



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

TENTH ASSEMBLY

14 SEPTEMBER 2023

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MADAM SPEAKER (Ms Burch) (10.01): 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 now that we stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory.

Leave of absence

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

That leave of absence be granted to Mr Barr for this sitting due to his attending ministerial duties.

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

That leave of absence be granted to Ms Davidson for this sitting due to illness.

Legislative Assembly—unparliamentary language Ruling by Speaker

MADAM SPEAKER: Yesterday during debate on the motion concerning payroll tax on GPs, Mr Barr took a point of order concerning comments made by Ms Castley and claimed that he had been grievously misrepresented. Ms Castley indicated that she was a quoting from some of the GPs that have been reported in the public arena.

The quote which Mr Barr raised was:

The idea from Mr Barr that GPs lack motivation to do anything, let alone bulk-bill, is absolutely outrageous.

I undertook to review *Hansard* and, if needed, come back to the chamber to deal with the matter. As members will be aware, standing orders 54 and 55 state:

A Member may not use offensive words against the Assembly or any Member thereof or against any member of the judiciary.

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Having examined the *Hansard*, I do not believe that there have been any imputations against the member concerned. I also made comment yesterday of the *Companion of standing orders* clause 11.85, which says you cannot use another person's quote to bring in disorderly language.

Back on this matter, however, it may be that the member may have been misrepresented. Mr Barr and others can utilise standing order 46 or 47 to seek leave from the chair to explain where some material part of another member's speech that has been misquoted or misunderstood.

Petition

The following petition was lodged for presentation:

Ngunnawal Oval—lighting—petition 25-23

By Mr Braddock, from 25 residents:

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

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

The proposed lighting & time's of use of Ngunnawal oval and the impact it will have on the day to day life of local residents.

Your petitioners therefore request the Assembly to:

Stop the lighting going ahead at all or curtail it's hour's of use from 7.15am to 9.15pm to 8.15am–7.15pm.

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

Motion to take note of petition

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

That the petition so lodged be noted.

MR BRADDOCK (Yerrabi) (10.05): I have spoken a lot in this Assembly about getting the right light into the right place. This petition is an example of just that. It was sparked by a development application to install sportsground lighting into Ngunnawal Oval. The intent of the lighting is to allow greater utilisation of the sporting fields as a public asset.

The proposal, however, has created concerns amongst local residents, which they have raised with me personally, in this petition and with the ACT government directly. Their houses either directly abut onto Ngunnawal Oval or are just across the street.

Hence, they have concerns about the impacts on their lives and their enjoyment of their properties including: light spilling into their backyards, decks, lounge rooms and bedrooms; the glare blocking out their view of the night sky and the stars; noise levels due to activities continuing later into the evening impacting on their work, rest and sleep; and, finally, greater levels of traffic impacting in the area due to increased utilisation.

These concerns are all legitimate, and I have encouraged these to be submitted through the development application process. I am also happy to bring their concerns here into this place today with this petition, so as to bring it to the attention of the government for its consideration. This issue highlights the need for careful design when installing public space lighting so as to ensure that light is fit for the task but then does not impact other parts of the community. A maximum light approach is not suitable, but remaining in the dark is not either—hence the right light in the right place.

Question resolved in the affirmative.

Women—ACT Women’s Plan 2016-2026

Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.07): As Minister for Women and Minister for the Prevention of Domestic and Family Violence, I am pleased to present the Third Action Plan 2023-26 under the ACT Women’s Plan 2016-26 to the Assembly. This is the final plan under the current ACT Women’s Plan, which is an ambitious 10 year plan to continue building an ACT that values and respects women and girls and commits to achieving gender equality. The third action plan includes a series of actions to progress across the ACT government by 2026. These actions expand on all the work undertaken so far to achieve gender equality and identify areas where more work is needed.

The themes in the third action plan align with those in the Second Action Plan 2020-22, which were developed through extensive consultation. These themes are: health and wellbeing; safety and inclusion; leadership and workforce participation; housing and homelessness; and appropriate and accessible services. Each theme is supported by specific actions. These actions guide the ACT government directorates to deliver the government’s commitment to gender equality and social inclusion.

The Ministerial Advisory Council on Women contributed to the development of the third action plan consultation processes, including through two workshops about how we could best engage with the community on the development of the plan. The council was invited to encourage participation in the consultation through their networks across the community. Public consultation to inform development of the third action plan opened in November 2022 and closed in late February 2023. The ACT government received over 30 submissions and survey responses from a diverse group of stakeholders across the community. Over 200 individual surveys were also completed via the YourSay website, and a separate YourSay Community Panel survey received 1,483 responses.

Despite the diverse range of respondents, several key themes emerged across the consultation input. Health and wellbeing, safety and inclusion, leadership and workforce participation were of particular interest. The community identified the need for more information on women's and girls' health and wellbeing, more targeted mental health and wellbeing initiatives, more free menstrual health products, and more affordable reproductive healthcare. There was also a lot of support for urban design measures that contribute to the public safety. The importance of the continued action against domestic and family and sexual violence was highlighted by many stakeholders. Balancing work and care also continue to be a challenge for women, with many stakeholders highlighting the importance of flexible work options. These things informed the development of the Third Action Plan actions and will continue to be used to inform implementation.

I would like to take the opportunity to highlight just a few of the many actions that the ACT government is committed to under the plan. I am proud that we are progressing a guide for women and girls in the ACT on health and wellbeing. This guide is informed by the Ministerial Advisory Council on Women and is in collaboration with the ACT government and non-government partners.

We are also supporting a whole-of-school approach to respectful relationships education through the gender equality in schools initiative in ACT public schools.

It is important as a government that we provide as much support as possible for women who are experiencing homelessness. Housing for these vulnerable women is critical, which is why we have provided seed funding for the Ginninderry women's Build-to-Rent-to-Buy housing initiative.

The government is also supporting mental health and wellbeing with the completion of the new eating disorders residential centre, and is implementing improvements in perinatal mental health screening.

We are also establishing a training program to assist educators to use the Early Years Learning Framework as a tool to focus on respectful relationships and gender diversity. This is just a small part of the work we are doing to support our early childhood educators.

Unfortunately, I think most women have experienced feeling unsafe walking in our city. This is why the government have developed our Gender Sensitive Urban Design Guidelines, which we are now piloting. We are also finalising a Women in Construction Procurement Policy to assess high-value ACT government construction contract suppliers against targets for women's participation. We have heard from students and educators about how valuable the Understanding Building and Construction Program has been for our young people. Now, we are developing an industry partnership model to run it as a sustainable program in our schools.

Finally, we are also continuing our work to ensure that every woman who plays sport in our city has access to suitable bathrooms and locker rooms.

One of the guiding principles of the ACT Women's Plan is intersectionality. While all women in the community experience disadvantage, all women are different and

experience disadvantage differently. It is important that we are mindful of this as we implement the Third Action Plan over the coming years. Gender equality that considers the impacts of intersectionality in the ACT is a shared responsibility in our community, both to protect everything we have achieved so far and to continue driving change forward. I am confident that, together, we can continue this vital work.

I present the following papers:

ACT Women's Plan 2016-26: Third Action Plan—Ministerial statement, 14 September 2023.

Advancing Gender Equality—Third Action Plan 2023-26—ACT Women's Plan 2016-26, undated.

I move:

That the Assembly take note of the ministerial statement.

MS CLAY (Ginninderra) (10.13): I want to say a few words about the minister's third action plan. It is really exciting to see that we are getting women's action plans. I really am looking forward to being excited by this plan. It is so important. It focuses on five key elements: health and wellbeing, safety and inclusion, leadership and workforce participation, housing and homelessness, and appropriate and accessible services. We need to be looking at these issues through a gender lens, and that is why it is so crucial that we get these action plans right.

Let's look at the first element: health and wellbeing. Our health system is not well set up for women. We know that women are misdiagnosed, are diagnosed too late, are over-medicated and have their health concerns dismissed. We know that the lack of research into women's health compounds this. Women face much higher barriers to getting their healthcare needs met, due to the inherent bias and significant disadvantage that women experience compared to men. I will be watching closely the development of the guide for women and girls in the ACT on health and wellbeing. The metric says that, if appropriate, a guide will be developed. I think it is appropriate, and I would really like to see us commit to developing one.

The second element is safety and inclusion. Our frontline domestic and family violence support services are completely overloaded. We need much greater resources in the area. I heard this clearly from the community during the recent estimates. I am really pleased to see actions in the plan on this. I really, really want to see this particular outcome achieved: "People impacted by violence receive consistent and appropriate support from mainstream and specialist services in the ACT." That would be a fantastic service that we could provide to our women.

I like the target of: "Improve representation of women with diverse backgrounds within the governance target of 40 per cent representation of women on boards receiving funding through the Sport and Recreation Investment Scheme." It is fantastic to see that we are having proper quotas on boards. I would love to see that expanded to more boards. I am pleased to see the commitment to improve access to and suitability of amenities for women and girls at ACT government sportsgrounds.

It is also great to see moves to increase the representation of women, girls and non-binary people—and works by women and non-binary artists—in public art across Canberra. We also need to be placing a gendered lens on urban design, and I am pleased to see that there is commitment to that too. We should be including things like appropriate lighting to help with the perceptions of safety for women so that they can more easily and more confidently navigate our city at night. There has been a lot of thought and discussion in that area. I was really pleased to see my colleague Mr Braddock's resolution pass in June. It asked the government to develop a lighting strategy to help design our city lighting with a gendered lens.

The third element is leadership and workforce participation. We know that we need to build a culture that allows people to balance work and caring responsibilities without financial penalties, and we know that our carers are disproportionately women. I was interested to see that the actions in this section on leadership and workforce participation are all about getting women into male-dominated fields like construction and trades. It is great to see that emphasis, but the parts that are about supporting women in women-dominated fields are actually left in the health and wellbeing section. I think both are important. I thought it was interesting that we put them in different areas there.

We know that women working in women-dominated roles—like our midwives and our nurses in our healthcare systems—are not always well supported. We know that we need to do more to increase the pay and working conditions in those sectors dominated by women. Those sectors repeatedly get hit the hardest by poor conditions and lowest pay. We are all horrified when we hear stories of our nurses and midwives not getting bathroom breaks.

I am pleased to see a recommendation and a recommitment to meeting the mandated ratios for nurses and midwives in this plan, and I am really pleased that my colleague Johnathan Davis has been advocating on this. It is great to see the commitment to commence implementation of the Maternity in Focus 2022-2025 plan. The metric for success is that actions should be commenced. We are obviously going to achieve that because we have already commenced those actions, so it will be great in the next action plan to see a more ambitious target set.

The fourth element is housing and homelessness. We know we are in a housing crisis, and we all understand that this disproportionately affects women. In particular, women are affected where they are in a relationship that breaks down or in a relationship in which they are experiencing domestic violence. They often end up homeless when they leave that relationship, particularly where there is financial abuse involved. Women with children need different types of housing and they often need it in the right area, near their children's school. That often leads to longer wait times for suitable housing, both in our public housing system and in the private rental market.

Single parents are more likely to be women. The gender wage gap is real, and this impacts on the ability of women to find affordable housing, particularly given the cost of housing in this city. Our fastest growing cohort of homelessness is older women, and this is heartbreaking. Women accumulate less super over their lifetime and any change in circumstances—an unexpected medical event, a divorce, an incident with domestic violence—can lead to homelessness for a woman who has never before contemplated that.

It is great to see my colleague Minister Vassarotti doing some really good work in this space. She achieved continued funding in the ACT budget for short to medium-term accommodation for women, recognising the specific needs that women experiencing homelessness have. There is always more money needed in the specialist homelessness services, and some of the ACT's most marginalised people are hit hardest by the lack of safe, secure and affordable housing. It is encouraging to see her working to get government commitment to ensure that homelessness services are sustainable and appropriate for the people that they serve, with an outcomes-focused approach for co-design and with long-term investment in homelessness services.

The fifth element in the action plan is appropriate and accessible services. We know that accessing services can be harder for women. Many women have to juggle a whole lot of competing priorities—work, kids and caring responsibilities. We also know that our services are harder to access for people who have compounded areas of disadvantage and challenge. For Aboriginal and Torres Strait Islander women, older women, women from culturally and linguistically diverse backgrounds, women with a disability, and women with all sorts of differences, it is so important that we address this with an intersectional approach to help people access services and support and to make sure that our supports are trauma-informed, culturally safe and appropriate for the people that we are talking to at the time. For all these reasons, it is important that we get that gender lens put on our policies and on all of our budget expenditure.

The first women's action plan included a commitment to “establish a central depository of relevant gender-based research for use across government policy development and include gender impact statements in the new triple bottom line framework”. This is great. I really want to see it happen. I also really want to see the detail of how we are doing it. I want to know if it is working, how we are tracking it across time and across our directorates, and how it is actually making an impact on the decisions we are making.

I have been asking a lot of questions to get the detail of how these gender lenses are working. Each estimates or annual reports hearings, I have asked questions on this topic. In estimates 2021, I asked how CMTEEDD used the gender impact analysis tool to ensure that a gender lens is placed on the programs, policies and services delivered across the ACTPS. The answer that came back was about how the gender impact analysis tool was developed by the Community Services Directorate, following a commitment in the First Action Plan 2017-19. I heard that the tool is available for all government employees and that it assists to apply a gender lens to programs, policies and services. I heard about triple-bottom-line assessments prepared for certain cabinet business, which include a gender impact. I heard that business cases prepared for the budget were required to consider gender impacts and that the template refers the drafters to the gender impact analysis tool for submissions, where they can get some more detailed analysis.

It was a really good answer on process, but I did not get any examples of how it led to actual change in decisions, so I followed up with further questions. I asked if the gender impact analysis tool is applied to every program, every policy and every service funded in the budget and—if not—how we decided when to apply that analysis and when not to. I asked what that analysis had shown. The answer I got was:

The use of the Gender Impact Analysis tool is not tracked across the Service.

This is difficult for me. If we are not tracking it, how do we know if it is being used properly or if it is being used at all? I was told that the 2021-22 budget committed \$3.2 million over four years to proceed with the next stage of the Wellbeing Framework, including supporting an evidence base for wellbeing data in the ACT. I heard that the government is in the process of bringing wellbeing impact assessments into cabinet processes. This is perfectly reasonable. We will run our gender lens through the wellbeing impact assessment. They are both great tools; why not put them together? I asked for more information on that.

In 2022, I asked how many times staff have asked for help when using the gender impact assessment tool. Again, I was told that the use of the gender impact analysis tool is not tracked and that the tool was designed to be used without the need for training. I am struggling with this. I do not know how we know if the tool is working if we are not tracking whether it is being used. I think it is really difficult for people who do not work in this field to make different decisions if they are not given any training on what the tool is nor how to use it.

The government has pivoted to the wellbeing impact assessment tool. That is fantastic. We can make that tool work really well and it will perform the same role, so I have started asking about that instead. In the most recent estimates, in 2023, I asked for examples. I think there is a lot of process in there, so I asked everyone who appeared at estimates if they could give me three examples of how the wellbeing impact assessment tool was influencing or changing budget decisions. I did not get any examples. Most of the answers I received back were quite similar, so I will give a sample of one of those answers:

All proposals considered in the Budget include a Wellbeing Impact Assessment (WIA) and decisions are informed by analysis of that assessment. The purpose of the Wellbeing Impact Assessment and the Gender Analysis Tool is not to change Budget decisions. They are used to inform Budget decisions. Budget decisions reflect the endorsement by Cabinet of recommendations by the Expenditure Review Committee. The Government publishes Budget decisions in the Budget and Budget Review.

It looks as if we are not really tracking wellbeing impact assessments either, in the way that we are not tracking gender analysis decisions and assessments. It looks a lot like we have not given a lot of great training to the people who are writing these business cases and providing the advice to make them. I am concerned that we cannot get really great examples of how decisions have been changed.

We have got these really great framework tools. They might be having a huge impact. It is just really hard to tell from the outside. If they are having this fantastic impact, I would love to see our government shouting from the rooftops about all of the great changes that they have brought about and all of the decisions that would not otherwise have been made unless we were applying these tools. The tools are new and the process is iterative. I understand that it takes time to embed a new process and to train people in how to use it, but I am hoping that soon we can get some really great, tangible examples of how these tools are completely shaping our budget decisions.

MS ORR (Yerrabi) (10.25): I wish to speak in support of the report tabled by the minister today: the third and final action plan of the ambitious ACT Women's Plan, which aims to achieve equality for women and girls in a comprehensive document. I congratulate the minister, the Community Services Directorate and everyone who has worked on this report. The plan takes care to expand on existing arrangements for improving gender equality and identifies areas where more work is required. I have been pleased to see that, all throughout this plan, intersectionality is maintained as a guiding principle.

I am encouraged by the representation of women with disability throughout the third action plan. The listening report on achieving equality for women and girls in the ACT finds that there is significant community concern about women with disability and notes instances such as women with disability being discouraged by health practitioners from having children. The plan responds to this and advocates for the need to support and help women with disability to interact with the healthcare system.

I spoke to this chamber two weeks ago and advised that I had released my private member's bill on disability inclusion for public consultation and intended to introduce it to the Assembly by the end of this year. The guiding principle in this bill is that people with disability face physical, attitudinal, communication and social barriers, and that these need to be removed for full inclusion in their lives.

If we, as a society, break down these barriers, we are making our public spaces and institutions accessible to everyone. In a similar vein, the third action plan draws on this principle. We will investigate options and coordinate the development of a guide for women and girls in the ACT to increase access to high level information and guidance on health and wellbeing matters.

I am also pleased to see that the third action plan explicitly outlines bringing forward a new regulatory framework to maintain high quality assisted reproductive technology services for women and people with uteruses, through the Assisted Reproductive Technology Bill 2023. This will also enshrine in law clinical and ethical requirements for service providers in this space. These two actions, among other initiatives in this portfolio, will make health care more accessible and inclusive for all women, including women with disabilities.

The listening report also shows support for the provision of reasonable accommodations to ensure that women with disability are safe. The third action plan answers this feedback in several ways, including an action to improve access to and suitability of amenities for women and girls at ACT sportsgrounds. It also provides more funding for community services which provide accessible foundational skills development and enhanced employment for vulnerable female and non-binary people.

I am pleased to see that options to increase women's outreach programs, through Libraries ACT, for example, for vulnerable and at-risk cohorts will be investigated and implemented. Libraries are wonderful, safe community spaces. I am pleased to see that from the end of the year the Period Products and Facilities (Access) Bill will be enforced and that ACT public libraries will be one of the many places that women, girls and those who menstruate will be able to access free period products. That is just one of the many accommodations that make our community safer.

Finally, I would like to touch on the representation of participation in public art by women that is addressed in the third action plan. Members of this place know that I have made a point of drawing attention to the unfortunate deficit of women, quite literally as well as figuratively, in the ACT's public art collection, and have taken issue with the lack of historical figures present in what representation does exist. It is reasonable for women and non-binary people to expect see themselves represented in public spaces and to experience the same sense of belonging and connectedness which representation facilitates. Similarly, redefining how leadership is understood with a gendered perception must also include a fair representation of women in public art, particularly with respect to historical figures.

I note the work that Minister Cheyne has already started to do in this space with the upcoming statue of Susan Ryan. I am very pleased to see that the third action plan has identified this touchpoint. It makes the point of further increasing the representation of women, girls and non-binary people, and works by women and non-binary artists in public art across Canberra, and increasing the participation of women and girls in public spaces in general.

This third action plan commits the government to building an ACT that values and respects women and girls, and commits to achieving gender equality. I look forward to working with Minister Berry and others in this chamber to make this happen.

Question resolved in the affirmative.

Building and Construction Legislation Amendment Bill 2023

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

Title read by Clerk.

MS VASSAROTTI (Kurrajong-Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.30): I move:

That this bill be agreed to in principle.

I am pleased to present the Building and Construction Legislation Amendment Bill 2023 to the Assembly. The ACT government is committed to the ACT's building regulatory system being effective and fit for purpose. The regulatory system must support high-quality design and building, compliance with building standards, and integrity and accountability in the ACT building and construction industry. The bill includes amendments that provide clarity around building and construction processes, and it increases safety through ensuring that there is proper oversight and regulation of building, electrical, gas-fitting and plumbing work.

The amendments in this bill address a range of outcomes, such as to support the continuous improvement and effectiveness of the ACT's building regulatory system; to respond to emerging issues; to give greater choice and protection to the community;

to improve integrity and accountability in the building and construction industry; and to support high-quality design and building, and compliance with building standards.

Amongst other more minor amendments, the bill introduces new regulation of medical gas systems to address safety risks with the installation, testing and maintenance of these systems; new licensing requirements in relation to distributed energy resources installations, such as rooftop solar; new regulatory powers in relation to electrical installations that are a source of danger or becoming dangerous; and new requirements when reconnecting electrical installations that have sat idle for six months or longer.

The need for a regulatory framework for medical gas systems stems from two incidents in New South Wales in 2015 and 2016, in which infants were administered nitrous oxide instead of oxygen in a hospital, resulting in one fatality and one serious injury. The New South Wales Chief Health Officer determined that these incidents were a result of incorrect installation of medical gas pipes and subsequent flawed testing and commissioning processes. As demonstrated by these incidents, there are significant risks to health, safety and the economic wellbeing of individuals resulting from the provision of medical gas services where an individual does not have adequate qualifications or experience or does not follow an established verification process for the installation.

The new licensing requirements introduced in this bill will be supported by new qualification requirements for those undertaking such work. The proposed qualifications are intended to align with those already required in other jurisdictions and currently available to the ACT industry. Through the introduction of licensing requirements, installers of medical gas systems will be incorporated into the construction occupations licensing framework. This means that regulatory action can be taken for non-compliance. The ACT's approach is in line with other jurisdictions that have already introduced licensing requirements for installers of medical gas systems.

