



Debates

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Thursday, 26 October 2023

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

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

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

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

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

The Clerk has reminded me today that, effective from now, I am the longest-serving Speaker in the ACT's history. I have just managed to clip my predecessor, former Speaker Mr Wayne Berry. You can give him the good news for me, Ms Berry.

Swimming pools—access

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) (10.02): Madam Speaker, congratulations on surviving!

On 12 October 2022, the Legislative Assembly passed a resolution regarding inclusive access to swimming facilities. The ACT government is committed to ensuring that everyone can access ACT government owned pools in a safe way, and will continue to improve accessibility and inclusivity at our pools, engaging with the community on the best way to achieve these outcomes.

The ACT government has taken nation-leading steps to ensure inclusivity through the Human Rights Act. This has included the installation of an accessible ramp at the five-metre pool at Dickson pool, and work is currently underway at Manuka pool to provide compliant access for people with disabilities. The ACT government is also investing significantly in upgrading our pool facilities to ensure that they cater for the diverse needs of the Canberra community.

The ACT government funded \$8.5 million in the 2022-23 budget for the design and construction of the new south-side hydrotherapy pool at the Tuggeranong Lakeside Leisure Centre. The University of Canberra Hospital hydrotherapy pool has continued

to operate since opening in 2018 and has continued to be an important facility for inpatient rehabilitation and non-government organisations to support the health needs of Canberrans and those from the surrounding region.

Hydrotherapy offers a vital service for a wide range of people by providing people with mobility issues with access to an important form of recreation, helping people to better manage the chronic pain caused by illnesses such as cancer, migraine, osteoarthritis and arthritis, and by offering the opportunity to help people to recover from injury or surgery.

ACT Property Group has also managed upgrades to improve the bathroom and change-room facilities at Manuka pool for patrons with disabilities and accessibility issues. Additionally, consideration of family-friendly and gender-neutral bathrooms at that pool is underway.

ACT Property Group has also supported the current providers of the pools to deliver several inclusive initiatives, including A Gender Agenda hosting an autonomous swimming pool event for the transgender, gender-diverse and intersex community at Canberra Olympic Pool in December 2022, and Canberra Olympic Pool tailoring exercise programs for people over 55 to improve health, heart health, bone density, flexibility and strength. ACT Property Group refurbished the gym and fitness area in June 2023 to facilitate demand and provide additional classes, which has had positive feedback from members and the community.

A new pool operator, Belgravia Health and Leisure Pty Ltd—Belgravia Leisure—has been awarded the contract for the management of Dickson Aquatic Centre, Stromlo Leisure Centre, Gungahlin Leisure Centre, Lakeside Leisure Centre and Canberra Olympic Pool. Belgravia Leisure have a strong track record of providing inclusive and accessible pool facilities to the communities in which they operate across Australia and New Zealand. This has included conducting community network forums and implementing adaptable programming at their managed pool sites, determined by community need, priorities and preferences.

Belgravia Leisure were also key partners with Aquatics and Recreation Victoria in the development of the first-of-its kind access and inclusion guide for the leisure industry in 2021. This guide assists aquatics and recreation organisations to improve access for under-represented communities and increase participation opportunities for those who often miss out. The ACT government will work with Belgravia Leisure and community stakeholders to determine how best community needs can be met at our ACT government-owned pools.

The government still has the aspiration to determine a suitable way to provide gender-specific and gender-diverse swim times. I will endeavour to provide an additional update to the Assembly in the first half of 2024. I present the following paper:

Inclusive access to swimming facilities—Assembly resolution of 12 October 2022—Government response—Ministerial statement, 26 October 2023.

I move:

That the Assembly take note of the paper.

MR BRADDOCK (Yerrabi) (10.07): Being able to swim is an incredibly important skill for all of us to have. Being able to swim is not only a source of enjoyment and recreational exercise; it ensures the safety of our community. We know that deaths by drowning are preventable if people have access to appropriate swimming and water safety lessons. Studies tell us that accidents and deaths in relation to water incidents disproportionately impact people of specific identities. Royal Life Saving Society research shows that people who are disabled, born overseas, from culturally and linguistically diverse backgrounds and women are more likely to have negative water safety outcomes.

Let's remember that we are talking about drownings, in all of their tragedy, or near drownings, which are eight times more likely and have ongoing, long-term impacts for the community, families and the individuals directly affected by these incidents. We have a vision for zero deaths through road safety, and we should take the same approach to drownings. That involves helping those members of the community at the highest risk of drowning. Disparity in access to swimming lessons and safer outcomes is not acceptable.

At this point I would like to acknowledge Chris Nunn, from Abilities Unlimited, who joins us in the gallery today. Abilities Unlimited run Waterabilities, a tailored swim education program for those with neurodivergence, water-related trauma and cultural restrictions on swimming, amongst others. They frequently have families from culturally and linguistically diverse backgrounds, families who cannot swim, those who cannot even put a toe in the water, and children who are absconders.

The Waterabilities program has a three-year waitlist, with demand continuing to increase. Three years is a significant chunk of childhood and a long time for a child to have to wait to learn how to swim. Tragically, one child, whilst on that waitlist, in fact drowned. Think about it: a child needlessly drowned because they were unable to access a swim program that was suitable for their needs.

Abilities Unlimited is just one of the stakeholders that I have been talking to as part of my work in this area. Others have included Royal Life Saving Australia, Swimming Australia, Companion House, and the Refugee and Migrant Swimming Project. All of them clearly state that we must do more to support at-risk sections of the community to learn how to swim, and that culturally appropriate, gender-specific swim times are essential for this to happen.

I would like to remind the Assembly that the motion, which passed with unanimous support, called on the ACT government to commit to providing gender-specific and gender-diverse swim times, through working with all relevant stakeholders, and to continue to work with operators to establish a further trial of gender-specific swim times at a suitable pool.

I appreciate that the ACT government has had to focus on contracting a new manager for its pools in order for them to open for summer. That had to take priority. I still

want to see the ACT government continue to commit to providing gender-specific swim times—something that all members of the chamber did when the motion was passed last year.

Currently, the ACT government is relying on Abilities Unlimited, the Refugee and Migrant Swimming Program and Muslim Sisters to ACTion to run programs specifically targeting women from culturally and linguistically diverse backgrounds. These specialist programs are essential to cater to the economic, cultural and linguistic barriers that impact the access particularly of CALD families to conventional swimming programs. These services cannot meet the demand in our city. There is a need for further action.

From reading the minister's statement, I am very grateful that Belgravia has experience in other jurisdictions, because we need to bring that experience into the ACT to better serve our community and to ensure that no family experiences needlessly tragic drownings.

Question resolved in the affirmative.

Health—menstruation and menopause support—update

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) (10.11): As Minister for Women, I am pleased to provide the Assembly with an update on supports that the ACT government provides for people who are menstruating or experiencing menopause. This is in response to the Assembly resolution put forward by my colleague Ms Orr earlier this year.

It is important for our entire community to appreciate that the challenges presented by menstruation and menopause are valid and real, and those who experience them deserve to be supported. Share the Dignity's 2021 Bloody Big Survey findings indicate that around 70 per cent of Australians who menstruate experience some sort of pain with their period. This also has significant impacts on people's lives. Many people who menstruate miss class, call in sick to work or miss out on socialising with their friends.

Share the Dignity's survey also covered the stigma around menstruation. While 59 per cent of respondents were never embarrassed to talk about periods, that still leaves a large cohort who do feel that talking about these things is embarrassing. It is important that we in the ACT remain committed to reducing the stigma around menstruation. As a society, we should not be afraid to openly discuss the health of women and people who menstruate. If we refuse to have those conversations, and treat menstruation as something to be ashamed of, we create a risk that people will be afraid to seek advice or support, or to address related health issues that they might experience.

It is also important to reduce the stigma around menopause and increase awareness of the challenges it can present for many people. While around 85 per cent of people will

experience some hot flushes or night sweats that they are able to manage without treatment, around 20 per cent will experience more troublesome symptoms that may require treatment. There are also a large array of other symptoms which can contribute to difficulty participating in work as normal, as well as social activities and hobbies. We know that severe period pain and menopause symptoms can be debilitating for many people. Although it has not always been the case, there is now greater awareness and acknowledgement of this in Australian society, which is an important step forward for gender equity. The ACT government are committed to continuing our efforts towards supporting people who experience menstruation and menopause and to normalising their experiences.

On 7 June 2023, the Period Products and Facilities (Access) Act 2023 was passed. This is the first legislated support for free period products anywhere in Australia. The act establishes requirements for the ACT government to provide period products free of charge at designated accessible places across the ACT, including schools, other educational and training settings and community facilities, and a range of public health facilities. It establishes a set of principles of dignity which are applied when determining how products and facilities should be made available. It also requires information about menstrual health to be made publicly available.

While the provision of free period products will not address the root causes of period poverty, it is an important step to assist those in need. We know that accessibility and cost can prevent people from using the products that they need. This legislation will help women and people who menstruate, particularly those from low socio-economic backgrounds or who are experiencing other vulnerabilities that make it difficult for them to access period products or hygienic bathroom facilities.

On 13 October 2022 the Assembly also passed a resolution on a menstruation and menopause policy, including access to menstruation and menopause leave by ACT public service employees. Earlier this year, the Minister for Industrial Relations and Workplace Safety confirmed that the adoption of menstruation and menopause leave had been achieved for ACT public sector employees through enterprise bargaining and had been agreed with all bargaining parties. The new core provisions for special leave will provide up to a maximum of 10 days leave to employees, other than casual employees, for personal leave in special, extraordinary or unforeseen circumstances. ACT public sector employees will become entitled to this special leave as their relevant enterprise agreements are approved.

The ACT government is currently developing a policy which will provide further guidance to managers and employees in the ACT public sector about how the special leave provisions will apply. An education and awareness campaign will also be developed on the contents of the policy and to assist in reducing the stigma about reproductive health matters.

As Minister for Women, and as a person who has experienced debilitating, painful periods and is currently experiencing the joys of menopause, I am proud that the ACT government is one of the leading Australian public sector employers with regard to supporting reproductive health needs and will continue to explore new opportunities to further these important supports. I present the following paper:

Menstruation and menopause support—Assembly resolution of 21 March 2023—Government response—Ministerial statement, 26 October 2023.

I move:

That the Assembly take note of the paper.

MS ORR (Yerrabi) (10.17): I would like to take a moment to thank the minister for the update and the comprehensive work that is going on. Members of this place will be in no doubt that I speak a lot about this topic and have done a lot of work on it. The more I speak about this topic the more people come forward to me and identify more avenues for reform and more areas where we could do better. I look forward to working with the minister as we continue to build on what is a very strong and emerging response to an area that for a long time has not had the focus that it deserves.

Question resolved in the affirmative.

ACT inland waterways—safety—update Ministerial statement

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.18): The ACT's inland waterways present Canberrans with a unique opportunity to swim, explore and relax in nature, often within 20 minutes of their homes. Canberra's rivers, the largest of which is the Murrumbidgee River, are generally healthy systems with good water quality, sandy beaches and intact riverside vegetation.

However, the community's relative proximity to rivers means that, during the warmer months, popular swimming areas often become inundated with visitors. With increased numbers visiting rivers, in particular the ACT's culturally diverse communities, the likelihood of drownings, unfortunately, rises.

In November last year, the government was briefed on the outcomes of a 10-year study into deaths, most commonly drownings, associated with Australia's inland waterways. I would now like to remind the Assembly of some of the findings that the Royal Life Saving Society of Australia presented in their *Inland waterways* report.

In Australia one in three drownings occur in inland rivers and creeks. Drowning deaths have increased by 15 per cent from the years 2021-22 and have increased by 24 per cent in the last 10 years. In the summer, December to January are the peak months for drowning in Australia. Migrants are at far greater risk of drowning, when compared to the general population, and community groups have been calling on government to improve safety measures at inland waterways.

Since November, two additional reports that focus on the inherent dangers that inland waterways present to visitors have been released to the ACT government. These are Her Honour Coroner Russell's report into the matter of four deaths by drowning in the Australian Capital Territory, and the Royal Life Saving Society Australia's aquatic safety assessment of the Cotter recreation reserve. Both reports reinforce the inherent

dangers that inland rivers present to visitors. The reports further highlight information to suggest that migrant communities are most at risk, due to reduced swimming ability and lack of swim safety education and public messaging.

The society's aquatic safety assessment in particular recommends specific actions to improve safety in and around the Cotter Reserve precinct. These include developing an overarching local drowning prevention plan; sand augmentation and replenishment in specific locations to help visitors to access swimming spots safely; improved and multilingual signage at popular swimming locations; improved emergency communications that are readily and easily accessible; the provision of publicly accessible rescue equipment; and the consideration of lifeguards.

Following the investigation, Her Honour Coroner Russell also urged the ACT government to develop water safety awareness programs that publicise the risks of river activities, consider the RLSSA opinion on the need for flotation devices or throw ropes at particular river locations and consider the efficacy and practicality of installing such devices at each location. I am pleased to announce today that plans are well underway to improve safety around our waterways. In September a major workshop with key stakeholders established the foundations for a local drowning prevention plan and identified the roles of key stakeholders in keeping Canberra's communities safe.

Together with the outcomes of the workshop, strong consideration has also been given to the findings and recommendations of the 10-year study into drowning, the coroner's report and the aquatic safety assessment of the Cotter Reserve. The government is working closely with the Life Saving Society to continue planning for drowning prevention and, in consultation with the society, agreed with a number of early actions to improve visitor safety as we approach the 2023-24 swimming season.

Our focus during the lead-up to the summer will continue to be on areas that present the highest risk in our communities. These areas include the Murrumbidgee River, from Angle Crossing through to Uriarra, and the Cotter recreation reserve, as well as those other tributaries. Notwithstanding this, we will work with government colleagues and the National Capital Authority, as appropriate, to ensure that short and long-term priorities and planning also consider remaining popular swimming destinations.

To date, the government's early action plan has delivered an ACT swim safety campaign across summer; a major workshop that will establish the foundations of a comprehensive local drowning prevention plan and implementation schedule; sand replenishment and augmentation at popular swimming spots; an audit of areas that were not considered during the society's assessment of the Cotter Reserve; a review of signage around targeted waterways and an update of signage in key locations; improved emergency calling in key locations; and a revision of government websites to ensure that swim safety messages are promoted broadly within the community. Plans for the broader local drowning prevention plan will continue, and I hope to present a final plan to government before the end of this financial year.

Finally, I would like to note that the Bureau of Meteorology are forecasting above-median temperatures for this summer. Following a profound increase in Canberra's communities visiting our parks and reserves since COVID, we are

anticipating a significant increase in visitors to our rivers. We will closely monitor our waterways and website visits, with the aim of assessing whether our early intervention strategies are effective and/or need to be revised in light of emerging issues.

Our territory is a special place. We have access to a great range of nature reserves and rivers close by, and I am proud of the work our rangers undertake each day to maintain reserves and other sites within the territory. However, we need to make sure that we are staying safe. I urge all Canberrans to take care when visiting our rivers and to make safety your highest priority, to ensure that both you and your community are safe. I present the following paper:

Safe swimming infrastructure—Assembly resolution of 30 November 2022—
Government response—Ministerial statement, 26 October 2023.

I move:

That the Assembly take note of the paper.

MR BRADDOCK (Yerrabi) (10.25): I thank the minister for the government's response to my motion calling for safer swimming infrastructure at our inland waterways. Inland waterways are not patrolled by lifeguards and, if someone gets into trouble, there may be no-one to assist. If they are located beyond mobile phone coverage, it can be even harder to call for help.

When enjoying inland waterways, it is important to understand the hazards and the risks involved in order to keep yourself and those with you safe. Some of the dangers may include strong currents, fast-flowing water and submerged objects such as rocks, snags, tree branches, slippery banks and uneven surfaces, as well as the changing seasonal patterns and floodwater.

I moved the original motion in response to stories like that of Najeeb Rafee who, in October 2020, tragically drowned at a popular swimming spot at the Cotter. I also want to pay credit to the work done by four of Najeeb's friends—Annie Gao, Clare McBride-Kelly, Andrew Nolan and Liam McBride-Kelly—who formed a refugee and migrant swim project. They asked for lifesaving public infrastructure to be installed at Cotter Bend, such as emergency floating devices and better signage to adequately flag dangers. In addition, they asked for mobile phone coverage to be expanded so that people would be able to call for help.

I would like to thank and applaud the efforts of the Royal Life Saving Society for their excellent work and advocacy on the safety of our inland waterways.

Having read the ministerial statement, I am glad to see the seriousness with which the ACT government is treating this issue. I look forward to seeing the government's local drowning prevention plan when it is appropriate to do so. I applaud the actions completed to date under the early action plan, but I note that these have not included infrastructure such as flotation devices. I hope to see these incorporated under the local drowning prevention plan. I thank the government for its report on this issue.

Question resolved in the affirmative.

Government—health awareness programs

Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.27): I rise today to address the Assembly resolutions of 29 November 2022—autoimmune disorder awareness, moved by Ms Orr—and 11 October 2022—cardiovascular disease in women, moved by Dr Paterson.

Improving the wellbeing of Canberrans is a priority for this government. We are committed to delivering quality health care when and where Canberrans need it. I am pleased to have another opportunity to talk about, and raise awareness of, often lesser known conditions like autoimmune disorders. It is important that all Canberrans with an autoimmune disease have access to the information and services they need, and that all Canberrans have a better understanding of autoimmune conditions, how they affect people's everyday lives, and what symptoms to look for relating to common conditions like Hashimoto's disease and coeliac disease.

As Ms Orr's motion noted, there is no peak body representing all autoimmune disorders in Australia. Given that awareness campaigns usually rely on the leadership and funding of a peak body or association, this is likely to be a contributing factor to the lack of public awareness around some autoimmune disorders. I am pleased to share that the ACT government is committed to providing accurate information to Canberrans about autoimmune disorders, particularly those most affecting our community. This includes direct community interaction and awareness through social media channels and community stakeholder engagement.

The ACT government recognises significant awareness weeks like Heart Week, in May, and Women's Health Week, in September, each year. This year, during Women's Health Week, from 4 to 8 September, the ACT Health Directorate shared important information through social media about common autoimmune diseases and how to seek help and information. ACT Health will continue to put the spotlight on autoimmune disorders through its social media channels and will continue to support local community organisations that support people with specific autoimmune conditions and their families.

An additional series of public information messages about autoimmune diseases will be developed and published through ACT government social media channels to further raise awareness. These posts will seek to include personal stories of Canberrans with lived experience who can talk about their diagnostic journey, their symptoms and living with an autoimmune disease. Communication activities will also be planned ahead of Autoimmune Disease Day in March 2024.

In addition to increased awareness in the community, it is important to acknowledge that general practitioners provide excellent support for people with autoimmune conditions and are well placed for best practice, long-term management. As autoimmune diseases can affect people in different ways, I would always encourage Canberrans to speak to their doctor or trusted health professional about their unique circumstances to get the right information for them.

Cardiovascular disease in women is also under-recognised, under-diagnosed and under-researched. Heart disease kills almost three times as many Australian women as breast cancer, yet the general perception of heart disease persists that this is a male disease. While men have higher risks of developing cardiovascular disease than women, women are more likely to experience suboptimal treatment. Women more commonly experience delays in treatment, less intensive treatment and poorer risk assessment. Many of the symptoms women experience may not be recognised as heart disease, which increases the likelihood of a missed diagnosis. Women under 55 suffering heart attacks or angina are more likely to be misdiagnosed and discharged from emergency departments.

Data and statistics about heart, stroke and vascular diseases in Australia are collected by the Australian Institute of Health and Welfare, or AIHW, including through its National Centre for Monitoring Chronic Conditions, and by the Australian Bureau of Statistics, or ABS, through the national health survey.

The ACT government supplies cardiovascular disease hospitalisation and death data to the AIHW's minimum dataset. The ACT Health Directorate epidemiology section produces publicly available epidemiological reports and indicators that include information relevant to the impact of cardiovascular disease on women, and provides policy areas with relevant statistics and interpretation sourced from the ABS and AIHW. In addition, the ACT government's 2023 ACT general health survey has recently commenced. The general health survey will collect data relevant to assessing the burden of disease in the ACT, including cardiovascular disease, from more than 2,000 ACT residents.

One of the many ways that the ACT government provides information to the ACT community on critical health matters is through the regular ACT Chief Health Officer's report. The ACT Health Directorate is planning for a future Chief Health Officer's report focusing on the impact of cardiovascular disease in the ACT. I look forward to updating the Assembly on that further.

In the 2023-24 commonwealth budget, the women's budget statement recognised that improving gender equality and increasing our understanding of the different health experiences due to gender or sex are essential to address the significant health disparities experienced by women and girls in Australia. The budget statement acknowledges the health disparities between women and men, including in misdiagnosis, delayed diagnosis and under-diagnosis of many diseases and chronic conditions for women and girls, including but not limited to cardiovascular disease.

I also note the work currently underway by the National Women's Health Advisory Council, which provides strategic advice and recommendations to the commonwealth government on improving health outcomes for women, girls and people assigned female at birth. The council launched a community consultation survey in July this year to gather insights from across the community and healthcare sector about women's and girls' experiences of gender bias in the health system. This consultation closed recently. I look forward to its findings being published, although I expect that, like the ACT's own survey by Women's Health Matters, it will include some disturbing findings about women's health and women's experiences of the health system.

The ACT government is committed to supporting all Canberrans to make healthy lifestyle choices and to empowering Canberrans with the knowledge, skills and attitudes to live well and create healthier places where we live, work, learn and socialise. The Healthy Canberra: ACT Preventive Health Plan 2020-25 sets a framework for coordinated, government-led action and a platform for broader community engagement with these priority areas. An important focus of the preventive health plan is the prevention of chronic diseases, including cardiovascular disease, by supporting good health across all stages of life.

Making the plan, and the healthy behaviours it encourages, accessible to all Canberrans is a priority. That is why ACT Health regularly communicates through its trusted channels about specific chronic conditions, including heart disease and autoimmune disorders. During Women's Health Week this year, the ACT Health Directorate also shared little-known information about risk factors for cardiovascular disease that are specific to women. Notably, one significant risk factor is the presence and treatment of autoimmune disorders.

Looking nationally, the National Heart Foundation of Australia developed the National Strategic Action Plan for Heart Disease and Stroke, in partnership with the Stroke Foundation. The action plan contains guidance and direction around four priority areas to address the burden of heart disease and stroke in Australia: prevention and early detection; diagnosis and treatment; support and care; and research. On behalf of the ACT government, I endorsed the action plan, supporting all four priority areas, and noted that prevention should be a key focus to reduce the cardiovascular disease burden over the longer term. The action plan aligns with the ACT's preventive health plan and initiatives in the prevention, management and treatment of heart disease and stroke.

