



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**31 OCTOBER 2023**

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**Tuesday, 31 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.

## **Leave of absence**

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

That leave of absence be granted to Mr Pettersson and Mr Davis for this sitting week due to their attending a Commonwealth Parliamentary Association regional conference.

## **Environment—urban conservation areas—update Ministerial statement**

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.03): I rise to provide the Assembly with an update on the work of the government in response to the motion about urban conservation measures that was proposed by Ms Clay and presented in the ACT Legislative Assembly on 2 August 2022.

This motion, led by Ms Clay, focuses on the protection, maintenance and enhancement of our urban conservation areas to benefit the ACT's incredible native wildlife as well our community's wellbeing. I thank Ms Clay for bringing the Assembly's attention to this important environmental matter. While many of us enjoy our local urban parks for the wonderful recreational opportunities that they offer, it is easy to overlook the significant services that these areas provide to our city and our native flora and fauna.

Urban conservation areas, including protected areas in and around cities, are critical tools in maintaining biodiversity and a healthy, balanced ecosystem. Effectively managed areas provide ecosystem benefits that contribute to conservation goals and support human health, including building resilience to climate change, reducing flood risk, filtering air pollutants and providing clean drinking water.

I would now like to address Ms Clay's motion and provide an update on the fantastic work being undertaken by the ACT government on each aspect. The first call is to ensure that all relevant government and community stakeholders participate in existing forums and groups, like the Biodiversity Conservation Forum. Community volunteers provide an invaluable contribution to the protection and enhancement of biodiversity values across the territory. I feel immensely proud that the ACT is home to many passionate Canberrans who are helping to ensure that the natural spaces that we value are maintained for future generations to enjoy.

The significant attendance at the recent ACT Environmental Volunteers Conference is a great example of this passion, commitment and desire to work even harder in partnership with the government. It is only right that thorough engagement with the community is undertaken in relation to the ongoing management of natural assets to ensure that their expectations and priorities are considered. Provision of training for community environmental volunteers is also incredibly important for the continued development of these stewards, as well as a form of reward and recognition.

Two years ago, I established the Biodiversity Conservation Forum, which is a joint group between ACT government officials and key environmental community group representatives. More than 17 organisations are represented at the forum, and member participation continues to be evaluated and grow as required. For example, the inclusion of the Transport Canberra and City Services Directorate as a permanent member in November 2022 means that we are optimally placed to work effectively with all of our stakeholders to strategically manage our conservation areas for the best possible outcomes.

I am also pleased to note that, in February 2023, the Environment, Planning and Sustainable Development Directorate established the Natural Resource Management Advisory Committee to provide community advice on issues pertaining to nature reserve management in the ACT. The committee consists of representatives of key groups, including the Dhawura Ngunnawal Caring for Country Committee, the Conservation Council, ACT region, and Landcare ACT.

In particular, the committee provides advice on Australian government funding for the ACT natural resources management investments to ensure transparent decision-making and enhance investment outcomes. The committee contributes, tests and enriches ideas and acts as a sounding board in providing advice and feedback to the ACT government. I encourage all interested Canberrans to get engaged in improving our environment, whether it is by joining their local community group, attending a community forum or commenting on important plans or legislation via the ACT government Your Say website.

The second call in this motion is for the ACT government to support training, education and signage for the community to better understand the role of urban habitat and grasslands conservation and restoration. I can proudly report that the ACT government continues to support training and education for the community via a number of avenues, including the ACT Environmental Grants Program, which provides funding for community education and capacity-building projects.

This year brings an exciting opportunity for citizen scientists to engage in the assessment of urban biodiversity and habitat condition across 120 monitoring sites in

urban green spaces as part of the Canberra Urban Biodiversity Surveys program. The Ecological Network Dashboard, delivered through Connecting Nature, Connecting People, also provides insights for the community and other stakeholders into areas of likely core and corridor habitat for various wildlife species within urban Canberra.

In addition to these great initiatives, our dedicated Parks and Conservation staff are working to update signage at volunteer sites, providing a further means to communicate activities for the community to get involved in. The ACT government also supports Landcare and the three catchment groups to host community events. These important events contribute to a stronger community connection to nature and provide community members with a better understanding of urban habitat conservation and restoration principles. They also provide valuable opportunities to strengthen relationships between government and community, empowering the community to understand how they can contribute to positive environmental outcomes.

An exciting element of the ACT planning system is the addition of design guides. These guides provide best practice recommendations for development to protect urban conservation areas, including qualitative guidance, tips and examples of how better designed outcomes can be achieved for housing and larger scale developments. These recommendations will increase developer awareness of the importance of grasslands and other ecosystems to help achieve better ecological outcomes.

The third and fourth calls of the motion are centred around ensuring that both internal staff and external contractors have the appropriate support, training and tools to ensure that grassy ecosystems are protected and maintained appropriately. This has been providing us with a wonderful opportunity to strengthen collaboration across ACT government to achieve our common objectives.

Staff across EPSDD, ACT natural resources management and TCCS have disseminated information and provided updated training to mowing-related staff and support teams. This important work will ensure that all staff involved in the on-the-groundwork understand environmental objectives and adjust practices and infrastructure to better achieve environmental outcomes. This work is crucial in assisting us to achieve important environmental outcomes such as protecting rare plants or keeping grass at a height that provides important habitat for our threatened species.

EPSDD's ecologists have also been working with community groups to identify and map ecologically sensitive parts of the urban landscape. This mapping ensures that these areas can be more proactively considered in land management practices and programs, including delivery of the Urban Forest Strategy and the Living Infrastructure Plan.