Should this amendment be agreed, the Environment, Planning and Sustainable Development Directorate will continue to work with key stakeholders on implementing this important change and ensuring industry is ready for the transition and have received appropriate training to meet new requirements. Canberra Health Services, as the asset owner of a significant number of medical gas assets, will be a key partner in this work to entrench safety outcomes and ensure continuity of service in our health system.

The bill also introduces a requirement for electricians undertaking work on determined distributed energy resources—DER—to hold a specific licence endorsement. “Distributed energy resources” is a term used in the National Construction Code, the National Electricity Rules, and relevant Australian standards, and is the term used by the Australian Energy Market Operator, the Clean Energy Council and other agencies to refer to renewable energy units or systems that are commonly located on houses or businesses to provide them with power. It includes photovoltaic equipment, such as rooftop solar; electric vehicle charging; and battery storage equipment. It is a commonly understood term within the building and construction sector.

It is currently not a requirement for a licensed electrician to have additional qualifications to install DER; however, to be eligible for Australian or ACT government solar rebates and support schemes, a DER must be installed by a licensed electrician who is also a Clean Energy Council accredited installer. With the gradual phase out of these rebate schemes, there is a need to ensure that the ACT government has a regulatory tool available to it and there is not an increase in the number of inexperienced workers installing DER installations.

What constitutes a distributed energy resource will be determined by the responsible minister in a notifiable instrument to enable new requirements to be responsive to emerging technology, with a focus on ensuring safe installations for consumers. These new licensing requirements are being introduced as part of the ACT government's commitment to sustainable and safe buildings, and to supporting the pathway to electrification. To support this new requirement, it has been necessary to remove work on declared DER from the scope of work an unrestricted electrician or electrical contractor licence can currently undertake. These licence holders will now need to have an endorsement on their licence to carry out this work. An appropriate transition period will be put in place to ensure that there are minimal impacts to the available workforce.

This bill also includes amendments to the Building and Construction Industry (Security of Payment) Act 2009 to align with the New South Wales scheme in key areas relating to rights to progress payments, due dates for payments and payment claim processes.

These amendments address the motion from Mr Petterson MLA on 11 May 2023 which called on the government to undertake any urgent and simple amendments to strengthen security of payments protection, and implement the findings of the 2018 Murray review into security of payment laws across Australia. The ACT's security of payment laws have been assessed against the findings of the 2018 Murray review, and many recommendations already exist in the ACT model. Some improvements to processes were identified, and the ACT government is intending to commence a detailed review of the ACT's security of payment laws in 2024 to ensure that our laws are fit for purpose and effective.

In addition to the amendments in this bill and the future review, I have also raised with my jurisdictional colleagues the benefits of a nationally consistent approach to security of payment laws. Achieving this requires commitment and involvement by all states and territories and the Australian government. I will continue to advocate for national consistency and stronger regulation in the area to support contractors being paid on time and in full.

To support high-quality design and building, and compliance with building standards, the bill amends the Building Act 2004 to require that an applicant must nominate the kind of certificate of occupancy for which they propose to apply. This will enable the owner to set their expectations for the execution and the quality of building work, and increase their involvement and decision making in the construction process. This will also make sure that the Construction Occupations Registrar is better informed when deciding whether to issue a certificate for occupancy and use.

The bill also includes amendments to the Electricity Safety Act 197, which will provide the electrical inspectorate with more options for assessing the safety of electrical installations. This includes new requirements for an electrical installation that has sat idle for six months or longer to be inspected, tested and passed by an inspector; and amendments to provide electrical inspectors the ability to assess whether an installation has become unsafe, rather than just act when it has become unsafe, and order its rectification or replacement, with associated offences to support effective regulatory action in relation to electrical installations.

To support the effectiveness of the ACT's building regulatory system, the bill amends the Water and Sewerage Act 2020 to remove an existing disparity between requirements for residents of single dwellings and the residents of units or townhouses. It removes the requirement for a certifier to be appointed for basic maintenance work such as the replacement of taps or toilets, or work where the cost is less than \$1,000 or another amount prescribed by regulation.

In 2022, I announced a review of the ACT's residential building work insurance regulatory settings, with a focus on the regulatory settings for fidelity fund schemes. The Environment, Planning and Sustainable Development Directorate has been undertaking this review, and the amendments in this bill are the first step in responding to the interim findings of that review. Additional amendments are anticipated, to supporting subordinate laws, following completion of the review to improve regulatory oversight and increase transparency.

The bill includes amendments to the Building Act 2004 to update current regulatory oversight powers relating to residential building work insurance to sit with me as the Minister for Sustainable Building and Construction; to include a definition of what constitutes disappearance for the purposes of a residential building work insurance policy or fidelity fund certificate; to formalise the process for appointment of a consumer representative; to introduce standing conditions on approval as a fidelity fund scheme to support a regulatory oversight; and to update existing provisions in relation to application processes for fidelity fund schemes to improve drafting.

The bill also includes minor and technical amendments to the Building Act 2004 to allow for the detail relating to who and how an energy efficiency certificate is issued to be contained in regulation. This supports ease of compliance with the requirements by having them contained in one place and promotes consistency across the ACT's building regulatory system. The bill includes minor and technical amendments to the Construction Occupations (Licensing) Act 2004 to provide the registrar discretion regarding the establishment of advisory boards, and to the Architects Act 2004 to support the issuing of a code of professional conduct for registered architects or an architectural service.

This bill improves the effectiveness and administration of the ACT's building regulatory system and supports a high-quality, accountable and transparent building and construction industry. I commend the bill to the Assembly.

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

Justice and Community Safety—Standing Committee

Reporting date—amendment

MR CAIN (Ginninderra) (10.44): I move:

That, notwithstanding the provisions of the resolution of the Assembly of 2 December 2020, as amended, that established general purpose standing committees, the Standing Committee on Justice and Community Safety shall present its report on the Gaming Machine Amendment Bill 2023 by 1 December 2023.

In accordance with the Assembly resolution establishing general purpose standing committees, the Gaming Machine Amendment Bill 2023 was referred to the Standing Committee on Justice and Community Safety on 6 September 2023. At a private meeting on 6 September, the committee resolved to undertake an inquiry into the bill, and the committee called for public submissions on 7 September.

The resolution on the establishment of standing committees states that all bills presented to the Assembly stand referred to the relevant standing committee for inquiry and report within two months from the presentation of the bill. The reference of the bill under this resolution means the reporting date for this bill is 1 November. However, the committee notes that the standing orders are being amended to allow a further month for the dates on which reports on referred bills must be due.

My motion asks for the reporting date on this bill to be extended until 1 December this year to align with this change. In conclusion, the committee asks that the reporting date be extended to 1 December this year.

Question resolved in the affirmative.

Economy and Gender and Economic Equality—Standing Committee

Report 9

MS CASTLEY (Yerrabi) (10.45): I present the following report:

Economy and Gender and Economic Equality—Standing Committee—Report 9—*Inquiry into the future of the working week*, dated 8 September 2023, including a dissenting report (Ms Castley), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The Standing Committee on Economy and Gender and Economic Equality commenced its inquiry into the future of the working week on 4 May 2021. The committee consulted with community groups, academics, unions and individuals, and received 34 written submissions, three exhibits and over 1,000 responses to an online survey. The committee also held four public hearings in April and May 2023, hearing from 19 individuals and organisations.

This is the committee's ninth report. The committee's report makes 25 findings and three recommendations, including that the ACT develop a pilot program to trial a four-day working week in the ACT, with provisions for private businesses to join on a voluntary basis. On behalf of the committee, I would like to thank everyone who has participated in, or assisted with, this inquiry. I also thank the other members of the committee, Ms Orr and Mr Davis.

I would like to make a few comments on my dissenting report. I encourage everybody to read it. There are lots of quotes in there from one particular submission that I support—flexible working arrangements voluntarily entered into between employee and employers. As I mentioned, we heard from many people, but I note that on 25 May, the Chief Minister gave evidence to the committee. So, as I said, please read through; there are a lot of comments there.

But the comments that stand out to me are where it says that Mr Barr's assumption is that this is a society-wide change; it is not that the ACT public sector operates in an entirely different world to the rest of the economy and the rest of society. The comment goes on, "These sorts of changes over the economic history have been society wide." It says that it is very complex and does have broader implications, and I note that we did not hear much from the business community on this.

Mr Wilson said that a flip side to this is that services would have to be reduced to do this fairly across society. That goes to that whole society-wide change. And as the person with whom the buck for introducing a four-day working week in the ACT would ultimately stop, Mr Barr injected a note of realism into the evidence before the inquiry. His argument that "the ACT public sector cannot operate in a bubble that is completely isolated from everything else that happens in society" was well made, as was his observation that, "implementing something like this is not a straightforward exercise".

I do not believe that this inquiry has sufficiently made out an argument to justify recommendations 2 and 3. For this reason, and on the basis of the points made by the Chief Minister, I dissent from recommendations 2 and 3.

MR DAVIS (Brindabella) (10.48): I welcome this report from the Standing Committee on Economy and Gender and Economic Equality, which I am pleased to serve on, into the future of the working week.

This report and its recommendations are the beginning of the huge amount of work we have to do, and must do, to reform our workplaces to be fairer, more sustainable and more equitable, and it is a critical step in the right direction.

For decades we have seen improvements in workers' rights and sensible, much-needed reductions in working hours, improving work-life balance, largely thanks to high union representation of workers. Since the 1980s, there has been no significant reduction to full-time working hours. The rise of new technologies, working from home and the COVID-19 pandemic, have seen working hours start to creep back up again, with huge challenges around work invading our private time and personal spaces.

The flipside to the COVID-19 pandemic's impact on working life was many people re-evaluating their relationship with work. Some of us are lucky enough to love our jobs and be eager to dedicate extra time and energy to working—I know that is certainly true for many people in this place—but that is certainly not the case for everyone. For many people, life outside of work is real life, with work a means to put food on the table and pay the bills.

The movement to reduce working hours to a four-day work week has received significant traction globally and appeals to a huge range of workers. Successful trials have been held in Iceland, New Zealand, the UK, Spain, the United Arab Emirates and Japan.

Now, thanks to our committee's recommendations, I hope the ACT government will again lead the country to better policies that benefit Canberrans and give social licence to new ideas, so that other states and territories can eventually join us.

The Standing Committee on Economy and Gender and Economic Quality heard evidence from experts and the community that supported the four-day work week. In a survey conducted by the committee, the four-day work week model of reduced hours was the preferred option by respondents, with 40 per cent saying they would be supportive of working fewer days and fewer hours in a week—known in our committee's report as the reduced hours model—in contrast to a compressed hours model where the same full-time hours are worked over fewer days.

Respondents gave a broad range of reasons as to why they want more free time and how a four-day work week could support this. Respondents detailed benefits including better work-life balance, increased time for rest, leisure and life admin, better mental and physical health, increased productivity at work, more time with their family, reducing their childcare costs and more time for community engagement and volunteer work as well as the ability for employers to recruit and attract staff.

A four-day work week has the potential to bring huge benefits to both employers and employees across a range of industries in both the public and the private sector. I am encouraged the committee has recommended the ACT government look at developing a trial for the public service that includes both administrative staff and frontline business units like teachers and nurses.

Our frontline workers, those teachers and those nurses, have worked incredibly hard, particularly as a consequence of the pandemic, and believe must be included in any trial that the ACT government initiates. The ACT government can and should be a model employer, and I hope the committee's recommendations will help to ensure this.

Additionally, the committee recommended the ACT government work with the private sector to support those businesses that wish to trial a four-day work week model. The ACT government can and should support those businesses who seek to voluntarily participate in our forthcoming four-day work week trial.

This will help those employers recruit and retain skilled staff and has the opportunity to be good for business, using the administration and policy formulation work of the government to help inform their future business models.

This report furthers the work of the Greens in other jurisdictions. Recently the federal Senate Select Committee into Work and Care, chaired by South Australian Greens Senator Barbara Pocock, recommended that the Australian government undertake a four-day work week trial but follows the reduced hours model in which 100 per cent of pay and productivity are retained but hours are reduced to 80 per cent.

I look forward to a future in which everybody has the work-life balance that works best for them, their families and our broader community. I hope that the ACT, led by a progressive Greens-Labor government, will be the first in the country to demonstrate that working less is good for society, allowing the rest of the country to follow suit.

MR BRADDOCK (Yerrabi) (10.53): I would like to take the opportunity to thank the Standing Committee on Economy and Gender and Economic Equality for its consideration of a four-day working week. There is something I would like to take the opportunity to reflect upon from a Greens and an industrial relations perspective. That is how the public debate at large and, indeed, this report has been discussing the topic of productivity.

At almost every turn, the question has been what impact a shorter working week will have on productivity. It is a very forward-looking question and it is welcome, particularly as small businesses grapple with their business models filling niches in the market that big businesses cannot, will not or should not touch. But it is important that we also look backwards and ask the question from a reverse perspective. What do our past achievements in productivity allow us to now do? Everyone has heard the story at some point which has come with every major technological advancement: the promise that this new thing—originally the computer and eventually the smart phone—will give you your time back and that it will let you spend time with your friends and family. But it has never come true.

The last several decades have borne witness to the greatest rise in technological advancement the world has ever seen. It gets heralded in some quarters as the tech revolution, and yet the working week has been stuck at 38 hours since the 1980s. Not that many people have actually gotten their time back. Those that have, such as in the public commonwealth public service, who managed to bargain it down to 36 hours and 45 minutes at one point, have had to fight tooth and nail to keep that extra time from being clawed away from them, traded off for supposedly better pay offers amidst stagnating wages and policies of the commonwealth government, and also of major corporate enterprises, all while the executive pay packet has boomed.

The only benefits the workers tend to see from productivity are slightly higher wages so that workers can spend ever more to improve their quality of life. They never get their time back, not really. Even now, when inflation is running at all-time highs, the idea of giving employees back time as an alternative to an inflation driven pay rise seems to be alien.

Right now, in commonwealth enterprise bargaining, the public sector unions claim for a 20 per cent pay rise over three years is one that the government say they cannot meet and are not even mentioning an offer of time instead.

I am also surprised that the public sector unions are not asking for time as a possible way to settle these bargaining disputes. Maybe they could and maybe they are and it has just not broken to the news. So that might be a conversation that needs to be had.

As the committee has rightly heard, the standard hours for a working week are maintained in law as part of the National Employment Standards attached to the Fair Work Act. That places the matter under commonwealth jurisdiction. The role for the ACT government, however, is ultimately one for being a model employer. In being that model employer, I would like the government to focus on what it can do every time it remarks on what it cannot do. If they cannot implement a four-day working week straightaway, maybe they can offer employees a 30- to 60-minute reduction in their working week and then again further down the line.

If they cannot shorten the number of days frontline services are open, maybe they can look at how to handle rostering in a way that gives some people time back. If they cannot agree to the recommendations of the report, maybe they can share alternative ideas.

I want us to think about what we can give people because of the productivity they have achieved rather than what we cannot give them because of the uncertainties of the future. Workers deserve that much, and we need to be a model employer that sets the example.

MS ORR (Yerrabi) (10.57): I rise today in my capacity as a private member to speak to the tabling of the report of the inquiry into the future of the working week. I note the committee has found that there is strong support in the ACT community for a four-day work week with no loss of pay or conditions through a reduction model—that is to say, reducing the number of hours worked in the week, not simply compressing the same number of hours into fewer days. The committee also notes that trials should be undertaken to further inform the move to the four-day work week.

I would like to pick up on Mr Davis's comments where he said 39 per cent of people or thereabouts supported the reduction model. But I would note that another 22 per cent supported the compressed and 37 per cent supported either and a total of 86 of respondents to the committee's survey supported a four-day work week. I think that is the important number.

I am a supporter of the four-day work week. There are many reasons I am in favour of this policy but one of the biggest and most important ones is that the four-day work week is good for women. I am all too aware of the issues facing those in our community who have caring responsibilities, and, as several submissions to the committee's inquiry noted, caring responsibilities disproportionately fall to women.

A five-day working week is incredibly difficult for those with primary-care given responsibilities and often unachievable. Workers in an effort to balance all personal and professional commitments are often forced to drop down to part-time work—in turn, foregoing income and contributing to the gender pay gap as well as limiting career options.

The benefit of allowing workers more time away from work will make the lives of working women and primary-care givers easier. It will allow people to balance the commitments of their personal and professional lives with less impact to their career options or income.

I acknowledge that greater balance provides a valuable opportunity for men to increase their participation in domestic and caring labour and provide for more of a balance among the genders, making it a win for all workers and society more broadly.

I am supportive of the nation-leading opportunity that the report's recommendations present. The report recommends that the ACT works towards a future trial within our ACT public service. The recommendation is in lock-step with the federal parliament, whose Senate Select Committee on Work and Care has this year recommended a four-day work week trial piloted by the Australian government to address the major challenges we face in our social wellbeing and the economy.

This response referenced the Legislative Assembly's committee of inquiry and noted:

It would be advantageous for a four-day work week piloted by the Australian government to be coordinated with any similar initiative undertaken by the ACT government.

I eagerly await the federal government's response to their inquiry.

If the recommendation is to undertake a trial here in the ACT is adopted, the ACT will be the first jurisdiction in Australia to commit to and realise a public service trial of the four-day work week. The significance of such a commitment cannot be understated. The convening of a working group to plan the trial is a measured and sensible way to progress any implementation of the four-day work week.

The ACT public service is the ideal place to trial the four-day work week. We have a diversity of workplaces in our public service, which will allow us to understand how a range of workplaces can be transitioned.

The evidence from the committee of inquiry suggests that a four-day work week trial must include those outside of traditional white-collar work. There is a perception amongst some people that the four-day work week can only work for office workers. But that is simply not true.

The evidence from this inquiry challenges this perception. Indeed, a trial in non-office-based environments in the ACT public service will contribute to valuable shared learnings that will make it more possible for more industries to transition. Teachers, nurses, firefighters, bus drivers, general service officers, social workers and horticulturists can all transition to a four-day work week. This process must be done in lockstep with these workers so that they are not left behind.

The inquiry also found that a shift to a four-day work week has the potential to enhance the wellbeing of workers significantly, addressing excessive working hours, stress and burnout. Moreover, we know that the four-day work week trials across the world so far have indicated that it will improve staff retention and will reduce staffing costs in the long run.

Importantly, this can be done without a loss of workforce productivity. A more productive public service as well as a more productive broader economy that enhances work and wellbeing at the same time that it does not disadvantage employees, is a commonsense improvement to be making.

There is a perception among some people that a four-day work week will increase costs for businesses. Again, this perception is challenged by the evidence of the trials across the world. A large trial of the four-day work week piloted in the UK in 2022 found that almost all participating businesses cited their productivity was either maintained or improved with a four-day work week. Indeed, 92 per cent of participating businesses have decided to continue with the four-day work week trial immediately following the pilot, which speaks to the popularity for employers and workers alike.

If we want the ACT public service and all employers in the ACT to be attractive and competitive in the employment market, we have to set ourselves apart. The committee's report and recommendation to progress towards a four-day work week sets us up nicely to do just that.

As a proud unionist, I am excited by the journey this report sets the ACT on. Winning the weekend is a very proud part of the history of the Australian trade union movement, and it is something that we can build on. In 1856, Melbourne stonemasons became the first workers in the world to achieve an eight-hour working day, following months of negotiations between labour organisers, employers and government.

Importantly, they continued to receive the same wages as they had for the 10 hours per day they had previously worked. This was another first—the first time in the world that shorter working hours had been achieved with no loss of pay.

But we have not had a major reduction in working hours this century. Even though we have seen significant productivity gains and profit increases, extending the weekend through the four-day work week is a new frontier in the history of the labour movement and one we here in the ACT have the chance to act on.

Finally, I would like to note the support that the four-day work week has in the ACT Labor Party. At our annual conference in July of this year, the four-day work week with no loss of pay or conditions was adopted into the ACT branch policy platform. This was in no small part due to a group of committed activists from ACT Labor for a four-day work week. I look forward to working with these activists and others to promote and progress the four-day work week here in the ACT.

I will, without doubt, be a voice in the parliamentary Labor caucus to take every opportunity to progress the four-day work week for Canberrans.

Question resolved in the affirmative.

Planning, Transport and City Services—Standing Committee Report 15

MS CLAY (Ginninderra) (11.04): I present the following report:

Planning, Transport and City Services—Standing Committee—Report 15—*Inquiry into electric vehicle (EV) adoption in the ACT*, dated 7 September 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The inquiry into EV adoption in the ACT commenced on 26 May 2022. The committee consulted widely, receiving 73 submissions and conducting three days of hearings involving a range of stakeholders, including the ACT government, Evoenergy, car and electric vehicle industry bodies, strata bodies, and individual citizens. As the ACT transitions towards phasing out internal combustion engine vehicles, it was important for the committee to conduct this inquiry to see how the ACT is progressing on EV adoption and what we need to do to further encourage EV uptake.

It was clear from the inquiry that, while the ACT leads the way in moving towards net zero, we still have some work ahead of us if we are to see greater numbers of EVs on our roads and the supporting infrastructure in place. The committee's report made a total of 30 recommendations. Some of the committee's recommendations to the ACT government include reviewing the proposed rollout of charging infrastructure to ensure equitable spatial distribution of chargers, not disincentivising the purchase of low-emission vehicles when considering road user charges, and ensuring that public charging facilities are accessible to people with a disability.

The committee wishes to extend its appreciation to all inquiry participants for their engagement throughout the inquiry process and for the valuable contributions they made in assisting and informing the committee's deliberations. I would also like to thank my colleagues, Deputy Chair Orr and Mr Parton, and our excellent and very hardworking committee secretary on the Standing Committee on Planning, Transport, and City Services. We have quite a high workload and the secretariat really does a great job supporting us and making sure that we can do our jobs. I commend the report to the Assembly.

MR PARTON (Brindabella) (11.07): I live in the deep south of Tuggeranong. I live in Theodore, which is a suburb chock-full of standalone houses on RZ1 blocks.

Mr Gentleman: Not quite deep south.