I have written to the commonwealth Minister for Health and Aged Care, the Hon Mark Butler MP, about the National Strategic Action Plan for Heart Disease and Stroke to request an update on the progress under this plan. This will help to inform our own local efforts and ensure that they are well coordinated, including data reporting and contributing to national initiatives in this area. I will also continue to engage with our partners across the health system, including the commonwealth government and the Capital Health Network, to highlight the disparity in health outcomes for women in relation to cardiovascular disease.

The National Women's Health Strategy 2020-30 also includes an action to develop and deliver a national campaign to promote awareness of the different risks for and symptoms of cardiovascular disease in women. The risk of adverse outcomes for women as a result of cardiovascular disease is an issue of national significance. As such, I welcome an awareness campaign at the national level to address this and will engage with Minister Butler on this campaign.

The ACT government also prioritises cardiovascular disease in its approach to strategic investment for research. In 2020, \$163,000 was provided to the University of Canberra to partner with Canberra Health Services to investigate the effectiveness of a six-week, integrated, traditional, exercise-based cardiac rehabilitation program. This funding was part of the research and innovation fund, which has provided \$3 million

over three years to health and medical research in the territory and prioritises research aimed at reducing the risk of chronic disease. The project is anticipated to conclude in June 2024. It is expected that the outcome of the cardiac rehabilitation program will be presented at the 2024 Canberra Health Annual Research Meeting, better known as CHARM.

The ACT government also invests \$2 million each year in the Health Promotion Grants Program, which offers grants to community-based organisations to improve the health of Canberrans and minimise the risk of people developing chronic conditions such as cardiovascular disease. The ACT government is committed to ensuring that Canberrans have access to the right information, care and support to manage chronic health conditions like cardiovascular disease and autoimmune disorders. We are also committed to collecting and contributing to comprehensive, high quality data to inform our policies and services supporting the ACT community.

Madam Speaker, thank you for the opportunity today to talk about these important issues. I again commend Ms Orr for her advocacy and awareness raising on autoimmune disorders, and Dr Paterson for drawing the Assembly's attention to women's experiences of cardiovascular disease. I present the following paper:

Improvements across the health system—Response to Assembly resolution of 11 October 2022—Cardiovascular disease in women and Assembly resolution of 29 November 2022—Autoimmune disorder awareness—Ministerial statement, 26 October 2023.

I move:

That the Assembly take note of the paper.

DR PATERSON (Murrumbidgee) (10.37): I would like to thank the minister for her response to my motion moved last year. The motion on the impact of cardiovascular disease in women was something that the Heart Foundation brought to me—how it is under-recognised and how women receive suboptimal treatment in our health system, especially the younger they are. I very much look forward to the ACT Health Directorate's Chief Health Officer's report with a focus on cardiovascular disease. I also appreciate the multifaceted approach to collecting data on gendered health disparities in the ACT. It is great to see this issue getting the attention that it deserves.

MS ORR (Yerrabi) (10.38): I would like to acknowledge the work that the minister and ACT Health have already done on raising awareness of autoimmune disorders. I did notice in my Facebook feed some additional feeds about this during the last Women's Health Week. I look forward to continuing to work with the minister as we raise awareness and look at the additional avenues that we can take to continue to promote what is one of the largest chronic disease cohorts in Australia, and a group that needs a lot more support, awareness and visibility.

Question resolved in the affirmative.

ACT Carers Strategy 2018-2028—update

Ministerial statement

MS DAVIDSON (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.39): I rise today to provide an update on progress towards implementing the Carers Strategy 2018-2028. I will also take this opportunity to acknowledge unpaid carers and the work they do, and what more needs to be done to ensure that we support carers.

Carers provide invaluable help, support and comfort to family, friends and neighbours. Our healthcare, disability and child protection systems rely on carers to provide consistent support for vulnerable people. This support was crucial during COVID-19 lockdown periods and continues to be an essential element in the care of vulnerable community members at risk.

Becoming a carer is not always planned or a choice; in many cases it is a response to unmet needs for care. Almost anyone can become or need a carer, at any time. Caring can bring joy, purpose and satisfaction for carers, and connection to the person they care for and others. However, being a carer also comes with a higher risk of negative physical and mental health outcomes, financial pressure and social isolation.

The pressures and risks faced by carers stand in direct contrast to the value they provide to the community and the economy. Unpaid carers contribute significant and often unrecognised social and economic value to the ACT community. It is our role to listen to carers and to meet their needs for support while they support others.

That is why the Carers Strategy 2018-2028 was developed, under the leadership of Carers ACT and in close consultation with the diverse range of carers in the ACT. The strategy is our road map, guided by carers themselves, to improve the lives of all carers, now and into the future. The strategy is the voice of carers, which has been heard and translated into a practical road map for how we are making life better for carers in the ACT. The first three-year action plan to guide implementation of the strategy has been completed. I am pleased to report on the progress made towards implementing the strategy, and to talk about what we are doing next to meet the needs of carers in the ACT.

The strategy identified priority areas of work. These have guided efforts so far and will continue to drive the planning and implementation of future progress under the strategy. I would like to acknowledge the work of Carers ACT, which has delivered work across these priorities, as the ACT government's key community partner. I will provide some highlights of the hard work done by Carers ACT over this period.

Carers need recognition of the crucial role they play in providing care and maintaining wellbeing, beyond their status as family members or friends. They are part of a care team and have unique and comprehensive knowledge of the person they care for. Carers' skills and knowledge need to be recognised, valued and drawn upon to ensure that the best possible care is delivered.

Carers ACT has worked towards ensuring that carers are recognised by considering carers' needs and experiences in commissioning processes, specifically through workshops held by the Community Services and Health directorates. Carers ACT advocated for developing a lived experience framework and for carers' voices to be included in the commissioning lived experience panel.

Carers ACT has led awareness-raising sessions with GPs and in-home care providers, leading to a partnership with the Next Practice GP network to develop carer-friendly practices, and raising awareness of lived experience with key health service providers. Carers ACT also engaged with organisations in drug and alcohol settings, as well as the ACT Health integrated care working group.

Bringing carers together to acknowledge and celebrate their contributions is another way to recognise carers. That is why Carers ACT has facilitated events for carers, including cocktail parties during National Carers Week 2022 and 2023, and a high tea for International Women's Day. We also helped to capture and share stories of carers' experiences during the COVID pandemic through Carers ACT developing a book of poetry and art called *Caring Through a Pandemic*.

Support for education is critical to helping young carers to complete their formal education and achieve their aspirations. Formal education systems need to recognise the valuable skills, knowledge and experience carers gain and provide opportunities for accreditation and recognition. To improve access to education for young carers, Carers ACT has worked to ensure that carers can access free courses at the Canberra Institute of Technology.

Carers ACT also advocated for an expansion of the national Young Carer Bursary scheme. The scheme currently provides 100 scholarships valued at \$3,000 to young carers in the ACT to support them to achieve their educational goals. This is a scheme that is particularly close to my heart, having worked on some of the systems support for it when it first started some years ago.

Information access is critical to ensuring that carers have access to relevant and current information that meets their needs. Carers ACT has invested in enhancements to the Carers ACT website and the Mental Health Carer Navigator website, so that these resources can better assist carers to identify relevant information and services.

Ongoing carer engagement is key to ensuring that carers are involved in determining their own journey. When carers know the services they need, and when available services align with their needs, carer wellbeing is enhanced. Carers are then better able to care for themselves and others. Carers need to be listened to and heard in policy development and by government and community organisations to ensure services are aligned with their needs.

Carers ACT is trialling a new carer engagement approach through a carer collective. This series of events promotes engagement by fostering a sense of community, while acknowledging and valuing carers' experiences and perspectives. Topics covered during 2022-23 include youth mental health services and commissioning of mental health services. Carers ACT also participated in the National Carers Study and

National Carer Wellbeing Survey. This work identifies factors that impact carer health and wellbeing and tracks these measures over time.

Providing support services for carers is a responsibility for all levels of government and the broader community. We need to take account of the diversity of carers and caring roles and review or improve support services to ensure that they meet the evolving needs of carers. To this end, Carers ACT has developed a respite handbook to support carers to navigate services and maintain their health and wellbeing. This resource provides a framework for understanding wellbeing, and strategies for carers to maximise the benefits they gain from respite. It encourages carers to take regular short breaks to promote long-term wellbeing. Carers ACT has also worked with the Vikings Group to encourage carer-friendly practices.

Work with Carers Australia and the network of carers associations has supported the development of the care and work national initiative, which promotes accreditation of small and medium businesses as carer-friendly workplaces. In addition, Carers ACT is applying lessons from the first action plan of the strategy to make further improvements. Carers ACT intends to develop agile action plans to guide future efforts, with short and longer term plans that align with priorities and outcomes established under the strategy.

Carers ACT and carer members of the carers governance group have decided on a new governance approach. In line with the principle that carers remain central to efforts under the strategy, the new approach provides opportunities for more carers to have input and oversight. The governance group provided valuable oversight and input during the early years of the strategy, creating a strong foundation for current progress that will continue to inform future efforts.

I want to thank all who participated in the Carers Strategy governance group, particularly the carer members. Your passion, generosity and hard work have been crucial in delivering the progress and achievements we see under the strategy today. The group has now been replaced with a range of carer engagement and activities that involve opportunities for more carers to contribute in different ways.

The range of work completed under the first action plan speaks to the hard work and dedication of Carers ACT. I would like to thank Carers ACT, and particularly their CEO, Lisa Kelly, for their tireless work in advocating for unpaid carers in the ACT. Carers are a fundamental part of our community, and your efforts ensure that carers receive the recognition and support they deserve.

Work towards implementing the strategy is continuing. We are taking into consideration the lessons we have learnt through the implementation of the first action plan and are continuing to ensure that carers are front and centre in everything we do. We have provided an additional \$825,000 over four years in the 2022-23 budget to ensure that this important work to support carers can continue.

The implementation of these changes has improved the lives of carers in Canberra and will continue to do so for carers in the future. We have further work to do to build on this progress. Carers ACT has noted the importance of improvements to respite and

accommodation services and floated the idea of a carers' passport as a way to implement further improvements. These initiatives and other options will be consulted and considered as we continue to implement the strategy and improve the lives of carers in the ACT. I present the following paper:

ACT Carers Strategy 2018-2028—Annual progress update—Ministerial statement, 26 October 2023.

I move:

That the Assembly take note of the paper.

MS ORR: (Yerrabi) (10.48): I rise today to support the minister's statement on the ACT Carers Strategy progress report and the good work that is being done in this policy area. Carers are some of the most selfless people in our community, but, while looking after others, they do not always look after themselves. The work of carers is generally unrecognised. Carers themselves are often the last to ask for help, and therefore they do not receive the support they need to carry out their caring responsibilities or to look after their own wellbeing.

This has been most recently emphasised in the 2023 carer wellbeing survey, with the full data report released this month by Carers Australia and the University of Canberra. As a result of the findings, it is significant to note an overall decline in the wellbeing of carers since last year, which is consistent with the adult population across the country. Young carers, carers who study, carers of people with low assistance needs, First Nations carers and carers who identify as LGBTIQ experienced a higher than average decline in wellbeing.

The report concludes that changing conditions to enable more carers to experience the benefits that can be associated with being a carer and to reduce the impacts that can cause negative wellbeing outcomes takes time. It is good to see that we are putting in place all these changes and supports that are coming about as a result of the work being done. Changing the conditions, which takes time, due to the significant scale of the challenges, will require a consistent and prolonged approach.

I was pleased to introduce and have this place pass the Carer Recognition Act in 2021. The act goes to the heart of recognising and supporting carers by requiring agencies to consider carers' needs in areas such as service provision, health, education and employment. It is a step towards addressing the sector-wide project of changing the landscape to allow carers to get the support that they will benefit from. I am pleased to see the ACT government continue to support carers through this act and the ongoing implementation of the Carers Strategy.

I commend the minister for the updated strategy and the action plans associated with it, and all those involved in its production. I encourage everyone in this place to engage with it fully, if they have not already, and to continue to support carers.

Question resolved in the affirmative.

War Widows Day 2023

Ministerial statement

MS DAVIDSON (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.51): I rise today to reflect on the ACT government's inaugural commemoration of War Widows Day. In June this year, this Assembly unanimously endorsed the ACT government's designation of 19 October as War Widows Day. I am delighted with the support of everyone in this place in helping to ensure that the ACT joins New South Wales, Queensland, South Australia and Western Australia in formally recognising War Widows Day.

The ACT government and War Widows ACT officially marked War Widows Day for the first time on 19 October this year by co-hosting a morning tea at the Legislative Assembly. Over 50 representatives from the local community attended, including war widows, members of the local veterans and ex-service communities, the Military Wives Choir and the Ministerial Advisory Council for Veterans and their Families. President of War Widows ACT, Robynne Mitchell, reflected on her organisation's influence, which has indelibly changed and shaped the lives of the territory's war widows. I am also grateful to the Australian Military Wives Choir for their beautiful performance at the event.

The morning tea culminated in a cake cutting, but this was no ordinary cake. The cake was in the image of the first permanent memorial of any kind in Australia to give thanks and pay respect to Australia's war widows—a stained-glass window by local artist Ruth Oliphant, featuring a life-sized image of a woman held in the protective embrace of a kookaburra. The window itself is beloved by War Widows ACT members and is on display at the Canberra Services Club.

I would like to now reflect more broadly on the role and history of the Australian War Widows, whose work and dedication has provided comfort, companionship and advocacy to war widows and their families since its foundation in November 1945. The need to address the circumstances of war widows and families left behind by the death of serving military members began during the Second World War as a shared commitment by the eventual founder of the War Widows Guild, Jessie Vasey, and her husband, Major General George Alan Vasey.

Jessie and George had an extraordinary marriage, despite their frequent and prolonged separations due to George's military service. Together, they saw two sides of the need to care for the widows of those lost in, or due to, military service. Jessie saw firsthand the difficulties widows faced in raising families while not only bereft of their husbands and the fathers of their children but also under the immense financial strain of living on the woefully inadequate widow's pension at a time when women had few options to earn a living wage themselves.

George brought the perspective of the military men themselves who were serving through the deadly circumstances of war, knowing that their death could mean financial ruin for their families left behind. George was beloved for the care and

concern he showed to the men in his command, and this extended to the families too many left behind. In a cruel twist of fate, Jessie became a war widow herself when George was killed in a plane crash while travelling to a new posting, but, even before she lost her husband, she and George had discussed the need to work for better conditions for war widows. On their final evening together before George boarded the doomed flight, he told her, “Jessie, stick to the war widows and, when I come back, I will give you every atom of help I can give.”

Although George, sadly, never made it home, Jessie remained determined to found the War Widows Guild. She succeeded, eventually expanding it to become an Australia-wide organisation. Her dedication to improving the lives of war widows and their families through self-help and advocacy is the reason her birthday, 19 October, was chosen as War Widows Day.

In her work to improve the livelihoods of women and children left behind after the deaths of veterans, Jessie Vasey was focused on issues that resonate with the cost-of-living crisis we face today. Her primary concerns were affordable housing and empowering widows to earn a living wage to supplement the pensions they received to support themselves and their children. It was an uphill battle. Not all men shared the late Major General Vasey’s appreciation of the need to better support war widows, but Mrs Vasey was having none of it. When she was asked by a kindly but patronising politician why war widows needed to organise at all, she replied that it was because they believed in self-help. When the politician responded, “We’ll do it all for you,” she asked what qualified him to decide what women needed.

Jessie persisted, and the guild held its first meeting in Melbourne in 1945. Although the guild, now known as Australian War Widows, has evolved with the times, it continues to pursue its goals in four main ways. First, it helps war widows to develop skills to help support themselves and their children. The guild began as a training institute for women to learn weaving—a useful skill to earn an income at a time when such products were just coming out of war rationing, and a craft that could be done at home while women were with their children. Second, it serves as a forum for advocacy on behalf of war widows, where discrepancies in policy that create inequalities and unjustly deny benefits to widows could be discussed. War Widows branches advocate through other forums as well—for example, through representation from each state to the board of the Soldiers’ Children Education Scheme.

Third, the guild helps members to share information on the supports available to widows and helps to connect widows with services. For example, training allowances were available to help widows develop skills to support their families, but, until the organisation publicised this benefit, few war widows were aware of this option. Finally, the guild was, and remains, a way for war widows to meet others who share their lived experiences of loss. Many young widows struggled in being the only member of their social circle to have lost a husband to war. The understanding and shared compassion of the company of others who shared their loss and grief was a comfort to many war widows. War widows continue to share fellowship and support each other all over Australia because of the organisation’s efforts.

The ACT branch of the guild—later called War Widows ACT—has provided these kinds of supports to Canberra’s war widows since its foundation as a sub-branch of the New South Wales guild in 1951. I would like to acknowledge some of the

exceptional members of the ACT branch whose hard work in establishing and building its membership and influence has resulted in support to so many war widows and their families. Margaret Lewis, Phyl Buttsworth and Lucy Elliott were early leaders of War Widows ACT during its critical foundational years. They worked to build strong partnerships with the RSL and Legacy. Thanks particularly to Margaret Lewis's indefatigable work and networking, the guild was a significant financial contributor to the Sir Leslie Morehead War Veterans' Home in Lynham. Now known as RSL LifeCare's Sir Leslie Morehead Manor, it is home to 79 residents.

By 1985 Lucille Wallis and Maude Bamberger were co-presidents of the guild and continued the tradition of this small organisation punching well above its weight. Lucille Wallis is said to have personally educated Prime Minister John Gorton on the War Widows Guild and its importance. I would also like to recognise Jenny Gregory, President of the Australian War Widows. We were delighted to welcome Jenny to the morning tea on 19 October. I note Jenny's strong ties and many years spent living and working in the ACT, and her work in establishing Dementia Australia.

Today War Widows ACT is a dedicated friend of at least 726 war widows in the ACT. In addition to the support it provides members, I would particularly like to recognise the leading role of War Widows NSW and War Widows ACT in supporting the development of the Queanbeyan Veterans' and Families' Hub. It is vital that the voices of war widows and their families are heard in planning for the hub to ensure that their needs are considered and planned for in the hub's development and operations.

I would like to take this opportunity to advise that the ACT Veterans Grant Program for 2023 was launched on War Widows Day. The program has a proud tradition of supporting projects for families of veterans, and I strongly encourage organisations and groups representing and linked to families to apply for a grant this year.

For 78 years and counting, Australian War Widows and its branches have supported vulnerable war widows and their families. Their advocacy and determination have brought both material and emotional comfort to women and children in need of support. In Canberra, War Widows ACT has advocated for the needs of widows and their families in our community and honoured their role as the ACT's chief mourners of those lost in war. I am delighted that we are now honouring war widows with formal recognition.

I will end this statement with the motto of the Australian War Widows—a call for mutual compassion, service and support: “We all belong to each other. We all need each other. It is in serving each other and in sacrificing for our common good that we are finding our true life.”

I present the following paper:

ACT War Widow's Day 2023—Ministerial statement, 26 October 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Report 20

MR CAIN (Ginninderra) (11.00): I present the following report:

Justice and Community Safety—Standing Committee—Report 20—*Inquiry into penalties for minor offences and vulnerable people*, dated 18 October 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 20th report of the Standing Committee on Justice and Community Safety and it makes 13 recommendations. The committee heard that penalties can have a disproportionate impact on sections of our community. Failure to pay as a result of an inability to afford the penalty can lead to cascading consequences that could potentially be avoided. The recommendations in the report include measures to make penalties fairer for people and to improve access to alternative options.

On behalf of the committee, I would like to thank everyone who contributed to this inquiry, particularly my committee colleagues, Dr Paterson and Mr Braddock. I am thankful for the professional support of the secretariat. I commend the report to the Assembly.

MR BRADDOCK (Yerrabi) (11.01): To the wealthiest people, fines are generally seen as, at best, an inconvenience and, at worst, part of the cost of doing business. To the least fortunate and at-risk people, a fine can prevent them from putting food on the table, if they even have a table to begin with. Where an at-risk person fails to pay a fine for whatever reason, they can potentially be dragged through the courts, causing greater stress and financial hardship.

As I have previously noted in this chamber, Australian researchers Julia Quilter and Russell Hogg have observed:

... fines enforcement produces very real, but often hidden, hardships for the most vulnerable. Despite its familiarity and apparent simplicity and transparency, the fine is a mode of punishment that hides complex penal and social realities and effects.

Fines can perversely incentivise committing other crimes for the simple purpose of survival. Also, as shown by Robodebt, the threat of persecution can drive people to pay fines even when legally and morally they are not required to do so.

About two years ago, this Assembly passed my motion noting the evidence of the disproportionate impacts that fines have on vulnerable people and the consequences when they do not pay their fines, for whatever reason. The motion called for consideration of alternative pathways to resolve minor infringements. The government's response to that motion was predicated on the idea that only the threat of losing personal funds or property can serve as a basis for incentivising good behaviour.

I was pleased when the JACS committee agreed to inquire into this topic. There was unanimous agreement among all submitters to the inquiry on the impact that fines can have on the most at-risk part of our community and how this can cascade into a devastating impact on them. I was glad to see that the Australian Federal Police Association and ACTCOSS could agree that fines should be based on a person's capacity to pay.

In an ideal world, fines would be based on a person's capacity to pay. This remains the Greens' goal, but we recognise the limitations of the existing arrangements that restrict the commonwealth from sharing income information with the states and territories. In the meantime, the recommendation is to utilise concession card status to serve as a proxy, to support those at risk in our community. A simple recommendation is that a licence should never be cancelled based on someone's inability to pay a fine, as it has the potential to profoundly impact on someone's life. A licence is about whether someone is safe to be behind the wheel of a vehicle. It should not be used as a proxy barrier to the mobility of those with limited financial means.

The inquiry process was enlightening as to how confusing and difficult it is for people to access waivers and hardship concessions. If highly educated, English-speaking, engaged people, used to the ways of bureaucracy, struggle to navigate their way through the process, it is not fit for purpose. Any system cannot be designed around the needs of the government and its bureaucrats. It must be designed from the bottom up, with the end user in mind. Universal design principles must be applied to ensure that those at risk who most need access to those waivers and alternative options for payment are able to do so.

I would like to thank everyone who provided a submission to the inquiry. I would also like to thank my colleagues in the Standing Committee on Justice and Community Safety for joining me in this inquiry.

Question resolved in the affirmative.

Statement by chair

MR CAIN (Ginninderra) (11.05): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety. At a private meeting on 18 October this year, the committee resolved to conduct an inquiry into immediate trauma support services in the ACT. As the committee's website states:

The Committee will inquire and report on immediate trauma support services in the ACT with particular reference to:

1. What immediate supports are offered to people in the ACT following a traumatic incident?
2. What type of immediate supports are needed by people who have experienced a sudden or traumatic incident?
3. At what point do Victim and Coronial Support services engage in the process following a traumatic incident?

