. We instinctively know the cost of items in our everyday lives. We know that a car costs more than a loaf of bread. We all understand these things because we have been using dollar figures, numbers, in everyday decision-making for pretty much our entire lives.

We do not actually use those numbers in a carbon or environmental impact manner, which is why, increasingly, the climate and environmental movement has moved towards using quantitative systems and decision-making tools that really help people. I imagine this is probably why the Commissioner for Sustainability and the

Environment has been calling so strongly since 2019 for climate assessments on budget decisions, under an established methodology. She is calling for quantitative assessments that use numbers. That is how she did her recent scope 3 report. She got someone to do the numeric data.

I am really pleased that we are moving to a more sophisticated world where we will consider these impacts. I think it is really great that we will consider this in regard to legislation, but I am slightly concerned. We had the hottest July we have seen on record. I have been riding to work in Canberra ever since I started work. This is the first winter I have ever had where I did not need to put my gloves on some mornings; it was that warm. We are in a very strange time. If we continue to make decisions now and into the future in the same way that we have been making them in the past, we are going to get the same results. I am really hoping we might reconsider that and think about using some more numeric tools, rather than just eyeballing things.

Question resolved in the affirmative.

Crimes Legislation Amendment Bill 2022

Debate resumed from 23 November 2022, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

MR CAIN (Ginninderra) (5.25): This is a significant bill that aims to introduce penalties for the public display of a Nazi symbol and for the unauthorised entry of a motor vehicle, as well as to improve the operation of the ACT criminal justice system, with other minor amendments. The Canberra Liberals will be supporting this bill.

The first significant change is to create an offence of the public display of the Nazi symbol where it is used in a political capacity or to encourage violence. Offenders found to publicly display this symbol face a maximum penalty of 12 months imprisonment, 120 penalty units or both. Police officers will also be gaining discretionary powers to direct offenders to remove such symbols. Where a person fails to comply with this direction, they face a 10 penalty unit punishment.

The bill does, however, sensibly allow the public display of the swastika for cultural or religious purposes, supporting Hindu, Buddhist and Jainism practices. It further supports the symbol tattooed onto persons, and instances where the symbolism is used in an academic or historical setting. The bill is aimed at reducing racial vilification by imposing penalties as deterrents, and for behaviours related to the use of that symbol.

I would like to throw in a few comments from the Australian Strategic Policy Institute about some general approaches to making our community safer for all. I will mention a quote from the Director-General of the Australian Security Intelligence Organisation, Mr Mike Burgess, who identified extremism threats as significant and constantly evolving. Mr Burgess warned of a nationwide escalation in militant extremist behaviour. He said:

As a nation, we need to reflect on why some teenagers are hanging Nazi flags and portraits of the Christchurch killer on their bedroom walls and why others are sharing beheading videos.

Just as importantly, we must reflect on what we can do about it. Violence-orientated ideologies need to be resisted, and measures such as those in this bill are one sensible approach to addressing such violence-orientated ideologies.

The bill also introduces an offence against persons found to enter vehicles without authorisation or consent, with a maximum of 10 penalty units. This is a new offence. I will be speaking about these new offences in closing as well, with relevance to police resourcing. Offenders must provide reasonable justification in the court as to why they entered the vehicle without the owner's consent, and offenders will face imprisonment when found guilty.

The bill also provides an offender's residence outside of the ACT as a matter that indicates their suitability or otherwise for the purpose of an intensive correction assessment and to determine their suitability to serve their sentence of imprisonment by intensive correction order. There is a change to modestly increase court powers, amending the Crimes (Sentence Administration) Act 2005 to require a person who has received a court fine to provide their contact details and inform the courts of any change to these details.

There are a few other minor and technical changes. As noted at the beginning, the Canberra Liberals will be supporting this bill. I hope that the government does review the adequacy of the penalties for such offences. These are new offences, particularly the unauthorised entry of a motor vehicle. It is a relatively mild penalty, in the view of some, so I do encourage the government, after a year or two, to review the adequacy of penalties where these offences are found.

I will also touch on something that we speak of a lot in this Assembly: the adequacy of police numbers in the ACT. Bear in mind that, while these changes are supportable, creating new offences means that there is more work for our police to do. With well-known and, in my opinion, well-recognised under-resourcing of police in our territory, the government surely must, as it adds to the category of things that police must attend to, take more seriously ensuring that police numbers in the ACT are adequate for managing the criminal justice system.