MR PARTON: If it is not deep south, Mick, then what is? A stack of hi-vis-wearing tradies live there, there is a stack of four-wheel drives, and there are very few Teslas or BYDs. So, when you go for a predawn run on the streets of Theodore, you can always hear the cars coming.

Soon after this inquiry was announced, I was having a beer at the Calwell Club with Muzza and Willow, who both live in Theodore, and they said to me, "Come on, Parto, why are you involved in this inquiry into the transition of EVs?" They said, "This is woke BS." They used some other words as well. "How did they make you do this?" I explained to them that the inquiry was actually my idea. I think I am allowed to say that at this point. I explained to them that this is not a left-versus-right issue and that the transition to EVs is actually inevitable. It does not matter what you think about the merits of your four-wheel drive, at some stage—and the question is when, as well as other matters—we will, as a nation and as a city, move on.

There are many questions that still need to be asked and many answers that need to be given about that process and about the impact various decisions will have, but the end outcome is inevitable, perhaps for no other reason than at some stage most of the international car manufacturers will not be making petrol powered vehicles. From a personal point of view, I do not think that inevitability should lead us to force people to do things before it is warranted for the sake of signalling climate-action virtue, but the final outcome is a foregone conclusion. Given that, sensible governments and parliaments should be examining the path ahead in whatever way they can so as to make that path as smooth and as equitable as it can possibly be.

As an individual committee member, I entered this inquiry process with major concerns about our ability as a city and as a nation to augment the electricity network on both a macro and a micro level to the point that we can supply enough power to the places it needs to go to charge all our EVs, as well as taking on all of the gas supply under the electricity umbrella. I went in with major concerns about how much that was going to cost and whether we would, as a nation and a city, be able to supply the level of power that would be needed. We got evidence from Evoenergy and others which allayed some of those concerns, but I still retain some of those concerns. That is why I am most pleased that the report includes a recommendation that the ACT government table in the Assembly the 2022 GHD and ACIL Allen modelling on the impact to the electricity grid of the transition from gas and the uptake of EVs, and that the committee recommends the ACT government table in the Assembly the updated modelling currently being undertaken on the impact on the electricity grid from the transition from gas and the uptake of EVs.

I am really pleased with this committee for the way that the inquiry and the whole process was undertaken. I again would state publicly that this committee is usually able to arrive at a consensus position on contentious issues. There are moments when I wish that this Assembly as a whole could operate in the same way as this committee does, and I believe yesterday could well have been one of those moments.

Many thanks to Miona, Kate, Adam and Lydia. I thank all those who submitted evidence and those who appeared at hearings.

Question resolved in the affirmative.

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

MS CLAY (Ginninderra) (11.11): 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 referred bills.

The Building (Swimming Pool Safety) Legislation Amendment Bill 2023 was referred to the committee on 30 August 2023. The committee notes that the ACT government has undertaken detailed public consultation across the community, industry, key stakeholders and other jurisdictions. Over 1,000 survey responses were received by the ACT YourSay Community Panel, and, in developing the bill, consideration was given to frameworks enacted in other jurisdictions, as well as advice received on best practice frameworks from industry.

The committee also notes that most jurisdictions, such as New South Wales, the Northern Territory, Queensland, Victoria and Western Australia, have taken action to address the issue of child drownings and near drownings in home swimming pools by requiring pool barriers to meet prescribed safety standards, requiring owners to maintain pool barriers, and requiring occupiers of premises with a regulated swimming pool to ensure access points are closed when the regulated swimming pool is not in use. The committee therefore considers that there is no value to be added by holding an inquiry. For this reason, the committee has resolved to not inquire into this bill.

Statement by chair

MS CLAY (Ginninderra) (11.12): 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 referred bills.

The Circular Economy Bill 2023 was referred to the committee on 30 August 2023. The committee understands that the bill creates a framework for requiring businesses to have a waste reduction plan, and to sort, to dispose of, and to arrange for the collection of waste in certain ways. The bill will repeal and replace the Plastic Reduction Act 2021, as it brings the waste reduction requirements for various waste streams under a single piece of legislation.

The committee is of the view that there has been extensive consultation on the bill, including targeted industry consultation as part of the process of developing the cost-benefit analysis and regulatory impact statement which informed the development of the bill. As such, the committee considers that an inquiry would not add anything further to the topic and the committee has resolved to not inquire into this bill.

Statement by chair

MS CLAY (Ginninderra) (11.13): 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 referred petitions.

Petition 2-23, titled Restoring the ANU Bus Route, was received by the Assembly on 21 March 2023 and referred to the committee under standing order 99A. The committee has decided to not inquire into this matter for the following reasons. The committee thanks the Minister for Transport and City Services for the government response and for his correspondence on the matter and understands that the matter around the campus shuttle bus primarily rests with ANU and that implementation of a loop bus service is affected by delays in their campus master plan. The ANU is, however, looking at other options in the interim. The committee also notes that the minister indicated in the government response and in his correspondence with the committee that the government is currently engaging with ANU on these matters.

The committee is hopeful that the ANU will follow up with any safety concerns, and the committee has decided that a committee inquiry would not add any further information to the matter. The committee will therefore not be inquiring into the petition.

Statement by chair

MS CLAY (Ginninderra) (11.14): 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 referred petitions.

Petition 3-23, titled Casey and Surrounding Areas, was received by the Assembly on 21 March 2023 and referred to the committee under standing order 99A. The committee notes that the Minister for Transport and City Services has indicated that the government is developing the Multimodal Network Plan which will confirm the modal priorities and vision for key corridors and transport areas. This will include the Gungahlin town centre and surrounding corridors, such as the Casey group centre. The minister has also noted that TCCS will raise the issues on access arrangements to the centre owned open-air carpark on Kingsland Parade with shopping centre management.

The committee considers that the minister has responded to the issues raised in the petition and that a committee inquiry is unlikely to advance this issue any further. The committee will therefore not be inquiring further into the matters raised in petition 3-23 but asks that the minister maintains a watchful eye over this matter as some issues may be exacerbated by the planned development of community facilities.

Statement by chair

MS CLAY (Ginninderra) (11.15): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning, Transport and City Services.

At its private meeting on 12 September 2023, the committee resolved to conduct an inquiry into the Territory Plan and other associated documents. The committee will be inquiring into the Territory Plan as per its statutory obligations, along with the Territory Plan's supporting documents such as the design guides and planning technical specifications. This includes what the policy goals are for the new system and whether the new system is able to meet these goals, and how Variation 369 and the ACT government's commitments to living infrastructure targets are embedded in the Territory Plan, as per the committee's earlier commitment to inquire into the implementation within 12 to 18 months of its commencement.

Scrutiny on a major project like this is extremely important. The ACT government received a large volume of feedback during the consultation period and this included over 1,700 responses from the community. The committee has received all those pieces of feedback and will consider them as part of this inquiry. The committee is incredibly grateful to the community for dedicating so much of their time already to the planning review. The committee is keen to ensure this project receives ample scrutiny whilst reducing the burden on the community wherever possible.

For this reason, the committee invites expressions of interest to appear at the public hearings rather than full written submissions. Where members of the community have something additional to say that was not covered in an earlier written submission to the ACT government, this can be included in the expressions of interest. Otherwise,

the committee warmly welcomes brief expressions of interest setting out who the submitter is, whether they are writing as an individual or on behalf of an organisation, and why they would like to speak to our committee.

Expressions of interest will be open until Friday, 27 October 2023. The public hearings are scheduled for Wednesday, 6 December, and Thursday, 7 December 2023. The committee will report back to the Assembly by Monday, 11 March 2024.

Executive business—precedence

Ordered that executive business be called on.

Planning (Consequential Amendments) Bill 2023

Debate resumed from 29 June 2023, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MR CAIN (Ginninderra) (11.18): The Canberra Liberals will not be opposing this bill, which makes a range of technical and word changes to over 70 pieces of legislation. It is quite a lot for the original Planning Bill presented in June. Surely that bill should have incorporated all these word changes to update language and other pieces of legislation. I am not quite sure what that says—I will let people come to their own conclusions—but to have a substantive piece with minor and technical changes a few months after the passage of a major piece of legislation that was years in the making shows that someone did not have their eye on the ball.

We will not be opposing this. Obviously, we will again look more closely at the whole rollout of this reform package and the documents issued on Monday. I certainly look forward to the planning committee's inquiry into the whole raft of new material which will interact intrinsically and very significantly with this Planning Act. I again want to thank the minister for providing officers a briefing last month. I always appreciate officials spending time to answer questions and doing follow-up.

I refer to something that has not been changed—a concern expressed by the Scrutiny of Bills Committee. In its report No 32, it drew attention to the Planning Bill—the substantive bill presented and debated in June and passed—and drew the attention of the Assembly to the potential limiting right to a fair trial by removing the possibility of judicial review of certain development proposals under the AD(JR) Act. Time will tell what an outcomes based system will do to the territory, but taking the right to challenge an outcome under the AD(JR) Act is certainly something that remains of concern. But, as I have said, we will not be opposing this bill.

DR PATERSON (Murrumbidgee) (11.21): I rise in the Assembly today to speak in support of the Planning (Consequential Amendments) Bill 2023. The bill complements the passing of the Planning Act 2023 and its reform of the current planning system.

I would like to acknowledge that this is the culmination of work over the past four years to review and reform the ACT planning system, and to improve and modernise

the way we plan for our city's future. The Planning Act 2023 will shortly repeal and replace the Planning and Development Act 2007. The act is the foundation of the reformed planning system, alongside key elements to the system, including the district strategies and a new Territory Plan.

The reforms aim to deliver a planning system that is easy to use, provides certainty to Canberrans, supports good outcomes and provides transparency in decision-making. This will assist in establishing a system that represents the needs of our communities, the plans for those needs and the work to deliver on those needs.

I would also like to acknowledge that the major feature of the bill is supporting the Planning Act 2023 and the shift to an outcomes-focused system that will deliver better planning outcomes for our community and our environment as our city grows. An outcomes focus will establish the new planning system so that it can facilitate desired results of planning, rather than prescribe how planning needs to be done. It will allow more flexibility in how the result can be achieved, and I look forward to seeing the benefits in our community.

This will go beyond looking at buildings, open spaces and roads in isolation and will incorporate wellbeing, health, recreation, employment, housing and environmental factors into the very fabric of our planning system. It will place greater emphasis on improving design quality and built form outcomes so that developments can perform well within their own local context.

The Planning (Consequential Amendments) Bill 2023 will complete the process initiated by the Planning Act 2023. It will make sure that over 70 pieces of legislation that rely on and reference the Planning and Development Act 2007 continue to operate effectively when the Planning Act 2023 fully commences.

I note that the majority of the amendments contained in the bill are technical in nature and amend and replace redundant references. This includes updating references to the names of legislation and pieces of subordinate legislation, as well as specific references to the territory planning authority. The bill also makes updates to include new Territory Plan terminology and new sections, schedules, notes and examples to bring other pieces of legislation up to date with terminology used in our new planning system.

I also note several amendments contained in the bill make minor policy amendments. These are necessary to reflect changes made to the new planning system framework.

These relate to changes to the Administrative Decisions (Judicial Review) Act 1989 and matters that are now not subject to review. I acknowledge that the decisions that are no longer reviewable are now redundant under the new legislation, out of date or relate to light rail, which is now included under the definition of a territory priority project.

They also relate to amendments to the Electoral Act 1992 to accommodate changes to pathways for development assessment under the Planning Act, which have been simplified into a single pathway. I acknowledge that since this amendment affects restrictions on gifts from property developers, or close associates of property

developers, of a relevant planning application, the change will not significantly increase the number of development applications.

Finally, I acknowledge the changes made to the Water Resources Act 2007 to reflect that the Water Use and Catchment General Code is no longer referenced in the Territory Plan and that a new head of power has been created in the Water Resources Act for the minister to determine environmental values for waterways in the ACT.

Taken together, the Planning Act 2023, and amendments set out in the Planning (Consequential Amendments) Bill 2023, will support a reformed planning system that will lead to better outcomes for people, the community and the environment. I look forward to a planning system that supports our city's growth while maintaining its valued character as we continue to develop our city and provide housing for its residents.

MS CLAY (Ginninderra) (11.26): I rise to state that the ACT Greens are happy to support this bill. This bill is really a technical and consequential series of amendments to the already passed Planning Bill. Most of the changes made are updating the names of the old act to the names of the new act, and the name of the old territory planning authority to the correct name.

I did have a pretty careful look through the explanatory statement. I think it is really important that we monitor these things. We have, of course, debated the actual issues in the primary piece of legislation. We debated those at length. It was a four-hour debate. I was really pleased, on behalf of the ACT Greens, to bring forward a number of amendments based on the concerns we had heard, and we negotiated with our colleagues in Labor to pass over a hundred amendments to that bill, during the passage of the bill, and that was really the place to raise concerns about that.

I am sad to hear some doubts about certain aspects of that bill, such as territory priority projects. That is certainly an issue that we gave a thorough reckoning to, and we made amendments to that issue to make sure that we could get that right. It is a shame for members to come in, months after the passage of the bill, having not participated in the debate or put up any amendments, and voice fears about that now.

Although, I can reassure myself that any member in here who is concerned about the planning legislation and who wishes to do the work can, at least, put up amendments of their own. I would encourage someone to do that. If people have things they would like to see changed, it is much better to bring forward amendments and to table legislation rather than to merely talk about the issues without participating in the conversation.

The Greens are very happy to support the passage of this technical and consequential bill that supports the bill we passed recently.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.28), in reply: The Planning (Consequential Amendments) Bill 2023 was presented to the Legislative Assembly in June 2023. Consequential amendments, of

course, always follow a bill such as the Planning Bill, and the new Territory Plan changes. The bill represents another key milestone in implementing Canberra's new planning system. This delivers on the ACT government's commitment in the Parliamentary and Governing Agreement for the 10th Legislative Assembly to review and improve Canberra's planning system.

Our goals have been to simplify the planning system and to facilitate residential development and housing supply, as well as to make sure that Canberra remains sustainable, liveable and attractive. We wanted to improve the planning system clarity; better incorporate character, context and design as key elements of the system; enable greater flexibility in the assessment of varying development types; and provide a pathway to achieve net zero emissions.

These commitments have largely been delivered through the passage of the Planning Act 2023. The act creates a legislative framework for the new planning system. It creates a modern planning system that is accessible, that is easy to use and that will deliver improved development outcomes across the ACT. The act delivers a more spatially led and outcomes-focused planning system, with a greater focus on strategic planning and spatial direction for the territory at different scales. The new planning system effectively balances the need for future growth of the ACT with the broader expectations of the ACT community. It does this through an outcomes focus: encouraging desired planning results and having proponents think about how the proposal can contribute to the wellbeing of Canberrans rather than prescribing how things need to be done using less flexible rules. It also provides a principle approach to planning, providing a benchmark to provide guidance on how planning and development should be undertaken, and has a focus on consultation with interested and affected parties, as well as professionals across a range of planning and other areas of expertise.

The Planning (Consequential Amendments) Bill 2023 seeks to complete the legislative framework for the new territory planning system. It supports the Planning Act by making amendments to over 70 pieces of ACT legislation. These amendments will make sure that all ACT laws align with the reformed planning system.

The majority of the amendments contained in the bill are technical in nature and amend and replace redundant references. This includes: (a) replacing references to the Planning and Development Act 2007, with the Planning Act 2023; (b) amending Planning and Development Regulation 2008 to either the Planning (General) Regulation 2023 or the Planning (Exempt Development) Regulation 2023 to account for the two new regulations to be made under the Planning Act; (c) replacing the planning and land authority with the territory planning authority to reflect the new name of the independent planning authority; (d) replacing the Chief Planning Executive with the Chief Planner; (e) including a new Territory Plan terminology—for example, "minor plan amendment" and "proponent initiated amendment"; and (f) updating new sections, schedules, notes, examples et cetera, to correspond to the correct terminology in the new planning system.

Three amendments contained in the bill make minor policy amendments to current non-planning legislation as a result of changes to the planning system framework. As you have heard, the Administrative Decisions (Judicial Review) Act 1989 Schedule 1

proscribes decisions, which are not subject to review. For the Planning and Development Act 2007 there were six decisions. Four of these decisions have been removed, as they are redundant under the new legislation or out of date. The two remaining decisions relate to the light rail, which is now included under the definition of a territory priority project. A territory priority project declaration for anything other than light rail will be subject to review, provided the proceedings commence within two months of the declaration being made. All decisions for light-rail territory priority projects related to significant developments, development assessment and approvals, and leases and licenses—other than a development proposal involving a protected matter—are excluded from the AD(JR) Act. These minor policy amendments provide an appropriate balance between scrutiny, transparency and certainty for the process and time lines of projects. They give some to project time lines and balance the need to allow a public review of the decision as well.

The Electoral Act at division 14.4A deals with the restrictions on gifts from property developers, or close associates of property developers, of a relevant planning application. Section 222E provides the meaning of a “relevant planning application” and includes:

... a development application for a development proposal in the merit track or impact track under the *Planning and Development Act 2007* ...

As the act has been simplified, development assessment now has a single pathway. The current reference to “merit track or impact track” has been amended to include a development application for all development proposals. This change will not significantly increase the number of development applications within the scope of restrictions on certain types of gifts from property developers to political entities. I also note that the number of code track development applications currently lodged number approximately 15 per year over the last five years. So, this minor amendment will not significantly impact the number of individuals subject to division 14.4A in the Electoral Act.

Under the reformed planning system, the Water Use and Catchment General Code is no longer referenced in the Territory Plan, given its content does not directly relate to planning matters. The code is needed to allow the operation of Part 4 of the Environment Protection Regulation 2005 and the protection and compliance with use of water and catchments.

The bill will establish a new head of power in the Water Resources Act for the minister to determine environment values for waterways in the ACT. The determination will be a notifiable instrument.

Despite the significant volume of acts and regulations amended through this bill, the amendments proposed are all relatively straightforward, minor and technical. By its nature, the planning system interacts with a large number of other government legislation, policies and processes. For this reason I am extremely proud of the work that has been done to improve the planning system.

In conclusion, I believe that the new planning system reforms will enable a modern planning system that is accessible and easy to use, and it will deliver improved

development outcomes across the ACT. It delivers a spatially led and outcomes-focused planning system, with a greater focus on strategic planning and spatial direction for the territory at different scales, focused on delivering improved built form outcomes.

We want to further improve and modernise the way we plan for the future in light of the challenges faced by cities around the world, including population growth, housing and climate change. Our city is growing, and the new planning system will allow us to ensure we continue to grow in a sustainable and effective way. We will continue to make sure we build more houses for Canberrans and provide greater housing choice. The new planning system provides a clear and strong basis for us to plan for the future of the Canberra community and to retain the aspects of the Canberra we all love and value.

Just before I conclude, I do want to thank the Chief Planner, Ben Ponton, and Dr Erin Brady. I want to mention Brodie, Tash and Tori from my office and thank them for the huge amount of work they have done. I want to thank Alex Magee and the whole team at EPSDD for their amazing efforts in providing for thousands of future Canberrans.

I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.38 am to 2 pm.

Ministerial arrangements

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) (2.00): The Chief Minister is absent from question time, so I will try to assist with questions for the Chief Minister's portfolios.

Minister Davidson is absent from question time and Minister Rattenbury will assist with questions for Minister Davidson.

Minister Cheyne is also absent from question time. I will assist with questions in the business and better regulation as well as the assistant economic development portfolios. Minister Stephen-Smith will handle questions within the multicultural affairs and arts portfolios. Minister Gentleman will handle questions within the human rights portfolio.

Questions without notice

Justice—Board of Inquiry into the Criminal Justice System

MS LEE: Madam Speaker, my question is to the Attorney-General. Attorney-General, Mr Sofronoff delivered his report on the Board of Inquiry into the Criminal Justice System in the ACT on 31 July this year. The report contained pretty damning findings on the state of the ACT criminal justice system. The report also contained serious findings against the then DPP, Mr Shane Drumgold. Attorney-General, have you reconsidered conducting a more substantial review of Mr Drumgold's previous cases beyond the initial preliminary review? And if not, why not?

Mr Cain: Yes. Why not?

MR RATTENBURY: I appreciate the echo from the back of the chamber; it made the question just a little clearer for me!

Mr Cain: I'm glad to hear it!

MR RATTENBURY: As I indicated at the time and as I have previously answered, the government did seek advice on cases where Mr Drumgold had the lead in particular. They included the matters that might be considered of concern where, as the highest officer in that office, he would have had control of those matters. There were 18 matters that the government considered during that period of time since Mr Drumgold had been appointed the director that he had the lead on. Of those matters, 15 were appellate. The issues that were identified, and that I think Ms Lee and others might have a particular concern about, were where Mr Sofronoff spoke to particular practices where he felt Mr Drumgold had behaved not in the manner that he should have. In the case of appellate matters, those questions do not arise because there had been an opportunity to test those questions. There were two other matters in which the facts had been agreed and the only matter that had gone to court was a question of sentencing. The 18th matter was still before the courts. So the government formed the view that, in looking at the nature of those cases, the questions that people like Ms Lee might have had, were not live in those 18 matters and therefore we did not need to undertake further review.

MS LEE: Attorney-General, who gave you that advice? Did that review include cases where Mr Drumgold was deputy director?

MR RATTENBURY: The details of the matters were provided to me by the Acting Director of Public Prosecutions, who had had access to the material and I consulted with my directorate on that information.

On Ms Lee's second question: no, we did not examine matters where Mr Drumgold was the deputy director.

MR CAIN: Attorney, when will the government's final response to the Sofronoff report be published, since it is only the interim government response that is publicly available on the JACS website?

MR RATTENBURY: The government did issue an interim response while we had sought to take a bit of time to consider the recommendations. Clearly with the leaking of the report, the regrettable leaking of the report, the government sought to give a public indication more quickly. As members will have seen, the government has agreed to eight recommendations and there were two recommendations that required further consultation with key stakeholders. That is why the status of the report was considered interim, to give the government time to further consider those matters.