4. What challenges/role do ACT Police and Emergency Service members face at the scene of an accident or a traumatic event to support affected community members or family members or witnesses?
5. What immediate trauma support services are available to ACT Police and Emergency Service members who may witness or experience a traumatic incident?
6. What is best-practice, evidence based, 'trauma informed' immediate trauma support service response to community members, witnesses, family members etc who may be involved in a traumatic incident?
7. Any other related matter.

The committee called for public submissions on 18 October this year, with a closing date of 8 December this year.

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

MS CLAY (Ginninderra) (11.06): 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 and Construction Legislation Amendment Bill 2023 was referred to the committee on 14 September 2023. The committee understands that the bill will amend various pieces of territory legislation to address safety risks with the installation, testing and maintenance of medical gas systems and distributed energy resources. The bill also makes some technical and minor amendments to the ACT's building regulatory system. The committee also understands that the bill will introduce new licence classes for people undertaking medical gas work which will be supported by new qualification requirements for those undertaking such work. These proposed qualifications will bring the ACT in line with other jurisdictions.

The committee observes that, in developing the bill, the government has consulted with a wide range of key stakeholders, including its own directorates such as CMTEDD, JACS, ACT Health and Community Health Services, along with the Master Builders Association of the ACT, the Housing Institute of Australia, the NSW Plumbers Union, the National Electrical Communications Association, and the Electrical Trades Union.

Given the straightforward nature of this bill and the extensive consultation undertaken, the committee considers that an inquiry would not likely add any new information to the matter and has resolved to not inquire into the bill.

Statement by chair

MS CLAY (Ginninderra) (11.08): 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 16-23 and e-petition 12-23 titled “Incorporating the Ainslie Volcanics site into the Mt Ainslie Nature Reserve” were received by the Assembly on 6 June 2023 and referred to the committee under standing order 99A.

The committee acknowledges that the Ainslie Volcanics site has important ecological and heritage values and is an important area to the local community. The committee also notes that the area has been nominated for the ACT Heritage Register for Aboriginal heritage values.

The government response to the two petitions stated that the ACT government manages the various sections of land relating to these two petitions. Part block 4, section 63, Campbell, is under the custodianship of the ACT Parks and Conservation Service. The area is managed to maintain the current ecological condition and as a bushfire asset protection zone for block 1, section 63, Ainslie. Further, blocks 2 and 3, section 60, Ainslie, and the grassy section of block 4, section 63, Campbell, are currently managed by TCCS.

The government response considered that the current land management arrangements provided through these directorates and agencies is adequate to protect the identified values and the site as the site remaining as is would enable protection of ecological values as well as the flexibility for future amenity activities to improve the open space for local residents. The government also noted that any addition of this area to Canberra Nature Park would require significant additional resources to achieve conservation requirements to the level of a nature reserve.

The committee is of the view that an inquiry will not further the issues raised in the two petitions, and for these reasons the committee will not be inquiring into the matters raised in petition 16-23 and e-petition 12-23.

Victims of Crime Amendment Bill 2023

Debate resumed from 29 August 2023 on motion by **Ms Cheyne**:

That this bill be agreed to in principle.

MR CAIN (Ginninderra) (11.10): This bill aims to implement recommendation 2 of the Sofronoff report to clarify under which circumstances police can provide victims with an update on the status of a criminal investigation and amends what constitutes a change in the status of the investigation. Recommendation 2 covers some minor wording changes that impacts the status of an investigation, particularly to assist the victims with appropriate notice of any change.

The first objective of the bill clarifies the responsibility of police to provide express updates regarding the progress and status of an investigation. The police are not required, though, to provide an update where they perceive doing so would prejudice the investigation or the matter generally or would prejudice any other investigation. The police must gain greater room to interpret how providing updates to the status of an investigation may affect its overall progress.

The amendment is followed by a second, as per Mr Sofronoff's recommendation, to amend the circumstances of a constituted change in the status of an investigation. A change in the status of an investigation includes when police decide to charge a person or issue an arrest warrant. Under these circumstances, where providing an update would prejudice the matter generally, the police are then to provide updates to the victim or victims as soon as possible. This provision is introduced to allow the police greater oversight in managing the progression of a case, as well as to protect victims against harm.

The Canberra Liberals will be supporting these changes, as recommended by the Sofronoff report.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.12): The Victims of Crime Amendment Bill 2023 represents the important early step in the government's response to the 10 recommendations of the *Board of inquiry—criminal justice system—final report*. The recommendations in the final report offer a practical pathway to improve the operation of the ACT criminal justice system and strengthen community confidence in the agencies that support a fair and just system for Canberrans.

Since the government's receipt of the final report, the Justice and Community Safety Directorate, JACS, has established an implementation group with representatives from JACS, ACT Policing and the ACT Office of the Director of Public Prosecutions. The implementation group is focused on swiftly working through and implementing the government's response to the final report. The final report made three recommendations for legislative reform, one of which is being progressed through this bill.

Every day, ACT justice agencies work on the front line to support victims of crime to enhance their safety and achieve justice. These agencies display a high level of commitment to this important work. Despite this, participating in the justice process can be distressing for victims, and the supports and entitlements that are available to victims are not always consistently applied or easy to access. This can put pressure on victim support and health systems, reduce participation in education and employment or even deter people from reporting crimes or cooperating with prosecution.

Implementing recommendation 2 of the final report will strengthen victim protections in the Charter of Victims Rights in the Victims of Crime Act 1994 and protect the integrity of our criminal justice system. Passage of the bill will enhance the experience of victims by ensuring they receive updates about important changes in investigations as early as possible. Currently, the victims' charter expressly requires that police update victims as soon as practicable after there is a change in the status in the investigation. The current definition of change in status sets out examples of changes that have already happened. New examples in the bill will expressly require police to provide updates before police charge or arrest a person. Expressly requiring police to give updates before charging or arresting a person will ensure victims have an opportunity to make representations to police and other relevant agencies to address any concerns they have about their safety. It may also help to provide a greater sense of safety for the victim knowing that police are seeking to arrest an alleged offender.

The amendments also protect the integrity of the ACT justice system. We know that some victims, particularly those impacted by domestic and family violence, do not always report the crime against them and do not always wish to press charges. However, police and the Director of Public Prosecutions may decide to charge and prosecute the suspect despite the victim's unwillingness to cooperate with authorities. In those circumstances, providing an update to a victim that police have decided to charge or arrest the suspect could lead the victim tipping off the suspect, causing them to abscond or actively evade police.

The charter already goes some way to addressing this by providing that, where police consider giving an update would prejudice an investigation, police are not required to give the victim an update. However, police may decide to charge or arrest the alleged offender after the investigation is complete. In that case, giving the victim an update could prejudice the ensuing court proceedings. To address this risk, the bill broadens the circumstances where police are not required to update a victim. Specifically, the bill provides that, if giving an update to a victim would prejudice the matter generally, the police are not required to give the victim an update. This would encompass a prosecution and anything else related to the investigation.

The passage of this bill will enhance the safety of both victims and the community more generally. Receiving an update that police have decided to charge or arrest a suspect may provide a greater sense of safety for the victim, knowing that police are seeking to arrest an alleged offender. Community safety will also be enhanced because police will not be required to share information if there is a risk that sharing the information could prejudice a prosecution or another matter related to an investigation. Treating victims with respect will encourage more community members to feel comfortable reporting crime, perhaps including to police, assisting investigation and prosecution outcomes and resulting in a safer Canberra for all.

Beyond the work of the board of inquiry and this bill, the government remains committed to improving the experience of the criminal justice system for victims of sexual offences. This includes through ongoing implementation of the recommendations from the *Listen. Take action to prevent, believe and heal* report, regular law reform relating to criminal laws, procedural protections and evidence admissibility relating to sexual assault cases, working productively with our non-government partners to identify trends or changes in sexual assault matters, and being an active participant in the national discussion on issues relating to sexual violence through the Standing Council of Attorneys-General's Work Plan to Strengthen Criminal Justice Responses to Sexual Assault.

I also acknowledge that in Canberra we are fortunate to have Victims Support ACT, VSACT, which works with victim-survivors to access their rights and entitlements and assist with recovery by providing a range of services that are free and confidential. Victim-survivors do not need to have reported the crime to police to access most of VSACT's services.

With these few remarks, I commend the bill to the Assembly.

MS CHEYNE (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for

Human Rights and Minister for Multicultural Affairs) (11.18), in reply: I thank Minister Rattenbury and Mr Cain for their contribution to this debate. The Victims of Crime Amendment Bill 2023 implements recommendation 2 of the final report of the Board of Inquiry into the Criminal Justice System. The implementation of this recommendation demonstrates the government's commitment to protecting the rights of victims and upholding the criminal justice system.

The bill amends the Charter of Victims Rights in the Victims of Crime Act 1994. The charter ensures that the ACT continues to be a leading jurisdiction in recognising and supporting victims of crime, establishing innovative approaches to improving access to justice and building on our position as a human rights jurisdiction. The charter imposes clear and detailed obligations on justice agencies. These obligations guide victim engagement practices and provide rights for victims as they navigate the justice system.

One of the five key themes in the charter is respectful engagement with victims and protection of their privacy and safety. Amendments in the bill relate to that key theme by putting victims' safety first. They build on the existing rights of victims in the charter by ensuring that police update victims about important changes in investigations as early as possible. In particular, the bill expressly requires police to update victims once police have made a decision that will result in a change in the status of an investigation. The express requirement to provide earlier updates demonstrates a commitment to engaging with victims respectfully and protecting both their safety and their experience of the justice system.

Because the definition of "change in status of an investigation" is inclusive, police are required to provide updates to victims each time there is a change in the status of an investigation. This includes the changes previously listed in the definition, the changes now listed in the definition, and all other changes. These amendments acknowledge the important role victims play in the justice process. Providing victims with information at the earliest point in time is an early intervention approach to minimise the re-traumatisation of victims in the criminal justice system.

Improved victim engagement encourages increased rates of reporting of crimes, leads to better investigation and prosecution outcomes, and ultimately acts as a tool to prevent and deter crime and build public confidence in the effectiveness of the justice system. This is especially important, given the high level of interaction between the justice system and vulnerable and marginalised community members. The charter retains the provision that allows victims to opt out of receiving updates from police. This avoids re-traumatising particularly vulnerable victims who would prefer to receive updates less frequently.

The amendments also protect the integrity of the ACT justice system. The charter already provides that, where police consider that giving an update would prejudice an investigation, police are not required to provide an update. The amendments broaden the circumstances where police are not required to update a victim to include where giving an update to a victim would prejudice the matter generally. This means police are not required to provide an update if doing so would prejudice proceedings or anything else related to the investigation or proceedings, including prosecution.

The charter has been operating in the ACT for almost three years. The review of the charter, scheduled to commence in 2024, will provide an opportunity to evaluate its effectiveness and to further strengthen the ACT's victims' rights framework. The bill demonstrates the government's commitment to implementing the recommendations of the final report of the board of inquiry. These amendments will help to ensure that the ACT continues to meet community expectations about the need to recognise and support victims in the justice process. I commend this 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.

Human Rights (Healthy Environment) Amendment Bill 2023

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

Title read by Clerk.

MS CHEYNE (Ginninderra-Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (11.23): I move:

That this bill be agreed to in principle.

I am pleased to present the Human Rights (Healthy Environment) Amendment Bill 2023 today. The United Nations High Commissioner for Human Rights has placed the triple planetary crisis—the threat of climate change, environmental pollution and biodiversity loss—at the top of the human rights challenges of our era. During a recent visit to Australia, the United Nations Special Rapporteur on toxics and human rights, Marcos Orellana, commented:

Perhaps the most immediate and momentous opportunity for Australia is to incorporate the right to a healthy environment in its domestic legal order.

The Parliamentary and Governing Agreement of this term committed us to considering a right to a healthy environment. We have honoured that commitment, conducting a community consultation last year which demonstrated strong public support for introducing the right, a consultation which supported placing people and community at the centre of environmental protection and recognising the importance of restoring and protecting the environment for our collective wellbeing.

In recognition of the triple planetary threat, the increasingly urgent need for action and the support of public consultation, last year I announced our commitment to legislating the right to a healthy environment in the ACT's human rights framework. With this bill, we fulfil that commitment. This bill is groundbreaking human rights legislation. It is an

Australian first. The bill provides explicit statutory recognition in the Human Rights Act that everyone has the right to a clean, healthy and sustainable environment.

This right is consistent with the resolution adopted by the United Nations General Assembly on 22 July 2022 to declare access to a clean, healthy and sustainable environment as a universal human right. There were 161 votes in favour of the resolution, including Australia. The resolution called upon states to adopt policies to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all. While the right is not yet recognised in an international treaty to which Australia is party, this does not stop the ACT from taking action and joining other governments internationally that recognise this right in their laws.

The right to a healthy environment is underpinned by an extensive body of international human rights and environmental laws which align with existing environmental protection frameworks already in place in the ACT. Adopting the broad, principled statement of the UN General Assembly resolution will allow the right to evolve and develop consistently with international law. The interpretation of the scope and content of the right will be informed by international human rights case law and commentary of the UN treaty bodies.

Enshrining the right to a healthy environment recognises that a clean, healthy and sustainable environment is necessary for the full enjoyment of fundamental human rights, including the right to life and the right to equality. At the same time, the exercise of human rights such as the right to freedom of expression, the right to freedom of association and the right to participate in public life is vital to the protection of the environment.

The right to a healthy environment contains both substantive and procedural elements. The Special Rapporteur on human rights and the environment has defined the substantive elements that comprise a right to a healthy environment as including clean air; a safe climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; and healthy biodiversity and ecosystems. The procedural elements include access to information on environmental risks and harms; participation in environmental decision-making; and requiring the prior assessment of possible environmental impacts of proposed projects and policies, including their potential effects on human rights and access to justice.

The government is committed to a step-by-step approach in realising this right, an approach that will ensure the ACT continues to benefit from a coherent and principled human rights framework. The new right in the bill will be included in part 3A of the Human Rights Act.

In international law, economic, social and cultural rights have aspects that are immediately realisable and aspects that are required to be progressively realised over time. To the extent that certain aspects of the right to a healthy environment are derived from economic, social and cultural rights, such aspects may be subject to progressive realisation. This means that the ACT government will be required to take

reasonable steps within available resources to achieve these rights, and not to take retrogressive steps.

Some obligations, such as non-discrimination and non-regression, are required to be immediately realised. The bill provides that everyone is entitled to enjoy the right to a healthy environment without discrimination. In the context of the right to a healthy environment, the principle of non-regression includes not weakening environmental regulations, standards or policies.

What does this right mean in practice? Recognition of the right to a healthy environment has been linked to a range of potential benefits, including better health outcomes for Canberrans and ecosystems for both present and future generations; encouraging stronger environmental laws and governance; improving access to justice for environmental harms in time; and reducing environmental injustices, which is particularly important for Aboriginal and Torres Strait Islander people and other vulnerable groups who are most at risk of environmental harm.

Incorporating the right to a healthy environment will ensure that environmental and climate impacts are given proper consideration in the exercise of all public authority functions, including in the development of legislation, policy and decision-making. This will institutionalise greater understanding of human rights and environmental considerations across government, building and strengthening the ACT's human rights culture.

As with other rights in the Human Rights Act, the right to a healthy environment is not absolute and can be subject to such limitations as are demonstrably justifiable in a free and democratic society. This means that when the government is introducing legislation and when public authorities are making decisions and exercising their functions, the right to a healthy environment would not prohibit actions that have adverse environmental effects but would require that any interferences with the right be reasonable and demonstrably justified.

Whether a limit is reasonable depends upon whether it is proportionate to achieve a legitimate aim. The test in section 28 of the Human Rights Act provides a principled approach to allow human rights considerations to be factored into policy and decision-making and would permit the government to weigh the right to a healthy environment against a number of legitimate public interest objectives.

The bill notes the clear links between the right to a healthy environment and Aboriginal and Torres Strait Islander peoples' cultural rights in relation to the land and water and other resources. These rights are protected in section 27(2) of the Human Rights Act. Aboriginal and Torres Strait Islander peoples have unique cultural and spiritual links to country and may be disproportionately impacted by climate change, environmental degradation, loss of biodiversity and consequential adverse health and wellbeing impacts. The introduction of the right to a healthy environment will complement and strengthen these existing rights.

The specific obligation for public authorities to act consistently with human rights and to give proper consideration to relevant rights in decision-making in section 40B of

the Human Rights Act will apply immediately to the new right, on commencement. Owing to the work that will be required by a wide range of public authorities and directorates to fully understand and implement the right in decision-making and policies, this commencement will be up to six months after the bill has been notified. The proposed commencement time is necessary to plan and develop guidance, operational and instructional material and to deliver training to those who will need to apply the new right when exercising their functions.

While public authorities will have obligations to comply with this right, to allow time for the right to a healthy environment to be fully implemented and institutionalised in decision-making, policies and legislation, the direct right of action to the ACT Supreme Court for a breach of public authority obligations and the ability to raise public authority breaches as part of other litigation will not initially apply to this right under the bill. This means that individuals will not be entitled to start legal proceedings in the Supreme Court if they believe that a public authority has acted inconsistently with their right to a healthy environment. This position has been arrived at after much deliberation and broad consultation across the community and government.

The new right is complex, and public authorities will need time to understand the right and to allow the right to further develop and crystallise at the international level before it becomes justiciable. In order to establish and foster the right to a healthy environment within the ACT, all relevant public officials at every level and in every directorate must be appropriately informed about and trained in the implications of the new right.

This limitation, though, will be subject to a mandatory statutory review. The review will be required to be tabled as soon as practicable after five years from commencement of the new right. The review will also assess the impact of the right and any refinement needed, based on further development and crystallisation of the right at the international level. This period will provide greater clarity on the obligations owed before this right becomes justiciable.

Importantly, all other enforcement mechanisms in the Human Rights Act will apply to this new right. It is worth emphasising that individuals will be able to bring complaints about breaches of the right by public authorities to the Human Rights Commission for conciliation, using the human rights complaints mechanism which will be established by the Human Rights (Complaints) Legislation Amendment Bill that I introduced last month. This will provide an accessible mechanism for concerns about breaches of the right to a healthy environment by public authorities to be raised and resolved.

All of the other enforcement mechanisms in the Human Rights Act would apply to the right to a healthy environment, including, as flagged, the obligation on public authorities to give proper consideration to relevant human rights in decision-making and to act consistently with human rights; the requirement for the Attorney-General to certify the compatibility of new government bills, and the right would form part of the scrutiny by the Legislative Assembly's scrutiny of bills committee; the requirement for courts and decision-makers to interpret laws to be consistent with human rights, as far as possible, and consistent with the purpose of the law; and the ability for the Supreme Court to issue declarations of incompatibility where a law cannot be interpreted to be compatible with the right to a healthy environment.

I am proud that the ACT is the first Australian jurisdiction to enshrine the right to a healthy environment. Doing so is consistent with growing international consensus and practice around the role and importance of environmental protections as well as the understanding of a healthy environment as a human right. The ACT continues to lead the way on human rights and sets an example for the rest of Australia in protecting the human rights of its residents.

I thank all members of our community who have advocated for this and generously contributed to this discussion, which led to the development of this reform. I sincerely thank officials in the Justice and Community Safety Directorate, many of whom are here today, for their expertise, excellence and diligence; their thorough attention to this priority, particularly when we have many other priorities too; and for working with our community, and then across directorates, to progress it. Working with you on so many reforms this term has been a personal and professional highlight.

I thank the ACT public service as a whole for its engagement with, and support for, this significant reform. Continuing to enhance our Human Rights Act has been a commitment of successive territory governments since the act was introduced in 2004. Human rights provide the foundation and critical lens for the work of the ACT government, and the addition of the right to a healthy environment is a timely advancement of that framework. I commend the bill to the Assembly.

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

Education (Early Childhood) Legislation Amendment Bill 2023

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

Title read by Clerk.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.38): I move:

That this bill be agreed to in principle.

The Education (Early Childhood) Legislation Amendment Bill 2023 I present today is an omnibus piece of legislation that amends the Education Act 2004, the ACT Teacher Quality Institute Act 2010 and the ACT Teacher Quality Institute Regulation 2010.

The ACT Future of Education Strategy outlines the ACT government's 10-year vision for improved education for all ACT students in all schools that will build their skills and capabilities and meet the needs and aspirations of the next generation. Through the strategy, one of the first actions under the foundation of Systems Supporting Learning is to review and amend the Education Act. This bill represents the fourth phase of legislative reform. This bill will also deliver on important actions in the ACT government's early childhood strategy, Set up for Success. These amendments will

elevate the standing of early childhood education by formally recognising early childhood education in law and providing for the professional registration of early childhood teachers.

This bill will amend the Education Act to recognise that children start learning from birth; recognise the importance of quality early childhood education in the two years prior to compulsory education; make provision for the Education Directorate to support attendance for children enrolled in, but not attending, government preschool programs; and include principles for collaboration and cooperation to encourage information sharing relating to a child's education and care. This bill will also amend the Teacher Quality Institute Act to enable registration for early childhood teachers, expand provisions that protect child safety and allow for the issuing of digital registration cards.

The amendments proposed in the bill have been developed in consultation with key stakeholder groups in the early childhood education sector, education unions, parents and citizens associations and relevant statutory authorities. These stakeholders are key partners in delivering the reforms that are proposed by the bill. They too are committed to recognising and enshrining the importance of early childhood education in law. Early childhood education and care services are regulated under the Education and Care Services National Law Act 2011. These amendments will not replace or duplicate this. This bill is about recognition, not regulation.

In order to formally acknowledge early childhood education, we must recognise that children start learning from birth. From birth, a child begins their lifelong journey of learning through their exploration of their surroundings and growing awareness of themselves, developing crucial cognitive, physical and social skills at a rapid pace. The role of a parent and carer is also key in this learning. The bill recognises that children learn from birth and their parents and carers are their first educators, through additions to the general principles of the Education Act.

The bill also formally recognises the importance of access to early childhood education in the two years prior to compulsory education in law, to ensure that the ACT continues to be a leader in the delivery of quality early childhood education nationally. The Education Act currently makes provision for high quality education of children in school or at home in the ACT. However, it does not recognise preschool education. These amendments update the main objects of the Education Act to include the promotion of early childhood education by ensuring every child can access high-quality early childhood education through universal three-year-old preschool, universal four-year-old preschool or equity-based preschool programs delivered or funded by the ACT government.