MR BRADDOCK (Yerrabi) (5.30): Nazis are the worst. I would give you colourful analogies but that would risk being unparliamentary, so I will just be blunt. Nazism is a fascist ideology that seeks to control people through hierarchical fear. Their world view is that it is a choice between us and them, where they view others who are "not like us" as a threat that must be oppressed and destroyed at the hands of a strong leader.

Everyone here knows I am talking about an ideology that feeds on racism to the point where it does not just tolerate but actively advances genocide. During the Holocaust of the 1930s and 1940s it was most obviously directed at Jewish people, to absolutely devastating effect. It was also directed at Queer people, people with a disability, people of colour, Poles, Slavs, Romani and anyone else who sympathised with these "others". The Holocaust was a tragedy that must not be repeated, and I mean that in the broadest sense possible.

There is a global neo-Nazi movement which extends to Australia, increasingly through online channels. They are a movement that takes delight in the persecution of anyone who they see as not like them. Their victims include First Nations people, and migrant communities from the Asia-Pacific and beyond. Anything that gives the appearance of someone not being heterosexual and white can be a target. This is not okay.

There are two broad categories of tools that the government has to oppose this racist movement. The first, I think, we are getting rather good at: celebrations of multicultural diversity that gather people together and bring out the best in us. The benefits brought about by our National Multicultural Festival cannot be understated. I thank Minister Cheyne for continuing to advance what is already one of Australia's most successful festivals.

The second broad tool is advancing efforts on anti-racism. It involves the act of calling out racist behaviours and seeking to reform them. It means ensuring that we do not turn a blind eye to the racism that exists and that we actively work to change things. This is where today's legislation comes in.

The Hakenkreuz is probably the most significant rallying icon for fascist and racist movements in living memory. Since the founding of the Nazi Party in Germany just over a century ago, it has been wielded as a symbol of white nationalism under which fascists gather, and it serves as a source of trauma for anyone who has been "othered" by that racist movement. Being anti-racist means banning this symbol from general use.

At the same time, it is important that we recognise that this symbol was corrupted. Fascist and racist movements have stolen much from other cultures and movements. Even the name of the Nazi Party—slang, abbreviating Nationalsozialist—is stolen socialist terminology. In the case of the Hakenkreuz, it is seen by many as a corruption of the swastika, a divine symbol of Hinduism, Buddhism and Jainism. It also appears in Slavic cultures as the symbol for the sun, and there is further evidence that it may be a Norse symbol for Thor's lightning.

The exact meaning of the symbol may vary by culture and by tradition but is generally taken to be auspicious in a pre-1920s context. That is probably why the Nazis wanted to use it. If anyone has a right to use or reclaim the swastika as an auspicious symbol, it is limited to those cultural groups who hold it in such religious and historic regard, and no-one else—certainly not white nationalists.

Therefore, I am glad to see that we have suitably qualified exemptions that facilitate living cultural expression and self-determination. It is also good to see that we have exceptions for educational purposes and anti-Nazi protest purposes. Educators will remain capable of ensuring that their students understand the history of this symbol, and protesters standing against Nazism can clearly show what it is that they oppose. I would like to thank the Attorney-General for advancing these reforms, and Attorneys-General across Australia for coordinating a national approach on this matter.

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

Planning and Land Management and Minister for Police and Emergency Services) (5.35): I am pleased to speak in support of the Crimes Legislation Amendment Bill 2022. The bill is essentially about making Canberra safer. In particular, this includes introducing a new criminal offence prohibiting the display of the Nazi symbols, as well as introducing a new criminal offence prohibiting the unauthorised entry of a motor vehicle.

As all members will appreciate, the banning of Nazi symbols is in itself symbolic. Any extremist symbols that promote racism and discrimination, that are used to dehumanise and threaten our community, to intimidate and to spread fear and make law-abiding citizens feel less safe, are utterly unacceptable. As the Attorney-General has said, right-wing extremism is not new to Australia, yet it is a growing phenomenon and of increasing concern. Simply put: right-wing extremism is not welcome here and racial vilification is a crime.

This amendment builds on existing legislation, policies and practices, which together send a very clear message about our rejection of right-wing extremism in the ACT, and provides a further tool in the toolkit to keep our community safe and harmonious. I am proud that the territory is an open, safe and multicultural society. This amendment, while symbolic, will also substantively reinforce the great community values that we cherish in the ACT.