We do not have an exact time frame for the final government response but what I can say to members is that we are very focused on getting on and implementing those recommendations. The Assembly will have seen that in the last sitting week a bill was introduced that got on immediately with implementing one of them. My intent is to proceed quickly, and it may well be that the final response includes an update on the implementation progress in some of those matters. I anticipate it will be in the coming months.

Sport and recreation—FIFA Women’s World Cup

MS LEE: Madam Speaker, my question is to the Minister for Sport and Recreation. Minister, the recent FIFA’s Women’s World Cup soccer generated over \$7.6 billion of economic activity for Australia. Minister, how did you come to the decision that saw Canberra miss out on a slice of this \$7.6 billion of economic activity? Do you stand by this decision?

MS BERRY: Of course, as always hindsight is a wonderful thing when you consider questions like this. However, at the time when we made the decision it was based on no commitment, no understanding and no guarantee of any matches at all in the ACT. We were merely going to be funding FIFA to have matches elsewhere. That was not something that, as a government, we could consider that would benefit the ACT.

However, since the world cup significant benefit has flowed on, even without our funding connected to the games, through women’s sport in particular—through the take-up of football and through the attention that women’s sport is continuing to have. That is growing all across our city, this country and the world. We have managed to benefit from that, even though we decided at the time not to fund those games occurring elsewhere and not in this city.

MS LEE: Minister, did you choose not to bid for this because your lack of investment meant that we don’t have adequate sports infrastructure?

MS BERRY: Absolutely not. Our city has proudly supported women’s sport for many years, since I have been minister for sport. Indeed, we are continuing to support women in sport through the Canberra Raiders new NRL women’s Raiders team, through increased funding for the Canberra United football team and through ensuring that our facilities meet the needs of women now and into the future. Those facilities were built by men for men, with no reason at all to think that women would be playing sport and need changing room facilities. We are turning that around and we are committing to continue to do that work.

MR MILLIGAN: Minister, how many games are the government bidding for in the 2027 Rugby World Cup and the 2029 Women’s Rugby World Cup? Or can Canberrans expect to miss out again?

MS BERRY: I do not have any advice on the suggestions that Mr Milligan has made. If I have any further information, I can provide that to the Assembly at a later date.

Federal government—territory rights

MR BRADDOCK: My question is for the Attorney-General. Minister, I note reports this morning, in multiple outlets, which describe a plan by the commonwealth opposition leader to overturn the ACT’s drug decriminalisation laws. Can you explain to us to the best of your understanding what they are trying to do within our legal framework with this bill?

MR RATTENBURY: Yes, Senator Cash has tabled a bill in the Senate this morning with the intention of overriding the ACT’s democratically enacted law. This is, of course, yet another egregious attempt to interfere in the ACT’s legitimate democratically elected government and this Assembly based upon the ideology held by the members introducing and supporting this legislation.

I have seen the bill that Senator Cash has tabled. It is very short. It simply purports that the ACT’s Drugs of Dependence Act, the drug decriminalisation law, has no force or effect. That is the extent of the bill. The blunt and legally unusual way that the bill is framed to simply say, “We declare that the ACT law does not apply,” demonstrates—it gives us a real insight—how the federal opposition sees both this territory and this legislature. It is, I think, incredibly disrespectful and undemocratic. They simply say, “This law does not apply.” I think this is an appalling way to treat the territory. What we see here is a continuation of a long history of paternalism by the Labor Party when it comes to – sorry, by the Liberal Party when it comes to the territory.

We have seen a long history of paternalism directed at the territories, by the Liberal Party, starting in 1996 with the Andrews bill. At that time, of course, they sought to override the Northern Territory’s attempts to start a program of voluntary assisted dying. We have seen a range of other efforts in recent times—most recently Senator Canavan seeking to interfere in the ACT’s operation of our health system. So it is a pattern that is very disappointing—one that continues to treat citizens of this territory like second-class citizens.

MR BRADDOCK: Attorney-General, what happens when a law of the ACT is overturned by the commonwealth, and what consequences does it have for our legislature?

MR RATTENBURY: The effect is that ACT citizens are undermined and treated like second-class citizens in this Federation. That is actually what happens, because that is the effect of withdrawing an ACT law.

Mr Hanson interjecting—

MR RATTENBURY: The consequence for our legislature is that we are unfairly and inconsistently told that we make laws—

Ms Berry: Point of order.

MADAM SPEAKER: I think I can guess your point of order.

Ms Berry: You guessed right, Madam Speaker. I have no idea why. Mr Hanson is sounding like a parrot: “What about the bikies?” “What about the bikies?” It is incredibly distracting, and I would be interested to hear—

MADAM SPEAKER: Mr Hanson, interjections are disorderly.

MR RATTENBURY: If this legislation is successful we will see this legislature and the citizens of this territory undermined in their democratic rights. There are times, of course, when the Constitution sets out powers that the federal government has. They can cover the field in certain areas of law. I think that that is generally understood and accepted, but when it comes to this part of the Constitution we see a double standard. We see the territories being treated differently to the states, and that means that people who live in this territory and in the Northern Territory find themselves in a ridiculous situation where the federal parliament treats us with a degree of disdain with which they would not treat other citizens of Australia. So I urge all federal senators to bear that in mind when they consider this legislation.

My colleagues in the Senate have been very clear: they will not support this legislation. I know that there are other senators who have indicated that they will not support this legislation. We can only hope, for the sake of fairness across this federation, that a majority of senators adopt that position.

Members interjecting—

Mr Rattenbury: Point of order. Mr Hanson cannot get his question in, there is so much noise in the chamber!

MADAM SPEAKER: This is where I say that I am glad it is Thursday! Mr Hanson, you have the call.

MR HANSON: I almost felt some sympathy at that moment!

Attorney General, do you agree with the chief police officer that the Rebels are rolling into town to take advantage of your drugs laws?

Mr Davis: Point of order. I do not think that that is relevant to Mr Braddock’s original question, which was directly related to a bill in the federal parliament.

MADAM SPEAKER: I think it is relevant.

MR RATTENBURY: Thank you, Madam Speaker. We have seen a range of views presented on this. The government and those members in this place who supported this legislation know why we have supported it. This is about treating people who use

drugs not through the criminal justice system but through different approaches. We do not want to see the police spending their time criminalising people—

Mr Hanson: I know Mr Rattenbury has not gone on for long, but he is clearly not going to get there. My point of order is on relevance. The question was: does he agree with the Chief Police Officer about the bikies taking advantage of the drug laws? Does he agree with that or not?

MADAM SPEAKER: It is relevant to area of the drug laws in the ACT. Mr Rattenbury has the floor.

MR RATTENBURY: As I said, there are a range of perspectives being put forward. I have heard the comments made by the chief police officer. They are one of a range of perspectives, and time will tell who is proven to be right.

Planning—RZ1 changes

MR CAIN: My question is to the Minister for Planning and Land Management. Minister, did the ACT Greens cabinet ministers participate in cabinet discussions regarding the adoption of the RZ1 dual occupancy zoning policy or had they recused themselves as they did during the Planning Bill debate?

MR GENTLEMAN: I am not sure that it is appropriate that we talk about internal cabinet discussions. There is a longstanding process where—

Mr Cain interjecting—

MR GENTLEMAN: There is a longstanding process where cabinet remains confidential until cabinet documents are presented at a time later on.

Ms Lee: Madam Speaker, on a point of order: the question from Mr Cain goes to this because it is directly as a result of Minister Gentleman's response to a question that genuinely asked how the decision was made that there would be a 120 square metre limitation. He himself said that it was a decision of cabinet. It is well within the rights of Mr Cain to prosecute that answer and ask for clarification.

Mr Davis: On the point of order, Madam Speaker, I will ask for you to rule, but I understand that it is a breach of the standing orders for a member to ask a question about confidential cabinet deliberations, which was in Mr Cain's question.

MADAM SPEAKER: I am going to let the answer stand. Mr Gentleman, you can continue in the time you have left. I cannot direct the minister, but he is responsive to your question, Mr Cain.

MR GENTLEMAN: Thank you, Madam Speaker. I made it pretty clear yesterday that it was a cabinet decision and that cabinet members were involved.

MR CAIN: Minister, what discussions took place with your junior coalition partner which led to the adoption of this policy?

MR GENTLEMAN: I did not have any discussions with union coalition partners.

Mr Cain: Junior.

MR GENTLEMAN: I misheard that.

There were numerous discussions amongst my colleagues to come to this decision, and I am very pleased with the outcome. I think that this provides the ACT with a great way forward to support housing for future Canberrans and housing choice well into the future, particularly for younger Canberrans. Of course, that particular size that we made a decision on means that it will be less costly than larger buildings to construct.

MR PARTON: Minister, are you able to elaborate on the “pretty severe” negotiation process, as described by the Chief Minister, that ACT Labor and the Greens conducted to adopt this zoning reform?

MR GENTLEMAN: It was robust—that is for sure. There is no doubt about that. But, as I said, we came to a firm decision. It was a robust discussion, and I am very pleased with the outcome.

Justice—alcohol and other drugs sentencing list

MR DAVIS: My question is to the Attorney-General. Minister, can you outline how you see our new health-first approach to drug use affecting our criminal justice system?

MR RATTENBURY: As Assembly members know, once the legislation comes into effect, a person in the ACT may be issued with a simple drug offence notice if they are caught in possession of drugs in quantities no more than the small quantities set out in the legislation. The person will then either pay a \$100 fine or attend an assessment and harm reduction session. This may also result in referral to voluntary treatment, if appropriate.

Clearly, the intent of this reform is to divert people from the criminal justice system and, instead, seek to treat drug use as a health issue, as we have discussed numerous times in this place. It is a harm-minimisation response, and I unequivocally support this new policy approach. Whilst it is not the purpose of the reform to ease pressure on the criminal justice system, my expectation is that it will likely have that effect. There will be fewer matters coming before the courts and less time used by a range of agencies in preparing for those court appearances. That would include not only the courts, obviously, but also the police, the Director of Public Prosecutions, potentially Legal Aid, and perhaps community legal centres.

This will enable all those agencies to focus on other matters—focus on those who supply the drugs, focus on organised crime syndicates, and focus on therapeutic and preventative approaches to justice that we know will make our community safer. Rather than focusing resources on criminalising recreational drug users, we must see this as an opportunity to use the resources of our criminal justice system more effectively, to target the real criminals, to help break the cycle of offending and, ultimately, make our community safer.

MR DAVIS: Attorney-General, can you outline how the drug and alcohol court supports people with addiction in the ACT and the investments made into the drug and alcohol court in the latest budget?

MR RATTENBURY: As I have spoken about in this place before, and certainly recently when I tabled the evaluation of the drug and alcohol court, the clear intent in setting it up and funding it, as the government has done, is to provide a therapeutic response to people who find themselves in the criminal justice system as a result of their drug and alcohol abuse. The idea is to reduce recidivism and build alternative ways to break the cycles of addiction, disadvantage and re-offending that can lead to crime. It operates in the Supreme Court and deals with offending linked to serious drug and alcohol use.

A wide range of community services, including Health, Housing, and treatment and counselling programs complement and support the court to achieve positive outcomes for offenders and the community. So far, 18 people have fully graduated from the drug and alcohol court after successfully completing all stages of the program. As the independent evaluation has shown, this is proving to be effective in improving a range of performance indicators, whether that is people being less involved in offending or people not offending at all. It improves connection with family or reunites family. They also identified that the court may well have saved the community \$14 million in avoiding prison time. That is why, in the last budget, the government committed to increasing the funding and increasing the number of places available in the court by 20 per cent. This is a program that is working, and that is why we want to scale it up, to continue to improve the lives of those who find themselves in the justice system through drug and alcohol abuse, but also because this is having a positive impact for our whole community.

MR BRADDOCK: Attorney-General, how does the recently introduced Sentencing (Drug and Alcohol Treatment Orders) Bill support offenders going through the drug and alcohol court?

MR RATTENBURY: I thank Mr Braddock for the question. The idea behind this legislation, having undertaken the evaluation of the first couple of years of the operation of this court, is that it has identified a number of areas where the court's operation could be improved to enable more people to access the rehabilitation that is offered by the drug and alcohol court to, again, address issues of criminality driven by substance abuse. The court recognises that addiction is a health issue and works to address the underlying causes of drug and alcohol related crime.

The bill makes a number of technical adjustments that improve the ability of people to access that treatment order. That includes examples where, previously, people had a number of short sentences and were not considered eligible because there was a minimum one-year sentence eligibility. Where people have had a number of penalties that together meet one year, they will now—assuming the Assembly passes the proposed legislation—be eligible to access the program. These are the sorts of practical improvements that were recommended through the evaluation program, which I believe will continue to make the court even more effective and will further add to the positive outcomes it is already achieving.

Planning—district strategies

MR CAIN: My question is to the Minister for Planning and Land Management. Minister, the district strategies have proven to be interesting reading, indeed, since the release of the finalised versions on Monday. What feedback from community consultations have you received in regard to the three categories of, and I quote, “change areas”?

MR GENTLEMAN: I thank Mr Cain for the question. It is an important one as we go out to consult with the Canberra community on the district strategies. The feedback has been mixed. There is quite a lot of support for the opportunity for change in those particular areas, and there are other parts of the community that do not want to see change. We have seen that in the past with planning consultation. It is important that everybody has their say. That is why we have them listed on the planning website for people to interact with.

MR CAIN: Minister, when did you or the directorate last consult with each of the community councils, and were these change areas a topic of those consultations?

MR GENTLEMAN: From my memory, yes, they were a topic of the conversation, and, of course, they are out for consultation at the moment. So we are asking people to have their say as well. There were visits from the directorate to community councils, but I have not got the time line right in front of me now. I will take that on notice and come back.

MR PARTON: Minister, why did you not amend the district boundaries to relocate Oaks Estate in the inner south district as per the requests of the Oaks Estate Residents Association and the Inner South Canberra Community Council?

MR GENTLEMAN: This did come up through the hearings in the budget, and in prior discussions in this place, that the Oaks Estate is actually to the east of the ACT and not in the inner south. The directorate felt that that was the best place for it, and I supported their decision.

Lake Tuggeranong—foreshore upgrade

MS ORR: My question is to the Minister for Transport and City Services. Minister, how is the government progressing ACT Labor's election commitment to upgrade the Lake Tuggeranong foreshore?

MR STEEL: I thank Ms Orr for her question. I am pleased to update the Assembly today on the delivery of Labor's commitment to upgrade the Lake Tuggeranong foreshore, which will deliver quite significant upgrades from Reed Street South through to the town park. Something I know you Madam Speaker have been a champion of on behalf of the community during your time in this place. The government has undertaken an extensive stakeholder and community engagement process to identify key community priorities for improvement along the foreshore. The key community priorities include improvements to the boardwalk and shared path to address accessibility and safety concerns; better landscaping; more seating; upgrades to the play space in the town park; and important upgrades to the town park

toilets. This major revitalisation project has now started construction. It was great to be down in Tuggeranong to turn the first sod with Minister Gentleman and representatives of the Tuggeranong Community Council just a fortnight ago. The project will be complete in the middle of 2024 and will be supported by a staging program to open completed parts of the improvements to services as it is safe to do so.

MS ORR: Minister, what are the key elements of the project?

MR STEEL: The upgrades will deliver significant improvements right across the boardwalk, shared path and town park. In the town park, major upgrades to the existing toilet facilities will take place to make them safer and more accessible. We will also revitalise the Tuggeranong Town Park playground and play equipment, which will provide more accessible play and picnic spots. New nature play elements and a new playground tower will also be built. We will be making improvements to the accessibility and safety of the foreshore path network including widening the path, removing obstacles which will enable our friends in the parkrun to do their activities on the weekend, providing new street furniture to sit and rest and upgrading lighting in key locations.

Further improvements to the existing boardwalk will see replacement of existing decking material and additional decking constructed to improve safety and accessibility, getting rid of some of those nasty corners that have been difficult for cyclists and pedestrians to navigate. We are also making some accessibility and safety repairs at the Tuggeranong skatepark to resurface and replace damaged ramp surfaces. All of this project will include landscaping improvements, new tree plantings and we will see more of the foreshore to support all of us who love a sunny afternoon stroll around Lake Tuggeranong.

DR PATERSON: Minister, how does this project build on the previous work the government has completed in the Tuggeranong town centre?

MR STEEL: I thank Dr Paterson for her question. This of course builds on the improvements we have already made right across the Tuggeranong town centre. In 2019, we undertook significant upgrades to Anketell Street between Reed Street North and Pitman Street, delivering a raised pedestrian area, widened verges, tree replacement, more street furniture and an off-road cycle path. That of course was opposed by the Canberra Liberals at the time. It was followed by further upgrades. In November 2020 the laneways and town square project was completed, transforming a major public space to be more accessible and more suitable for pedestrians and outdoor dining. This included new shade structures, new tree plantings and new seating and lighting. The project supports a range of events and will be part of this year's SouthFest in November. We have also undertaken a range of pedestrian and cycling improvements to support path infrastructure around the town centre to provide better connections through to the lake. Once completed, the foreshore improvements will join this wide range of community infrastructure improvements we have made in the town centre to make Tuggeranong town centre a more liveable place; a better place for people, for all to enjoy.

Planning—district strategies

MR CAIN: Madam Speaker, my question is to the Minister for Planning and Land Management. Minister, as you are aware, the finalised district strategies feature three

categories of “change areas”, which seem to have replaced the “future investigation areas” identified in the draft district strategies. Minister, which change areas identified in the district strategies will the government prioritise development of, in each of those respective categories?

MR GENTLEMAN: I thank Mr Cain for the question. The question recognises that we did make changes, after consulting with the ACT community on what should occur. That is why we made those changes. The ones that I identified as possible changes will be the ones that we will look at. We will take feedback from the Canberra community, as these are out for consultation.

MR CAIN: Minister, what are the government’s indicative development plans for the Lake Ginninderra foreshore, which appears to have been slated almost entirely for development, as a change area?

MR GENTLEMAN: It is an area we have looked at in the past. Originally, in the documents we did look at that as an area for change. After consultation with the Canberra community, I think there is little opportunity to see any residential development in the area. The residents of Belconnen want to see Lake Ginninderra as it is, with the commercial and residential side to the south of the lake and the parks and other recreational areas to the north and to the west of the lake.

MR PARTON: Minister, why did you remove the option to relocate the Canberra Racing Club from its current location in Lyneham?

MR GENTLEMAN: I don’t recall removing an option for the Racing Club. As we were working through the district strategies, the club was interacting with the government about its future. We had discussions with the club about whether they wanted to do some other development around the area. They indicated to us that they might not be financially viable into the future, so it was important to give those options at the time. We will continue working with the club. They have some great ideas for that area.

Health—Digital Health Record system

MS CASTLEY: Madam Speaker, my question is to the Minister for Health. Minister, in October 2022 you were warned that there was a high risk that DHR would be unable to meet national reporting requirements. With national reporting requirements taking place through to the end of November, according to an internal memo, CHS has asked staff to “hold on to data reporting requests until November when DSD and business intelligence teams will be available to support you.” Minister, how accurate is the manual and automated extraction of data from DHR for national reporting and how much money is the ACT likely to lose from any errors?

MS STEPHEN-SMITH: I thank Ms Castley for ongoing interest in this issue. It seems incredibly unlikely, from the briefing I have had, that the ACT government will be losing money as a result of any errors. In fact, the most recent briefing I had indicated that the emergency department data had been submitted on time, that there was a high level of confidence that the elective surgery data would be submitted on time, and that they were working very diligently to ensure that admitted patient data would also be able to be submitted on time.

There are substantial and regular data requests that come in from teams across the system, and ultimately this is a demonstration of where the single digital health record and the data that it will provide will be an incredible resource to improve the efficiency and effectiveness of our health system because it will enable clinicians on the frontline, to use the data themselves—to manipulate that data in terms of being able to pull down parts of data to match things up and understand exactly what is going on in their own teams—but also to make data requests to our fantastic data teams.

Ms Castley: I have a point of order. I asked about the accuracy of the manual and automated extracted. How accurate are you expecting the data to be?

MADAM SPEAKER: The minister is in order.

MS STEPHEN-SMITH: Thanks, Madam Speaker. I believe that I answered that question earlier in my answer, and I was providing some additional information to the Assembly about the benefits that a digital health record will provide in terms of the data and how it will be able to be used.

MS CASTLEY: Minister, have you received feedback from AIHW or the Independent Health and Aged Pricing Authority regarding the quality of data from DHR?

MS STEPHEN-SMITH: I have not personally received the feedback from the Australian Institute of Health and Welfare or the pricing authority, but I know that the ACT Health Directorate is in close contact with both of those bodies to ensure that the data it is providing is as accurate as it possibly can be, but also to explain to them the process.

I have to say that, unlike Ms Castley, the AIHW and IHACPA are very familiar with the challenges that hospitals and health systems face when they introduce a new electronic health system, particularly when they introduce a new electronic patient administration system. As the first jurisdiction in Australia, I understand, to use Epic right across the board, including our patient administration system, they understand what a substantial change this is, and the Health Directorate has been working very closely with them to ensure that quality, comprehensive data can be provided.

As I indicated in my first response, the emergency department data has already been provided. The elective surgery data is expected to be provided on the timeline that has been agreed with those agencies, and they are working on the admitted patient data to ensure that that can also be provided. Ultimately, what we expect is that the more accurate representation of activity that will be drawn from the digital health record system—the Epic system—will ultimately result in us being able to claim more activity from the commonwealth because we have more visibility of that data.

MR COCKS: Minister, what clinical and research impacts could be expected if CHS staff are unable to request data from DSD and business intelligence due to delays?

MS STEPHEN-SMITH: We are not expecting any impact, particularly on the clinical frontline. It may be that some research projects are affected to some small

level by this delay, but, ultimately, what people are asking for is much more detailed data than would have been available under the 40 different previous systems that existed. The digital health record is enabling us to gather much richer data, and for that to be used and manipulated by researchers and clinicians on the front line, but I am sure that our data teams will be absolutely ensuring that there is no impact on clinical service delivery from any of this.