The amendments also include a new chapter 1A in the Education Act dedicated to early childhood education. Through this bill, the ACT will be the first Australian jurisdiction to enshrine into law access to two years of quality early childhood education prior to formal schooling. This will make the ACT nation-leading in its commitment to early childhood education.

Although preschool is non-compulsory, it is important to note and recognise that low attendance in preschool can often indicate that a family may require additional support, and it has the potential to lead to future patterns of non-attendance at school.

This is why we are making a provision for the Education Directorate to support attendance for children enrolling in but not attending government school programs.

The bill requires the director-general to set up procedures for government-delivered preschool programs to encourage attendance by children enrolled in the preschool program. The procedures must state that attendance is not compulsory, state the benefits of the attendance and include steps that may be taken to support a child's attendance. By establishing procedures for government schools to encourage preschool attendance, children will have a better start at their schooling.

It is important to note that this amendment only relates to government-delivered preschool programs, as non-government preschool programs have existing levers to encourage attendance through the federal child care subsidy scheme. ACT government-delivered preschool programs do not attract the federal childcare subsidy and therefore do not have the same levers available to encourage the attendance of preschool children.

The bill also includes principles for collaboration and cooperation to encourage information sharing relating to a child's education and care. This will help children to receive education that is well coordinated and contributes to the wellbeing of the child. The amendment will not introduce new legal requirements for information sharing but instead will encourage education providers and other services involved in supporting a child's education to share relevant information to support the educational, developmental, wellbeing and safety needs of the child, and to ensure a smooth transition between services.

This bill will also make another minor amendment to the Education Act relating to the delegation and review of school-related suspension powers. This amendment corrects a drafting error detected following the passage of the Education Amendment Bill 2022 and clarifies that the power to review suspension decisions can be delegated to the Director of School Improvement role in the Education Directorate.

Early childhood teachers deliver educational programs which ignite children's curiosity and creativity through play, exploration and guided activities that enhance cognitive, social, emotional and physical development. They are expert professionals, highly qualified and skilled.

This bill will amend the Teacher Quality Institute Act to introduce early childhood teacher registration. This will recognise the professionalism of early childhood teachers and the impact these teachers have on young children. Currently, the Teacher Quality Institute Act is focused on registering teachers in primary and secondary schools. This bill will introduce a new category of registration for teachers in early childhood education and care settings whose expertise is in teaching children in the birth to five years or birth to eight years age groups.

Higher levels of educational success, employment and social skills have all been linked to participation in quality early childhood education. When children are healthy, safe and learning well in their early years, they are better able to reach their full developmental potential as adults and participate effectively in economic, social and civic life. This bill acknowledges the critical contribution early childhood teachers make to the education of

young children and their life chances into the future. It acknowledges that early childhood teachers are a respected and valuable cohort in a larger esteemed group of teaching professionals who provide quality education to our children.

The bill also expands provisions in the Teacher Quality Institute Act that protect children's safety. The bill stipulates that the Teacher Quality Institute must exercise its functions in the best interests of children's safety and welfare. The bill extends the authority for the Teacher Quality Institute to share information about teachers with other teacher regulatory authorities across Australian and New Zealand. Children's safety is the highest priority.

Teacher privacy is also very important. The Teacher Quality Institute will not be able to share information about teachers with just anyone, but when the Teacher Quality Institute is reasonably satisfied that there is an unacceptable risk of harm to children it will be able to inform the other teacher regulatory authorities. This could be in a situation where the Teacher Quality Institute has refused a teacher registration or when a teacher's registration is suspended or cancelled for a reason that could impact on the safety of children. The bill also authorises the Teacher Quality Institute to immediately suspend a teacher's registration or permit to teach, once again only when the Teacher Quality Institute is reasonably satisfied that there is an unacceptable risk of harm to a child.

Finally, this bill introduces provisions for the Teacher Quality Institute to issue digital registration cards. The Teacher Quality Institute Act currently mentions that the Teacher Quality Institute must issue a registration card. The amendments allow for the Teacher Quality Institute to instead issue digital confirmation of a teacher's registration, including the expiry date, the category of registration and any conditions of registration. Instead of carrying a plastic card, teachers will be able to provide digital evidence of their registration. It is expected that this will not only be more convenient for teachers but reduce Canberra's plastic waste by around 60 kilograms each year.

The amendments in the Education (Early Childhood) Legislation Amendment Bill 2023 take important steps to recognise early childhood education in law and demonstrate this government's commitment to ensuring that all children in the ACT have a great education and the life opportunities that flow from it. I commend the bill to the Assembly.

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

Crimes Legislation Amendment Bill 2023

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

Title read by Clerk.

MR RATTENBURY (Kurrajong-Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.52): I move:

That this bill be agreed to in principle.

I am pleased to present the Crimes Legislation Amendment Bill 2023 to the Assembly today. This bill will introduce nine amendments to various acts to improve the operation of the criminal justice system in the ACT.

Of significance, a new offence for an improper juror inquiry will be introduced, prohibiting a juror from conducting inquiries about trial matters or requesting another person to make an inquiry on their behalf. A juror commits an offence if they are a sworn juror for a criminal trial if that juror makes an inquiry, the purpose of obtaining that inquiry was to obtain information about any matter relating to the trial, and the inquiry was not made in the proper exercise of that person's functions as a juror.

This issue was identified by the Chief Justice as a gap in the law as a result of a recent episode of juror misconduct, and the government is now moving to address this by providing an offence provision in the act. The maximum penalty for this offence is two years imprisonment. This penalty is to impress on the community the importance of the obligations of a juror and stress that it is important to only rely on the information put forward during the court proceedings.

This offence does not otherwise override or infringe on the court's inherent power to charge a person with contempt of court. A key element of this offence is that an inquiry is done without authorisation of the court and parties to the proceeding. The bill provides a non-exhaustive list of what making an inquiry may include and provides some examples of the types of conduct that would constitute an improper inquiry by a juror.

A person charged with the juror misconduct offence will have the evidential burden in proving that the inquiry was made in the proper exercise of the person's functions as a juror. For clarity, it is provided that, if a juror makes an inquiry which contravenes a direction given by the judicial officer in the proceeding, this will not be considered a proper exercise of a person's functions as juror.

While it is accepted that some jurors may research due to confusion about the trial process or a genuine belief that their actions are in the pursuit of fairness or discovery of the truth, any questions or discussions about the trial need to be authorised by the court. There may be situations where there are investigations or inquiries made by the jury with the authority of the court. For example, the jury may ask for information or clarification on a particular issue, such as legal definitions, court and jury processes or certain evidence. However, any questions of this type would need to be put to the judicial officer for consideration. The amendment also provides that it is not a further offence to disclose jury deliberations for the purpose of or during the investigation and prosecution of this offence.

The bill also introduces an amendment that provides for majority verdicts in criminal proceedings where the jury consists of 12 jurors at the time the verdict is returned and the verdict is agreed by 11 of those jurors. Before taking a majority verdict, the jurors must first have been permitted to deliberate for a reasonable amount of time, of at least six hours, taking into consideration the complexity and nature of the trial. The court must also be satisfied upon examination on oath of one or more jurors that it is unlikely the jurors will reach a unanimous verdict after further deliberation.

A majority verdict will be able to be taken in relation to all territory offences with no exceptions, but not in relation to commonwealth offences, for which there is a constitutional requirement that there be a unanimous verdict. It is envisaged that, if a trial includes both territory and commonwealth offences, the judge will be able to take a mixture of both unanimous and majority verdicts from the jury.

This amendment is intended to limit circumstances of hung juries. Hung juries result in cases that need to be retried, resulting in delay, increased costs and emotional strain for accused persons, victims and other witnesses and pressure on the system. A retrial may not always be possible or appropriate, which itself can increase the suffering of victims. This amendment is intended to reduce the potential prolonged stress, cost and trauma for all parties involved.

The model for majority verdicts is widely supported across Australia, with every jurisdiction having adopted a system for majority verdicts. It was on this basis that the government began consideration of the issue. The reform has been developed through a detailed process of research and consultation, including through a roundtable with key stakeholders that included the Director of Public Prosecutions, the Human Rights Commission, the Bar Association, the Law Society and others. This amendment encompasses safeguards in the jury system by requiring 11 jurors to come to a joint decision beyond reasonable doubt.

In addition, in certain circumstances, an accused can appeal a verdict on the basis that the verdict is unsafe or unsatisfactory. If a decision is appealed for this reason, the court must consider whether it thinks that, upon the whole of the evidence, it was open to the jury to be satisfied beyond reasonable doubt that the accused was guilty. This amendment is consistent with the right to a fair trial if that trial process has been fair and meets the general requirements of independence and impartiality in accordance with section 21 of the Human Rights Act 2004.

The bill will repeal section 64(2)(e) of the Crimes (Sentencing) Act 2005 to allow the court to set a non-parole period for any offence committed in lawful custody. Currently, the combined effect of section 64(2)(e) and section 72 of the sentencing act is that a non-parole period cannot be imposed for an offence committed in custody and the sentence for that offence must be made consecutive upon the existing sentence unless the court directs otherwise. The effect of these provisions is that an offender convicted of an offence committed in custody must serve both the existing and further sentence in full, with no prospect of parole.

This issue was recognised in *Biddle v Gatherer* [2021] ACTSC 236, where Justice Loukas-Karlsson noted:

Section 64(2)(e) may require some legislative attention as to whether greater flexibility in sentencing is appropriate in this context.

Repealing the section in its entirety will support the exercise of judicial discretion and the application of the principle of totality when determining non-parole periods. This amendment will not allow an offender to be eligible to be released on parole earlier than if the further sentence for the offence committed in custody had not been imposed.

This amendment also does not guarantee an offender's release on parole but will allow an offender to become eligible to be considered for parole on the date that their non-parole period ends. An application for parole is considered by the Sentencing Administration Board having regard to various factors, including the offender's conduct in custody, the likelihood of further offending, the effect of parole on any victims and the public interest.

This bill will improve the enforceability of infringement notice offences by clarifying that a person who has entered into an infringement notice management plan is still liable for prosecution for the underlying offence if the person does not comply with their infringement notice management plan. The option to prosecute continues where the person has been granted an extension of time to deal with the infringement notice beyond the limitation period for the underlying offence.

The key amendment is proposed at section 131ACA of the Magistrates Court Act 1930, which allows the administering authority to cancel an infringement notice management plan. If the plan is cancelled, any time limit on prosecuting the offence extends by one year from the date of the cancellation. There can be a range of reasons why cancelling a plan might be the best option for the person on the infringement notice management plan. For example, they might wish to pay the penalty through an approved community work or societal development program instead of continuing with paying the penalty in instalments. The person's hardship might have become so excessive that waiving the penalty might be appropriate now even though it was not appropriate when the infringement notice management plan was originally agreed.

The bill will insert a further statutory review of the unexplained wealth scheme, which was first introduced by the Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act 2020. A review of the scheme was conducted after its first year of operation and a report was tabled in the Legislative Assembly on 3 August 2022. At the time, however, there was limited data available to inform the review due to the relatively short period of time for which the scheme had been operating and the redirection of law enforcement resourcing during the COVID-19 pandemic. This amendment will provide that the Attorney-General must review the operation and effectiveness of the unexplained wealth scheme as soon as practicable after 3 August 2025 and present a report of the review to the Legislative Assembly by 3 August 2026.

The bill will remove section 116(3) of the Crimes Act 1900, which currently requires the prosecution to prove beyond reasonable doubt that damage to property does not exceed \$5,000 for the purpose of the destroying or damaging property offence. The offence is punishable by a maximum penalty of 50 penalty units, imprisonment for two years or both. At present, this Crimes Act offence is more difficult to prove than the damaging property offence in section 403 of the Criminal Code 2002, which is punishable by a maximum penalty of 1,000 penalty units, imprisonment for 10 years or both.

The Criminal Code offence does not have a requirement to establish the value of damaged items or cost of repairs. The Criminal Code offence can only be used in relation to damage which is caused to property such as a building or vehicle by fire. "Damaging property" offences in other jurisdictions, except Victoria, do not include a reference to the value of the damaged property. Removal of this provision will

overcome the evidentiary issues faced by the prosecution when there is no available evidence to establish the value of items or cost of repairs.

Whilst the elements of these two offences will be substantially similar, ACT Policing and the Director of Public Prosecutions will be able to exercise appropriate discretion to determine which offence should be used in the circumstances of each matter. This will ensure that the Criminal Code offence is not inappropriately charged in less serious matters due to there being no available evidence to prove the value of the damage beyond reasonable doubt. The difference in the maximum penalties will be a relevant and important factor in the charging decision.

This bill will also amend the Crimes (Sentencing) Act 2005 by clarifying that the court may impose a fine in addition to, or instead of, any other sentence. This will align the approach in the ACT with that taken in other jurisdictions.

Section 14 of the Crimes (Sentencing) Act 2005 applies to orders to pay fines. This section applies if an offender is convicted of an offence that is punishable by a fine. It is unclear how this wording operates in conjunction with section 14(4) of the Crimes (Sentencing) Act, which provides that the court may make a fine order for the offender whether or not the offence is punishable by a fine otherwise than under this part. This bill amends section 14(1) of the Crimes (Sentencing) Act 2005 to omit the words ‘that is punishable by a fine’. This has the effect of clarifying any inconsistency in the section.

The bill will also amend the Bail Act 1992 to address an anomaly in time frames in relation to the period for which a bail decision is stayed when an application is made for a bail review. Finally, the bill will update relevant references in legislation to refer to the new title of the Domestic, Family and Sexual Violence Coordinator-General.

This bill demonstrates the government’s ongoing commitment to improvements to the criminal justice system. It will clarify the operation of certain criminal law legislation and introduce important amendments to enhance the jury system. I commend the bill to the Assembly.

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

Calvary Hospital—acquisition

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

Northside Hospital Project—Development—Correspondence—

Copies of letters to the ACT Minister for Health from the National Chief Executive Officer, Little Company of Mary Health Care Ltd—

Letter, dated 21 September 2022.

Letter, dated 28 November 2022.

Copy of letter responding to the National Chief Executive Officer, Calvary from the ACT Minister for Health, dated 10 January 2023.

Notice of the ACT Government's intention—Copy of letter to the National Chief Executive Officer, Calvary Health Care (Australia) from the ACT Chief Minister and the Minister for Health, undated, together with attachments.

I have tabled a number of documents that Ms Castley sought yesterday in question time. In question time yesterday, Ms Castley sought correspondence to and from Calvary, including Calvary's reply of 28 November to my so-called final offer letter, my holding letter to Calvary of 10 January 2023 and my and the Chief Minister's letter to Calvary of 8 May 2023.

I have tabled a letter from Martin Bowles AO PSM, the National CEO of Calvary, dated 21 September 2022, acknowledging my letter of 14 September; Mr Bowles's letter of 28 November 2022, responding to my letter of 14 September; my letter of 10 January 2023 to Mr Bowles, thanking him for his letter of 28 November and formally acknowledging and advising that we would provide a full response in due course; and my and the Chief Minister's letter to Mr Bowles of 8 May 2023, which I acknowledge is not dated on the letter but that is the date that the letter was provided to Calvary.

Sitting suspended from 12.07 to 2 pm.

Ministerial arrangements

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (2.00): Minister Cheyne is absent from question time today for personal reasons. I will endeavour to assist members in Minister Cheyne's portfolio.

Questions without notice

Parks and conservation—fire trails

MS LEE: My question is to the Minister for Police and Emergency Services. Minister, last month you publicly declared that Canberra has reached an unprecedented level of bushfire preparedness. In light of that, is the fire trail network in Namadgi now in better condition than it was prior to the Orroral Valley fire of January 2020?

MR GENTLEMAN: I thank Ms Lee for the question. Of course, we have seen and publicly noticed that the bushfire trails around Namadgi, including the fire trail access, have been damaged and eroded over the last two years, with the excessive rainfall that we have seen across the territory. But I am advised by ESA and our Parks people that they are in place, ready for the bushfire season. They are doing the long-term repairs on some of the tight roads into Cotter Hut, for example. I am confident that we will be able to attend those bushfires when we need to.

Ms Lee: Better or not?

Mr Hanson: Worse, I think, is the answer.

MR GENTLEMAN: No; they are not in the same condition as they were prior to the 2019-20 fires, due to erosion from the storms that we have seen over the past

two years, but they are passable for emergency vehicles, and I am advised that they can access those areas when they need to.

MS LEE: I ask the minister to clarify: is the fire trail network in Namadgi able to provide access to all firefighting equipment, including the large transport trucks that carry critical equipment, like small dozers?

MR GENTLEMAN: I thank Ms Lee for the question. No, they are not. I am advised that ESA and parks are able to access the difficult parts of the top of Namadgi for firefighting purposes, Madam Speaker, but at the moment you would not be able to get a flow truck up the road to Cotter Hut. It is impassable by a large flow truck. That is why they have enacted other opportunities for bushfire fighting, such as aerial appliances and the RAFT teams.

DR PATERSON: Minister, can you detail more broadly how the ACT government is preparing for a bushfire summer?

MR GENTLEMAN: I thank Dr Paterson for the question. We have done quite a lot, and my thanks go out to the ESA, our frontline staff, for their preparedness for this season. They have advised me that they are better prepared than for any season prior to this season. There has been a lot of training in place for RFS and Parks people over the last couple of years—and preparedness in regard to new technologies available, as well as mapping for the bushfire season.

We know that this will be a long, hot, dry season, and we are asking Canberrans to be prepared as well. Go to the ESA site, download your emergency preparedness plan, and make sure that you talk to your family about your plans should a bushfire come to a region near you.

Parks and conservation—fire trails

MS LEE: My question is to the Minister for Police and Emergency Services. Minister, given the extent of the damage to the fire trails during recent flooding and the fact that there was limited access to some areas during the 2019-20 bushfires, are new fire trails under active consideration?

MR GENTLEMAN: Yes; they certainly are.

MS LEE: Minister, what additional length of fire trails are being constructed, where will they be, and when will they be completed?

MR GENTLEMAN: From my discussion with the Tidbinbilla crew, the fire trail will see a loop around the top of Tidbinbilla. It is about 17 kilometres long and will allow access for recreational use in the Tidbinbilla area, as well as fire trail access. There are a number of other trails that are currently being worked on at the same time. I would imagine around a hundred kilometres of fire trail work is happening at the moment. This includes edge work, as well as the erosion control work that the federal government is helping to fund.

MR MILLIGAN: Minister, have you personally inspected the fire trails any time in the past 12 months?

MR GENTLEMAN: I thank Mr Milligan for the question. I certainly have. I try to get out as much as I can to our remote areas. My last visit was to the top of the Bullen Range, where ESA, RFS and the teams had done quite a bit of fuel load control on the Bullen Range. We entered the access from the back of the Tidbinbilla Tracking Station and went over the top of the Bullen Range. I think around 200 hectares of fire control work had been done. They had done extensive mapping of where they were going to do the fuel load reduction. The work that was done went right to plan, so we are very happy with the outcome of that. That has reduced the risk for the southern bit of the Tuggeranong suburbs.

Animals—cat containment

MR DAVIS: My question is to the Minister for Transport and City Services. Minister, I have been contacted by a number of constituents over recent weeks concerning the issue of feral cats in suburbs throughout Tuggeranong. In particular, one constituent in Bonython claims to have caught upwards of 12 feral cats in a span of just three weeks. This constituent claims to have recently contacted your department and has not received support or advice for this unsustainable problem.

Minister, what is being done to address the problem of feral cats in the ACT that are not considered to be in cat containment areas, particularly in Tuggeranong?

MR STEEL: I thank the member for his question. Specifically in relation to the Bonython situation, Domestic Animal Services is aware of the colony of cats that has been identified residing in a shed on a private property in that suburb. The situation has been complicated by the fact that some of the cats, which are unowned and living in the structure, are also being cared for by neighbours. DAS has been trying to make efforts to contact the owners of the property, but also some of the neighbours caring for the cats, in order to gain cooperation in managing the situation.

I certainly encourage Mr Davis's constituents to get in touch with Domestic Animal Services, if they have not already, to talk to them about the situation. I am advised that if consent is received from the owner of the property, Domestic Animal Services can ascertain the size of the colony and begin formulating a plan for the relocation. Of course, we work closely with our partners at the RSPCA, particularly in relation to cat management, and also other community groups. We will be looking at how we can formulate a plan to manage those unowned cats that may be causing a problem in that local community.

The heart of the question that Mr Davis asked was in relation to how we manage feral and unowned cats in the ACT. We have finalised our ACT Cat Plan, which does have a focus on the proper management of feral and unowned cats in the ACT.

MR DAVIS: Minister, given my constituent was apparently told by their local animal shelter that they could not take more cats if they caught them, how has TCCS progressed with action 12 in the cat implementation plan to "facilitate provision of adequate cat management facilities/shelters in the ACT"?

MR STEEL: We are building a new shelter with the RSPCA, which will be located in Pialligo, that will enable us to expand the facilities to enable the RSPCA to house more cats that are unowned and able to be dropped off. We are actioning that specific action under the plan.

Another principle of that plan is to work with local communities and local community groups. I certainly encourage constituents to get in touch with Domestic Animal Services as they look at formulating a plan to manage this particular colony.

MR BRADDOCK: Minister, are you concerned that Tuggeranong, as the only region without any full cat containment suburbs, may have worse feral cat impacts than any other part of Canberra?

MR STEEL: There are some specific circumstances that will arise from time to time where there may be cat colonies of unowned cats that need to be managed. Once they are brought to the attention of Domestic Animal Services, DAS can look at formulating a plan with the community to manage those particular cats, and with our partners at the RSPCA in particular. The cat plan is very clear about where cat containment areas apply to, and we are not planning on changing that policy.

Bushfires—preparedness

MR MILLIGAN: My question is to the Minister for Police and Emergency Services. Minister, in September the Bureau of Meteorology formally declared an El Niño weather event, which means prolonged hotter and drier weather. Minister, what extra resources have been made available to counter the threat of bushfire?

MR GENTLEMAN: I thank Mr Milligan for his question. Yes, he is correct the BOM has predicted an El Niño event and we will see, as I mentioned earlier, a hotter and drier summer this year, with less rainfall presenting some concerns for us. As I mentioned earlier, the ESA have said they are well prepared for the season. We expect the moisture content in the soil and grasslands around the ACT to stay in the next few weeks. It is quite good at the moment, but it will dry off before Christmas and we will, I think, see some grassfires across to the north-west of the ACT. In preparedness for this, we have invested more into ESA in both training and technologies and of course the Emergency Services Agency's annual preparedness program provides a comprehensive assessment of critical actions to be undertaken to ensure the agency's readiness for the upcoming high risk weather season. The preparedness program addresses all natural hazards to ensure the ACT community is bushfire, flood and storm prepared. I went out to visit with the RFS Southern Tuggeranong shed just a few weeks ago. They are well prepared. They are doing training nights in preparation for this. They are maintaining their machinery and their equipment. My congratulations go out to them for continuing this training during the winter season.