Secondly, the amendment to create an offence of vehicular trespass will further tighten laws around the unauthorised entry of a motor vehicle. The amendment will also reinforce ACT Policing's efforts to prevent and deter dangerous driving behaviours and will provide ACT Policing with better powers to further improve safety on ACT roads.

As Minister for Police and Emergency Services, I believe this new offence better reflects community expectations by making it unlawful for someone to be in a vehicle that is not theirs without a reasonable excuse. Given the high number of motor vehicle thefts in the ACT and given the very good work undertaken by ACT Policing through Operation TORIC, targeting recidivist, vehicle-borne offending, this amendment will create an important deterrent and will further complement police disruption activities.

While we are on police, I will just reflect on Mr Cain's support for more policing resources in the ACT and urge him to support the budget, with \$107 million for police funding into the future. In summary, the passage of the bill will further strengthen our criminal justice system and help keep Canberrans safe. I commend the bill to the Assembly.

MS CHEYNE (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (5.38): I speak in support of the bill in my capacity as Minister for Human Rights and Minister for Multicultural Affairs. Specifically, I speak to the new criminal offence which prohibits the public display of Nazi symbols and empowers police to remove such symbols to prevent any further harm caused by the continued display of the symbol.

Since the introduction of this bill late last year, we have seen increasingly the disturbing presence and infiltration of Neo-Nazis at public rallies in Australia. This has followed a marked increase in antisemitism in the past decade. There is no place for Nazism, Neo-Nazism or fascism in the ACT. We do not tolerate the hate that these symbols represent, either.

While we have not seen recent examples of these displays in the ACT, ideologies are not limited by state borders, and it is important not only that we remain vigilant, but that police and our justice system are afforded appropriate powers to reduce racism and vilification in the community. The offence applies not only to the physical public display of the symbol, but also to online displays, such as in social media. This is particularly important, noting that much of the fringe movement has its basis in, and recruitment is driven through, online platforms.

I note further that this legislation is being passed when we have had a particular focus on vilification, anti-discrimination and multiculturalism in this place—from the reforms of our Discrimination Act, which passed earlier this year; the passing of the Multiculturalism Act and its associated charter; and the government's response to the committee inquiry into racial vilification in the ACT; to the ACT Children and Young People Commissioner's report on children and young people's experiences of racism in the ACT. The offences in this bill complement this broader work, particularly in how it may promote the right to equality and non-discrimination, and especially the rights of Jewish people to practise their faith and culture without fear of vilification.

Importantly, the bill provides exceptions where the symbol is displayed reasonably and in good faith; this includes for a genuine academic, artistic, religious or scientific purpose. For example, a person of Hindu, Jain or Buddhist faith may choose to display a swastika as a symbol of good fortune, good luck or auspiciousness. There is also an exception for where the symbol is displayed for a genuine cultural or educational purpose, such as an educational textbook where the Hakenkreuz is on the cover, and an exception if the person is making or publishing a fair and accurate report of an event or matter in the public interest. Finally, there is an exception if the person is displaying the symbol in opposition to fascism, Nazism, Neo-Nazism or other related ideologies, such as displaying the symbol on a placard at a protest with the placard also containing words that state opposition to fascism.

The ACT is not the first to introduce or pass this type of legislation, and, as I noted, this is an issue that is broader than one jurisdiction. I commend the many other governments in Australia that have taken action on this and am glad that this now brings us into line, too. In closing, I remind members that our new Charter for Multiculturalism outlines principles and responsibilities including that, regardless of your background, your experiences and how you have come to be in the ACT, you are free and safe to express, practise, maintain and celebrate your cultural, religious and spiritual identity; and that we have a shared responsibility to end racism and other forms of unlawful discrimination.

In addition to the human rights which are promoted and protected through this bill, I note how much the bill accords with our values as a genuine and welcoming multicultural community. I commend the bill to the Assembly.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.42), in reply: I would like to thank members for their contributions to this debate this afternoon.

The Crimes Legislation Amendment Bill 2022 will make a number of amendments across the ACT statute book, as has been outlined in the discussion, introducing new laws to keep Canberrans safe and making changes to parts of ACT Courts and ACT Corrective Services processes to support their operations.