These are requests for data that can wait, and people are just being asked: if you can wait in your request for data, please do so because our teams are busy, and we all need to respect that these data teams have been working very hard. They are very busy, and we are just asking everyone else to hold off on their requests for a little while so that these data teams can get on with that work and ensure that the data provided to our national bodies is as accurate as it possibly can be. Then those other data requests will be able to be processed. It is just a matter of managing workload.

Hospitals—cardiology services

MS CASTLEY: My question is to the Minister for Health. Minister, I have received correspondence from a number of Canberrans regarding long wait times to access cardiology services. You have also revealed through questions that a number of staff have left both the north Canberra Hospital as well as the Canberra Hospital. Minister, how many staff have left both cardiology units since 23 March 2023?

MS STEPHEN-SMITH: I have here some information in relation to recruitment. I will take on notice the response in relation to how many staff have left. But I think it is important to balance that with information about the recruitment that has been successful.

The recent recruitment process for staff specialists, as we have previously discussed, received many applications. Staff specialists were appointed from this process, with some commencing with Canberra Health Services already. Within the five new clinicians, there is an electrophysiology specialist and a specialist with training in TAVI.

The cardiology service will need to grow going forward—we know that—with planning ongoing to determine the size of the service. CHS is working on how TAVI, transcatheter aortic valve implantation, will be introduced into the future as part of the clinical services planning.

Specifically in relation to that, the establishment and development proposal for the TAVI service has been drafted and will be presented to the Canberra Health Services executive in the coming weeks. There is a plan to build the TAVI service incrementally over the 2023-24 financial year, including workforce capability. The new TAVI accredited cardiologist is commencing at CHS. This will result in a 0.8 FTE TAVI accredited staff specialist, which was not the case previously.

In terms of broader recruitment, as I said, the cardiologist recruitment has progressed and is being finalised, which will result in full recruitment for cardiologists overall; electrophysiology at 0.5 FTE being appointed permanently; interventional cardiology at 0.2 being appointed permanently; general cardiologist at 0.8 FTE; interventional

cardiologist at one FTE to commence in early 2024; and echocardiologist at 0.8 FTE to commence in February 2024.

MS CASTLEY: Minister, can you confirm whether wait times have been increasing for cardiology services at both hospitals in the ACT?

MS STEPHEN-SMITH: I will take on notice the question specifically about wait times. I would note, though, that this question is being asked in the context of the disruption to cardiology as a result of Canberra Health Services taking a very strong line around culture and responding specifically to the feedback from staff on the frontline in cardiology, repeated feedback through multiple culture surveys, that there were challenges with the cardiology culture.

Canberra Health Services took a very strong line on that, and I am not going to criticise them for that. That was disruptive. We knew it would be disruptive. But, prior to that, there were also long wait times in cardiology. That was partly as a result of the challenges that they were facing. So to say that cardiology wait time are a new thing is not accurate in any way.

Ms Castley: Madam Speaker, on a point of order: that was not my point. I asked if they are increasing, not whether they have increased because of changes to staffing.

MS STEPHEN-SMITH: I took the question on notice, Ms Castley.

MR COCKS: Minister, have both cardiology departments retained sufficient staff and expertise since your takeover of Calvary to perform a full suite of services for patients?

MS STEPHEN-SMITH: I would refer Mr Cocks to my first response in relation to recruitment. It is not just about retention; it is actually about recruitment as well.

I also talked about that the other day in relation to North Canberra Hospital and cardiac sonographers, where they did lose a few and they have now recruited. Unfortunately, they have recruited from Canberra Hospital—I will be open about that—which has now created some vacancies at Canberra Hospital. Two cardiac sonographers have commenced to fill permanent vacancies across the board.

The coronary care unit and the cardiology outpatients were fully staffed for nursing as at the end of June 2023. I have heard from one consumer at least that their cardiology appointment has in fact been brought forward. There are swings and roundabouts in waiting lists.

I will respond to Ms Castley's previous question on notice, but I can assure Mr Cocks that not only has recruitment at Canberra Hospital been successful but also the two hospitals are working collaboratively in a way that was not possible under the previous Calvary contract.

We have heard from specialists across the board in many areas, including cardiology, that that previous contract created barriers to people working together and creating a territory-wide service. Those barriers have been removed, with Canberra Health Services taking responsibility for the management of North Canberra Hospital.

Sport and recreation—grants

DR PATERSON: My question is to the Minister for Sport and Recreation. Minister, how is the government expanding and supporting sport and recreation facility availability in the ACT?

MS BERRY: I thank Dr Paterson for her interest in sport across the ACT. The ACT government is providing additional and improved sport and recreation facilities because it is important for our clubs and teams and other groups to have a field, pitch, court or other space to play their sport or to get together. The government has multiple mechanisms to expand ACT government facilities to improve access to these facilities and to improve the facilities themselves.

The government also provides money, usually through grant funding, to organisations to provide upgrades to their own facilities around the city. The larger scale infrastructure grants are provided through the Community Sport Facilities Program grants stream. Through the 2023 grant round, \$1.9 million of grant funding was provided to 11 organisations. The largest grant was for \$1 million and the smallest was for \$9,000. During this term of government, we have also upgraded 25 community sport pavilions to provide female-friendly facilities which have previously been unavailable or inadequate. There are also facilities in ACT public schools that are available to be booked by the public. The government will soon be upgrading 12 of these facilities to allow more streamlined electronic bookings.

DR PATERSON: Minister, can you outline some of those grants specifically?

MS BERRY: Yes, I can. As an example, the Canberra Rowing Club in Yarralumla received a grant of \$1 million for the redevelopment of their boathouse. The club has been working towards achieving this project for over 10 years, including fundraising \$800,000 themselves. Also, the club has completed all the preparations to make the project shovel-ready. While that is the biggest grant for this stream, the smallest is for The Pines Tennis Club in Chisholm to commence court expansion planning and feasibility work. This grant was worth \$9,000. The final example is \$122,000 which was granted to Brindabella Blues Football Club for pavilion design and planning for Calwell Oval 204.

MR PETTERSSON: Minister, can you elaborate on the new school facility electronic booking system?

MS BERRY: The ACT government recognises that school facilities are valued community assets and should be made available for community use when the facilities are not in use by the schools. Beyond the benefit to the broader community, strong partnerships and relationships between community organisations and schools can broaden the opportunities for student learning. This is why, in the 2023-24 budget, \$2.4 million was included to enhance community access to public school facilities. An online booking platform and electronic access systems will be introduced at 12 schools. This will make it easier for the community to access existing facilities and safer for the schools to manage casual users and community groups. The 12 participating public schools, once selected, will also be assessed for the delivery of upgraded hard courts, including shading, adjustable basketball hoops and line markings, as well as multisport hardware.

Municipal services—Garden City cycle route

MS CLAY: My question is to the Minister for Transport and City Services. Minister, the foreshadowed route of the Garden City cycle route has been on government plans since at least 2004, and it was rediscovered in March 2018 in the *City and Gateway: Urban Design Framework*. This project was then announced as an ACT Labor election commitment in 2020 and 2022, and it was funded in 2023-24 for stage 1 from the city to Ainslie.

Why did it take more than five years to fund the planning for a major active travel route when we are in a climate crisis?

MR STEEL: I thank the member for her question. Priorities for new cycle routes have been put forward right across the city, and we have been engaging with the community as part of the development of our first Active Travel Plan, which will set out future priority routes for investment. Those will not be built overnight, but we are making a considerable investment and will do so in each budget.

This latest budget has around \$26 million of investment in active travel initiatives, including the Garden City cycle route. Of course, those are not built straight away; there has to be a period of investigation. In fact, \$1.2 million was provided in the 2021-22 budget for that project to undertake feasibility and design, which was the necessary first stage to understand the route, the merits, the requirements and the overall costs of the project before progressing to detailed design and construction.

We are looking forward to undertaking some further consultation with the community about that. As Ms Clay has mentioned, this has been government policy since December 2018, when the ACT government released the *City and Gateway: Urban Design Framework*. The framework identified that there was a gap in safe cycling infrastructure on that eastern side of Northbourne Avenue in the inner north.

MS CLAY: Minister, when will full funding and a commitment be made for planning and construction of the Garden City cycle route?

MR STEEL: I thank the member for her question. Once we have undertaken some consultation with the community about the preferred route. I have just recently had the opportunity to ride the route with some of the engineers from Transport Canberra and City Services. There are a range of different things that will need to be considered as part of the development of the designs. As we do that, we want to consult with the community to maximise the benefits of the project for everyone living in those suburbs—from Watson, Hackett, Downer, Dickson, Braddon and all of those suburbs on that eastern side—and to make sure that it connects in with the rest of the path network as much as we can as well.

MR BRADDOCK: Minister, when might the entire Garden City cycle route be delivered?

MR STEEL: I thank the member for his question. I will answer it in a slightly different way. We expect that it is going to be in two stages. For the first stage, we think we have got funding for both the design and construction, but that stage itself

will have multiple segments, and we will do those segments at different times. We think some are easier than others. Segment 1 for stage 1 is Cooyong Street; segment 2 is expected to be Torrens Street; segment 3, Ijong Street; and segment 4, Angas Street. We will need to consider the further stages once we have completed further design and consultation with the community.

Canberra Hospital—MRI machine

MS CASTLEY: My question is to the Minister for Health. Minister, I refer to media reports that the new MRI machine has now been installed at Canberra Hospital. This is the machine that was announced in 2019, meant to be completed in March 2021, but has now only been installed this year. Patients have taken to Canberra Noticeboard to express their dismay that out-of-pocket costs are increasing when they use public medical imaging machines. Minister, why have you delayed installing this machine for more than two years when you knew it would reduce treatment times and improve diagnostic imaging? How many times have you announced this machine without delivering it?

MS STEPHEN-SMITH: Ms Castley might recall that we did in fact experience a global pandemic that commenced in early 2020, and that has resulted in the delays in a number of capital projects and imaging projects for the ACT. We have progressed with the purchase, the procurement and the installation of the MRI. I was very, very pleased to see that it was coming online and very happy to announce that it was ready for use.

I can take on notice to go back and count the number of times we have informed the members of the Canberra community about the progress on this project. Actually that is part of what you do in government: you keep people informed about what is happening with important projects like the implementation and installation of an MRI machine, a very substantial investment in improving healthcare for Canberrans because that is what we do. I will take the question on notice in relation to how many times we have told the Canberra community what we are doing to install this very important piece of equipment. I am very pleased to see that it is now installed and in use.

MS CASTLEY: Minister, can you provide a date when patients will actually be able to use the machines you promised in the 2022-23 budget?

MS STEPHEN-SMITH: I think this information has been provided to Ms Castley in various ways before but I will take on notice to go back and have a look at her question in exactly which budget and will provide the responses to that on notice.

MS LAWDER: Minister, why are patients paying more out-of-pocket expenses at Canberra Hospital to use public medical imaging machines?

MS STEPHEN-SMITH: Every year fees are updated for a range of things. It is the standard across the ACT government that a new schedule of fees comes into effect each year for the things that do involve fees to Canberrans and they are indexed in accordance with the rules that are set by Treasury. I will take on notice in relation specifically to medical imaging at Canberra Hospital. I am not familiar with the

comments that have been raised so we will look into those. If it is possible for Ms Castley or Ms Lawder to actually send us the comments they are referring to so we are on the same page about exactly what it is we are responding to. It would be extremely helpful if they can email that to my office. I will take on notice to provide a response in relation to the issues that have been raised by Canberrans on that matter.

Health—hydrotherapy

MS CASTLEY: Madam Speaker, my question is to the Minister for Health. Minister, in 2018 you agreed to a recommendation to maintain appropriate and affordable access to hydrotherapy pools on the south side of Canberra. In 2020 you announced an election commitment to construct a new public hydrotherapy pool, with the facility proposed to become fully operational in 2022-23. The 2023-24 budget estimates that the facility will be completed in August 2024. Minister, why have you continuously delayed the construction of this project for the past five years and left thousands of Canberrans in severe pain, without a south-side hydrotherapy pool?

MS STEPHEN-SMITH: Ms Castley will be aware that I was not the Minister for Health in 2018. I just want to clarify that. Ms Castley was not in the Assembly in the last term, when there was a lot of debate about this matter. When the University of Canberra Hospital was announced, part of the announcement was around that including a hydrotherapy pool that was going to replace the Canberra Hospital hydrotherapy pool by providing that public hydrotherapy access for Canberrans. That was a very clear decision that was taken: that the Canberra Hospital pool was going to have to close because it did not meet work health and safety standards or modern standards for a hydrotherapy facility.

Following the lobbying and the consumer feedback that we had, when the University of Canberra Hospital pool was open and we proceeded with the closing of the Canberra Hospital pool because it was not up to standard, we committed to investing in a south-side hydrotherapy pool. I am very pleased that the development application for the hydrotherapy pool at the Lakeside Leisure Centre is now open for public comment. I certainly encourage people to have their say.

The reason it has taken a while to get to this point is twofold. I mentioned earlier that a number of construction projects were impacted by the pandemic and the need to ensure that we were responding appropriately and that ACT government resources were appropriately diverted to the pandemic response. I do not think Canberrans will be sitting there saying, “While the global pandemic was going on and those resources were being diverted, everything else should have proceeded apace.” Everybody’s life was disrupted by the pandemic, but we were also consulting with the community in detail about this facility.

MS CASTLEY: Minister, will you apologise to patients and interested parties for failing to provide sufficient access to hydrotherapy services for the past five years?

MS STEPHEN-SMITH: We have not failed. Part of the agreement that we came to with Arthritis ACT was to continue to subsidise them to provide additional hydrotherapy services in alternative facilities. That includes the facility at John James hospital. It includes two other privately owned hydrotherapy or warm water pools in Canberra’s south.

I recognise that there are some people who really need that very warm water therapy that is not available at those particular pools. But for many people who require hydrotherapy, those pools are quite adequate. The John James pool is a proper hydrotherapy pool at that temperature that is required by those individuals. We have subsidised and funded Arthritis ACT to provide increased sessions for people on both the south side and the north side. Ms Castley will be well aware that Arthritis ACT was advertising those services. They have seen demand substantially grow. They had to stop advertising them because of that growth. They are now writing to me—and I am sure that they are writing to the Canberra Liberals as well—about the need for additional hydrotherapy services on the north side as well.

The fact is that this is a service for which demand is growing across the ACT. We will continue to engage with consumers, Arthritis ACT and others who are interested in this matter to see what we can do into the future. In the meantime, I encourage people to have their say in the final round of public consultation in relation to the Tuggeranong hydrotherapy pool. We will be very, very pleased to see the sod turned. We will be re-announcing this. We will be keeping the Canberra community up to date when we turn the sod later this year.

MR COCKS: Minister, how is the delayed construction of the south-side hydrotherapy pool meeting the needs of the south-side community, including my own electorate, now, when it will not be completed until at least 2024?

MS STEPHEN-SMITH: I refer Mr Cocks to my earlier answers.

Drugs of Dependence (Personal Use) Amendment Act 2022

MR PETTERSSON: My question is to the Minister for Health. Minister, the Drugs of Dependence (Personal Use) Amendment Act 2022 will commence on 28 October this year. Can you update the Assembly on the work that has been done to prepare for the act's commencement?

MS STEPHEN-SMITH: I thank Mr Pettersson for the question, and, of course, for his long-term interest in progressing these nation-leading reforms. Since the passage of the Drugs of Dependence (Personal Use) Amendment Act, and, indeed, for well over a year before that, the ACT Health Directorate has engaged closely with relevant stakeholders, especially ACT Policing, on these changes. The reason we had a 12-month time frame for implementation was to ensure that police in our community are supported to understand these reforms. This will include specific training for frontline police, which will be taking place later this month.

Police have been engaged in the technical elements of drafting the simple drug offence notice, which builds on the simple cannabis offence notice. As I said yesterday, it is understandable that frontline police have some trepidation, as they will with any change; however, the chief police officer has clearly said that ACT Policing is ready for these incremental changes to drug laws, and I agree with him in having no doubt that our frontline police will rise to the occasion.

We have also worked to develop a public awareness campaign, which will start later this month, to get the message out to different groups to ensure that they understand

the changes. The Health Directorate, Access Canberra, the Chief Minister's Directorate and ACT Policing have worked together on these communications. Our messages will include reinforcing that the possession of these illicit drugs is not legal and, more importantly, that using them is not safe. The only people who are encouraging Australians to think this is a free-for-all are those opposite and their federal colleagues. We on this side are working to reduce harm from the use of drugs that we know already occurs and already causes harm in our community.

MR PETTERSSON: I have a supplementary question. Minister, can you outline the significant work that has been done in the ACT to ensure illicit drug use can be treated as a health issue rather than a criminal one?

MS STEPHEN-SMITH: I thank Mr Pettersson for the supplementary question. As members know, there was extensive work done before the passage of the act. As we all know, a motion supporting the expansion of simple drug offence notices was debated in August 2020, almost two months before the 2020 election. We then saw almost two years of investigation, consultation and debate between when Mr Pettersson released the exposure draft of his bill in December 2020—and I congratulate him for using the Parliamentary Counsel Office's quietest time over the term, to get that bill drafted in a timely way—and when the amended bill was passed by the Assembly.

The select committee into the bill considered 59 written submissions and held public hearings, and the government worked closely with ACT Policing, the ACT government analytical laboratories, Canberra Health Services and alcohol and drugs services, community and policy experts, local and national drugs and alcohol sector advocates and service providers.

Commonwealth law explicitly allows the states and territories to make their own laws on drug diversion. In fact, the national drug strategy—a bipartisan approach which was agreed in 2017 under the former federal coalition government—explicitly identifies engagement with the criminal justice system as a social harm, and facilitating greater diversion into health interventions as an evidence-informed approach to reducing this harmful consequence of drug use. The Barr government's policies are based on evidence, expertise and experience—listening to those with lived experience, those who have lost family members and friends, and those who deliver services to ensure we continue to lead the national with innovative approaches to protecting the community.

Sadly, it seems that ahead of the 2024 election Mr Hanson and the Canberra Liberals are giving in to the very temptation to engage in political grandstanding in precisely the way that Mr Hanson warned us all against in 2020.

MS ORR: I have a supplementary question. Minister, what risk does the federal Liberals' attempt to override territory rights and delay commencement of the act create for the safety and wellbeing of young people who experiment with illicit drugs and others who use drugs in the ACT?

MS STEPHEN-SMITH: I thank Ms Orr for her supplementary question. It is truly remarkable that we are seeing yet again another Liberal assault on territory rights.

And what an extraordinary coincidence that, in the very week that Mr Hanson decided to introduce his motion on the drug law reforms, the federal Liberals have also, independently, drafted their own legislation to interfere with territory rights yet again.

So, while the opposition leader said this morning that she will always support territory rights, it is clear that others in her party, both federally and here in the Assembly, do not. We all heard Mr Hanson, as acting leader of the Canberra Liberals, backing in Senator Canavan's bill. And, today, Senator Cash's bill serves as yet another demonstration of the Canberra Liberals' true colours. Yet again, Canberrans cannot trust the Canberra Liberals with territory rights.

This stunt is yet another reminder that the Canberra Liberals leader and deputy leader are split on policy, split on tactics and split on territory rights. Unfortunately, amongst all of this unhelpful rhetoric, the Canberra Liberals are trying to score points in a way that deliberately stigmatises people who use heroin and methamphetamine in particular. The approach of pragmatic compassion should surely be extended to those who are most likely to be dependent on highly addictive substances—who are the most marginalised and who are the least likely to be diverted under the current system.

So while those opposite might think it is fine to score cheap points through this kind of scapegoating, we are focused on implementing reforms that are fundamentally intended to reduce the harm caused by contact with the justice system. We are focused on prioritising a health response to drug use, enabling young people who need help, because their interaction with the drugs that they already do has gone wrong, to feel safe calling for that help and to feel safe calling an ambulance and not having to worry about a criminal record.

Ms Berry: Madam Speaker, further questions can be placed on the Notice Paper.

Supplementary answers to questions without notice

Planning—district strategies

MR GENTLEMAN: With regard to an answer on the Territory Plan and district strategies, I advise that the papers are on the planning website and they are available for people to make comment. I should clarify that that is to the PTCS committee. Expressions of interest are open at the moment. They will close on 27 October 2023. They can be emailed to LACommitteePTCS@parliament.act.gov.au.

ACT Health—nurses and midwives

MS STEPHEN-SMITH: On Tuesday, 12 September, Ms Castley asked me how many staff left North Canberra Hospital after 3 July this year. I can advise her that 34 employees have left North Canberra Hospital since 3 July. That includes three at the end of a fixed term contract; 26 resignations; three that are on permanent transfers within the ACT government; and two permanent employees who did not transition to Canberra Health Services but did not resign or pursue a redundancy. In addition, I can clarify that I now understand that 51 employees accepted a redundancy from Calvary as part of the transition and these occurred both before and after the acquisition day of 3 July. To put these numbers in context, I would note that in the same period, between 3 July 2022 and 13 September 2022, 21 employees separated from Calvary Public Hospital Bruce.

Papers

Mr Gentleman presented the following papers:

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—Australian Criminal Intelligence Commission—Controlled Operations Annual report 2022-23, dated 2 August 2023.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—Australian Criminal Intelligence Commission—Surveillance Devices Annual report 2022-23, dated 2 August 2023.

Education and Care Services National Law as applied by the law of the States and Territories—

Education and Care Services National Amendment (Bassinets) Regulations 2023 (2023 No 448), including an explanatory statement.

Education and Care Services National Further Amendment Regulations 2023 (2023 No 399), including an explanatory statement.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Community Services Directorate (FOI-CYF-22/10), dated 13 June 2023.