MR MILLIGAN: Minister, is the water supply ready to support the needs of Canberrans in bushfire readiness, considering the ACT has received less rainfall over the previous winter?

MR GENTLEMAN: Yes; it certainly is. There is plenty of water supply. The contest would be us getting that sort of equipment up to the higher parts of Namadgi. I mentioned earlier about the access road to Cotter Hut. I did not mention though that we have access from the top of Namadgi around Franklin Road, which is a much larger access road and provides access to the very edge of Namadgi National Park and the border of the ACT. So I am quite confident about the amount of water that is available to us. Our fire-bombing helicopters that we have resourced allow us to take water from dams and associated river systems to allow us to fight those bushfires when we need to.

MR CAIN: Minister, is the water supply fully accessible by trucks as well as by aviation in the event of a bushfire?

MR GENTLEMAN: Yes; it is, all except Corin Dam—the top of Corin Dam, of course. The dam itself is accessible, but the top of Corin that we have drawn water from with vehicles before would not be accessible to a truck at the moment. It is still quite soft and difficult to get those sorts of vehicles up there, so that is why we use alternative routes.

Drugs of Dependence (Personal Use) Amendment Act 2022

MR HANSON: My question is to the Chief Minister. Chief Minister, on the drug law changes soon to commence, the territory's Chief Police Officer warned that it would be "naïve not to think people won't come down, even for a weekend, to get on the coke and not worry about the cops. It's a reality we can't ignore." However, in today's *Canberra Times*, your colleague Michael Pettersson said:

The idea that people from Sydney are going to be travelling down the highway for a weekend to use drugs in the ACT is laughable.

Chief Minister, how can the community believe you are taking the risks of this policy seriously when your own backbench colleagues think that the warnings of the Chief Police Officer are laughable?

MR BARR: I understand the Chief Police Officer's comments were made in advance of New South Wales government policy announcements that, in fact, follow a direction that the ACT has, of course, already legislated.

MR HANSON: Chief Minister, can you then confirm that you support Mr Pettersson's statement that the Chief Police Officer's warnings are laughable?

MR BARR: As I indicated, when the Chief Police Officer made his observations, there were a different set of circumstances in New South Wales. The point that Mr Pettersson made in his media interview was that New South Wales have now indicated a policy direction that would bring their policy more closely into alignment with what is happening in the ACT.

As to the suggestion that someone would come to the ACT with a view for a \$100 fine as opposed to a slightly largely fine in the New South Wales for the same

activity, I think the Chief Police Officer, having now seen what New South Wales are proposing, might revise his statement.

MRS KIKKERT: Chief Minister, do you support your Chief Police Officer's statement that it is "naive to think it won't happen", and "It's a reality we can't ignore"?

MR BARR: As I have indicated in my comments on the first two questions—which were exactly the same question as the third one—at the time the Chief Police Officer made his statement, there was quite a policy difference between the ACT and New South Wales. I think the factors that led to the Chief Police Officer making that statement are perhaps less pertinent now—

Mr Hanson interjecting—

MADAM SPEAKER: Members!

MR BARR: If I could finish a sentence, Madam Speaker.

MADAM SPEAKER: Yes, please.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson! Mr Barr, you have the call.

Opposition members interjecting—

MADAM SPEAKER: Members, enough! The minister has been on his feet for less than a minute and there has been a constant roll of interjections.

MR BARR: Well, they are not interested in the answer, Madam Speaker. But let me be clear: at the time the Chief Police Officer made his statements, there were a certain number of facts, and those facts have changed. In that context, Mr Pettersson's comments—

Mr Hanson: Did you support them at the time?

MR BARR: The Chief Police Officer can make his own comments. I do not agree with everything he says. In this instance, the facts have changed—and even you might acknowledge that, Mr Hanson.

Drugs of Dependence (Personal Use) Amendment Act 2022

MR HANSON: My question is to the Minister for Health. Minister, in question time on Tuesday you asserted that there was no evidence that hospital presentations might increase, following the decriminalisation of hard drugs. Portugal, one of the pioneers of decriminalisation, reported that overdose rates there have hit a 12-year high this year, with overdoses in the capital city of Lisbon nearly doubling over the last four years. In addition, sewage sampling reveals that usage of cocaine and ketamine is now amongst the highest in Europe. Minister, do you reject the evidence from Portugal and also elsewhere in the world that shows that overdoses and other health emergencies have increased, following the decriminalisation of dangerous drugs?

MS STEPHEN-SMITH: As Mr Hanson indicated at the very beginning of his question, Portugal's law changed many years ago. In the immediate aftermath of that law change, in fact what they saw was a dramatic reduction in overdoses and a much safer system. They are experiencing what a range of other jurisdictions are experiencing around the world in terms of the use of some illicit drugs. Again, Mr Hanson particularly identified ketamine. Ketamine is not on the list of drugs that will be subject to a simple drug offence notice, but it is a very serious scourge and challenge around the world, in many jurisdictions, that has resulted in numerous drug deaths. It is tragic. That is, in fact, one of the benefits of our drug-checking service. CanTEST can test people's drugs and tell them what is in them. When they tell people that their drug contains ketamine and they tell them how risky that is, that gives people the information to dispose of those drugs.

MR HANSON: Minister, is there a plan in place if we begin to see an increase in overdoses or in the usage of illicit drugs after decriminalisation commences?

MS STEPHEN-SMITH: The Health Directorate has worked over the last 12 months to establish a data-monitoring and information-gathering regime to ensure that we continue to monitor the potential impact of any changes that we may see. Mr Hanson's question verges on hypothetical: "What would happen if?" There is, as we have repeatedly stated, no evidence that the implications that he is proposing will occur as a result of this change will in fact occur.

In other comments, Mr Hanson himself has said this: most people who are identified by police as being in possession of a small amount of drugs for personal use are already diverted. The people who are not and the people who are most in fear of the stigma and the impact of interaction with the criminal justice system are people who use methamphetamine and people who use heroin—the drugs that are most likely to cause dependence. We want the people who use those drugs to be able to get help if something goes wrong, to be able to get advice about how to reduce the harm associated with their health condition, their drug dependency, and to feel safe and supported by our community—something that Mr Hanson has never shown any interest in.

MS CASTLEY: Minister, are you concerned that illicit drug usage in Portugal is five per cent higher now than it was when they launched their experiment into decriminalisation?

MS STEPHEN-SMITH: If Ms Castley would like to provide a source for that information, that would be most helpful. I am not going to take anything the Canberra Liberals say about this matter on face value, without a source. Their misinformation, their disinformation and their scaremongering on this matter is absolutely irresponsible.

Opposition members interjecting—

MADAM SPEAKER: Members!

Mr Cocks: A point of order: the minister has just called the statement disinformation. "Disinformation" implies a motive to intervene in due political processes. I think the minister should withdraw that.

MADAM SPEAKER: I am going to let it stand, but I ask all people to be mindful of the language they use.

MS STEPHEN-SMITH: Madam Speaker, I encourage Mr Cocks to check the *Hansard*. I did not call Ms Castley's statement disinformation.

Work health and safety—WorkSafe ACT

MR PETTERSSON: My question is to the Minister for Industrial Relations and Workplace Safety. Minister, can you please provide an update on the work being conducted by WorkSafe ACT?

MR GENTLEMAN: I thank Mr Pettersson for his interest in the safety of workers across the territory. October, of course, is National Safe Work Month. WorkSafe ACT has been leading community events throughout October, with a key focus on vulnerable workers, psychosocial hazards and risks, the ACT public service and the new public service strategy—all workers and all workplaces as well. WorkSafe ACT last week held an event here in the Legislative Assembly to encourage managers and employees in this place to increase their understanding around the obligations of all employers to provide a safe and healthy workplace.

Safe Work Month is an annual opportunity for all of us to remind ourselves of the real-life consequences of unsafe workplaces. WorkSafe ACT have been leading and delivering training in ensuring that, no matter the industry or the location, Canberrans have a right to a safe and healthy workplace and have a right to return home safely at the end of every day.

WorkSafe ACT is playing a pivotal role in regulating and supporting employers and workers across the territory to know their rights and responsibilities. Labor governments, of course, have delivered our country's greatest developments in work health and safety. The ACT is a national leader in work health and safety. Our government is proud of the work being done to provide safe and healthy workplaces.

MR PETTERSSON: Minister, what can employers do to provide safe and healthy workplaces?

MR GENTLEMAN: It is vital that employers understand their responsibilities to provide a safe and healthy workplace. Those of us on this side and all good Labor people know in our DNA that worker safety is absolutely crucial to the prosperity of our society. Safe and healthy jobs provide the conditions for healthy and happy home lives as well, solid and reliable industry and economic growth and improved living standards for the whole community.

Employers in the ACT have the benefit of accessing WorkSafe ACT, and the many opportunities for training and support that WorkSafe offers. Employers and people conducting a business have an obligation to monitor and manage risks and hazards in the workplace. With growing rates of psychosocial injuries, it is more important than ever that employers and people conducting a business understand their obligations for managing and eliminating hazards. Employers should take the time to acquaint themselves with the new code of practice for managing psychosocial hazards, which

comes into effect formally on 27 November this year and can be found on the WorkSafe ACT website.

MS ORR: Minister, how will the better management of psychosocial hazards benefit the ACT community?

MR GENTLEMAN: I thank Ms Orr for her interest, too, in the safety of workplaces across the territory. Psychosocial injuries are generally the result of negative behaviours in the workplace, the most common of which are bullying and harassment, work-related or occupational violence, sexual harassment and assault, and trauma.

The management of any workplace injury and the ongoing impacts of those injuries is a concern for the whole community. When Canberra's frontline workers, like nurses, teachers, paramedics, fireys, police and service providers, are subject to injury, the impact of those injuries has an impact on the whole community.

Workers and their families experience enormous stress and personal disadvantage when they are injured and unable to work. Beyond those workers and their families, though, injuries caused by failure to properly manage risks often have a more significant flow-on effect. PTSD and other mental health conditions are all too often lifelong injuries. Unfairly, those injuries are often the silent or unseen injuries.

Managing hazards will benefit the whole Canberra community by reducing injury rates, reducing the impact and flow-on effects to workers and families, and reducing the financial impacts to both families and the broader Canberra community. That is why I have worked to enact the new code of practice, because Labor knows that safe workplaces lead to social and economic prosperity for everyone within our community.

Drugs of Dependence (Personal Use) Amendment Act 2022

MS CASTLEY: My question is to the Minister for Health. Minister, in mid-2021, Mr Pettersson, the architect of drug decriminalisation in the ACT, publicly sought advice from João Goulão, the architect of drug decriminalisation in Portugal. It is just two years later and Dr Goulão now claims—and I will quote from an article in the *Washington Post* on 7 July this year:

... what we have today no longer serves as an example to anyone.

He also stated that Portugal now has more users on the street and is struggling to provide treatment. The wait for residential treatment for some is now more than one year. Minister, now that the father of Portugal's drug decriminalisation is warning not to use his nation as a model, will you delay drug decriminalisation here to ensure we do not replicate Portugal's mistakes?

MS STEPHEN-SMITH: The short answer is no, we will not be delaying the commencement of the act, which takes effect on Saturday. Indeed, it would be impossible to do so, because it is an act of this Assembly which takes effect in two days, without another sitting week. As Mr Pettersson himself has said on many occasions, while we can look to Portugal for some examples, the changes that were

made in Portugal were very different and the current circumstances in Portugal are very different as well. The changes that we have made do not replicate the changes that were made in Portugal, which were effectively legalising the possession of small amounts of substances through a very resource-intensive process. In some respects, the ACT has already gone further than Portugal, in terms of fully lifting penalties for adult cannabis use, and we have not seen the kinds of impacts of that change that Mr Hanson claimed would happen, when that legislation was being debated in this place. Everything he said about the sky falling in when Mr Pettersson's previous private members bill came into effect did not occur, and it will not happen this time either.

MS CASTLEY: Minister, how can Canberrans have confidence that the Portugal-inspired legislative changes introduced by Mr Pettersson will not repeat that nation's failings?

MS STEPHEN-SMITH: One of the things that Ms Castley mentioned in her first question, and it goes to this question as well, is access to alcohol and other drug treatment services. As I said in the Assembly the other day, the ACT has consistently been increasing our investment in alcohol and other drug treatment services over the last few years—a 30 per cent increase in investment in alcohol and other drug treatment services since 2018-19. I again refer Ms Castley to Professor Walter Abhayaratna's comments on radio yesterday when he confirmed the AMA (ACT)'s confidence—an organisation that the opposition often draw on for expert advice when it comes to health policy. They are often following the line of the AMA, but in this case they appear to be differing. Professor Abhayaratna was expressing confidence that our health system is ready for this change, but we are not going to see a dramatic increase in demand for illicit drug treatment services as a result of this incremental change—in the way that people are already using drugs in our community and the way we treat that as a health issue rather than a criminal one.

MR DAVIS: Minister, as opposed to examples in other times in other countries with other models, what advice are you hearing from Canberra's healthcare practitioners about our decision to treat drug use as a health issue?

MADAM SPEAKER: I will just remind everybody—I will let the question stand—that the supplementary goes straight to a question.

MS STEPHEN-SMITH: I thank Mr Davis for the supplementary question. I will, in fact, quote from Professor Abhayaratna in relation to whether there will be more work for GPs, ED registrars and nurses. He said: "I'm guessing not much. The reality is, in practice—my strong suspicion has been reported—that the police very rarely charge people for drug possessions in the quantities that the law is now changing to."

Mr Hanson: I thought that was the whole point of it.

MS STEPHEN-SMITH: "So I do not think that will change. Is your question that we will be having an avalanche of increased use of recreational substances? I don't think so. The reality is people are using these small amounts of quantity."

Mr Hanson: That's the whole premise for your change.

MADAM SPEAKER: Mr Hanson, that's enough!

MS STEPHEN-SMITH: "It's much better to have a well-designed, well-supported and well-resourced diversionary program that can give people more literacy about the adverse effects of these recreational substances."

Mr Hanson: That's a good quote.

MS STEPHEN-SMITH: Of course, this change is part of a broader—

Mr Davis: On a point of order: I asked the question so I could hear the answer, Madam Speaker.

MADAM SPEAKER: Thank you, Mr Davis. I think the point of order is that there were interjections.

Mr Davis: My point of order is that there have been interjections on every question on this subject by Mr Hanson today and every other day this week, and I ask that you bring him to order.

MADAM SPEAKER: Members, no interjections. Minister, you have 30-odd seconds left.

MS STEPHEN-SMITH: Thank you, Madam Speaker. On whether decriminalisation will lead to increased use or pressure on the health services, Professor Abhayaratna said, "I don't think there's a lot of evidence to show that. I would certainly be concerned if there was evidence by changing the limit for recreational substances. We've already done this for marijuana in the ACT and I don't think there's any evidence to support the fact that more people are using marijuana as a consequence of the change in legislation." There's certainly no evidence to assert increased hospitalisations as a result of the use of marijuana.

Planning—RZ1 changes

MR PARTON: My question is to the Chief Minister. Chief Minister, it is not often that we see you admit that you were wrong. So it was most pleasing, for those of us on this side, to see you publicly admit the failings of your previously announced RZ1 "dual occy" policy by announcing a stamp duty waiver on the second dwelling this week, with a stack of conditions as an afterthought.

Since the original announcement of the policy, many in the community have criticised the 120-metre square limit to the second dwelling. I would note that when discussing the issue this morning, ABC radio's Adam Shirley described the second dwellings as "granny flats".

If your announcement on stamp duty waiver is not an admission of policy failure, why was that component not a part of the original announcement?

MR BARR: Tax policy is set to align with the commencement of the measure in the Territory Plan.

MR PARTON: Chief Minister, why have you announced a tax concession which will benefit buyers of new granny flat “dual occies”, when, ultimately, it is the original home owner who needs to be incentivized to build in the first place?

MR BARR: Improving housing affordability has been a priority for the government, and stamp duty reform has also been a priority for the government. In fact, in every budget that I have delivered I have cut stamp duty. There are not many governments in Australia that can claim that, and we continue to cut stamp duty. That policy announcement is indeed consistent with more than a decade of cutting stamp duty.

MR CAIN: Chief Minister, how many new dwellings is the government anticipating will result from these changes—fewer than 200 or more?

MR BARR: More.

Transport Canberra—electric buses

MS ORR: My question is to the Minister for Transport and City Services. Minister, when can Canberrans expect to see more battery electric buses joining the Transport Canberra fleet?

MR STEEL: I thank Ms Orr for her question. On Monday I announced the arrival of our first four new Custom Denning “Element” low-floor battery electric buses that will join our growing fleet of zero emissions vehicles on our pathway to electrify Canberra’s public transport. All four of these buses will be delivered by the end of this year. They will join our existing 12 battery electric buses which have already travelled 400,000 kilometres as part of our existing public transport network. This will bring Canberra’s total bus fleet of electric buses up to 16 by the end of the year. We have also procured an additional 90 electric buses which will be delivered over the next three years and this will provide a combined total of 106 battery electric buses in the Transport Canberra fleet over the coming years. The four new Custom Denning buses have been built in Sydney and will be based at the Belconnen depot. The appropriate charging infrastructure is being installed at the depot using existing grid capacity for energy supply.

MS ORR: Minister, how will these new buses benefit north-side residents?

MR STEEL: I thank Ms Orr for her question and her advocacy for north-side residents. The four new Custom Denning buses are the first to be located out of the Belconnen bus depot and will bolster the number of zero emissions services running out of the north of Canberra. Although the existing 12 electric buses operate across all of Canberra, having these four additional electric buses based in Belconnen will mean more electric powered bus services can start and finish in the north. Electric buses cut noise pollution and harmful noxious emissions on our streets. Housing these buses in Belconnen will provide more residents with access to clean, quiet and comfortable services that are zero emissions. Each of these buses takes around five hours to charge and can operate up to 400 kilometres a day on that full charge, so they will be able to operate efficiently and effectively as part of our fleet.

DR PATERSON: Minister, how is the ACT progressing with our transition to zero emissions public transport system more broadly?

MR STEEL: I thank Dr Paterson for her question. According to the Australia Institute, the ACT is leading the country in terms of the number of electric buses delivered per capita. The government is taking nation leading steps in the transition of our public transport system to zero emissions. We first started this transition with the introduction of light rail, which already accounts for over 20 per cent of total public transport trips, on a system powered by 100 per cent renewable energy. We have made a commitment to achieving a 100 per cent zero emissions bus fleet by 2040 or earlier and our plan for achieving this is outlined in the Zero-Emission Transition Plan for Transport Canberra that I launched in 2020 with the Chief Minister.

We are not just buying buses, we are also undertaking the forward planning and investing in infrastructure and skills necessary to make this transition operationally successful. The ACT is a leader in delivering nation leading electric vehicle training. The Prime Minister was out with the Chief Minister just recently at our electric vehicle training centre at CIT in Fyshwick, where we are upskilling the heavy vehicle workforce of Transport Canberra for this transition. We are getting on with building the technology and the necessary infrastructure for the zero emissions bus fleet. Several augmentation works are underway to provide more charging capabilities for up to 200 buses at Tuggeranong depot as well as the new bus depot at Woden, which is expected to be completed around the end of 2024. We are planning for future zero emissions bus depots on the north side of Canberra as well.

Transport Canberra—electric buses

MR PARTON: My question is to the Minister for Transport and City Services and continues on the topic of the delivery of the first Custom Denning electric bus. Minister, part of the delivery fanfare was a media event at the Belconnen depot where, among other things, you plugged a bus in for the cameras. I have received information suggesting that the charging infrastructure at the Belconnen depot was not functional for your appearance and was simply there as a prop for the assembled media. Indeed, your answer to the earlier question also suggested that the charging infrastructure is not yet functional. Can you confirm if the charging infrastructure you used at the Belconnen depot was fully operational at the time of your visit on Monday 23 October or whether you were just playing “pretendees”?

MR STEEL: No; it is being installed at the moment, as I indicated in my answer to the earlier question. I also announced at the event that that was the fact and that we are in the process of commissioning the first buses. It has not yet been delivering services on the Transport Canberra network, and we have always said that the charging infrastructure, the grid infrastructure, is a critical component to supporting the rollout of our zero emissions technology. That is being installed at the moment at the Belconnen depot.

As you have mentioned, the charging stations are there and the final commissioning is happening before they will be operational. They will charge the buses, which have a

capacity of 380 kilowatt hours for each of the Custom Denning buses arranged across five batteries on the top of the bus and at the back of the bus. They will charge for around five hours, delivering that 400 kilometre service capability, which we expect will replace the diesel buses one for one. We were very clear about that in the media release, and I have just answered a previous question about it—gazumping Mr Parton’s question.

MR PARTON: Minister, when exactly will there be sufficient charging infrastructure at the Belconnen depot to charge the entire expected fleet of electric buses?

MR STEEL: The entire capacity, in terms of the grid capacity, which I was also very clear about at the announcement, means that we can only charge up to four electric buses at the Belconnen depot without undertaking further significant investment with Evoenergy to provide the electricity supply to feed more electric buses there in the future. That is why we are currently undertaking a feasibility study for future bus depots on the north side, looking at opportunities to site those depots in locations where that grid capability is already present, so that there would not be the massive investment required to be able to feed those.

Through the investment that we have made in running high-capacity, high-voltage lines, from the Wanniasa substation out to Tuggeranong and Woden, the future capability will be to charge up to 300 electric buses at those two depots, which will more than meet the short- and medium-term transition pathway that we have outlined in the transition plan for Transport Canberra.

MR CAIN: Minister, can you commit to a date for the withdrawal of the last non-compliant Renault diesel buses, which, in theory, are being replaced by these new electric vehicles?

MR STEEL: I thank the member for his question. I would refer him to the ministerial statement that I delivered to the Assembly earlier in the week where I outlined and provided an update in relation to that. I have been very clear that, as we receive the new deliveries of both electric and low-emission diesel buses, they will be replacing those Renault buses. I provided an update that we expect to receive the last of the eight Scania Australia Bustech low-emission diesel buses early in 2024. I will continue to provide updates to the Assembly as that occurs, as I have now on three occasions.

Roads—Jamison

MS CLAY: My question is to the Minister for Transport and City Services. Minister, the 2023-24 budget indicated that three pedestrian crossings will be built on the eastern side of the Jamison shops, near Canberra High School. This is incredibly welcome, but I have also heard a lot from residents about the difficulties in crossing on the western side of Jamison, as well as Redfern Street, due to the wide and fast roads. I was recently there with John and his guide dog, Jazzy, and it was certainly difficult for them to get across the road. I could see how a wombat crossing or a traffic light would really help. Minister, what is being done to enable safer crossings on Redfern Street and Bowman Street?