The key amendments in this bill will make changes to four acts. This bill will amend the Criminal Code 2002 to introduce two new criminal offences. The first new criminal offence will prohibit the public display of Nazi symbols and the second new criminal offence will prohibit the unauthorised entry of a motor vehicle.

This bill will also amend the Crimes Act 1900 to allow the Children’s Court to dispose of aggravated robbery or aggravated burglary charges summarily without the consent of the prosecution; the Crimes (Sentence Administration) Act 2006 to allow courts to obtain additional contact details such as email addresses and home and mobile phone numbers of people who have been issued with court fines; and the Crimes (Sentencing) Act 2006 to legislate that residence outside of the ACT is a matter for consideration when assessing an offender’s suitability to serve their sentence by intensive correction order in the community.

In addition, this bill will make a number of consequential and technical amendments to 10 acts. The passage of this bill will support the continued effective operation of the criminal justice system. The first amendment, the new offence of prohibiting the public display of Nazi symbols, is both significant and symbolic. It is the latest way the ACT government is fighting back against right-wing extremism.

The Australian Security Intelligence Organisation defines right-wing extremism as the support for violence to achieve political outcomes relating to ideologies, including but not limited to white supremacism and neo-Nazism. While right-wing extremism is not a new phenomenon here in Australia or globally, the ACT government recognises that this issue is a growing concern and we need to curb this threat to protect our multicultural identity and inclusive community.

The ACT government is taking a stand against this type of behaviour by making it a criminal offence to publicly display the Nazi symbol, the Hakenkreuz. The Hakenkreuz, which is the most recognisable symbol of Nazi propaganda, is a symbol that is associated with a racially pure state and was used to instil terror in Jewish people and other so-called enemies of Nazi Germany.

Right-wing extremist groups now use the Hakenkreuz as a means to intimidate and spread fear among minority groups. Right-wing extremist groups also use the Hakenkreuz as a code to recruit others with similar ideologies of violence and hate into the group.

This new offence builds on the existing offence of “serious vilification” in the Criminal Code, which prohibits a person from carrying out a threatening act of hatred

towards, revulsion of, serious contempt for or severe ridicule of a person or group of people on the ground of several things including race and religion.

This law is a critical step towards depriving right-wing extremists of the use of this symbol. This law will reduce the opportunity for racism and vilification and send a strong message that the ACT will not tolerate the public display of Nazi symbols and the ideology that they represent. We want to keep the ACT a place of multiculturalism and inclusion where everyone can feel welcome and safe.

The second amendment will prohibit the unauthorised entry of a motor vehicle and is necessary to address a gap in the law from the case *The Crown v Carpenter*. In this case, one of the defendants was charged under section 318(2) of the Criminal Code for dishonestly taking and driving a motor vehicle which belonged to another person.

Precedent from this case states that DNA evidence in a vehicle only places the defendant inside the vehicle and does not establish that the defendant was driving or riding in the vehicle. To establish that the defendant was driving, evidence is needed to show that the defendant moved the vehicle or had control over its movement. This precedent has made it difficult to prosecute cases of stolen vehicles where there is no evidence of the accused driving the car.

The ACT experiences a large number of motor vehicle thefts. The introduction of this new offence seeks to assist in the successful prosecution of cases where it can be proven that the accused was in the car even though there is no proof of the accused driving or riding in the car. This law is both responsive to evidence about the incident of motor vehicle thefts and a deterrent to send a message that criminal behaviour is not tolerated and there will be consequences.

Other amendments to the Crimes Act will clarify the scope of the jurisdiction of the Children's Court to summarily dispose of indictable offences. This bill will introduce a new section, section 375AA into the Crimes Act, which will legislate that the Children's Court may hear and determine a charge summarily and may sentence or otherwise deal with the defendant according to law if the defendant pleads or is taken to have pleaded not guilty to the charge, the court considers that the case can be properly disposed of summarily and the defendant consents to the case being disposed of summarily.

The aim of this amendment is to promote consistency in how the Children's Court deals with the summary disposal of indictable offences. Before this amendment, there was an inconsistency in the provisions which allowed the Children's Court to summarily dispose of any offences other than offences punishable by imprisonment for life, aggravated robbery or aggravated burglary cases with both the prosecution and defendant's consent.