Disability—neurodivergence

MR PETTERSSON (Yerrabi) (3.08): I move:

That this Assembly:

(1) notes:

- (a) neurodivergent people experience, and interact with, the world in different ways, and that there is no right way of thinking, learning, and behaving;
- (b) neurodivergent people in Australia often experience barriers to accessing appropriate and quality services and supports, education, employment, and broader social inclusion, due to social and institutional attitudinal issues, which can lead to poorer health, wellbeing and other life outcomes compared to other Australians; and
- (c) the community benefits from being more inclusive of, and learning from, neurodivergent people;

(2) acknowledges:

- (a) that neurodivergent people are experts of their own lives;
- (b) the importance of neurodivergent people being involved in decisions that impact them as per the principle “Nothing About Us Without Us”; and
- (c) ongoing efforts by all governments to better support neurodivergent people, including:
 - (i) the Australian Government’s commitment to developing a National Autism Strategy (NAS). The NAS will cover key reform areas including access to services, healthcare, education

and employment; help guide a more coordinated, national approach supporting autistic people at each stage of life; and be informed by autistic people, their families and carers, the autism sector and researchers;

- (ii) the findings and recommendations of the final report of the Senate Select Committee on Autism;
 - (iii) the Senate Committee's inquiry into assessment and support services for people with ADHD, which is scheduled to deliver its final report by 18 October 2023;
 - (iv) South Australia's State Autism Strategy, and their commitment to funding the new Office for Autism;
 - (v) the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability which will deliver its final report to the Australian Government by 29 September 2023;
 - (vi) Australia's Disability Strategy as Australia's national disability policy framework to which Commonwealth, state and territory governments are all signatory to;
 - (vii) the ACT Government's commitment to developing and investing in an ambitious 10-year ACT Disability Strategy, and the extensive community consultation that has taken place. This Strategy will take a systemic, holistic and intersectional approach to supporting people with disability, including people with intellectual disability, psychosocial disability and neurodiversity;
 - (viii) the ACT Government is also developing the ACT Inclusive Education Strategy, an ACT Disability Health Strategy and the ACT Disability Justice Strategy Second Action Plan; and
 - (ix) the roles and functions of the Office for Disability and Office for Mental Health and Wellbeing within the ACT Government; and
- (3) calls on the ACT Government to:
- (a) consider developing an ACT Neurodiversity Strategy, in close consultation with neurodivergent Canberrans, their families and carers, and relevant stakeholders, that:
 - (i) upholds the social model of disability and human rights principles; and
 - (ii) aligns with NAS, the ACT Disability Strategy, the ACT Inclusive Education Strategy and other relevant policies;
 - (b) consider establishing an Office for Neurodiversity in the ACT Government; and
 - (c) report back to the Assembly on these matters by June 2024.

I rise today to speak about a vision for a more inclusive Canberra for the neurodivergent members of our community. That is why I am calling on the government to implement a neurodiversity strategy for the ACT. Neurodiversity is the idea that human beings interact and experience the world around us in different ways and that we learn, communicate and process information differently. Neurodiversity is not something to be fixed; it is simply a different way of thinking.

The term “neurodivergent” is used to describe neurodevelopmental disorders through the lens of neurodiversity in an inclusive and non-judgemental way. The most common of these are attention deficit/hyperactivity disorder, or ADHD, autism spectrum disorder and dyslexia. There are often co-morbidities or an overlap in experiences amongst these disorders. It is estimated that between 50 and 70 per cent of autistic people also have ADHD. There is also a lot of overlap in symptoms, such as executive dysfunction and heightened sensory responses.

Approximately 15 to 20 per cent of the population is neurodivergent. As community awareness of neurodiversity has increased, more Australians have been able to access diagnosis. Whereas previously it was estimated that one in 100 people were autistic, it has now grown to an estimated one in 70 Australians. It is estimated that six to 10 per cent of Australians have ADHD and 10 to 15 per cent have dyslexia. This represents a large portion of our population. However, barriers remain.

Gendered inequalities have meant neurodivergent women are often undiagnosed and undertreated. ADHD and autism often present differently in women and many women struggle to get it recognised and diagnosed. Getting a diagnosis as an adult can be particularly challenging. There is a presumption that, if it was not recognised as a child, you are making it up, despite the fact that we know the gender differences in presentation, meaning girls are less likely to be diagnosed. Instead, many women are misdiagnosed with a mood disorder.

When preparing this motion, I spoke with one of my staff members who was diagnosed with ADHD when she was an adult. She talked about the immense relief in having a label for her experiences. These are not personality flaws but symptoms, and they could be managed through supports and medication. Being able to specifically label her symptoms and the reasons behind them is not only validating but important in learning how to manage them. She reiterated the importance of specific terminology for neurodivergent people so that they can more easily access support programs and discuss reasonable adjustments at work or school. However, diagnosis is not the only issue neurodivergent people face.

Neurodivergent Canberrans often face barriers to accessing appropriate services and supports, education, employment and broader social inclusion. These social and institutional inequalities can lead to poorer health and wellbeing outcomes compared with other Australians. This has an enormous personal, social and economic cost. For example, autistic people have a life expectancy 20 years shorter than the general population. Seventy-five per cent of autistic people do not complete more than a year 12 education. The unemployment rate is also high at nearly 35 per cent, according to 2018 census data from the Australian Bureau of Statistics. Similarly, the negative impacts on educational achievement and occupational attainment associated with ADHD have an enormous impact.

A recent report by Deloitte estimated that the total cost of ADHD in Australia was \$20 billion, comprising \$12 billion in productivity and financial costs and \$7.6 billion in wellbeing losses. Neurodivergent members of our community deserve better. The current policy framework is not providing neurodivergent people with the support they need. A new strategy is necessary. Thanks to the activism and advocacy of neurodiverse Australians and their families, there has been a shift in the understanding and awareness of neurodiversity within the community.

Across the country, there are ongoing efforts by government to better support neurodiverse people and an acknowledgement that things need to change. The federal government has just released for public feedback the first National Autism Strategy. This strategy comes on the back of a comprehensive report from the Senate Select Committee on Autism, which found that life outcomes for autistic Australians are unacceptably poor. The National Autism Strategy aims to provide a clear road map with specific goals and targets towards improving the lives of autistic people in Australia. The Senate committee inquiry into assessment and support services for people with ADHD is scheduled to deliver its final report next month.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability heard absolutely harrowing testimony from disabled Australians. The final report is expected at the end of this month. At the state level, the South Australian government is working with the autistic community to co-design an autism strategy and charter. Here in the ACT the government is developing a 10-year Disability Strategy to create a more welcoming and accessible Canberra. That is why I am calling on the ACT government today to develop an ACT neurodiversity strategy, the first of its kind in Australia.

I would like to thank the Australian Autism Alliance for their advocacy and collaboration in developing this motion. Neurodivergent members of our community have been asking for a strategy like this to be developed and it is important that we listen. This strategy should be developed in close consultation with neurodiverse Canberrans, their families and carers, researchers and the neurodiverse sector. The strategy would take a systematic, holistic and intersectional approach to neurodiversity and neurodivergent issues.

There has been some discussion of why we need a neurodiversity strategy at all and that this should, and could, be covered in the ACT Disability Strategy instead. However, these are not interchangeable terms and there can be a tendency for specific issues to get lost when policy frameworks become too broad. Additionally, many neurodivergent people do not consider themselves to be disabled. We need to respect the lived experiences of neurodivergent people who do not feel that this represents their perspectives and experiences. Disability is, of course, also a legal concept that some neurodivergent people may not fit into and therefore they fall through the cracks.

Whilst there clearly would be close collaboration between a neurodiversity strategy and the Disability Strategy, it is important that there is specific engagement with neurodivergent Canberrans, particularly considering the history of underdiagnosis, misdiagnosis and misinformation faced by neurodivergent Australians. Strategies without measurable targets, time lines and ongoing reporting requirements are just words. The exact structure of the strategy would need to be finalised in conjunction with stakeholders, so I do not want to pre-empt anything. Part of the consultation process would be, I hope, a need to investigate the establishment of an office for neurodiversity here in the ACT.

An inclusive Canberra is a stronger Canberra. We will all benefit from an ACT where neurodivergent people are given the support they need to realise their potential. I believe this strategy can provide us with the road map and the tools to get there.

MR MILLIGAN (Yerrabi) (3.16): I want to thank Mr Pettersson for bringing this important motion to the Assembly. I support the majority of this motion and everything that is in the notes section. However, there is just one area where I have some concern. It is not that this motion does not address an important community need—well, it almost does. The reason I say “almost” is because of the calls-ons. They are asking for the government to consider—to just consider—to think carefully about, to ponder, to reflect on or to examine. There is no calls-on to really do anything, but I guess it is appropriate, as this government typically does very little. It does a lot of thinking about, reflecting on and considering—not doing. I guess there is a lot to think about and consider.

Neurodiversity is a complex and relatively new understanding of an old issue. The word “neurodiversity” refers to a word where neurological differences are recognised and respected as another form of human variation. It reflects the natural diversity of the human brain. It recognises that no two brains are the same. We all think about things differently. It sees the conditions such as autism, ADHD and many others as differences rather than disabilities. “Neurodiversity” is not a medical term. Instead, it takes a balanced view of an individual’s unique strengths and challenges, yet it recognises that, with the right support and accommodations, those who are neurodivergent can make valuable contributions to our society.

What is interesting to understand is that the Australian Bureau of Statistics estimates that one in five people are neurodivergent. They might have been diagnosed with autism, ADHD, dyslexia or even mental health issues. All of those—and there are more—are examples of people who are neurodivergent. They are a group of people who are often ignored by this government.

Over the past two years, as the shadow minister for disability, this is a group that has reached out to me the most and they have highlighted some key gaps. Let me briefly review some of those areas. The first is a lack of employment supports. The report on government services shows that the ACT government provides no additional funding for those with a disability who are looking for work. Nothing. It would be great if they could consider it, though, so that those who want to be financially independent can be.

There are multiple issues in the health area. The common complaint I get is diagnostic overshadowing. This is when those who present at hospitals or clinics for an assessment and mention that they have a diagnosis find that their symptoms are ignored. In some cases they are told it is due to their diagnosis of neurodiversity, yet the government is dragging its heels on the Disability Health Strategy and the required training, so this situation continues.

There is also a lack of diagnostic funding. Families with young children seeking a diagnosis are often forced to go to Sydney for help. Most often, they need to spend thousands of dollars to get the support that they need. This is because there is not enough help available here in the ACT. In fact, the statistics show that the ACT has the lowest rate of diagnosis for neurodivergent children in Australia. That means that young children who desperately need support within the education system do not get the help that they need.

Education is another area where there are so many needs. The community tells me that there is a crying need for funding for qualified counsellors and psychologists.

Mental health issues have gone through the roof, especially since COVID. To help young people at school, providing additional resources would be of great benefit for those who are neurodivergent.

Speaking of mental health, I am told there is a significant shortage of beds for mental health. This was a problem highlighted during the recent estimates hearings. The estimates committee recommended that the ACT government provide a mental health clinic for people with an intellectual disability on the south side of Canberra, in addition to the clinic in Gungahlin. What was the government's response? "Noted." Underneath that, it said:

The Government will consider the recommendation in planning for future mental health service delivery across the Territory.

Again, there is the word "consider". It is disappointing that, in fact, the government knows that these are some of the many issues confronting the neurodiverse community. So I must ask the question: is this a genuine motion or is this just virtue signalling—a case of "Look how we know the latest terms. We have listened to the community and, in June next year, when the report is tabled, we may announce a policy, but we are not going to do anything, just like we have not yet done anything about the Disability Strategy or the Disability Health Strategy or the Disability Justice Strategy."

I considered amending the motion. However, like I said earlier, there is not really anything in the notes section that I do not agree with. Other than that, it is just the one word "consider". It could have been a bit stronger, saying, "We call on the government to do." Once again, the word "consider" is what I have a concern with.

Before they look at doing anything in this space, they really need to first complete the Disability Strategy. Maybe, once they have established the strategies and attached funding to help support those strategies, they could look at addressing a neurodiversity strategy, once the Disability Strategy has been implemented, funded and put in place.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (3.24): As Minister Davidson is unwell and I am able to be here today, she has asked me to make a few remarks on her behalf as Minister for Disability and Minister for Mental Health.

In addition, I move the amendment circulated in my name:

Insert new paragraph after paragraph (2)(c):

- “(d) the NDIS provides a key role in supporting people with disability, including neurodiverse people, and that:
- (i) the NDIS Review’s overarching goal is to “put people with disability back at the centre of the NDIS” and the Review Panel will provide its final report to disability ministers by October 2023;
 - (ii) National Cabinet has agreed to an eight percent growth target for the NDIS to be achieved by the end the forward estimates period; and

- (iii) the Commonwealth has indicated that 27,000 people with psychosocial disability could be diverted from the NDIS by 2026-2027 through the provision of additional psychosocial support services outside of the NDIS and across all levels of government.”.

Minister Davidson would like to thank Mr Pettersson for bringing the PMB forward and for accepting many of the changes to the motion prior to formally lodging it in the Assembly. It is more strengths based and moves away from the deficit discourse in which disability is so often talked about. She thanks Mr Peterson for accepting her addition in clause 1(c).

The amendment asks the Assembly to note that the community benefits from being more inclusive of, and learning from, neurodiverse people. Neurodivergent people are hardworking, loyal, direct problem-solvers, unique thinkers and honest, to name a few qualities. Hiring people who can solve problems and think differently provides advantages to organisations.

We need to acknowledge the incredible achievements of people with disability that take place despite such barriers, bringing together the social model of disability with disability pride. That is why Minister Davidson will continue to partner with the disability community to host and promote disability pride. In fact, there is another disability pride event shortly, if any member of the Assembly would like to come along.

Minister Davidson would like to draw the Assembly’s attention to the *Towards a 10-year ACT Disability Strategy—listening report*. Page 5 of the listening report outlines systemic issues identified through the consultation. I will read out a few of these issues: lack of inclusion, overcoming negative community attitudes, stigma and discrimination, lack of disability awareness and knowledge, and navigating mainstream systems. Some of the underlying principles that the ACT Disability Strategy will be based on to drive systematic change include taking a human rights approach. Human rights are universal and belong to everyone. There are many international, Australian and ACT laws that protect and advance the rights of people with disability, including the United Nations Convention on the Rights of Persons with Disabilities.

The strategy will be based on the social model for disability, which I have touched on. Ultimately, the social model seeks to change society to remove barriers. It does not seek to change people with disability to accommodate society. “Nothing about us without us” refers to the full participation of people with disability in decision-making and policies that affect them. We recognise that people with disability are experts in their own lives. There are multiple pieces of critical work in the disability space that are all happening right now, and an ambitious and adequately funded ACT Disability Strategy will lead to a more inclusive community and better outcomes for people with disability, and for all of us.

Minister Davidson would be most upset if we were to speak about disability, especially neurodiversity and psychosocial services, without addressing what is happening in the federal space. The Disability Royal Commission will hand down its

recommendations shortly, and the NDIS review will also be reporting before the year's end, and we can expect both to have recommendations for the federal government and the NDIS regarding support for people with psychosocial disability, including those who are neurodivergent.

We await their findings with interest and will continue to advocate for people who rely on the NDIS. Their findings may challenge the federal government's stated current intention of an eight per cent cap on growth for the NDIS and current policy settings that will divert some thousands of people with psychosocial disabilities to services other than the NDIS. There are some key choices for the federal government to make as it responds to these recommendations and works with states and territories around the NDIS into the future.

There will be a need to decide whether to prioritise the hundreds of billions of dollars in tax cuts, spending on militarisation, subsidies for the fossil fuel industry and money that is going to keep offshore detention facilities open, leaving welfare payments on the poverty line and halving the growth targets of the NDIS. Or will they develop a system that supports people with autism or psychosocial disability needs to have access to the NDIS? We need to see an economy that serves people, not the other way around, and a community that serves to ensure that its members are supported.

Minister Davidson wants to send a clear message that her priorities and the priorities of the Greens are clear. We know that neurodivergence and psychosocial disability are real disabilities, and we will fight to ensure these continue to be part of the NDIS. Her message to the disability community is that she and the Greens will fight for you. She will continue her strong advocacy to ensure that the NDIS is fair and supports everyone who needs it.

All governments have a responsibility to support people with disability, and the ACT will continue to play its role. Minister Davidson wants to continue to note that introducing an arbitrary growth figure cannot be justified, because, while it makes numbers in a spreadsheet add up, it will see people with disability, including those with psychosocial needs, without any supports. This could potentially see 20,000 people left out in the cold. Minister Davidson knows that the needs of these people will not disappear. She recognises that all governments need to work together to develop a plan so that we do not once again see the postcode lottery that existed pre-NDIS. This is something she cannot support and she will do everything to ensure it does not happen.

In those discussions, Minister Davidson is very conscious that, when the NDIS was formed 10 years ago, states and territories, including the ACT, cashed in early intervention and psychosocial support services. We paid the commonwealth to bring psychosocial support delivery into the NDIS. This occurred when Bill Shorten was first the responsible minister. If we look to change the system now, we need to recognise this, rather than suggest that states and territories are not pulling their weight.

Turning to the calls for the ACT government to consider developing an ACT neurodiversity strategy, on behalf of Minister Davidson I would like to thank

Mr Pettersson for this suggestion. It is welcome. She will absolutely consider whether we need a specific neurodiversity strategy and what the role of the ACT Disability Strategy is in supporting neurodiverse needs. Similarly, she welcomes the opportunity to consider the establishment of an office for neurodiversity in the context of the existing Office for Disability and the Office for Mental Health and Wellbeing and the roles and functions of these offices.

Minister Davidson encourages Mr Pettersson and anyone else in this Assembly to read the Disability Strategy listening report. She believes that all have the best intentions when it comes to improving the lives of people with disability, including neurodiverse people. It takes more than good intentions. It takes actions led by people with lived experience, supported by resourcing for evidence based therapies. The NDIS was supposed to provide choice and control for disabled people to live the life that they should have. It is what we need to keep in focus as we work alongside the community on reforms.

DR PATERSON (Murrumbidgee) (3.33): I rise in strong support today of Mr Pettersson's motion supporting neurodiverse Canberrans. An ACT neurodiverse strategy would give a great structure to the focus that the various ACT government directorates and agencies already have on improving the lives of neurodiverse Canberrans.

I would like to take this opportunity, on behalf of Minister Cheyne, to highlight where Access Canberra, in particular, has continued to make improvements and prioritise improvements in service delivery to further support neurodivergent Canberrans, their families and their support networks. We all want Canberrans to feel comfortable and supported when accessing the facilities and services they need. In 2022 the ACT government was pleased to introduce the expansion of the ACT disability parking permit eligibility criteria to support neurodivergent Canberrans and their families.

A review of the criteria was undertaken, following the advocacy of Ms Laura Gilbert, who brought the matter to Minister Cheyne's attention. The expanded criteria enable medical practitioners to support an application in circumstances where a person has cognitive, behavioural or neurological needs that prevent them walking safely without the continuous support of a family member, carer or support person. This means that families and carers of ACT residents who need support with walking safely due to cognitive and behavioural needs are now eligible to apply for an Australian disability parking permit.

It is vital for the wellbeing of Canberrans that Australian disability parking permits continue to support those in our community who need them most. They are also known as mobility parking permits and are designed to support people with a disability that affects their mobility, allowing them or their driver to park in dedicated, accessible spaces. While nationally established eligibility criteria are in place, each state and territory is responsible for managing their own scheme. This provides each jurisdiction with the authority to expand the eligibility criteria to meet the needs of the community, and this is exactly what Minister Cheyne did. Applications must be assessed and supported by a legally qualified medical practitioner or specialist eye doctor. The opportunity and ability to make this small but extremely important change

to better support neurodivergent Canberrans, their families and their support networks is a wonderful outcome.

The Access Canberra parking operations team also places a high priority on the enforcement of mobility parking permit spaces in the ACT to ensure that they are used by those in our community who need them most, including neurodiverse community members. We know that for members of our neurodiverse community and their families, being able to park close to facilities for medical appointments, to access government services or simply enjoy the facilities our city has to offer can mean all the difference in their participation in life in our city. As an example, in the last financial year more than 2,000 parking infringements were issued for illegal parking in these spaces. This enforcement, which focuses on supported accessibility, will continue.

I would also like to mention the work that Access Canberra service centres are doing to support Canberrans through the recent expansion of bookable appointment services. On 10 October last year, bookable appointments were first introduced at the Dickon specialist centre, allowing customers to choose the time which best meets their needs to undertake government services and transactions. This was the first time that such a model had been implemented in service centres, and it has proven to be very successful, with strong community interest and engagement. When it was first introduced, 18 appointments were offered each day and most appointments were filled each day.

Noting the community interest in and success of the initiative, and to support growing demand for appointment-based services, Access Canberra expanded this service, offering it to Belconnen, Gungahlin, Tuggeranong and Woden service centres from 24 July this year. A total of 21 daily appointments were introduced at each service centre, enabling customers to book appointments from 9 am to 4.40 pm. Normal walk-in services continue to operate, in tandem with bookable appointments. Noting previous demand at the Dickson location, the number of daily appointments has increased from 18 to 42. This increase provides more appointment options for customers at Dickson.

I am also pleased to advise members that in the seven weeks since the expansion, more than 1,900 appointments have been fulfilled. Pleasingly, Access Canberra has advised that many Canberrans are choosing this service and many who are choosing this service may need some additional support to complete a transaction, such as neurodiverse Canberrans. I am pleased to advise that Access Canberra is continuing to build on this service to further enhance the planned bookable appointments.

The option of a call-back will also be introduced later this year for customers who have made a booking and advise at the booking that they require extra assistance. This extra assistance could be in the form of a customer having a very complex transaction and needing assistance before they visit, to ensure that they have all the required documentation, or for customers who require extra support for their visit, such as neurodivergent Canberrans, who may need additional arrangements or accommodations to support them. The information received in the call-back will enable Access Canberra to further prepare for the customer's upcoming visit and make the necessary arrangements for the best support of the customer's requirements.

The call-back also provides an opportunity to provide advice on the accessibility of the service centre that they may wish to present at.