MR STEEL: I thank the member for her question. I know she is very interested in this matter, and safety around the Jamison Centre. She would be aware, based on the answer that I provided earlier to the Assembly, that in 2021 TCCS completed an investigation of improvements to pedestrian facilities on Bowman Street, between Redfern Street north and Wiseman Street north.

Through the active travel investment that we made in the 2023-24 ACT budget, the government funded a number of improvements to pedestrian facilities near the Jamison Centre and Canberra High School, in Macquarie. That included a new pedestrian crossing across Bowman Street, near Wiseman Street north, connecting Canberra High School to the Jamison Centre; two new raised pedestrian crossings across Bowman Street, near the YMCA Early Learning Centre; and a new refuge island and footpath and kerb improvements at the intersection of Bowman Street and Redfern Street. These four new crossings will significantly improve safety for local residents, including for schoolchildren.

As Ms Clay has alluded to, a superintendence and consultancy tender was released to market on 13 October 2023. TCCS has also completed work in the past year to improve accessibility at existing crossings, including the installation of tactile markers.

MS CLAY: Minister, when will the planned crossings at Jamison in the 2023-24 budget be delivered?

MR STEEL: Subject to those procurement outcomes, Transport Canberra and City Services expects to deliver the majority of the improvements at the Jamison Centre around the middle of next year.

Canberra Pet Rescue—location

MR COCKS: My question is to the Minister for Transport and City Services. Minister, over recent months Ms Lawder and I have been making representations to you on behalf of Canberra Pet Rescue, a local charity which finds homes for pets, ranging from cats and dogs to guinea pigs, and supports people in need to feed and care for their pets. This important charity has been operating from temporary premises for three years, with repeated promises from the government that fit-for-purpose, long-term accommodation would be found. This week the temporary premises were broken into and vandalised, and important supplies and equipment were stolen or destroyed. Last night, volunteers had to spend the night sifting through glass and human urine to salvage what they could. Minister, why have you subjected Canberra Pet Rescue to so much uncertainty and broken promises?

MR STEEL: I thank Mr Cocks for his question. Let me put on record my concern about what has happened in relation to the premises which have been vandalised, and which Canberra Pet Rescue has been temporarily occupying. It is very concerning. I understand ACT Policing are involved in investigating that concerning matter, which has affected a small community organisation of volunteers that supports our Canberra community and our community of pets.

The ACT Property Group have been working with Canberra Pet Rescue for some time. They have been occupying the current offices on a temporary basis, and it has been very clear from the beginning that those arrangements were temporary. We only have a certain amount of property in the ACT for community groups to access, and there is obviously a lot of demand for those spaces. We work closely with community groups, where we can, to provide them with accommodation.

I understand, based on an update that was provided to me this week by the Chief Minister's directorate, that Property Group are currently working with them and have been exploring different locations around Canberra. I understand that that has progressed to the stage where they have been able to make an offer about a different place that they can tenant in the future. But it is unfortunate that this has occurred at their current location. We certainly feel for them during this very difficult time, which I can understand has put them under extreme stress.

MR COCKS: Minister, when will the new temporary site, which I understand is in Griffith, and which Canberra Pet Rescue has been promised, be remediated and ready?

MR STEEL: I thank the member for his question. I can take that question on notice and try and provide some further feedback. Certainly, as Mr Cocks has noted, we are trying our best to provide them with an alternative site that they can move to, so that they can continue to undertake their administration. I will come back to the Assembly with any information that I can provide.

MS LAWDER: Minister, when will long-term, fit-for-purpose accommodation be found for Canberra Pet Rescue?

MR STEEL: I thank the member for her question. Of course, as I have mentioned, there are only a certain number of community facilities for community organisations to tenant across Canberra. We are constantly looking at ways that we can better utilise those. We have been undertaking a review into the renewal of ACT Property Group's assets. We will look at opportunities to cater for the broad range of community groups across government. We understand the importance of this particular group, and we are trying to provide them with some space in an alternative location, given that the site that they have been occupying in Curtin will not be able to be used for that purpose in the future.

Roads—Kaleen

MR BRADDOCK: My question is to the Minister for Transport and City Services. Minister, I met with the Parents and Citizens Association of Maribyrnong Primary School in Kaleen about their concerns about traffic safety in the surrounding area of the school. I shared some information about Active Streets, the School Safety Program and a concept plan for works in that area. Can you please provide an update to the Assembly on any ACT government plans to improve traffic safety around the school?

MR STEEL: I thank Mr Braddock for his question. He asks the question with so many schools participating in Ride or Walk to School days. The ACT government

takes the safety of students around our schools very seriously. We know that they are busy environments, particularly each morning and afternoon, with most streets being concentrated during a very short period of time, and that can create congestion and safety issues, with large numbers of students and low participation in cycling and walking being an issue. That is the purpose of trying to promote events like Ride or Walk to School days.

In relation to Maribyrnong Primary School, to support delivery of the Ride or Walk to School program, we have been working with that school over recent years, as well as through the Active Streets program. TCCS constructed a new footpath on Alberga Street in the 2018-19 financial year to improve access to the Maribyrnong Primary School from the south, particularly for students who live in Bruce, under the Active Streets program. Further, we most recently engaged a consultant during the last financial year to review the existing active travel infrastructure between Bruce and the primary school and provide recommendations for further potential improvements in the area. These include proposals for new zebra crossings and community path extensions. I am advised that detailed design drawings for path and crossing improvements between Bruce and Maribyrnong Primary School will be prepared as part of the Supporting Active Travel—School Safety Construction Project, with a tender for the design package being released in the coming weeks.

MR BRADDOCK: Has the government considered using the dirt car park on Maribyrnong Street, opposite Diamantina Street, as a way of creating a distributed pick-up and drop-off area?

MR STEEL: The School Safety Program is engaged with schools in looking at what opportunities there are to distribute traffic around surrounding streets and provide better pick-up and drop-off opportunities—whether there are alternative locations. I will check whether that specific site has been included in the discussions and whether that may be a useful point and will raise that with the School Safety Program.

MS CLAY: Minister, what is the government doing to fill in the remaining missing links in the footpaths and bike paths in that area?

MR STEEL: Thank you. As I mentioned in answer to the earlier question, we have undertaken some missing link projects in recent years with the construction of new footpaths. Of course, as part of a broader strategic approach across government, which is outlined in the draft Active Travel Plan, one of the key priorities of that plan is to build a better connected and maintained path network. That refers to not only cycling paths but also other community path networks and what opportunities there are to provide path links that do not currently exist. Often they are desire lines, where students or other members of the community may be using particular paths across suburbs where there is no footpath. We are certainly keen to hear from the community about what the specific links are that we should be looking at and prioritising.

We have invested an additional \$500,000 in the budget to expand the community path program, which is focused on delivering new paths where they are identified by the community and also through more strategic programs like the development of the Active Travel Plan, which will involve a significant range of consultations to identify key walking areas in the community that we need to focus on.

Community events—Skyfire

DR PATERSON: My question is to the Minister for Economic Development. Chief Minister, I have a cracker of a question today combining two things I am very passionate about: economic development and fireworks. With amazing reports today that Skyfire is set to return, what can Canberrans and visitors expect from this event?

MR BARR: I thank Dr Paterson for the question, and for allowing this question time to end with some fireworks.

Mr Hanson: On a point of order, my understanding is that you are not meant to use irony or jokes in either a question or a detail, and I do not want to see any fireworks in this place!

MADAM SPEAKER: That is comic relief.

MR BARR: Do I feel a new standing order about dad jokes might be needed? Thank you, Mr Hanson, for your interest. It is indeed great to welcome Skyfire back for the first time since 2019. As I am sure members are aware, the event is run by local radio stations hit104.7 and Mix 106.3, through their parent company amplifyCBR. The ACT government is supporting the return of the event through the territory's major event fund. The event will be coordinated to take place around the time of Canberra Day and the Enlighten Festival. We can expect a major entertainment stage, hosts from both radio stations, and what I am reliably informed will be a 20-minute pyrotechnic bonanza.

DR PATERSON: Chief Minister, how many people are expected to visit this event?

MR BARR: Previously, around one in four Canberrans have attended. The attendance is around 120,000 people—there is an interstate component there. As I understand it, somewhere between 10 and 15 per cent of the attendees have not been from Canberra.

MADAM SPEAKER: I am sure that the bell has gone, or the clock was wrong.

MR BARR: I do not think it was every reset. I do not intend to speak for much longer. We are expecting well over 100,000 people and a proportion—around 10 to 15 per cent—will be from interstate, based on previous event experience.

MR PETTERSSON: I have a supplementary question. Chief Minister, what is the value of Skyfire's economic contribution to our economy?

MR BARR: There was an analysis done in 2016. That year the event attracted about 125,000 people and generated just short of \$9 million in economic activity. So I think if there is a similar turnout—the nation has grown a bit over the intervening period—we could expect an economic contribution of around \$10 million from the event.

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

Supplementary answers to questions without notice

Canberra Pet Rescue—location

MR STEEL: I was asked earlier in question time about the timing in relation to the movement of Canberra Pet Rescue to a new location for their premises in Griffith. I can advise the Assembly that ACT Property Group brought builders onsite to the new location in Griffith to identify the necessary works that are required to make it good for them to move in. Work is underway to ensure this work can be completed as soon as possible, and we are ensuring that immediate works are undertaken to ensure that they can work towards entering the Griffith site in the coming weeks.

Health—dental services

MS STEPHEN-SMITH: Mrs Kikkert asked me yesterday why CHS has only implemented two out of the 12 recommendations of a KPMG review of oral health services. At the time I indicated that I thought Mrs Kikkert's information was probably out of date, and I took the question I notice.

I can now advise that CHS has said it takes the recommendations of the review of the oral health services seriously and has started addressing them in order of priority. The most critical recommendation identified was to undertake a review of the governance structure of oral health services. Following extensive consultation, a new structure was implemented in January 2023. In addition, the service has implemented clinical and corporate governance committees to oversee performance and quality and safety metrics.

Overall, of the 12 recommendations, four have now been completed, six are partially complete and two are in progress. On the recommendations and detail regarding that work and those that are completed, I in fact have a list of four in addition to the new governance model: to consider opportunities to use digital platforms, patient engagement and communication, including patient registration, triage, scheduling and records management process; recommendation 6, to improve the focus on preventive services, oral health education and care transition for people in remand; recommendation 9, to establish an enhanced risk-based triage model and improve scheduling processes to balance needs for preventive and emergency services; and recommendation 12, explore opportunities for future investment in digital technology to streamline and integrate patient intake processes, clinical service delivery and workforce management.

Drugs of Dependence (Personal Use) Amendment Act 2022

MS STEPHEN-SMITH: I would like to respond to one of the questions that I was asked today in relation to Portugal, in the interests of ensuring that other people are accurately represented in this place in terms of their comments. The opposition used a quote that I understand was probably from a *Washington Post* article quoting the head of Portugal's National Institute on Drug Use and the architect of decriminalisation as saying that he admitted to the local press in December that "what we have today no longer serves as an example to anyone". The article goes on to say:

Rather than fault the policy, however, he blames a lack of funding.

After years of economic crisis, Portugal decentralized its drug oversight operation in 2012. A funding drop from 76 million euros (\$82.7 million) to 16 million euros (\$17.4 million) forced Portugal's main institution to outsource work previously done by the state to nonprofit groups ... The country is now moving to create a new institute aimed at reinvigorating its drug prevention programs.

Mr Goulao goes on to be quoted as saying that 20 years ago “we were quite successful in dealing with the big problem, the epidemic of heroin use and all the related effects. But we have had a kind of disinvestment, a freezing in our response and we lost some efficacy.”

Indeed, the article also indicates that the number of people who use drugs moving into drug treatment in Portugal has sharply fallen “from a peak of 1,150 in 2015 to 352 in 2021, the most recent year available”. The article also indicates that in the initial implementation of the scheme not only did HIV transmission rates plummet but also “prison populations fell” and “there was no evidence of a feared surge in use”.

Bushfires—preparedness

MR GENTLEMAN: I was asked earlier in question time whether I had any concerns about water levels in the ACT. I can advise that, as of yesterday, Corin Dam was at 89.55 per cent, Bendora was at 94.92 per cent, Googong Dam was at 98.62 per cent, and the Cotter Dam is 100 per cent full. The combined volume is 96.54 per cent.

Papers

Madam Speaker presented the following papers:

Decision by the ACT Electoral Commissioner not to deploy Overseas Electronic Voting system (OEV) for the 2024 Legislative Assembly election—Copy of letter to the Speaker from the ACT Electoral Commission, dated 23 October 2023.

Memorandum of Understanding between the Speaker and WorkSafe ACT—Status—Correspondence—

Copy of letter to the Work Health and Safety Commissioner from the Speaker of the Legislative Assembly, dated 24 October 2023.

Copy of letter responding to the Speaker of the Legislative Assembly from the Work Health and Safety Commissioner, dated 25 October 2023.

Mr Gentleman, pursuant to standing order 211, presented the following papers:

Auditor-General Act, pursuant to section 21—Auditor-General's Reports—Government responses—

No 3/2023—Financial Management Services for Protected Persons, dated October 2023.

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

Canberra Hospital Workforce Planning Update—FRANZCOG, dated August 2023, in response to Assembly resolution of 31 August 2023 concerning specialist medical training accreditation.

Crimes (Assumed Identities) Act, pursuant to section 38(1)—Australian Criminal Intelligence Commission—Assumed Identities Annual report—2022-23, dated 5 September 2023.

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-HOU-23/7, dated 11 September 2023.

Justice and Community Safety—Standing Committee—Report 19—*Inquiry into Electoral and Road Safety Legislation Amendment Bill 2023*—Government response, dated October 2023.

Planning and Development Act, pursuant to subsection 242(2)—Schedule of Leases Granted—1 July to 30 September 2023.

Education—literacy

MR HANSON (Murrumbidgee) (3.05): I move:

That this Assembly:

(1) notes that:

- (a) outcomes for literacy in ACT Government schools have been consistently identified as underperforming by reports from multiple highly regarded research institutions and other bodies in the ACT, nationally and internationally;
- (b) a recent report into literacy results in the ACT indicates that performance has fallen over the last 20 years;
- (c) the hard working and dedicated ACT Government school teachers, support and administrative staff who are passionate about achieving the best outcomes for ACT students are being let down by the ACT education system; and
- (d) reasons put forward for declining literacy rates include, equity, school resources, inadequate monitoring and interventions, teacher shortages, teaching methodology, inadequate phonics instruction, staff and principal workload, overcrowded schools, student behaviour and violence, run-down school facilities, curriculum, and initial teacher training; and

(2) calls on the ACT Government to conduct an independent inquiry into literacy performance in the ACT and how results could be enhanced.

The truth is that, despite the very good intentions and best efforts of our teachers here in Canberra, results for children in literacy in the ACT are simply not where they need to be. If literacy is not at the level it needs to be for a student, the consequences for their future education, employment, life outcomes and so on can be very severely impacted in negative ways.

Literacy is, in many ways, the cornerstone of education. Without proficiency in reading, writing and comprehension, success across other academic subjects becomes difficult or impossible. Poor literacy leads to poor academic results across the board, which then leads to poor social and economic outcomes upon leaving school.

Just as literacy is affected by social disadvantage, a failure to build that cornerstone of literacy actually leads to further social disadvantage. As Australia's wealthiest and most advantaged jurisdiction, literacy performance in the ACT is something that we should be excelling at. But the evidence, when you compare apples with apples in other jurisdictions, demonstrates that we need to do much better.

Certainly, when we look at the many reports and different sources, we see the true situation of literacy outcomes in the ACT. For example, the most recent NAPLAN results show concerning trends: one in three year 9 students are not meeting proficiency benchmarks for reading; a third or more of our children scored in the bottom two bands in writing, grammar and numeracy; a quarter of students are falling behind in spelling; and around one in 10 are unable to read and write at the basic level expected for a student in year 9.

That is not the only worrying factor from this report. There is also the equity gap reported under NAPLAN that shows that the gap between those from more disadvantaged backgrounds compared to students from other cohorts is a vital indicator on how well we are supporting advantaged students. In fact, equity is listed as the No 1 strategic objective of the directorate. That is why it is concerning to see this gap increase over the past few years. In literacy, the equity gap target for reading scores was 48 but the actual gap achieved was 58. In numeracy, the target was 32 but that has blown out to 52. That is a concerning trend that I am sure we all agree we must address.

This specific gap was highlighted in the Equity Economics report which was released earlier this year. It stated:

Inequity is a problem in the ACT.

The ACT education system is one of the most inequitable in Australia, with the ACT having the worst relationship between socio economic status and performance of all jurisdictions except the Northern Territory (NT), in PISA assessments.

Disadvantaged students in the ACT are also falling behind in NAPLAN. The gap between disadvantaged and advantaged students in the ACT is about 1.5 years in Year 3 and increases to four years by Year 9. Priority equity cohorts such as students whose parents did not complete high school and First Nations students perform significantly worse than their peers.

The Equity Economics report, on general results, also states:

Too many students in the ACT are falling below literacy benchmarks

Too many students in the Australian Capital Territory (ACT) aren't proficient readers. One in three 15-year-old students in the ACT is below the Australian national proficient standard for reading in the Programme for International Student Assessment (PISA). The ACT's performance in PISA has been in long-term decline over the past 20 years, so that the typical ACT student today performs worse—about six months behind—similar students two decades ago.

Almost one in five Year 9 students in the ACT are at or below NAPLAN National Minimum Standards for reading, which means they are operating at a Year 6 level or below.

The question is: is the system working or why is it not working? There has been a lot of comment as to whether the system is working—and I will quote from an article in the *Canberra Times*. It said:

The ACT is halfway through its future education strategy, but what has it really achieved ...

This year's NAPLAN results show that one-third of ACT students were not meeting the national proficient standards for basic literacy and numeracy skills. One-third.

Educationally disadvantaged students are falling further behind in reading and numeracy compared to their peers whose parents attended university.

The first school to be built under the future of education strategy recently underwent a special purpose review which found many students did not have the foundational skills to be able to engage in inquiry learning.

I've spoken to parents who have had to fork out thousands for private tutoring to ensure their child doesn't fall behind.

Some have even taken the drastic measure of homeschooling to give them the support they need when their school was not offering evidence-based instruction in reading.

True equity will be achieved when every child reaches those literacy and numeracy benchmarks, regardless of whether their parents went to university or not.

The literacy issue that we have been discussing has also been noted on the ground and has been covered by the ABC in a report headlined "Significant number of Canberra school students behind in reading". I will quote from that article. It said:

The director of Rise Literacy has noticed increasing demand since COVID-19 lockdowns—when kitchen tables became classroom desks and parents had a window into their child's education.

'They realised that there were larger gaps in their children's learning, the children's literacy skills and capacities, than they had realised,' he said.

'So, we had a massive influx of parents ringing up for self-referrals.'

The children he's seeing are in Year 3 to Year 9 and aren't just those with learning difficulties. In fact the majority of them, he says, don't have a diagnosis.

Here is another example in the article. It said:

Anna Linard helps fill this gap as a retired primary school teacher in her 70s, who tutors about 45 children on a voluntary basis across seven days a week.

'I tutor three or four children after school every day. I tutor all weekend from about 9am to 5:30pm,' Ms Linard said.

‘I’ve had to reduce my time with each child from one hour to 45 minutes to fit so many children in and I also tutor some children during school time.’

‘I just think that I’m doing what schools should be doing.’

I will add to this discussion by quoting from an open letter, released just recently, by 45 literacy experts who have added their voices to the discussion. This letter is to all ministers of education, and it said:

The next National School Reform Agreement must ensure all students learn to read and write proficiently.

The statistics are bleak.

The latest NAPLAN data revealed that 1 in 3 Australian children are not meeting reading proficiency benchmarks.

This means there are well over 1 million children in school today—

and, of course, that is across Australia—

who do not have the literacy skills to navigate the world with confidence, proficiency, and dignity. There are multigenerational, economic and health consequences from this preventable literacy deficit.

We have substantial achievement gaps between students from advantaged and disadvantaged families, between those who live in cities and those who live in the regions, and between First Nations and non-Indigenous children. These gaps should not exist.

I am sure that we would all agree with that sentiment expressed in that letter.

These issues are not unique to the ACT. I think there are particular problems in the ACT and we should be doing better. But these are issues that are being recognised around the country, and governments across the country are responding. For example, in Victoria, they have announced an inquiry into their state education system. They issued a statement on 13 July 2023 that said:

The successful motion to establish the inquiry was made in the parliament by Eastern Victoria MP Melina Bath.

‘The breadth of this inquiry really focuses on student learning outcomes—let us put Victorian students at the centre of this inquiry—and student wellbeing, mental health and engagement. It is important to unpack the issues in terms of listening to people in the field—to teachers and educators, to principals and school leaders, to school councils and, importantly, to parents and past and present students,’ she said.

‘We need to in a collaborative way investigate how we can fast-track support ...’

A comment was made by committee member and Western Victoria MP Joe McCracken, who recalled his decade of teaching experience as he also backed the inquiry, saying:

This is not an opportunity for us to demonise teachers. This is a fact-finding mission.

It is an opportunity to listen to the experiences of teachers, of learning support officers, of families and of professionals—because this is one of the most noble professions that I have had the honour of working in.

It is an opportunity for the education sector to be heard. It is also an opportunity to think about how we as members of this chamber can make a difference to the young people and their future, because really that is what education is all about. It is about helping our younger people so they can thrive and have the best possible future they can.

I have no idea whether those members are Labor, Liberal or whatever, but I think that what they have said is something that we in this place, I am sure, would all agree with.

In Tasmania, they have created an overarching policy called Lifting Literacy. A statement from the Tasmanian government says:

The Tasmanian Government is implementing the Lifting Literacy Report Recommendations and Community-wide Literacy Framework to achieve the aspirational goal of 100 per cent functional literacy.

Work is now underway to implement the Recommendations and Framework. This work includes:

- Establishing an independent Lifting Literacy Oversight Monitoring Group
- Drafting a 3-year implementation plan for the Department of Premier and Cabinet

That included a literacy advisory panel, which was “an expert group appointed by the Premier in September 2021 to create a community-wide framework to achieve a literate Tasmania”. This is an example of governments listening to experts and listening to parents and honestly assessing their own progress.

In Queensland, they are even further along this path. They have created the Queensland Reading Commitment. In a statement from 23 October 2023—very recently—they said:

The Queensland Reading Commitment was developed in consultation with educators and key stakeholders. 13 schools helped co-design the commitment, including West End State School, with nearly another 50 trialling it over the past few months.