This was inconsistent with how the Children's Court could deal with other indictable offences, such as manslaughter, sexual offences or grievous bodily harm, which could be dealt with summarily by obtaining consent from the defendant and without needing the consent of the prosecution. This amendment realigns the Children's Court jurisdiction and removes ambiguity in its processes. This amendment also makes a clear distinction to how the Children's Court deals with these matters compared with the Magistrates Court.

Amendments to the Crimes (Sentence Administration) Act will give ACT Courts access to more contact details such as email addresses and home and mobile phone numbers of people who have been issued fines. This amendment is a logical step in today's society where technology plays a larger role in our daily lives especially in how we communicate with each other. This amendment will modernise the court systems and assist the court in recovering fines and allow early intervention with people who are struggling to pay their fines.

The bill will change the way an offender is assessed for suitability to serve their sentence by intensive correction order. The bill will make an amendment to the Crimes (Sentencing) Act to include that residence outside of the ACT is one of the matters in assessing whether or not the offender should serve their sentence by intensive correction order.

If found unsuitable for an intensive correction order, there is a possibility that the offender will serve their sentence in prison rather than in the community. This amendment does affect a person's rights under the Human Rights Act 2004, particularly the person's right to liberty and security and the right to protection of family.

This is because, if found not suitable for an intensive correction order, the offender will need to serve their sentence in full-time detention. However, the potential limitations to the offender's rights are balanced by the need to promote community safety, by making sure that ACT Corrective Services can properly supervise the offender while they are serving their sentence in the community and to promote rehabilitation of the offender by making sure that they are put in a situation where they can successfully serve their sentence.

This amendment will allow ACT Corrective Services and the courts to better assess candidates and approve those candidates who can better serve their sentences by intensive correction orders in the community.

I would like to conclude by emphasising that this bill will bring a number of positive additions to ACT legislation. It will introduce two new offences, one to prohibit the public display of Nazi symbols and the other to prohibit unauthorised entry of a motor vehicle. Both of these offences were proposed to address gaps in the law.

The other amendments which concern clarifying the jurisdiction of the Children's Court, providing email and phone numbers as part of contact details for fines, and adding residence outside the ACT as a matter for consideration when assessing whether an offender is suitable for an intensive correction order will improve the processes of ACT Courts and ACT Corrective Services.

I thank members for their support and commend the bill to the Assembly.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

Ginninderra electorate—Westfield Local Heroes

MR CAIN (Ginninderra) (5.52): I would like to speak briefly about a terrific initiative being run at the moment by Westfield Belconnen, and that is the Westfield Local Heroes Awards.

There are three nominees selected by the community. Voting is open until 11 September to select someone who has been decided by the community as to be worthy to be called a local hero. I want to touch briefly on each of the three nominees and encourage people to participate in selecting a local hero for the Belconnen and Canberra region.

One candidate is Mr Graham McKerchar from Capital Region Community Services. Graham has devoted to providing transport and social connection for older and infirm locals. As Transport Manager at Capital Region Community Services, he is responsible for 42,000 trips per year for about a thousand registered participants.

Graham is also a driving force behind the volunteer garden blitz program 10/10 that does basic gardening for people who cannot manage to do it themselves. If he is successful in the community vote, Capital Region Community Services will invest in gardening equipment to extend this backyard blitz project.

Also nominated is Dr Lubna Alam. Dr Lubna Alam makes a significant impact on the lives of migrant and refugee women in Canberra as the founder of Alo Enlightened Women Incorporated. Her volunteer-run organisation has reached thousands of women through educational programs focused on leadership, gender violence inequity, financial inclusion, women in tech and car maintenance.

If Lubna is successful in the community vote, Alo Enlightened Women Incorporated will use its funds to run a financial literacy and mental wellbeing program for women from culturally and linguistically diverse communities.

The third and final candidate for the local hero is Mr Mark Brosnan from Mental Illness Education ACT. Mr Brosnan is making an extraordinary impact on his community by sharing his story of recovery from PTSD, depression and anxiety. Mark volunteers at Mental Illness Education ACT, where he runs face-to-face sessions that reaches thousands of local people ranging from the Australian Federal Police to secondary school students.

If Mark is successful, Mental Illness Education ACT will use its funds to reach an additional 1,000 school students with mental health literacy sessions.

I want to encourage our community to get behind these individuals. Make your selection. Be assured that, while the winner will receive a \$20,000 grant for the organisation represented, each of the other two finalists will each receive a \$5,000 grant for their organisation.