Noting the strong demand for bookable appointments at the Dickson specialist centre, its central location and multiple public transport options, Access Canberra is commencing discussions with key stakeholders on how this centre could further accommodate more specialist accessibility requirements. One of Access Canberra's key priorities and areas of focus is supporting access for all when it comes to accessing services and what this great city has to offer, and that includes for neurodivergent Canberrans and their families. I look forward to receiving continual updates from Minister Cheyne, as her focus continues to result in improved service offerings for neurodiverse Canberrans. I strongly support Mr Pettersson's motion in the Assembly today.

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) (3.41): I, too, want to thank Mr Pettersson for bringing this important motion to the Assembly today. The ACT government is absolutely committed to a diversity of values and the contribution of all members of our community. Mr Pettersson is right that everyone in our community benefits from being more inclusive of, listening to and learning from neurodiverse people. The government is already doing significant work in this space to improve access and inclusion for neurodiverse people in our community. This includes the upcoming ACT Disability Strategy, the Disability Health Strategy and my own ACT Inclusive Education Strategy.

In the education space over the last two years, the Education Directorate has undertaken significant work to develop an inclusive education strategy. An independently facilitated community conversation was held between September 2021 and April 2022, with the aim to better understand what makes a school even more inclusive. There were responses gathered from hundreds of submissions, including survey responses, and individual and group discussions with school students, recent graduates, parents and carers, school staff and advocates. The Education Directorate also undertook a review of Australian state and territory approaches to disability education and considered research evidence related to inclusive education and specialist settings.

The community conversation, evidence review and lessons learnt from past engagements have helped to inform the soon to be finalised Inclusive Education Strategy. The Inclusive Education Strategy and the first action plan both align with the ACT Disability Strategy. Once it is released, we look forward to working together on the implementation of these strategies. It will provide a vision and actions to strengthen inclusive practices in ACT public schools to deliver tangible outcomes for students with disability.

While the Inclusive Education Strategy will provide a clear policy framework to adopt inclusive practices in a consistent, planned and complementary way in our schools, an ACT neurodiversity strategy will seek to ensure that neurodiverse Canberrans are empowered to be involved in decision-making that impacts on their lives. Through the

Child Development Service, we also provide residents in the ACT with free autism assessments for children aged from birth to 12 years old. In the 2023-24 budget, funding was allocated to expand the autism spectrum disorder assessment service. We are also keenly awaiting the National Autism Strategy, which was announced by the commonwealth government in 2022. The consultation process on this strategy is now open, and I encourage members of our community who are interested to participate in this process.

There is more work to be done to address physical, attitudinal, social and communication barriers which prevent people with a disability from living full and happy lives. In developing an ACT neurodiversity strategy, we can create an even more inclusive community for all Canberrans. We can intentionally address the barriers that affect people who are neurodiverse. The ACT government take seriously our responsibility to support neurodiverse community members. I thank Mr Pettersson for bringing this important motion to the Assembly, and I look forward to seeing the outcomes of this work.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.44): I thank Mr Pettersson for bringing forward this important motion. Neurodivergent people have for too long been expected to conform to a neurotypical world. They have been forced to wear a mask every day just to get by, yet even then they are often subjected to discrimination and inaccessible and/or overstimulating environments. This has resulted in poor outcomes for neurodivergent people across a range of areas, including health, as Mr Pettersson has discussed.

Such systemic discrimination has no place in the ACT, and Labor knows that we can do better to support neurodivergent Canberrans. ACT Labor is committed to making Canberra the most welcoming and inclusive place in Australia for neurodivergent people and other people with disability. Our diversity and our acceptance of that diversity is one of the greatest strengths of the Canberra community. I do note, in making all of my remarks, that, as Mr Pettersson has pointed out, not all neurodivergent people identify as people with disability.

I am regularly asked what I am most proud of having achieved in this place so far. It is a while now since I was Minister for Disability—and since then we have done a lot—but I can tell you that the Disability Justice Strategy remains on my list of proudest moments. I mention this because it was a neurodivergent person, Yenn Purkis, who helped to lead this work and generously shared their own story to raise awareness of the impact of disability discrimination on and in the justice system.

We know that people with disability are massively over-represented in the justice system, and it has been estimated that half of all detainees are people with disability. The Disability Justice Strategy was a massive achievement, and it was a massive achievement because we did have to fight for it. People with disability had to fight for it; Yenn had to fight for it—and we got it done and it is still being implemented.

As Minister for Health, I am also committed to ensuring that our public health system is inclusive and meets the needs of all Canberrans, regardless of disability, sexual orientation, biological sex, gender identity, religious beliefs, culture or indeed

neurodiversity. That is why, as Mr Pettersson notes in his motion, the ACT government is currently developing the Disability Health Strategy, a 10-year plan that will ensure that people with disability have appropriate and equitable access to health care in the ACT. It is something that I have prioritised and also been very keen to ensure is co-designed with the community.

The strategy aims to enable people with disability to get access to the highest possible standards of health care, reducing the barriers that people with disability often face in accessing the care they need. It explicitly responds to the challenge of diagnostic overshadowing, as Mr Milligan would be aware from the draft that has been recently consulted on. Importantly, it is inclusive of all people with disability in the ACT. It aims to address the needs of people with disability of all ages and all disabilities, regardless of National Disability Insurance Scheme, or NDIS, status. It is a strategy for all people with disability in the full array of life and life circumstances. This includes people with disability that is associated with neurodiversity.

The principle of “nothing about us without us” has been central to the development of the strategy. This has been done in close consultation with the ACT Disability Health Strategy Steering Committee, which includes people with disability, carers, service providers, advocacy groups and key ACT government stakeholders. The Disability Health Strategy will be transformative of our health system over time. It will empower people with disability in the ACT and make a significant difference to their health outcomes. I look forward to launching the strategy and first action plan later this year.

In the meantime, Canberra Health Services are already working to make the services they provide more inclusive. CHS play a vital role in supporting and providing care for neurodivergent people in the ACT and surrounding region, both through mainstream and specialist services. The Community Paediatric and Child Health Service, for example, provides assessment and management for neurodiverse children who experience significant functional impairment, including those with ADHD, autism spectrum disorder, specific learning disorders and impairments of intellectual disability. Children under five years of age are offered assessment, advice and linkage through the multidisciplinary early childhood clinic. The service prioritises children who identify as Aboriginal and Torres Strait Islander, those soon to commence school, and children with other significant factors leading to adverse childhood outcomes.

I recognise Mr Milligan’s comments and note that he did not mention the substantial increased investments that have been made across both Canberra Health Services and the Child Development Service in CSD to address the challenges he identified. The CHS Disability Action and Inclusion Plan guides the way the organisation is working to address barriers, promote inclusivity and improve health services for people with disability, including neurodivergent people. The actions outlined in the action and inclusion plan aim to ensure that CHS services, facilities and workplaces and the ways in which the organisation engages with the Canberra community more broadly are accessible and inclusive for all people, regardless of disability or neurodivergence.

Like the Disability Health Strategy, the action and inclusion plan was developed in close consultation with the disability community, including through individual community members, community organisations and CHS team members. This

includes neurodivergent people. People with neurodivergence were also included in targeted consultations to develop the easy English action of the plan and to ensure that the plan itself is accessible.

As an outcome of the implementation to date, all CHS team members have access to an introductory training course targeted at improving the capacity of health professionals when engaging with people with disability. In addition, the Centenary Hospital for Women and Children expansion has delivered a sensory modulation room as part of the new adolescent unit, which can be used to support neurodivergent young people to de-escalate when they are distressed or overstimulated. A low stimulation room will also be included in the Canberra Hospital's new emergency department, in the Critical Services Building. This room will be available for neurodivergent people of all ages, providing them with a calm and safe space that minimises visual, physical and auditory stimulation.

We know that there is still more work to do. An overarching ACT neurodiversity strategy would place greater emphasis on the work that needs to be done to ensure that neurodivergent people are treated with equal care and respect across our community and that neurodivergent Canberrans have equitable access to essential services, including health care. Developing the strategy in consultation with neurodivergent people, as specified by Mr Pettersson, will empower neurodivergent Canberrans, as well as their families and carers, to voice their needs and have a greater say about their lives and the services they rely on. I am very pleased to see this is something that all parties and members in this place can support.

I want to take a moment to acknowledge Minister Davidson's amendments, moved by Minister Vassarotti, highlighting the role of the NDIS. ACT Labor certainly agrees that the NDIS plays a vital role in supporting Australians with profound disability. Like all great reforms in this country, the NDIS was created by Labor, and Labor will always defend it. The reforms that Minister Shorten has proposed are aimed at ensuring that the NDIS will be sustainable into the future and, in turn, ensuring that the scheme will always be there to support the people who need it most. This is something that all governments have agreed must be done.

It is disappointing that some have attempted to misconstrue the proposed changes and the commonwealth projections on the uptake of the NDIS in the future and to paint this as an abandonment of people with disability or as some kind of cut and that people with disability will suddenly be refused the services they need. This is not the case. Labor will never abandon people with disability, and it is utterly disingenuous to suggest that Bill Shorten, one of the people who drove the establishment of the NDIS, would oversee this kind of outcome. The review is an opportunity to work with the commonwealth to improve disability support services provided by the NDIS and outside the scheme by all levels of government.

An ACT neurodiversity strategy would allow the ACT government to identify areas for improvement in supporting neurodivergent Canberrans. The strategy could also provide a framework to assist the government, as we work with our federal colleagues to better support people with a disability and neurodivergent people alongside the NDIS.

As to Mr Milligan's contribution, I look forward to Mr Milligan convincing his colleagues to allow him to ask a question in question time to me and to the Minister for Disability—to anyone, really, in his disability portfolio. Or perhaps Mr Milligan might be allowed to move a motion in his shadow portfolio of disability. As he noted, he could have moved an amendment to today's motion. But, of course, he then contradicted his own argument by saying that the Disability Strategy should be completed before we take the next step.

This is an important motion and one that ACT Labor wholeheartedly supports. Neurodivergent people make an invaluable contribution to the ACT. At a personal level, I know that I and my office have benefited greatly from having a number of neurodiverse staff over the years, people who have helped us look at things differently and raised our consciousness about the way we equally engage with one another.

ACT Labor will always stand up for the rights of neurodivergent people to stand as equal members of the ACT community. That includes ensuring that neurodivergent people have equitable access to health care and other essential services and that these services respect and cater for the different ways in which neurodivergent people experience and interact with the world around them. I look forward to progressing Mr Pettersson's proposals, in my capacity as Minister for Health, and I commend Mr Pettersson's motion to the Assembly.

MR PETTERSSON (Yerrabi) (3.54): I would like to thank all members for their interest and contributions to this debate today. I would like to thank all the neurodivergent members of our community and their families for their continuing advocacy. I would particularly like to thank the Australian Autism Alliance. Their passion and advocacy is outstanding and their deep understanding of the policies and strategies in place around the country, living here in the ACT, and the need for a neurodiversity strategy here in the ACT cannot be faulted.

A neurodiversity strategy can provide an important policy framework that can set specific goals and targets that drive comprehensive and evidence-based public policy. Research shows us that, when the right policies and proper supports are in place, we can improve outcomes for neurodivergent people. Let's continue to build an inclusive Canberra that recognises the strengths of our diverse community.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Freedom of Information Amendment Bill 2022 [No 2]

Debate resumed from 21 September 2022, on motion by **Ms Lee**:

That this bill be agreed to in principle.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.56): I rise today to speak on Ms Lee's Freedom of Information Bill 2022 [No 2], on behalf of the government and the Chief Minister. While Ms Lee's bill deals with the release of cabinet documents—a matter

for the Chief Minister—the Freedom of Information Act 2018 sits within my portfolio responsibilities as Special Minister of State.

The ACT government is nation-leading when it comes to the transparency of cabinet records. This includes publishing publicly accessible summaries of cabinet decisions and wellbeing impact assessments after cabinet meetings, under section 23 of the Freedom of Information Act; making full cabinet records accessible on application after 10 years, under the Territory Records Act 2002, which is faster than almost all other Australian jurisdictions; and alerting the public to the cabinet records that become available each Canberra Day, under part 3A of the Territory Records Act 2002.

We have started to publish those executive documents released under the Territory Records Act on ACT Memory, so they are available to more people than just the applicant. No other Australian jurisdiction has an equivalent legislative requirement—section 23 of the Freedom of Information Act—or provides the same level of insight into the decisions of its cabinet.

This section requires the Chief Minister to make information publicly available about each cabinet or cabinet committee decision made after the commencement of the act, including a summary of the decision; the decision reference number; the date the decision was made; and the wellbeing impact assessment summary for the decision. The Chief Minister regularly makes decisions to publish this information, which is available on the ACT government Open Government website.

The ACT's transparency regime also includes the Open Access scheme, established under the FOI Act. This scheme provides a framework for the community to access certain government information by obligating ministers and agencies to proactively release a range of information, such as information about ministerial and ministerial staff travel and hospitality expenses; ministers' diaries that set out all meetings, events and functions attended by ministers that relate to their responsibilities; and a range of regularly developed briefings, after five years, including incoming ministerial briefs, parliamentary estimates briefs, annual reports briefs and question time briefs. This transparency regime is a significant priority for our government.

We are committed to building on the existing transparency and Open Government initiatives, including through initiatives identified in the Parliamentary and Governing Agreement for the Tenth Assembly. One element of the work that forms part of this commitment is the administrative improvements to cabinet document release processes. Work is currently underway on this commitment, with the inclusion of funding in the 2023-24 ACT budget to investigate options for the proactive release of contemporary cabinet material. The funding of \$334,000 over two years delivers a policy options investigation of the release of contemporary cabinet material and will address matters that will allow the government to consider a policy for the release of contemporary cabinet material. The options investigation will include jurisdictional benchmarking; stakeholder engagement; cost and benefit estimates of delivering a proactive release policy; and detailed work that would allow the government to subsequently consider the potential implementation of a proactive release policy.

The bill that Ms Lee has brought to the Assembly is a concerning one. It does not acknowledge established cabinet government conventions and the need to preserve

the confidentiality of deliberations leading up to final cabinet decisions, nor does it provide for a final decision to be made by cabinet prior to the release of cabinet documents. Instead, it proposes that cabinet records be released 30 business days after the record was considered by cabinet. This would impede the ongoing consideration of issues that require numerous or successive discussions by cabinet to arrive at a final decision.

An effective cabinet may consider a range of complex or interlinked policy and investment considerations that require discussions over several months. This type of deliberative and considered decision-making is not supported by the bill. The conventions of the cabinet facilitate collective ministerial responsibility for decisions that are binding to ministers, as government policy, with ministers expected to give their support in public debate to the decisions of government. Confidentiality surrounding cabinet papers and deliberations in cabinet allow ministers to discuss proposals frankly, while developing a collective position.

This confidentiality extends to cabinet committee and subcommittee meetings, reflecting the complexity of issues considered by government and the need for iterative consideration in the development of a final decision. The confidentiality of cabinet documents and deliberations is in the public interest, as this facilitates thorough and genuine consultation, compromise and innovative approaches to reach collaborative agreement. This, in turn, supports community confidence in the completeness of the decision-making process and the institutions of government.

A delay in the release of cabinet documents also supports ministers to discuss proposals frankly, without the prejudice of increased public pressure and partisan criticism. This, in turn, enables the government to consider a range of options and make decisions that reflect the public interest. Ms Lee's bill inadequately acknowledges this and the existing framework for facilitating access to cabinet material, upon application under the Territory Records Act. It also fails to acknowledge the unsuitability of the FOI Act framework for accessing cabinet material and the need to consider an alternative framework to facilitate the release of this class of information to appropriately contemplate public interest considerations.

It also fails to consider that the proactive public release of executive records would require the reallocation and provision of new resources by the government. These are additional resources for the proactive release of documents within the 30-day period, which are uncosted and would be significant. The resourcing impacts may also risk diminishing the capacity of government to meet other existing commitments in delivering services to the community. Also, the bill does not recognise the financial implications of an independent review of non-release decisions by the ACT Ombudsman.

I note that this particular element of the bill is not a feature of the New Zealand model on which Ms Lee purports to have modelled her proposed legislation. Indeed, there are some substantial differences between the New Zealand model and those being proposed in the bill; the most significant being that the New Zealand model does not take a legislative approach, as Ms Lee's bill has by trying to amend the FOI Act.

The New Zealand model effected by a cabinet policy requires that cabinet and cabinet committee papers and minutes, including any attachments or appendices, be

proactively released and published online within 30 business days of final decisions being taken by cabinet, unless there is good reason not to publish all or part of the material or to delay the release. There are several other significant differences between New Zealand's model and the one outlined in the bill. These were outlined in the ACT government's submission to the committee inquiry into the bill.

No other state or territory government in Australia contemporaneously and proactively releases cabinet documents. The federal government currently releases executive records 20 years after their submission date and South Australia provides for release after 10 years. All other jurisdictions provide for release after 20 to 30 years.

Ms Lee has referred to a recommendation that the Queensland government has agreed to, to have a review of culture and accountability in the Queensland public sector. The recommendation that decision papers be proactively released and published online within 30 business days of such decisions has been accepted. However, the Queensland government advice is that it would be a fundamental change and that further work is needed to establish how it may best be achieved. The Queensland government is also starting from a low base level of open access to government information, and a comparison with the ACT context is ill-founded and premature. Nevertheless, the ACT government will continue to monitor progress and changes in this space.

I will make one further observation, and that is that the justice and community safety committee undertook an inquiry into this bill and recommended to the Assembly that it not pass. The committee commented in their report that transparency in cabinet decision-making creates trust in government and noted the extensive work undertaken by the ACT government in this area. The report identifies the many differences between Ms Lee's proposal and the New Zealand model—the two simply cannot be compared—and indicated that, whilst Ms Lee was provided with the opportunity, concerns raised by government were not addressed in her response to the committee.

The bill proposed by Ms Lee has a range of fundamental issues that she herself has not been able address or overcome. She has not provided enough foundation for why her proposal is so needed in the current context of the high level of information that the government provides about cabinet decision-making. She has not addressed the concerns of the committee. The government will not be changing the fundamental principles of cabinet confidentiality and cabinet government to suit Ms Lee's political agenda, and we will not be supporting her bill.

MR BRADDOCK (Yerrabi) (4.06): I have the honour of being the Greens spokesperson for integrity. Uniquely across the country, in this Assembly the Greens are a party of government and this affords me a view of how cabinet is able to maturely function. But I also do this from the perspective of the crossbench, a place where we are frequently frustrated by cabinet confidentiality as we pressure the government to go further, do things differently and release information.

My principal concern with Ms Lee's bill is that it will, in practice, result in us getting less information out of cabinet rather than more. This is because it fundamentally fails to engage with the political realities operating in Australian parliaments. Senior public

servants are highly averse to putting their ministers in difficult situations, in the interests of retaining a relationship of confidence between the two. Introducing a 30 day disclosure window creates significant layers of risk for these relationships insofar as it inserts their confidential advice into the current political debate. Public servants do not like becoming seen as political or partisan actors which can easily arise from even the slightest loss of context around their advice.

I would expect many written cabinet briefs and submissions to become verbal, mostly to avoid the creation of a releasable record. Matters will be more likely to be brought to cabinet only after lengthy deliberations have concluded, bypassing cabinet's meeting procedures in order to avoid creating records of internal debate and disagreement. The principle of cabinet confidentiality would take on an entirely new meaning associated with private meetings between ministers rather than actual deliberations of the cabinet. Everything would be so tightly controlled as to avoid the creation of a record that would become public within 30 days.

I am all for enhanced transparency but this is not how a mature party of government fosters it. A more sensible and mature approach would be to examine the current provisions of the Archives Act which presently govern the release of cabinet documents on the Canberra Day occurring ten years after their creation. There might be scope to shorten this timeframe. That said, it would be essential to keep the release periods long enough to sit outside of the political cycle.

The timeframes that a request might be actioned within is another area that could be worth examining under this act. Considering this through the lens of the Archives Act would also avoid the creation of competing provisions in other legislation. This should have been obvious in the drafting of the bill. What should also have been obvious is the need to respect Assembly procedures. During the Justice and Community Safety Committee's inquiry into the bill, Ms Lee did not address the questions and concerns raised by the committee. Those concerns included her bill's departure from the New Zealand model and the Coaldrake recommendations for Queensland, which tied the release to the timing of a cabinet decision rather than a cabinet consideration.

It is not uncommon for various decision to take multiple meetings of the cabinet in order to be made. Some things can stretch out to over a year and a running public commentary is unhelpful when cabinet is trying to have mature conversations about the particulars of an issue. A mature party of government should recognise that.

As Ms Lee has not been forthcoming with further information to address the concerns identified by the government or within the JACS committee's inquiry, and there are no amendments on this bill that have gone to scrutiny for consideration on, I would advise if the Liberals wish to achieve anything in this place, they need to take these processes seriously and do the work.

MR CAIN (Ginninderra) (4.11): As Minister Steel has touched on, there was a committee inquiry into the bill. As Mr Steel would also be aware, I issued a dissenting report, particularly on one of the recommendations—that the bill not be passed. So, unsurprisingly my recommendation is the bill should be passed. That is still my opinion today. It is my opinion for several reasons. As Ms Lee will talk to in the

substance of her bill, we have a unicameral parliament where the numbers are the only thing that matters; disclosure of government information and documentation should become a higher priority because of that very fact.

As the minister would be aware, under the Freedom of Information Act there is a very strong pro-disclosure bias. This certainly captures the spirit of what Ms Lee's bill is about. I just want to remind the minister of the objects of the act that he is responsible for, the Freedom of Information Act 2016.

The objects of this act:

- (a) provide a right of access to government information unless access to the information would, on balance, be contrary to the public interest;

Ms Lee's bill recognises that public interest test—

- (b) recognise the importance of public access to government information for the proper working of representative democracy;

That includes those in cabinet.