More than \$23 million per year is already provided directly to schools, based on need, to improve literacy and numeracy. Over 1,100 specialist learning support roles and more than 500 specialist staff, such as speech language pathologists, work with students who need additional support.

Education Minister Grace Grace said:

We want to give every child the best start in life, no matter where they are in Queensland.

I am sure that we would feel the same about every child here in the ACT. She continued:

Being able to read is a fundamental life skill—it is a core to all learning, no matter the subject. Our Queensland Reading Commitment will strengthen an already great state schooling system to ensure every child can realise their potential.

There is no one simple answer, but I am saying—and I think we would all agree—that this is an issue that has a profound impact on children’s lives both in school and in their future adulthood. I am calling for a broad-ranging consultation, as part of the inquiry, with the ACT Education Union, with teachers, with universities and with the people who have commitment in this space, both students and parents. I will leave it with the government to consider who is best to conduct such an inquiry, be it by an individual or by a panel. Certainly, we should learn from what other jurisdictions have already done.

I would note that I am certainly not a lone voice in this space. There are many others who have been making this point. I would like to thank Dr Karen Macpherson, first and foremost, who has written on this issue and helped me to write a paper that I wrote jointly with her a couple of years ago, “Bringing out the best in every child”. Appendix A to that paper was the call for an independent review into the system. This is something that Ms Lee, before me, has been calling for as well. From the amendment that will be moved by the minister today, it looks like that will be agreed to, which is tremendous.

I would like to thank Jess del Rio and Jen Cross and her colleagues and Angela Burroughs and Patrick from the Australian Education Union and their colleagues, who have engaged constructively and I think very effectively to achieve better outcomes for teachers and students throughout the ACT.

This is an important call. There can be fewer greater issues than teaching our kids to read and write—the foundation of their education. I commend the motion to the Assembly.

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) (3.20): I thank Mr Hanson for bringing the important issue of literacy to the attention of the Assembly today. I do have an amendment to his motion, which has been circulated, and my amendment confirms that the ACT government will conduct an independent inquiry into literacy in the ACT. However, in my amendment I have taken the time to remove some of the claims in Mr Hanson’s motion and replace them with the data and the facts, because if we are going to have a productive discussion about education in the ACT, we need to start with the data and the facts. In saying that, I am happy that there is enthusiasm and support for public education, as part of this important conversation.

I will not waste a lot of time on some of the claims that Mr Hanson’s original motion made, but I do need to briefly correct the score. The ACT is the highest performing

Australian jurisdiction in reading literacy, as measured through international assessments PISA and PIRLS. In fact, if the ACT were a country, our 2021 PIRLS results mean that we would be fourth in the world for literacy. That does not mean we are being complacent or that there is nothing more that we can do. Education is about lifelong learning. It is always moving, always evolving. Education does not stand still, and neither will we.

The ACT government believes that every child deserves a great education and the life chances which flow from it. But even in communities like the ACT, children start in vastly different spaces. They come to school with different backgrounds and circumstances. Education has the incredible power to level out all of that to enable all children to reach their potential. As the minister for education, my priority is for the ACT's world-class education system to give every child an equal chance at happiness. This means delivering personalised learning that meets the needs of individual students.

Promoting greater equity in learning outcomes is an ACT government priority. It is why the ACT transparently monitors the equity gap in student outcomes. No other jurisdiction monitors this the way we do. Every year since 2018 we have analysed and publicly reported on the gap between the reading and numeracy outcomes of the most advantaged and less advantaged students. It is not by accident that this is the Education Directorate's first strategic objective. It is my biggest priority as minister. We celebrate when the gap narrows, as it was doing between 2018 and 2021; and, when the gap widens, we investigate, and we take action. We do not dodge or obfuscate, because this matters.

Nothing is more important than ensuring students have the supports they need to be ready to learn and ensuring our teachers have the supports they need to be able to personalise, differentiate and individualise this learning. This is why the ACT government will establish an independent inquiry. This inquiry will provide advice on what more the ACT government can do to close the equity gap in student outcomes. This inquiry will draw on the important work that has already been going on—some of it visible to the public and our school communities, and some of it behind the scenes.

Back in June this year, I asked the Education Directorate to provide me with advice on further opportunities to support literacy and numeracy outcomes in ACT public schools, because I know from my conversations with ACT community members that there are some big issues impacting students and schools right now: the national teacher shortage, the after-effects of the COVID-19 pandemic, the cost of living, student wellbeing and mental health. That is just to name a few.

As student representatives at my Future of Education Ideas Summit said time and again last Friday, it is not possible to separate the mental, emotional and social wellbeing of students from their academic outcomes. This is a complicated question, and one that traditionally has been overlooked in education. Governments across Australia are grappling with how to do this better, and I think it is fair to say that we all have more work to do.

Last month I also wrote to a number of academics asking for advice on how we uplift literacy and numeracy outcomes in all ACT public schools. These ongoing

conversations will complement and be considered alongside the advice that I will receive through this independent inquiry.

Mr Hanson has referred to the work that a number of states are doing across the country; however, our system is unique. Whilst we will learn from the work that other states and territories are doing in this space, and certainly in the national frame with education ministers from across the country, the solutions for the ACT will be the ones that best suit our school system.

This inquiry will need to hear from a range of voices in education: academics, educators, unions, parents, carers and students. While the focus of our discussion in the Assembly today is on literacy, the inquiry that I will establish will not be confined to this issue, because there are equity issues to explore in numeracy outcomes as well. We will take a long, hard look at those, too, because numeracy outcomes are equally important for setting up our young people for success.

This inquiry will provide its independent advice to me, and I will table its full report in the Legislative Assembly by the last sitting day of June 2024. There have been countless inquiries into literacy performance, teaching and learning in the Australian context over the past 20 years. A quick scan yesterday found over 20, and I am sure that is nowhere near the full extent. This inquiry will not rehash that well-trodden ground. The evidence from around the world already tells us what makes a difference in literacy and numeracy outcomes: it is strong school leadership, differentiated teaching practice, high-quality assessment, access to meaningful data, and support and resources from experts.

This inquiry will also provide practical advice about how we implement the evidence to do even better than we already are. It will take a look at what is happening in ACT public schools right now and give suggestions on how we can build upon our excellent starting point to be even better.

I know that it is tempting to want to get a quick fix in education for the sake of a flashy media announcement with a glossy brochure. That would be the easy thing to do. But there is a reason why teachers are required to be highly qualified university professionals. It is because it is not an easy job to teach the next generation. It is not easy to stand in front of a class of 20 children who are all at different points in their learning journey, and may have different things going on at home, and to fully engage every single one of them in their learning.

When a teacher stands up in front of a class of children and young people, a one-size-fits-all approach will not help every student to achieve their potential. Doing that will leave some behind and disengage those who are ahead of the curve, so I am always wary when economists or others without qualifications in education try to sell magic solutions. When we have a national teacher shortage and increasing student complexity, translating theory into reality is just not that simple.

That is why education ministers nationally are having these long and serious discussions about how we ensure university degrees better prepare our teachers for the practical realities of the classroom and what else we can do to support them, and ,

keep them there, once they get there. It is why the ACT developed Affiliated Schools, our nation-leading partnership with the University of Canberra, to provide prospective teachers with a high-quality, professional experience while they study, because we know that high-quality teaching is the biggest influence in school on student outcomes.

I am proud of the ACT's professional teaching workforce. I have always backed them, and I always will back them. Education is the engine room of our community, and it is our teachers who keep that engine running. When you talk to students, they intuitively get this. They want strong relationships with their teachers, because when a teacher encourages a student's passions and has the time to connect with and understand them as an individual, our children and young people thrive.

I look forward to receiving the advice of this inquiry on how we can help and better support our world-class teachers to close the equity gap and continue lifting the literacy and numeracy performance of our less advantaged students, while maintaining high performance for all students.

I again thank Mr Hanson for bringing this motion to the Assembly today and for the conversations we have had—or missed, and then had this week. I also thank the Greens for their contributions. I particularly want to acknowledge the positive work that will come out of this. We are all proud of our public schools and the education they provide—in particular, the teachers in delivering it, and we want to do our very best for them. I move:

Omit all text after that “That this Assembly”, substitute:

“(1) notes that:

- (a) the ACT is the highest performing Australian jurisdiction in reading literacy, as measured through international assessments PISA and PIRLS;
- (b) promoting greater equity in learning outcomes in and across ACT public schools is an ACT Government priority, and has been one of the ACT Education Directorate's strategic objectives since 2018;
- (c) the equity gap in reading narrowed between 2018 and 2021;
- (d) however, 2022 data shows the equity gap in reading has widened, confirming that the sustained duration of the pandemic has had a more significant impact on the learning of less advantaged students in the ACT;
- (e) this system level outcome requires a system level response; and
- (f) hard working and dedicated ACT Government school leaders, teachers, support and administrative staff are passionate about achieving the best outcomes for ACT students, and should be supported at the system level to provide the right supports to students who are performing at all levels in their classrooms; and

(2) calls on the ACT Government to:

- (a) conduct an independent inquiry into literacy performance in the ACT that provides advice on how results and supports for educators and

students could be enhanced, and works with and reflects the views of academics, educators, unions, parents and carers, and students; and

(b) table the inquiry's full report by the last sitting day in June 2024.”.

MR DAVIS (Brindabella) (3.30): I thank Mr Hanson for his motion today and for the opportunity to talk about literacy education in our schools. I thank Minister Berry for her circulated amendment and the collaborative work with my office on it. I make it clear from the outset that the Greens will support the amendment.

Our schools play a pivotal role in our society, equipping children and young people with the knowledge and skills needed to thrive in life. These children and young people are the decision-makers of the future. One day they will be sitting in this place making decisions on behalf of our city. The long-term future of people and our planet hinges on the opportunities that we can provide to children and young people in school today.

The ACT Greens believe that everybody should be able to access high-quality, equitable, secular education that meets their needs and aspirations, and that provides them with the skills and capacities to meaningfully participate in society. We believe that learning is a lifelong process that is fostered in both formal and informal settings, and we believe that it is the responsibility of government to ensure the provision of high-quality, well-resourced, safe and secular learning environments for all students. These principles are enshrined in the ACT Greens 2020 policy platform, and we strive continuously to achieve this goal.

I know that, despite the differences between our parties, all members in this place share these goals and want the best opportunities for Canberra's children and young people. What we differ on is how to get there. These goals cannot be separated entirely from the structure of our education system, with students and funding divided across public and various types of private schools. While the majority of students are still enrolled in government schools, at 65 per cent, parents, carers and students are increasingly choosing non-government education. Private school enrolments have grown by 35 per cent over the past decade.

As I have said before in this place, I do not want any Canberran choosing a non-government school out of fear that their local public school is not good enough. I do not want anyone to feel like they have to send their kids to a private school in order to give them the best chance in life. But I do want our students in every single school, regardless of its denomination, to be proud of their school and to receive the very best education possible.

So many things determine a child's outcome at school. Data consistently shows that students' socio-economic background and that of their peers is likely to influence their academic outcomes. We know that if they fall behind their peers academically, many will struggle to catch up in the later years of school.

Of course, students should finish their education ready to fulfil their hopes and dreams, and that hinges on a lot more than just academic achievement. Young people need diverse experiences, emotional maturity, strong social and family supports, good mental health and a sense of optimism and excitement about the next phase in their

lives. That is a lot to ask of our young people, and it is also an extraordinary amount to ask of our hardworking teachers.

The pandemic has had a profound impact on children and young people. Many kids, effectively, missed out on two years in the classroom, and the younger students might have done their first few years of schooling entirely online. Many young people felt high levels of anxiety at returning to school or stepping into the classroom for the very first time after the pandemic. The pandemic is just one of the many challenges that our young people are facing that has the potential to impact on their education.

I might be younger than most people in this place, but I am still blown away by today's youth and their intelligence, empathy and wisdom. Most young people will tell you how worried they are about their future, about a changing climate, about their ability to afford a home in the future and about the impacts that disproportionately fall on them in this inequality crisis.

Education research in the United States revealed a general increase in student misconduct and violence since before the pandemic. This has implications for students' attendance, with students who feel unsafe at school having worse attendance rates. Teachers who experience the threat or reality of violence from students are more likely to leave their teaching positions. Our schools must be safe places for our students and educators.

The inequality in our education funding model means that wealthy private schools still receive an exorbitant amount of funding, leaving states and territories struggling to make the systemic reforms where they are needed in state schools. Not every problem can be solved with more funding, but more equitable education outcomes for young people could certainly be improved with reforms to this country's education funding model. In fact, our public schools are only funded to the level where we expect 80 per cent of students to reach minimum standards. I want us to demonstrate with our wallet that every student can and should reach minimum standards and, if they do not, it cannot be because we have made it impossible for them through funding constraints.

At the centre of all of these challenges are honest, hardworking teachers who are doing their very best. I will not allow anyone to doubt the goodwill and passion that educators have for making a difference in the lives of young people. Our teachers have hard working conditions. They are exhausted, overworked and need more support than ever to ensure a safe teaching environment.

As the Australian Education Union has said, teacher working conditions are student learning conditions. Teacher shortage is a symptom of schools being understaffed, under-resourced and under-appreciated. This leads to unavoidable practices like collapsing classrooms, with the risk of compromised learning outcomes and a greater risk of classroom violence. They are doing the best they can, but they are ill-equipped to manage some of the stressful circumstances that young people can find themselves in, whether it be dealing with a mental health challenge, coming to school hungry or coming to school fleeing a home from violence. It is our responsibility to put the necessary supports in place so that teachers are enabled to do the very thing we pay them for—to teach.

I commend the ACT government on its recent \$200 million investment in making ACT teachers the best-paid teachers in the country. I have always been a strong advocate for our teachers union, and they are championing more respect for our educators. I hope and expect that the recent teachers' enterprise agreement will improve the conditions, supports and job satisfaction of every teacher in the territory, and have positive flow-on effects for our young people. Our educators should not have to be de facto social workers, youth workers or mental health workers.

I draw attention to these challenges not to distract from the matter at hand—literacy—but to paint a picture of the context in which teaching and learning to read take place. We cannot separate teaching methods or students' academic outcomes based on standardised testings from the plethora of overwhelming challenges that are facing our educators and students.

We know how important literacy skills are. Good literacy is foundational alongside good numeracy skills and critical thinking. I am not going to stand here and say that we could not do better on literacy measures; of course, we can. But I am also not going to stand by while our educators and our students are unhelpfully criticised. They are doing their best, and it is our responsibility to help them do better.

Let us take a brief look at some data. PISA results, or the Program for International Student Assessment run by the OECD, show an increase in the amount of high performing readers in the ACT from 2015 to 2018 and a correlated decrease in the amount of low performing readers. On another test, the Progress in International Reading Literacy Study, the ACT has the lowest proportion of students not achieving minimum standards anywhere in the country.

It is also true, however, that we have seen a decline in year 9 reading levels over time through NAPLAN results. PISA data shows that the ACT has the smallest percentage of students in the most disadvantaged category, and the largest percentage of students in the least disadvantaged category compared to other states and territories, but the ACT also has the strongest association between economic, social and cultural status in reading and literacy performance. We do not have a gap between the learning outcomes of advantaged students and disadvantaged students. It is true that a greater proportion of students whose parents are educationally disadvantaged did not meet year 9 reading proficiency benchmarks compared to students whose parents are educationally advantaged. However, NAPLAN results for 2023 showed that for reading achievement, the ACT has the largest proportion of students in the highest category of "exceeding" in all tested year levels.

That may sound like a bit of a jumble. What does all this mean? What it means is that accurately measuring literacy in schools is complex. We have a number of different measures—some, like NAPLAN, that have changed recently—and a huge range of views on the importance and value of different testing methods. Not all tests are created equal. There are limitations on how these datasets can be used and their connection to real life experiences. No two students are the same. Each brings their own unique experience, skills and areas for development to the classroom. Not all students learn the same. I am concerned about an outcome where our teachers cannot tailor education to students' needs. There are a considerable number of people in our community who are concerned about how our students are benchmarked. That does

not mean that these statistics have no value; of course, they do. It only means that they are one of several useful indicators about where our young people are at in their educational journey.

There are clearly different schools of thought on the best way to teach reading. Ultimately, it does not do our schools, our students or our educators any good to paint the literacy situation in the ACT as disastrous, nor is it defensible to say that there are no ways we could improve and there is nothing to see here. I do not believe that we will get to the bottom of these challenges and develop solutions today. And, frankly, I do not think the people in this room are sufficiently qualified to do so.

The 2018 report on Australia's PISA results identified other interesting observations from ACT schools. Students in the ACT reported a more favourable disciplinary climate than students in Victoria, South Australia, the Northern Territory and Tasmania. They also reported greater levels of fear of failure than students in other jurisdictions. Independent schools generally reported a greater fear of failure than government school students. We know that students who experience difficulty reading can develop anxiety about their reading capability, which risks becoming a negative cycle of reading avoidance, difficulty concentrating and even acting out in class.

What I hope we can all agree on is that reading is a fundamental skill that every young person in Canberra needs and deserves. The ACT Greens believe in evidence based decision-making. We believe in transparency, accountability and integrity in the decisions the government make and how they make them. That is why we support a call for an independent inquiry into literacy teaching in ACT schools.

In my discussions with Minister Berry's office about this matter, I made clear the expectations of the ACT Greens, which are that an inquiry takes a genuine look at how we teach reading and commit to consulting with all key local stakeholders, including teachers, parents, carers, students, teachers unions and experts, on what improvements can be made. There is no use in having an inquiry with a prejudiced outcome that talks only to people who will say what we want to hear, nor is it useful to have an inquiry report that never sees the light of day. We are pleased to see the minister's commitment to an independent inquiry with integrity and the commitment to tabling the full report in the Assembly next year.

This is not the last we will hear of this debate, but I hope the independent inquiry will provide all of us in this place with a frank assessment of where we are on teaching literacy to our young people, and how we can do better. I sincerely hope that this inquiry will help us to move forward on this issue, collectively, with a shared view to deliver the very best outcomes for all young people in the territory.

MS LEE (Kurrajong—Leader of the Opposition) (3.42): I thank Mr Hanson for moving this motion today. Our children deserve the very best future. I think all parties in this place and all members in this chamber can agree on that. But the latest NAPLAN figures do paint a concerning picture for our students here in Canberra, when we have one-third of ACT students that were below the level expected in reading and numeracy at the time of testing. What is even more concerning is that our disadvantaged students continue to fall further behind.

Literacy levels in the ACT have fallen over the past 20 years. That is right: they are worse than they were 20 years ago. The system is clearly not working. This is despite the best intentions and efforts of our hardworking teachers and our hardworking principals. This Labor-Greens government has failed our school students, it has failed parents and it has failed our community. These are the facts, and this Labor-Greens government cannot blame anyone but themselves, because the entire time that they have been at the helm of our education system our literacy levels have been declining. So, whilst it is good to see Ms Berry's amendment that agrees to the independent inquiry that Mr Hanson has called for, it is interesting to hear the contributions that Ms Berry has made about her glowing record.

In the recent Equity Economics report *Raising the grade*, we saw the failures of this government's education system laid out in black and white. The report showed that one in three 15-year-old students in the ACT fell below the Australian proficiency benchmark for reading. And, last year, one in five year 9 students in the ACT were at or below the NAPLAN national minimum standard for reading, which means that they are reading at a year 6 level or below.

The most concerning aspect of the latest literacy figures, perhaps, is that the gap between advantaged and disadvantaged students has worsened. The equity gap for students in the ACT, as Mr Hanson has already pointed out, sits at 1½ years in year 3. But what does become alarming is that it extends to a four-year gap by the time students reach year 9. Sadly, all the evidence shows that students that are left to fall behind in their schooling, of course, will have a very challenging time in catching up. The one silver lining here is that there is a significant body of evidence which shows the incredible improvements that can be made when schools introduce high-quality, research based literacy instruction measures, including the use of phonics.

The Canberra Liberals have been concerned about literacy rates for some years and have raised these concerns with the Labor-Greens government many times over many years. During the previous Assembly, as shadow minister for education, I quoted several independent reports that had raised significant concern about the ACT's sliding academic standards and NAPLAN results.

In fact, back in the 2019 annual reports hearings, when I raised concern about the declining performance of ACT schools in literacy, I was assured by officials that extensive work was being undertaken to support teachers and to invest in school leadership; yet, four years later, nearly all of the other jurisdictions in the country have made progress on improving literacy, including the use of phonics testing for students, to provide early intervention for those that may be struggling. The evidence speaks for itself: when other jurisdictions act and introduce evidence based literacy instruction methods, including the use of phonics for early intervention, the results are clear.

Mr Hanson very helpfully outlined what has been happening in some of the other jurisdictions—the programs that have been brought in to improve the literacy rates—and Ms Berry said that we are “unique”. But we do not need to go outside the ACT to see that it works. The Catholic school system have introduced their own program to improve literacy, the Catalyst program. This is a system-wide transformation of approaches across its schools aimed at improving literacy, and what we have seen is quite exceptional.

In 2019, 42 per cent of Catholic schools were underperforming in reading. By 2022, only four per cent of Catholic schools were underperforming. That is a stark turnaround—an amazing improvement in just three years. We know what can be possible with the right support, resourcing and leadership from the ministerial level. For too long Ms Berry has ignored the concerns that have been raised and the evidence that backs the experts who have been calling for an evidence based approach to improve academic outcomes for our students.

We are the nation's capital, and it is not acceptable that one in three 15-year-old Canberrans are not meeting the national benchmark for reading. That is just not acceptable. Whilst we all agree that there is no silver bullet or one size fits all, until now Ms Berry had not even been open to considering what might be wrong, so I do welcome her approach today in working collaboratively with Mr Hanson on this motion and the amendment.

I also note that the Australian Education Union has welcomed this inquiry, which will provide an opportunity to debunk some of the perceptions that may exist out there on how literacy is taught in ACT schools.

A good education is a core foundation which sets our children up for success in the future. Mr Hanson's motion says, "Let's do what other jurisdictions have done; let's have an independent inquiry and look at what is not working and what might work." It is the least that we can do. We owe it to our teachers, we owe it to our students, and we owe it to our community.

I commend Mr Hanson's motion to the Assembly.

MRS KIKKERT (Ginninderra) (3.49): I strongly support Mr Hanson's motion calling on the ACT government to conduct an independent inquiry into literacy performance in the ACT. Literacy is the foundation of all other learning. Poor literacy blocks educational pathways and limits work and personal growth, impacting families and society. Literacy outcomes in ACT schools have been in decline for 20 years and, therefore, cannot be blamed on COVID-19.