I want to thank Westfield Belconnen again for promoting this community recognition.

Ms Sophie Trevitt—tribute

MR RATTENBURY (Kurrajong) (5.55): I rise to pay tribute to Sophie Trevitt, who sadly passed away aged just 32 on 27 July 2023.

Sophie was a justice campaigner, a human rights lawyer, a deeply caring and compassionate person and a much loved friend and colleague to so many of us in the Greens across the whole ACT community and beyond.

Sophie worked in a variety of roles in her career, including for the federal and ACT Greens, as a lawyer representing Aboriginal children in the Northern Territory and most recently as the Director of Change the Record, campaigning to raise the minimum age of criminal responsibility.

She cared deeply and selflessly for others. In her last article published in *The Guardian* while she was dying from incurable cancer, Sophie lamented the fact that she received so much care and support while Aboriginal children continued to be neglected and locked up. That injustice still hurt her most of all. “We are all humans worthy of love and care,” she wrote.

When the minimum age of criminal responsibility is raised to 14 here in the ACT, it will be due in no small part to Sophie’s tireless efforts raising awareness, campaigning and gathering and presenting the evidence. She even worked on this issue from her sick bed unable to stand from cancer and the effects of her radiation treatment.

Sophie’s efforts were recognised through awards such as Liberty Victoria’s Voltaire Human Rights Award and the Yogie Award from the Youth Coalition. The judges summed it up correctly when they said, “It is her genuine display of integrity to do what she knows is the right and just thing because it is valuable in and of itself that continues to be inspiring.”

Sophie was a community leader. She was not a leader for herself or because her personality drove her to lead others. Rather, she became a leader out of necessity because she was driven by her conviction in her values to right what was wrong, to lift up the disempowered, to protect the battered natural environment and to seek positive changes made in the world. She was a selfless community-minded leader—the best type of leader.

People reflecting on Sophie’s life invariably describe her as a force of nature. She was a ridiculous over-achiever in her professional life but also in her personal life through the love she radiated to her friends.

She could achieve so much in such a limited time that people could not fathom it. Everyone wanted to know her secret—whether she had access to Sophie Trevitt clones or a time machine or some other kind of incredible magic. Everyone has an anecdote or two about a day in the life of Sophie where, like an over-achieving octopus, she is coordinating a national campaign while baking a cake for someone’s birthday, while organising a meal train for a sick friend, at the same time as she is learning a new skill or publishing an article about justice reform—and that was all before 7 am.

Sophie worked as a staff member in my office on more than one occasion. She was kind and gregarious, concerned about others, uniquely smart and incisive and always ready to bravely challenge anyone if it led to a better outcome. “We cannot do that” or “That is too hard” was never an acceptable answer when it came to fighting for social or environmental outcomes. “Why can’t we do that?” she would demand and “What if we did it this way”, and regularly she would be right and could make something work with her own implacable energy and remarkable abilities.

Everyone admired Sophie for her bravery, not just in her public campaigning but also in her personal life. If she found something difficult or challenging, she would not run the other way; she would charge like a bull, grasp the nettle and look into the sun, unconcerned if her voice would tremble or her hands would shake.

On her 30th birthday she resolved to try or learn 30 new things during the next year, and did it, as a way of being a better person and living life to the fullest. It is so cruel that Sophie suffered an aggressive and untreatable brain cancer, a battle she could not win—perhaps the only battle she did not win in her brilliant life.

She continued to inspire throughout her illness. From her sick bed she wrote about the plight of incarcerated children. She offered care and support to her friends even when she was the one that needed the care. The words she whispered to hospital visitors when she could barely talk from illness, were words about them, their health, their dreams and rarely about herself.

Her family and friends cherished the cards, drawings and crafts that she made them while she was ill, containing her messages of wisdom and encouragement for them—forever thinking of others.

Sophie has left an incredible legacy in Canberra, and in fact across the country: an indomitable fighter for justice and for change, a brave woman driven by compassion and the desire to improve the world, to address the rampant unfairness and injustice that caused so many to suffer.

In just 32 years she seemed to live three whole lives. She touched so many people in her time and certainly people continue to be inspired by her. She lives on in people’s memories, in the positive change she has achieved and in the passion she inspires.