- (c) enable the public to participate more effectively in government processes and to promote improved decision-making within government;

The more the community knows how government works, the more they can comment on things when they are asked to, or just comment on things because they want to.

- (d) make the people and bodies that are responsible for governing the Territory more accountable to the public;

Hear, hear here to that. This is from Mr Steel's own legislation!

- (e) ensure that, to the fullest extent possible, government information is freely and publicly available to everyone;
- (f) facilitate and promote, promptly—

Promptly, which goes to the heart of Ms Lee's bill—

- (f) facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of the maximum amount of government information.

This is really striking me even more profoundly now having done the inquiry, how pro-disclosure the government's own legislation is. Now we are hearing arguments against that from the minister and also from the Greens member!

I quote the intention of this piece of legislation, the Freedom of Information Act 2016, section 9:

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

My goodness! How are you going to get out of this one? This is your policy. It is a policy we endorse, and it is a policy we are supporting with Ms Lee's bill. I do not know how more plainly I can put it: this is government policy, as it should be, particularly in a unicameral parliament.

I want to reflect very briefly on something the minister said in his opening. He said: "Oh look, we are a bit concerned about this. No-one else in Australia has done this." That is a very strange line to come from this Labor-Greens government:

No other state or territory government in Australia...

I wonder if anyone else in Australia is decriminalising possession of ice, Mr Deputy Speaker? I just wonder. I think we are actually going to be the first. How many other jurisdictions in Australia want to raise the minimum age of criminal responsibility to 14? Actually, Mr Deputy Speaker, I think we are going to be the first. How many jurisdictions in Australia would dare to compulsorily acquire a public hospital under the management of a religious community? Who would dare to do that? So this line, "Oh we better not do this, no one else does it," what a hypocritical line that is. I think there is a—I could keep going, Mr Deputy Speaker. This is just in recent times of course, the ones that I have mentioned: the decriminalisation of the possession of ice; the raising of the minimum age of criminal responsibility to 14; the compulsory acquisition of a hospital out of the hands of a religious community who had a contract to manage that public hospital. There are many other things one could pull together to say that Mr Steel's argument is a hypocritical argument.

Why would he pull this one out now? Maybe he thought we would not notice that they actually do things first that suit them. It may well be it does not suit them for cabinet documents to be disclosed in a more timely manner. I wonder why that would be. I think that is the question that has yet to be answered. Obviously I will be supporting Ms Lee's bill.

MS LEE (Kurrajong—Leader of the Opposition) (4.17), in reply: Around this time last year I brought forward this bill. In doing so, I had the express purpose of increasing trust and building confidence in the institution that is the ACT government. My bill would introduce a proactive disclosure provision for the government to publicly release records within 30 business days after they have been subject to cabinet consideration.

The legislation would, of course, make exemptions for cases in which the safety and the rights of an individual may be endangered, in relation to matters that are subject to an ongoing criminal investigation or matters that are not within the scope of public interest.

The need for this bill is paramount. Transparency, accountability and ministerial responsibility is absolutely lacking in this Labor-Greens government. Unsurprisingly, the processing of FOI requests in the ACT are taking way too long. There is, of course, provision that there may be fewer FOI requests which take too long if there were more in the public arena because of my bill.

Mr Deputy Speaker, you may recall that when I first brought this bill into the chamber we were discussing the lack of probity behind the Campbell Primary School

modernisation project, which of course is now the subject of a very public Integrity Commission inquiry, and the whole contracts saga relating to the Canberra Institute of Technology.

Mr Steel said, “Oh Ms Lee has not addressed why this bill is so necessary.” Let us go through and put more on the record about why, because there have been, since then, so many more scandals and failures of this government. Mr Barr and Mr Rattenbury’s mishandling of the Sofronoff inquiry that has made damning findings about the ACT criminal justice system is one. The secrecy surrounding the Calvary acquisition is another. There is the fact that the Minister for Health was caught, in her own words, bringing in drug decriminalisation laws by stealth. Further scandals are found in reports like the ones detailing the complete failure of the \$76 million HR system. What about how much the light rail is going to cost Canberrans or decisions around the \$400 million Big Canberra Battery that will only power one-third of households for two years? There is the ongoing expenditure of over \$320 million for the failing MyDHR health IT system. Were the bill passed, we might even understand how the government decided on the arbitrary 120 square metre limit for the RZ1 rule change. The list goes on.

Unfortunately, by working so hard to hide their failures, the Barr-Rattenbury government are every day diminishing public confidence in the ACT government, and it is costing Canberrans dearly. They are doing nothing to address the core issues that underpin these spectacular failures. It is a bit of a recurring theme. It is like the Labor-Greens government do not take the critical issue of transparency, accountability and ministerial responsibility seriously. Or perhaps as part of this smoke and mirrors approach, there are actually just so many failures on their part that they need to keep them hidden.

These amendments that I am introducing in my bill are hardly a reinvention of the wheel. I do remind those across the chamber that the Labor Party in New Zealand have implemented these changes through government policies since 2018 and that their Labor colleagues up in Queensland have agreed to make such changes to their own FOI legislation in light of the scathing findings of the Coaldrake Review. Whilst of course there are some differences, as has already been discussed in this debate, as Mr Cain very importantly pointed out, the real important factor that neither Mr Steel nor Mr Braddock have mentioned is that all three parliaments—New Zealand, Queensland and the ACT—are unicameral parliaments. That is a supremely important factor.

Mr Cain also went on to outline very articulately the entire purpose governing the government’s own policy and legislation in relation to freedom of information. As is always the case, the government always know how to talk the talk but when it comes to walking the walk, they fail at every hurdle—whether they genuinely do not care about transparency, accountability and ministerial responsibility, or whether they are so overwhelmed because my bill would expose so much more of their incompetence, their failings and their waste.

Mr Steel and Mr Braddock have spent quite a bit of time during this debate raising issues with my bill, saying it does not do this, it does not do that, it does not take this into consideration. Yet do you think, Mr Deputy Speaker, that they have at any stage even once spoken to me about perhaps working together on some amendments to the

bill? Do you think that they have ever done that even once? The fact is they have not and they would never do that, because they have never had any intention to support any measure that would improve transparency, accountability and ministerial responsibility.

Mr Braddock, the Greens' integrity spokesperson, literally spent his whole speech talking about the loopholes to escape these transparency measures. That is what the Greens' integrity spokesperson did in this debate as his contribution. He spoke about all the loopholes to escape from the measures that I am introducing to improve transparency and accountability and ministerial responsibility. Mr Braddock also said they are open to looking at shortening the period. Well, what is it, Mr Braddock, and did you ever talk to me about a potential amendment? Did you introduce an amendment? What is it? Is it five years? Is it three years? Is it ten days, as you mentioned earlier? Why not bring an amendment? Again, Mr Deputy Speaker, because it is absolutely clear that Labor and the Greens have had no intention whatsoever to ever support this measure or to take seriously any measure to improve transparency, accountability and ministerial responsibility.

This is a rotten government. We know this because we see it in the decisions it makes every day. This is a government that has the privilege of making decisions for and on behalf of Canberrans, and what we see every day is a government that makes decision after decision that is having a devastating impact on Canberrans and their families.

We just saw this in the last few weeks with a GP tax that is going to make it more expensive for Canberrans to access essential healthcare. We see this in the lack of action to address the cost of living crisis for so many Canberrans that are hurting. We see this in the decisions it has made, the deliberate policy positions that this government has taken, that have created a housing crisis in our city, and we see this in the way it thwarted due process and government procedure in a gross breach of ministerial responsibility to bring in laws by stealth—and, in doing so, completely disrespect the Canberra community. So whilst I am not surprised, I am incredibly disappointed that Labor and the Greens have indicated they will not support my bill.

I will say this: any measure to improve transparency, accountability and ministerial responsibility is something that I will be open to. So if, as they say, they think that my bill is problematic, I open up and offer right here and right now. Come to me with your suggestions about how we can do this. Come to me with suggestions about how we can improve transparency, accountability and ministerial responsibility in this legislature, and I will genuinely work with you to ensure we get those measures introduced. Do not sit there and say that you, "Don't like what you are doing," come to me with suggestions. You have made some here. Come to me with amendments next time, because for the sake of the Canberra community, to restore trust and confidence in the institution that is the ACT government, we cannot stand idly by.

I commend my bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 6

Noes 12

Mr Cocks
Mr Hanson
Mrs Kikkert
Ms Lee
Mr Milligan
Mr Parton

Ms Berry
Mr Braddock
Ms Burch
Ms Clay
Mr Davis
Mr Gentleman
Ms Orr

Dr Paterson
Mr Pettersson
Mr Steel
Ms Stephen-Smith
Ms Vassarotti

Question resolved in the negative.

Bill negatived.

Adjournment

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

Standing Committee on Justice and Community Safety—Inquiry into Dangerous Driving—government response

DR PATERSON (Murrumbidgee) (4.33): I want to speak in response to the ACT governments response to the JACS committee dangerous driving inquiry. This inquiry was what I would personally describe as the most important inquiry we have done in JACS. Why it was so important was that innocent people and children had lost their lives, people had sustained life long, life altering injuries, and despite this, there were still people that continued to get in cars and drive in a way that presents a significant risk to our community.

I would like to briefly point to three concerns I have with the response.

Recommendation 1 required a review of sentences to determine if there was a downward trend in lighter sentences. The Attorney-General considered that recommendation agreed and completed and has repeatedly resisted any engagement in questions raised about this. It feels a bit of an insult in what was presented as three and a half years, over COVID, of conflated sentencing data. It provides no data on custodial versus non-custodial, it provides no break-down of incarceration, intensive correction orders, suspended sentences, or drug and alcohol treatment orders. Nothing in this response suggests a genuine attempt to understand the data.

I have significant concerns about the Law Reform and Sentencing Advisory Council, which has taken over a year to establish and is made up of members that are largely already senior members of the ACT government. The Law Reform and Sentencing Advisory Council is mentioned multiple times in the dangerous driving response, suggesting that the Attorney-General views this council as providing many of the answers to the questions raised by the inquiry. The community requires these answers now, requires that this work be viewed as urgent and prioritised. The problem is there

is a group of people in our community who repeatedly drive cars with absolutely no respect for the safety of the community; they disrespect our police; they flout our bail laws and our court system; and they kill and seriously injure innocent people.

My final concern I would like to raise today is in response to the recommendation 5 regarding the introduction of a neutral presumption of bail for serious dangerous driving offences. I want to make the argument strongly in response that the Bail Amendment Bill should be passed, addressing the arguments made in the Attorney's response, the offences of culpable driving of a motor vehicle and driving a motor vehicle at police are consistent with the other crimes that sit under schedule 1, at maximum sentences of 14 to 16 years.

I stand by the inclusion of the offences of furious, reckless or dangerous driving, because I believe that is where the evidence suggests a problem exists. This offence is the most serious driving offence in the Road Transport (Safety and Traffic Management) Act, with a repeat, aggravated offender facing five years in prison, which is consistent with other schedule 1 crimes. But it should not be about the penalties. It should be about the evidence.

ACT police data reports the aggravated offence of furious reckless dangerous driving as the most common dangerous driving offence on our roads. The worst dangerous driving offence done in the worst way, with the most aggravating factors and done repeatedly, is the most common dangerous driving offence. It was four times the next-highest offence. Operation TORIC has also highlighted—over the nine-month period they made 248 apprehensions—63 per cent of the alleged offenders were on bail or subject to good behaviour obligations. These people are repeat aggravated offenders that gravely put the general public and innocent people at risk.

I do not care to see more people in detention. I think detention only leads to worse outcomes, and arguably interventions through the criminal justice system are too late. But there has to be intervention, the status quo is not okay. The data, if used, provides us with some insight. We know who these people are. We know what they do, and we know they keep doing it. So, Attorney-General, what are you going to do?

Ms Jean Casburn—tribute

MS CLAY (Ginninderra) (4.38): I just want to say a few words to honour Jean Casburn, who recently passed away. Jean was an amazing community advocate for Bluetts Block, and she cared really, really deeply about our environment.

I walked with Jean and her friends and her sister advocate Alice at Bluetts several times. It is a magical place out there. I was really grateful to have a lot of people who were so much more experienced and could explain what I was seeing. Ngununggula, Bluetts Block, is home to over 100 plant species and over 130 species of birds, including the endangered Painted Button-quail, the vulnerable Superb Parrot and many, many more. It also is an area that supports rare marsupials like the threatened Dunnart that was recently found in surveys.

The Conservation Council, Jean, Alice and many, many locals want to see this area protected as a nature reserve. Jean invited our planning committee out once, which

I am sure you remember, Deputy Speaker. It was an absolute joy to see and feel and be in one of those places that we make decisions about. It was so important to remind us why people really care about these matters that we are debating here and why these decisions matter so much.

On the walk we admired many trees, including the scribbly gum trees. The distinctive tracks on the bark were made by the larvae of the scribbly gum moth. I did not know that. I had never heard that before in my life. Apparently it was a fairly recent discovery for many of us here in Canberra. I am sure it has been well-known for traditional custodians and local families for time immemorial, but it is a fairly recent discovery for some of us.

Jean won an award. She won the 2022 ACT Environmentalist of the Year Award, given out by the Conservation Council last October, and I think that really meant a lot to her. I am glad she received that while she was still with us. She was given the award for her work highlighting the flora and fauna values of Bluetts Block and for publicly advocating for its conservation and for its protection.

I checked in with Jean's daughter, Sue, before making this speech, and I asked Sue if there was anything that Jean or the family would like me to say, and I will read the answer out verbatim because it is delightful. Sue said:

Mum would probably mention that it has been a team effort and that she has been very grateful for the work and support provided by many, including yourself and Rebecca. Mum would also acknowledge Dr Alice Wells, who has been a major contributor.

I think with a lot of campaigns like this and a lot of causes like this, there are so many people who come together, and everyone plays a different role. It was very typical of Jean's family to deflect credit, I think, for a campaign that was so clearly spearheaded by Jean.

There are a lot of things that have happened recently in the environment movement. We have a lot of challenges, all around the world, and we are seeing them playing out locally here in exactly the same ways they are playing out everywhere else. My colleague Rebecca Vassarotti, Greens environment minister, and I feel this really strongly and we are so grateful to see our community members leading the charge so fiercely here in Canberra. We are really worried about habitat destruction. We are worried about ongoing sprawl. We are really worried about the pressures of climate change.

The work of Jean and others like her have shown us that sometimes, some of these really difficult problems actually just need really simple solutions. The Greens have moved on to one of those simple solutions. We think it is time to set city limits. We think if we do not do it now, when will we? Most cities have done that. It is time that we set city limits and we stop sprawl. I think it is also time that we look carefully at areas like Bluetts and make a decision about which of these areas we need to protect so that they remain here for nature, for the wildlife, for the plants and animals, and for our children and future generations.

I was really sorry we did not have a chance to tell Jean that we are moving to an ending sprawl city limits policy. I am also really sorry that Jean did not get to see absolute protection of Bluetts Block, but I am determined that we will do everything we can to deliver on these soon. Our thoughts, my thoughts and my colleague, Rebecca Vassarotti's thoughts are with Jean's family, including Sue and all of Jean's friends, and Alice, and all of the conservationists of Canberra who have lost one of their champions.

Children and young people—environment

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (4.43): I would just like to echo the comments that my colleague, Jo Clay, made about our deep condolences to the family and friends of Jean. We do really miss her and we draw inspiration from her. I know that she really looked to the people of the future and so today I would like to share a recent experience, where I hosted the Commissioner for Sustainability and the Environment and seven students from North Ainslie—Hannah, Pippi, Sabine, Elvie, Lucy, Isabella and Eve—at a meeting at the Legislative Assembly.

At this meeting, they provided me with a copy of a report that provides details of a project they had contributed to called *I want to have a future: a report on young people's hopes for the environment in the ACT*. This report is the culmination of an ACT-based project that is responding to the fact that environment is the most important issue for young people in Australia. It was a project that aimed to capture the specifics of the issues that matter to the ACT's young people.

This project involved the commissioner sending out postcards to schools across the ACT and asking students, "What are your hopes for the environment?" A total of 683 postcards came back from young people aged four to 18 years of age. These insights were grouped into themes, with the themes focussing on protecting plants and animals, ending pollution, reducing waste, creating sustainable cities and stopping climate change.

The report is a great read and I encourage all of you to read it. If you want a hard copy, there is one up in my office. Most enjoyable and impactful are the direct quotes from young people who contributed to the report. Just a small taste of some of the comments provided in the report include the following. Genevieve, aged seven, shared:

I want the koalas back because I never see them in the gum trees I only see them in the zoo.

Hector, aged eight, said:

No pollution so we have more life on planet earth.

Henry, aged 12, said:

Find new ways to recycle all waste.

I felt really privileged to host the Green Team Leaders from North Ainslie to hear from them directly on the issues that they cared about most—their concerns about our environment, what their hopes are and what they want us as decision-makers to do to protect our natural environment. At our meeting they spoke to me in detail about their concerns and their expectations on what should be done by the government to respond to the concerns. Elvie, Pippi and Sabine were particularly concerned about soft plastic recycling and single use plastics. They were excited to hear about the work we were doing around the circular economy, and they want something done about soft plastics now, given some of the recent projects that have collapsed.

Hannah spoke about how much she loves our local bushland and wants to see more done to protect habitats. Lucy talked about the need for us to do more about clothing waste and food waste. She asked what we are doing to make sure food does not end up in landfill and why our recycling in the ACT is so limited. Isabella talked about climate change, her worries and the need for us to do more. It was great to be able to share the work we are doing here in the ACT, and we explored things that we can all do at an individual and a household level.

The report provides recommendations to government. They include the need to protect more habitats so native animals do not go extinct; reduce pollution in our air and waterways so that everyone can live in a clean environment; to make it easier for people to recycle their soft plastics; to create more green space in our city where people and animals can live in cooperation; ensure that all of our energy is renewable; and help stop climate change.

Whether or not it was expressed through the climate strikes a few years ago or contributions through this project, young people care deeply the environment, about their future and have great ideas about what to do. Thank you to the students who met with me and those 683 young people who took the time to share their views. Your insights matter and they make a difference.

Question resolved in the affirmative.

The Assembly adjourned at 4.48 pm until Tuesday, 19 September at 10 am.

Questions without notice taken on notice

Waste—product stewardship

Mr Steel (*in reply to a question by Mr Braddock on Tuesday, 12 September 2023*):

The Commonwealth Minister for the Environment and Water's Priority Product Stewardship list 2022-23 is available on the Commonwealth Department of Climate Change, Energy, the Environment and Water's website at www.dcceew.gov.au. The 2022-23 priority list includes:

- Photovoltaic systems
- Electrical and electronic products
- Oil containers
- Child car seats
- Clothing textiles
- Problematic and unnecessary single use plastics
- Mattresses
- Plastics in health care products
- End-of-life tyres

Canberra Hospital—MRI machine

Ms Stephen-Smith (*in reply to a question and a supplementary question by Ms Castley and Ms Lawder on Thursday, 14 September 2023*):

- 1) The Minister for Health has updated the community on the MRI replacement at Canberra Hospital on the following occasions:
 - inclusion of funding as part of the 2019-20 ACT Budget in June 2019;
 - announcing commencement of works to install the machine in May 2023; and
 - announcing the machine becoming operational in September 2023.

The MRI replacement is also referenced in the ACT Infrastructure Plan, Annual Reports and Budget papers.

- 2) In the 2022-23 Budget, the ACT Government committed funding for the replacement and upgrade of the following medical imaging machines:
 - Computed Tomography (CT) Scanner
 - Position Emission Tomography Scanner
 - Single Photon Emission Tomography / CT Scanner
 - Nuclear Medicine Gamma Camera

The CT became operational in January 2023. Funding for the remaining three machines has been allocated in the 2023-24 financial year. Construction is due to commence in early 2024 with all machines operational by mid-2024.

- 3) Medicare-Eligible patients do not incur out-of-pocket expenses for medical imaging procedures at Canberra Hospital. If the patient is Medicare-Ineligible / Medicare Non-Eligible, as defined under the definition listed in the Health Fees Determination, the patient is provided with the Non-Eligible Fees Information sheet and is required to complete the Non-Eligible Estimate of Cost and Agreement to Pay form.

The *Health (Fees) Determination 2023 (No 1)* and its Explanatory Statement, which explains the basis for fee changes, are available here: <https://legislation.act.gov.au/di/2023-150/>.

Planning—district strategies

Mr Gentleman (*in reply to a question and a supplementary question by Mr Cain and Mr Parton on Thursday, 14 September 2023*):

In responding during question time Minister erred in saying that the District Strategies are out for consultation. The District Strategies have been made and are notified, meaning that they are publicly accessible but not out for further consultation.

Presentations on the draft District Strategies and draft new Territory Plan were given at community council meetings during the public consultation period from 1 November 2022 to 3 March 2023. All elements of District Strategies were topics of consultation, including the change areas. In the draft District Strategies, the change areas were categorised and referred to as proposed, possible and potential and now in the final recently released District Strategies they are referred to as change areas – category 1,2 and 3.

Officers from the Environment, Planning and Sustainable Development Directorate (EPSDD) attended the following community council meetings during the consultation period:

- Tuggeranong on 1 November 2022
- Woden on 2 November 2022
- Inner South on 8 November 2022
- Gungahlin on 9 November 2022
- Belconnen on 15 November 2022
- North Canberra on 23 November 2022
- Molonglo Valley on 24 November 2022
- Weston Creek on 30 November 2022

EPSDD also presented on the draft District Strategies and draft new Territory Plan to stakeholders from the East Canberra District community on 15 November 2022.

Since consultation finished in March 2023, the community council representatives who are members of the Environment and Planning Forum (EPF) chaired by the

Director General of EPSDD, were provided with general updates on the progress of the Planning System Review and Reform Project which includes District Strategies, at the EPF meetings on 20 April 2023, 22 June 2023 and 23 August 2023.

The District Strategies are final and available at the following link:
<https://www.planning.act.gov.au/planning-our-city/planning-system/district-strategies>.