I share data from just one school in my electorate: Kingsford Smith in Holt. In 2016 students were close to average across five of 16 literacy domains consisting of reading, writing, spelling and grammar as tested in years 3, 5, 7 and 9; below average in 10 of 16; and well below average in only one. By 2019, students were below average in three literacy domains and well below average across the remaining 13! Sixty-two per cent of students at Kingsford Smith School are classed as disadvantaged, but that cannot explain these outcomes. These averages specifically compare students from similar backgrounds. Equally disadvantaged kids across Australia are learning more reading and writing skills than kids in my electorate in West Belconnen.

As a member for Ginninderra and the mother of five children who have all attended public schools, I cannot accept this poor outcome. As shadow minister for Aboriginal and Torres Strait Islander affairs, I likewise reject this government's failure to help Indigenous kids succeed. Fewer year 10 Aboriginal students continue on to college. Of course, of those who do, fewer than two-thirds earn year 12 certificates—26 per cent fewer than other kids. Poor literacy may have a role in these outcomes. We need

an inquiry to clarify what is going wrong and what must change. Students and families, our dedicated schoolteachers and administrative staff are all crying out for more clarity and better support to improve literacy in this territory. I commend this motion to the Assembly.

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) (3.52), by leave: Just briefly, I feel the need to correct the record, with both Ms Lee and Mrs Kikkert suggesting that somehow the ACT schools are performing differently to every other school in the country.

Every other school in the country has declined in literacy and numeracy over the last 20 years. ACT does not stand out and should not be made to be applying itself differently compared to every other school in the country. We are a unique system, and we should be proud of the uniqueness of our system celebrating 50 years as a system that moved away from New South Wales and developed its own journey.

I just needed to correct the record there to suggest that the ACT was the only school in the country that has declined in literacy and numeracy outcomes over the past 20 years. It is every single school in this country. That is why state and territory ministers are grappling with this issue around wellbeing, how it connects with the outcomes in literacy and numeracy and what we can do as a federation to ensure that all our schools are performing as best as they possibly can for every single student, regardless of their backgrounds. I thank you for giving me the chance to clarify that.

MR HANSON (Murrumbidgee) (3.53): I would like to thank the minister for her contribution and broad support for what we are trying to achieve here today. To you, Mr Assistant Speaker Davis, thanks very much for your support from the Greens as well for this. I would like to thank my colleagues, Ms Lee and Mrs Kikkert, for their contributions as well. We will be supporting the amendment from the minister. I will not get into a debate about the “notes” section, which has changed. We would be here all day talking about that, perhaps. I refer you to the paper I published a couple of years ago that provides an excellent analysis on that, but I will leave you to read it as a bit of bedtime reading.

What I think is important is to focus on the outcome today is in the “calls on”, and that is a unified agreement from this place. We all agree that the government is going to conduct an independent inquiry. I thank the minister and I thank the Greens for their support on that. I do think it is important. At the end of the day, this is not actually about us; this is about those kids out there in our great public schools who deserve the very best and hopefully, through an inquiry, we can make sure we are delivering the very best when it comes to their outcomes in literacy.

I look forward to reading the report when it is tabled next year. In many ways that will be step 1 in this process. Step 2, then, will be making sure that we, in the lead-up to the election next year—I am sure we will use that report from all parties as a bit of a guide in terms of what needs to be done to make sure we can actually address some of those

issues that we have talked about with literacy. I will not bang on, you would be glad to know. I will leave it there, but I just say I am very delighted by the outcome here today.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Papers

Motion to take note of papers

Motion (by **Mr Assistant Speaker Davis**) agreed to:

That the papers presented under standing order 211 during presentation of papers in the routine of business be noted.

Statements by members

Small business—restaurants

MRS KIKKERT (Ginninderra) (3.57): I wish to congratulate the chef, Rina, and her partner, Corey, in opening up their own Japanese ramen bar, Muku Ramen Bar in Scullin. I first met Rina and Corey months ago when I saw them working hard in renovating their restaurant and turning their vision into reality. I quickly offered help. Rina and Corey are amazing people and have created an amazing restaurant. Muku Ramen Bar will open this Saturday with a limited menu. Congratulations again, Rina and Corey.

Small business—Network One

MR CAIN (Ginninderra) (3.57): I want to give a shout-out to a—perhaps not very well-known except to its members—business networking group called, creatively, Network One. They meet weekly at the Deakin EQ Cafe & Lounge and it was my delight to attend there earlier this month. I have attended their events previously. Network One particularly brings together small businesses with a focus on professional services, but it is quite a variety of small business operators—often sole traders—and it is great to see them coming together to support each other. It is a bit of a challenge running small to medium businesses in the ACT, but we have a variety of activities. Businesses that are represented include: plumbing, gardening, cleaning, the professional services in law, accounting, insurance and finance, computing and IT services unsurprisingly, electrical, real estate, renovations, travel agents and business coaches. I just want to acknowledge our small business community and encourage anyone who wants to know a bit more about Network One to look them up on Google or come and have a chat with me.

Discussion concluded.

Adjournment

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

That the Assembly do now adjourn.

Australian Hotel Association ACT—Hospitality and Accommodation Awards 2023

MR CAIN (Ginninderra) (3.59): I think many of the MLAs would be aware that our hospitality and hotel industry certainly took a great battering during the COVID-19 restrictions period, so it was a delight and special treat to attend the Australian Hotel Association ACT 2023 Hospitality and Accommodation Awards earlier this month at the beautiful and picturesque Arboretum.

I will not take up members' time with reading out the winners of all 34 awards, but I do want to give a particular shout-out to just a couple, including the Mercure Belconnen—obviously a hotel in my electorate, so it was delightful to see two awards of the night go to staff at that hotel: the Housekeeper of the Year, Erica Saunders, and the HR Talent of the Year, Lynda Bailey. Well done to that Belconnen hotel.

I do know—and I have not got the final detail on this—that a Ramada Hotel won. There are two in Canberra, one in Belconnen and one elsewhere. Unfortunately, I cannot provide the detail of whether the particular award winner was the Belconnen one or the other one, or whether it was actually the both of them—but, to the Ramada Hotel, Mid-Range Hotel of the Year, congratulations!

It was obviously a very networking-focused evening. Basically, it was not a sit-down dinner, as MLAs who attended would have known. I certainly enjoyed being in company with Ms Castley, our shadow business minister, at this event. While I got to network and meet with many of the nominees, it was good to meet up with two of the winners and get a photographic memory with them, so I will give them a special shout-out as well. The Best Burger Award—this might attract the MLAs here!—was won by The District in Crace. What is considered the prestigious and final award issued of the night, the John Press Award, was awarded to Peter Barclay from King O'Malley's—obviously a hotel located not far from here.

It is a real acknowledgement and encouragement to our hotel and accommodation industry in the ACT. They do so much for tourism and event organising, and obviously locals use their services as well. They are often accompanied with a cafe or restaurant and provide conference areas for meetings. I want to thank the Australian Hotel Association ACT for their invitation and look forward to further engagement with them.

Electoral and Road Safety Legislation Amendment Bill 2023

MR BRADDOCK (Yerrabi) (4.02): I will talk directly to some errors in the government's response and the committee's recommendations on the Electoral and Road Safety Legislation Amendment Bill 2023.

Firstly, I would like to flag an incorrect assumption made by the government in its response. Noting recommendation 2 on the double reporting of donations, it says:

It is noted that the Committee recommended that gifts received by MLAs should only be disclosed as part of the party's annual return, whereas ACT Labor and the Canberra Liberals recommended these be disclosed only in the MLA's annual return. It is assumed this recommendation should have referred to these

gifts only being reported as part of an MLA's annual return, as the Committee's comment adopted the reasoning of ACT Labor and the Canberra Liberals when indicating these should be reported as part of the MLA's annual return.

I would like to state that this was not a drafting error. The recommendation was inverted by the committee at my request, precisely because of the matters the government identifies in the rest of their response to this recommendation. If we were to proceed to single reporting of donations, it is important that this be done in the context of party-level aggregations of value and whether they meet the reporting threshold, rather than allowing MLA returns to obscure what a party is currently required to report.

Next, on the government's response to recommendation 11, there is a gap in understanding as to the nature of the problem. The relevant section states:

Amending the definition of 'electoral matter' to align with the Commonwealth definition could have the negative unintended consequence of significantly expanding the amount of expenditure a political entity may incur. This would undermine the policy objective of having an expenditure cap as it could result in parties, MLAs and candidates claiming more of their published material falls outside the definition of electoral matter.

As another example, the definition of electoral matter is critical to many of the campaigning offences in the Electoral Act, which carry criminal penalties. Proper policy consideration of how an amended definition could impact on these offences would need to be undertaken, with consideration being given to criminal law and human rights policy.

This unfortunately has it backwards. It is actually the opposite, and my office has been trying to emphasise this point. PhD candidate Mark Fletcher's submission emphatically points out how our current definition of electoral matter is actually quite problematic and creates the very problems that the government seems concerned might arise in trying to fix it.

In terms of how it impacts a party's electoral expenditure, adopting the commonwealth definition would actually reduce the amount a political party can spend as it would be broadened beyond the concept of just advertising. Since the two old parties hit the cap every election, and more would come within the scope of the cap, the amount they would be able to spend will come down, so the logic is backwards.

It is also evident from the response that the risk appetite is extraordinarily low, particularly with matters regarding the Constitution's implied freedom of political communication. Against recommendation No 3, the entire justification in noting the recommendation that we should, as I put it, have an actually functional definition of a "foreign entity" is that there is a risk that it may be challenged.

There is a risk either way. We are dealing with common sources of corruptions and putting in measures to limit its influences. There is equally a risk of not acting to put in place meaningful tools to discourage the clandestine behaviour and to bring it into the light; and, of course, there will be a risk that anything meaningful will be challenged as part and parcel of the job of dealing with shadowy operators and taking

away their toys. An ineffectual law will never be challenged. An effective law that restricts influence by a privileged, powerful few will always be challenged.

This does not just apply to foreign donors. It also applies, as this Assembly has previously agreed, to property developers. Those laws need to remain robust without creating backdoors for donations that improperly influence our democracy, such as the kind opened by the Morrison government, which the former Attorney-General of the ACT, Gordon Ramsay MLA, supported in challenging in the High Court.

It also applies to a whole range of domestic sources of political influence. In an ideal world, the Greens would like to see the political donations system shut down entirely, thereby severing the problems created by the human instinct of reciprocity and substituting it with a system of fully publicly funded elections, but, failing that, the Greens are very keen to continue advancing the categories of prohibited donors into the most obvious sources of negative influence.

Before I wrap up, I would like to make one last observation regarding No 6, regarding overseas electors. It states:

The ACT Government notes the Electoral Act also includes a safeguard at section 129(2) which provides that being overseas at the time of an ACT election is a valid reason for failing to vote. Overseas voters would not face a fail to vote penalty where overseas e-voting is suspended and they are unable to cast a vote.

Forgive me in my cynicism, but the principle of compulsory voting does not seem to apply to overseas electors. *(Time expired.)*

Aboriginals and Torres Strait Islanders—Voice to Parliament referendum

DR PATERSON (Murrumbidgee) (4.07): I want to speak this afternoon in the Assembly to acknowledge and provide some reflections on the result of the Voice referendum. I firstly wanted to pay my respects to Aboriginal and Torres Strait Islander people. Always was and always will be Aboriginal land.

I personally was absolutely gutted by the national result. I felt it was a reasonable ask from Aboriginal and Torres Strait Islander people for constitutional recognition and a voice to parliament—a non-binding body to advise on issues affecting Aboriginal and Torres Strait Islander people.

I tried many times in my discussions with individuals and through the Assembly to convey through words the depths and scale of disadvantage facing Aboriginal and Torres Strait Islander communities that I have seen firsthand. I truly believe that things have to change and that we need to try something new, and I saw the referendum as an opportunity to do exactly that.

While Australia issued a decisive no, the ACT was the opposite. The ACT was the only jurisdiction to vote yes, with 60.9 per cent voting yes. That result was even higher in my electorate of Murrumbidgee, with a count of the Murrumbidgee booths on polling day showing a 67 per cent yes vote. I am incredibly proud of the Canberra community.

I want to share some extracts from an open letter that was circulated to members of parliament, the Australian public and media, stating the collective thoughts and insights of a group of Aboriginal and Torres Strait Islander leaders, community members and organisations that supported the yes vote. I want to amplify some of the points through that letter. The letter states:

Aboriginal and Torres Strait Islander peoples are in shock and are grieving the result. We feel acutely the repudiation of our peoples and the rejection of our efforts to pursue reconciliation in good faith ... It will remain unbelievable and appalling for decades to come.

The letter acknowledges the resounding yes vote in discrete and remote Aboriginal and Torres Strait Islander communities around Australia. The letter states that, even though the majority of non-Indigenous voting Australians have rejected recognition in the Australian Constitution, the country is still their land. Those who wrote the open letter draw our attention to the Constitution belonging to the founding fathers and that this founding document, which does not recognise the First Peoples of this country, continues the process of colonisation.

The letter notes that, after a decade of bipartisan support, support for the referendum collapsed after our National and Liberal Party leaders chose to oppose the proposal. The letter draws attention to the lies and misinformation and the no campaign being funded by conservative and international interests. The letter notes the perpetual racism against First Nations people. They state the campaign slogan “If you don’t know, vote no” gave license to the abandonment of civic responsibility. The authors of the letter condemn post-referendum commentaries that exonerate those who voted no. The letter also thanks the 5.51 million Australians who voted yes to constitutional recognition.

I do not think we have even halfway started unpacking the impacts and ramifications of the referendum. But what I do know and can speak to is that Canberrans strongly support reform to address the systemic disadvantage that Aboriginal and Torres Strait Islander people face. Let us hold that unity and hold that powerful strength to keep momentum here in the ACT, to see that the referendum result here in the ACT ignites a fire to walk together in the journey for justice, truth and equity in outcomes for all.

Finally, to the Aboriginal and Torres Strait Islander community here in Canberra, to those that worked so hard and were so committed to the yes vote, I am sorry about the outcome, but your work was not in vain.

Environment—microplastics

MS CLAY (Ginninderra) (4.12): This week we have had a fantastic work experience student from Radford in our office. It has been a real pleasure hanging out with her and getting her perspective on the world. She has joined us for question time, for drafting some legislation, for some interview preparation and, of course, for the all-important snacks. She has also written for me an adjournment speech. I will read that speech now. It is about microplastics.

“Microplastics are tiny pieces of plastic, either broken off from larger pieces or purposely manufactured, such as microbeads or the tiny plastic beads found in cosmetic products, body wash and face cleansers. Microplastics also include microfibre, which is shed from textile items in our clothing. These microplastics end up in our oceans and they are ingested by our marine animals. Ninety-two per cent of the marine plastic pollution on the surface of the ocean is microplastic.

The ACT government has banned microbeads in rinse-off personal care items like bodywash, which is really good news, but we still need to do something to tackle the other types of microplastics. In order to tackle microplastics completely, we need to continue to phase out single-use plastic not just here in the ACT but in the whole of Australia.”

It is really great that we have the opportunity to have work experience students. I think it always gives us a good perspective on what our youth are interested in.

Multicultural communities—Canberra Sarbojonin Puja and Cultural Association Education—literacy

MRS KIKKERT (Ginninderra) (4.13): I want to express my profound thanks to the Canberra Sarbojonin Puja and Cultural Association. CSPCA is a non-profit organisation that has celebrated Puja and Bengali cultural events since 2018. Recently, CSPCA has become an incorporated association.

Last Sunday, CSPCA, the organising committee, along with their enthusiastic volunteers, dedicated their time, effort and talent to make Sri Sri Durga Puja a wonderful celebration. It is the unwavering love and honour that has allowed many of us to gather together last Sunday in a spirit of joy and devotion. I discovered that Sri Sri Durga Puja is not just a religious festival. It is a cultural extravaganza and a time when we come together to celebrate the triumph of good over evil, light over darkness. It is a reminder that within each of us exists the strength and courage to face life’s challenges with grace and determination.

I want to thank the men for cooking the meals. How wonderful it was for the women to take a break and not have to do that! I also want to thank the participants who graced the event with their talent and devotion. Their great example of love and honour is not missed, and it is highly appreciated by others who attended. The participants, volunteers and the community members who attended definitely enriched the event but also strengthened the bonds of unity and friendship that makes our community a vibrant and an inclusive one. I thank again Jotish Roy, president of the Canberra Sarbojonin Puja and Cultural Association, for a wonderful Sri Sri Durga Puja event.

In closing, I would like to correct the record of the Minister for Education trying to correct me on my speech in a recent motion on the decline of literacy. I gave an average from schools with similar backgrounds. I specifically compared it with other schools in the nation, as I said in my speech. So, if there has been a decline across the whole nation, then the decline here in the ACT has been far worse than in other jurisdictions.

Mental health—alcohol and other drug use disorders

MS LAWDER (Brindabella) (4.16): We have been talking quite a bit this week about the upcoming drug decriminalisation laws which come into effect this weekend. We have talked a lot about it with respect to mental health assistance available to people with co-morbidities, who may have mental health disorders as well as substance disorders and the need to have the right health and mental health support available to them. I would like to remind everyone here that, in December 2021, I gave an account from a local family in my electorate, whom I know very well, which highlights these issues. I am going to read it out again today. I will read it as it was written to me then in late 2021. It said:

Mine and my family's experience with my husband's issue with mental health and substance use disorders have resulted in years of frustration, helplessness, and isolation. After being diagnosed with severe generalised anxiety and moderate depression in 2016, despite displaying symptoms for a number of years, we have been navigating the rollercoaster of services, or lack of services, for many years.

Despite regularly seeing his GP and a psychologist fortnightly and seeing a psychiatrist, costing thousands of dollars, my husband unfortunately turned to alcohol to self-medicate. This self-medication increased over the years, resulting in a severe addiction which has now caused a number of issues.

Firstly, physically: a number of physical issues, such as pancreatitis; cirrhosis of the liver; insulin-dependent diabetes; epilepsy; and a number of falls, including one in Canberra Hospital, resulting in a stay in ICU and multiple surgeries.

Secondly, financially: dealing with multiple ambulance bills; medications for issues that could be prevented with appropriate support and care; and lack of income from inability to work.

And thirdly, emotionally: as a family who is having to navigate the system alone and only encountering roadblocks in getting assistance, with no hope of actually accessing anything. It has been frustrating and demoralising and makes us feel utterly unsupported and alone.

On average, over the past three years, he has been hospitalised eight times a year. Each time he has been hospitalised, we have been frustrated by the lack of support and assistance; the lack of communication with family members, particularly during COVID when no visitors were permitted; as well as lack of communication provided between departments in ACT Health and Canberra Hospital, which has meant that his comorbid issues have not been even looked at, let alone addressed or treated.

Each time he has been hospitalised, only his physical issues were treated, leaving him discharged more vulnerable and in a worse state with his mental health and addiction. The most recent example was when he was hospitalised only one month ago. He was taken to hospital by ambulance on the night of 31 October. The next morning, he begged for the alcohol and drug team to visit and to be admitted to the detox ward. He was visited in the emergency department and told there was no availability, and was discharged with no support or information. He

did not make it off the hospital grounds before he collapsed, and a member of the public found him and called an ambulance, which transported him back to emergency less than eight hours after he was discharged.

The next morning at 5 am, he called because they wanted to discharge him again. Concerned for his welfare, I spoke to the nurse on duty and asked them to do a mental health assessment due to what had happened the previous night, worried he would again try to hurt himself. The nurse agreed. However, less than an hour later, he was discharged without this assessment, and again without any information or support.

We have been trying for months to access residential rehabilitation to deal with the immediate issue of alcohol addiction, knowing this may not deal with the underlying mental health issues that caused the addiction, but desperate for any type of help. As a family, we have had to navigate this system alone and scared without any supports, requiring months of waiting and jumping through numerous hoops.

We have tried to access drug and alcohol support, both while he has been admitted in hospital and from home, but have been frustrated with long wait times and availability or lack of availability. Each time he has been hospitalised, we have been seen by a member of the drug of alcohol team, who we have pleaded with for help only to be told, 'Keep drinking and try and get into rehab because there is no point going through detox if you do not have a residential bed.'

We have now resorted to facilities interstate to get assistance as the system in the ACT has not been able to help us for years. This means further disruption and financial impacts to our family as he is hours away from home.

There is more, but I am out of time. I want to stress that, while we might want to treat addiction as a health issue, we have to have the supports in place to do so.

Question resolved in the affirmative.

The Assembly adjourned at 4.22 pm until Tuesday, 31 October 2023 at 10 am.

Questions without notice taken on notice

Centenary Hospital for Women and Children—staffing

Ms Stephen-Smith (*in reply to a question and a supplementary question by Ms Castley and Mrs Kikkert on Tuesday, 12 September 2023*):

The estimated minimum cost for the period from 14 August 2023 to 11 September 2023 was \$123,504, with an average of \$30,876 per week, providing ten midwives.

These calculations include the accommodation allowance and salary based off that agency member's hourly rate for a standard AM shift. This costing does not include travel allowance as this allowance is typically paid at the end of a contract and no contracts ended during this period.

Longer term agency contracts have recently been entered into to enhance current midwifery workforce with high levels of skill, whilst providing greater stability of workforce. This is providing Canberra Health Services time to continue with recruitment and to develop the midwifery workforce whilst reducing overtime for permanent staff.

Hospitals—cardiology services

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

1) Canberra Hospital separations since 23 March 2023 are as follows:

- 1.4 FTE Staff Specialists
- 0.6 FTE Cardiac Sonographer (Transfer to NCH)
- 2.5 FTE Registered Nurses

North Canberra Hospital (NCH) separations since July 2023 are as follows:

- 1 Visiting Medical Officer
- 0.4 FTE Staff Specialist
- 1.8 FTE Cardiac Sonographers

2) Since the implementation of the Digital Health Record in November 2022, the data and analytics teams have been working to analyse and accurately collate data for external reporting. The impact is that health services data such as that requested is currently not available for external reporting purposes. As previously advised, the Data and Reporting Remediation Project is prioritising the collation of data for national submissions (see response to QON 1428 for further detail on progress).

Parks and conservation—urban rangers

Mr Gentleman (*in reply to a question and a supplementary question by Ms Clay and Mr Braddock on Wednesday, 25 October 2023*):

The funding figures quoted are associated with the Urban Reserves section of PCS. Over the time period the decline in funding relates to a reassignment of one FTE to

other business areas and technical movements in superannuation payments. Despite the stated budget figures, Urban Reserves had 15 ranger employees in 2022-23, at a cost of \$1.9 million for that year. The budget for 2023-24 remains 15 employees.

The Government recognises the pressures on our parks and reserves and has increased the overall number of rangers within the directorate from 38 in 2018-19 to 46 in 2022-23. This has included increased investment in Environmental Offset sites where rangers employed increased from 4 to 10 during that period.