Our hearts go out, especially to Sophie’s partner Tom and to Sophie’s family and friends. We want you to know that Sophie is honoured, admired and remembered forever by her friends and colleagues here in the Assembly.

Ms Sophie Trevitt—tribute

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (6.01): I just want to rise briefly on behalf of ACT Labor, to add my voice and Labor's voice to Mr Rattenbury's in paying tribute to Sophie Trevitt. She genuinely was, as Mr Rattenbury and everyone else has said, a force of nature.

Reading just a few of the tributes from her friends and family, she was clearly incredibly loving and much loved. She made a difference in the world. The world needs more people like Sophie Trevitt.

Ms Marcia Williams—tribute

MS DAVIDSON (Murrumbidgee) (6.01): I rise today to wish a very happy birthday to Marcia Williams.

Marcia was the longstanding CEO of the Women's Centre for Health Matters, now known as Women's Health Matters. One of the particular issues that Marcia was passionate about and worked on for many years was continuing the Women's Centre for Health Matters advocacy since 1991 on abortion law reform, on getting exclusion zones around reproductive healthcare clinics and on removing that cost accessibility barrier.

A lot of this work was done in partnership with organisations like Sexual Health and Family Planning ACT, who also worked closely on greater accessibility for long-acting reversible contraceptives, LARCs.

I particularly want to say thank you to both Women's Health Matters and Sexual Health and Family Planning ACT for their submissions and their engagement in hearings of the Standing Committee on Health and Wellbeing inquiry into abortion and reproductive care in the ACT.

Holding that particular inquiry was a really brave move by the committee members, including Jonathan Davis, James Milligan, Dr Marisa Paterson and Michael Pettersson, in the wake of Roe v Wade having been overturned in the USA in June 2022. It was a good opportunity to really address some of those service gaps that many people in the community had been advocating for change in for some time. It was very good to see that almost all of the 18 recommendations in the government response were supported. In fact, some have already been done.

In addition to improved accessibility by removing those cost barriers that Women's Health Matters advocating so strongly for so long, there has also been, since the inquiry happened, TGA approval for nurse practitioners to be able to prescribe MS2 Step.

I remember talking to a nurse practitioner while I was working at Women's Health Matters for Marcia some time ago. She was talking about the importance of particularly at-risk women accessing health services wanting to be able to access MS2 Step through their nurse practitioner and get some advice and support for access to

LARCs. This is particularly important for women who are at risk of experiencing coercive control.

Reducing the cost barrier for vasectomies is also a really good opportunity that was highlighted in that inquiry report, to work with the commonwealth on supporting access via primary care—something that I know this government is really keen to do and which would be very much supported by the community.

My heartfelt appreciation goes to all community organisations who engaged in that inquiry. Your work over decades has had impact. But, in particular, I want to say happy birthday to Marcia Williams. Thank you for all the work that you have done for our community.

Justice—sexual assault

DR PATERSON (Murrumbidgee) (6.05): I am passionate about addressing sexual violence in our community, and I strongly believe that we can do better. We need to strengthen our justice system to ensure that justice can be sought fairly and in a way that does not perpetuate harm and trauma.

Sexual violence remains one of the most underreported, under prosecuted, and under convicted crimes in the ACT and nationwide. I appreciate Minister Berry’s ministerial statement highlighting the government’s work to date to address the recommendations of the Sexual Assault Prevention and Response committee report. I also acknowledge the Chief Minister and Attorney-General’s response to the board of inquiry.

There is substantial awareness these days of the challenges that victim-survivors face in accessing justice processes. We need to turn that awareness into action and address the systemic change that is needed. One area that should be firmly on the table in these discussions is a specialised sexual offences court.

Friday a week ago, I stood alongside major ACT advocates, including frontline responders to sexual violence, to accelerate calls for an open letter to the Chief Minister calling for systemic change in the form of a specialist court to hear sexual offences. I stood alongside a host of ACT organisations from the Domestic Violence Crisis Service, Canberra Rape Crisis Service, YWCA, Women’s Legal Service, Meridian ACT, A Gender Agenda, Toora Women, the Aboriginal and Torres Strait Islander Elected Body, Women with Disabilities ACT and the National Women’s Safety Alliance. We outlined in the letter that here in the ACT we have an opportunity to be nation leading in how our justice system addresses sexual offences. The status quo is not sufficient.

There is increasing international evidence highlighting the benefits of a specialist trauma informed court in progressing justice. Specialist court programs have been implemented in other countries, such as South Africa, New Zealand and Scotland. All these case studies note that a key paradigm of the reform is the requirement of those in the justice system that respond to sexual offences to be trauma-informed specialists in this field. Evaluations of these courts suggests that this enables timely progression of sexual offence cases through courts and court processes and environments that do not retraumatise victims.

To highlight the New Zealand example, New Zealand piloted a specialist sexual violence court in 2016, featuring trained judges, prosecutors and case managers. The pilot program's evaluation positively found that cases progressed more quickly, the quality of case review hearings and trials improved with judges intervening more often to prevent unacceptable questioning and better case management and representation led to more and earlier guilty pleas.

A specialist court would be staffed by a trained judge, prosecutors and case managers providing intensive best practice support and ensuring exemplary legal practice—similar to other models already in existence in the ACT, for example, the Family Violence Court in the Magistrates Court and the Drug and Alcohol Sentencing List.

While a specialist court is not the sole answer to addressing this violence in our community—for that there needs to be whole-of-community education, driving cultural and attitudinal change—for those victims that do seek to pursue justice through the criminal system, we need to provide a system that does not exacerbate trauma, disempowerment and entrench violence against women and, rather, present a system where justice can be fairly sought.

The open letter recognises the diversity of experience of survivors of sexual assault and recognises sectors of the community that experience substantially higher rates of assault—for example, Aboriginal and Torres Strait Islander women, women with a disability and people from the LGBTQIA+ community. A specialist court would provide an opportunity to work with these most vulnerable groups in our community to ensure that seeking justice through the criminal system is an option available to all in our community.

I look forward to the Chief Minister, Deputy Chief Minister and Attorney-General's response to this letter. To be sure, this will be something that I will continue to advocate for.

Justice and Community Safety—Standing Committee—report 18

MR BRADDOCK (Yerrabi) (6.09): I rise with apologies that I missed the proper time to speak this morning to the JACS committee report into the Electoral and Road Safety Legislation Amendment Bill. I would like to draw attention to some particular elements of that report that I believe deserve emphasis as well as some elements from my additional comments which the committee could not reach agreement on.

Firstly, we need to make an observation on the bill's commencement date. A delay of six months to parts 4 and 5 of the bill, which contain all the signage and advertising provisions, will, as drafted, not come into effect until next year. As members are aware, there will be a referendum this year, probably mid-October, on the Voice.

We are staring down the barrel of a slew of the worst kind of advertising campaigns we have not seen since the same-sex marriage plebiscite. Therefore, it would be highly prudent of the Assembly to put new restrictions in place before that deluge hits us. It is important that these roadside advertising reforms aim to create meaningful behaviour change.

As drafted, the reforms are entirely focused on road safety and do not address the community's concerns of visual pollution or the waste created by those signs. A limit to these numbers of roadside corflutes is inherently unenforceable because no team of city rangers has the time nor resources to count whether a party has exceeded its threshold of 6,250 signs across the city.

With the extremely temporary nature of these signs, it is impossible to know whether the number of signs has temporarily exceeded but been reduced through either natural or malicious attrition. White-listing locations where signs will be permitted and limiting the number of signs per candidate per location would be a far more effective means of restricting the number of signs.

With regards to advertising in or on vehicles, the idea of simply increasing fines sits entirely within the cost of doing business. When a company like Big Impact Media is content to put pictures of apparently illegally parked trucks in their marketing material basically putting on show for all and sundry that traffic violations are part of their business model, fines are simply getting priced into the sale.

If, on the other hand, drivers were liable for demerit points, you would get a significant attitude shift very quickly—one towards actual compliance lest candidates faced the shame of losing their own licence or advertising companies find themselves without drivers willing to cooperate.

Lastly, we should be cautious when it comes to the online voting technologies. The committee received submissions from experts in the field of system security which have warned us that no government in the world has been able to demonstrate sufficiently secure systems to be able to run an election to the standard required for public confidence in elections. Why are we so sure of ourselves? We heard during the estimates process that even the Electoral Commission has not yet decided if it is feasible.

In closing, I would like to thank the Assembly for its time. I look forward to discussing this and other related matters on that bill further.

Question resolved in the affirmative.

The Assembly adjourned at 6.13 pm.