The last three years of high rainfall have provided a valuable opportunity to learn some important lessons regarding the effect of mowing practices near and around our waterways. New initiatives have been implemented for the current mowing season which will likely result in better outcomes in restricting the movement of grass clippings and other vegetation into our waterways.

TCCS has strengthened the contractual conditions of arterial road mowing to include clear directives in relation to the management and disposal of cut vegetation. In addition, TCCS, through the annual induction program for internal mowing operations, the Principles of Mowing, now places a greater emphasis on ensuring cut vegetation does not enter drains or waterways. The training package also provides detailed directions about crucial weed hygiene measures and highlights the importance of identifying priority weeds located in pest management program areas. Operators are provided with mowing maps with clearly delineated no-mow zones for conservation sites to ensure these important conservation values are not disturbed by mowing. These important initiatives are supported by existing management plans, such as Canberra's Lakes and Ponds Land Management Plan, as well as the new draft urban open space land management plan.

This is just a snapshot of some of the important work currently being undertaken by the ACT government to improve urban biodiversity outcomes. Our efforts, combined with those of an engaged and active community, have the capacity to shape the nature of our wonderful city for generations to come.

I present the following paper:

Urban conservation areas—Protection and maintenance—Assembly resolution of 2 August 2022—Government update—Ministerial statement, 31 October 2023.

I move:

That the Assembly take note of the paper.

**MS CLAY** (Ginninderra) (10.14): I welcome the statement on all of the progress that we have seen on how we can look after our urban conservation areas. I will not speak for long. There was some really good detail in that statement, and I think a lot of the Landcare, ParkCare and friends-of groups will be keen to wade their way through that and think about all of the changes that they have seen in the last couple of years. It was great to hear about that.

I was particularly pleased about the Biodiversity Conservation Forum. That is such a great place to bring together all of the people from different walks of life who have love for the land, and expertise. It is fantastic to get TCCS, PCS and our land carers together in one place to talk through the issues. It sounds like that forum is working really well.

It is also great to hear about training, education and signage. This is important to both help our land-caring and bring our community along on this shared journey. There can sometimes be conflict in these areas. People have different ideas about how we should look after our land, what purposes we should use it for, where we can walk dogs, where we can bushwalk and where we can ride. There is actually no need for conflict; we just need to talk these issues through. We need to look after all of the land. There are different types of protection, different tenures and different techniques that we need to use.

Signage often helps. A lot of the Landcare groups have said to me that, when they put up signage and people see them out working and they can learn a little bit about the

plants and wildlife, it makes a big difference to how they feel about an area and how important it is to look after it, so I think that signage is really good. I was happy to launch one of those signs up on Mount Painter. It was a delightful experience.

It is also good to hear about the mowing. It is great, given how much of those services we outsource to contractors, that we are tightening the way that we manage those outsourced services and doing some more training. I know that has been a long-running point of grief for a lot of land carers when they plant in an area that should not be mown over and it is mown over. We have the no-mow map. It sounds like that is working. I am getting better reports that it is often working on the ground. It is a work in progress.

I have learnt a lot since bringing forward this motion. It is often about not mowing in no-mow areas. If somebody has spent a lot of time and there are some carefully chosen plants, blue-tongue lizards and other wildlife living there, the last thing we want is to send a mower through. It is also about using mowing for conservation purposes in some areas. I had a really good tour at Budjan Galindji Grasslands and the woodland in Franklin recently, when we went hunting for the vulnerable striped legless lizard. We did not find any, but we found some of their skins under the rocks in that area. That is one of the areas where a little bit of mowing is used for conservation purposes. So there are different techniques for different places.

I am happy to hear about some of the efforts to make sure that we have better mowing hygiene. It will be great, when we have finished embedding these new techniques, to make sure that we are not sending any of the material into our waterways and drains and that we are not spreading the weed seeds.

It is great to hear about all of this progress. There are so many people involved in looking after our land, enjoying our land, enjoying the spaces and appreciating them. It is great that we can bring them all along.

Question resolved in the affirmative.

## **Education—Future of Education Ideas Summit 2023**

### **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) (10.18): I rise today to speak to the Assembly about the Future of Education Ideas Summit which I hosted on behalf of the ACT government on Friday, 20 October at the University of Canberra. I want to share with the Assembly some themes of the discussions at the summit, along with some of the ideas I heard, particularly from our incredible students.

It has been five years since we collaborated with the ACT community to develop our Future of Education Strategy. This 10-year strategy was the result of listening to thousands of different voices across our education system, prioritising the views of children and young people. The strategy is about working to ensure that students have the supports that they need to be ready to learn and about supporting teachers in



personalising student learning. We have progressed through phase 1 and are nearing the end of phase 2. Five years later, the ideas summit was an important opportunity to listen to school communities as we begin planning for phase 3.

Over a full day, I was joined by over 180 students, educators and leaders in our system. They represented public, Catholic and independent schools, parent groups, unions, community partners and the ACT government. Importantly, more than 50 primary and secondary students attended the summit. On every table, students led conversations alongside principals, community stakeholders and policymakers. Summit attendees participated in a series of workshops. These workshops looked at schools today, schools tomorrow and the big and small ideas for the future of education in the ACT. Each workshop concluded with an opportunity for tables to share their insights with the broader group. It was fantastic to hear strong contributions from the students who wanted to stand up and have their voices heard.

The day started with a moving Welcome to Country from Ngunnawal woman Selina Walker. Selina reminded us of the deep spiritual connection the Aboriginal people have with place and the important role of education in ensuring Aboriginal children remain connected with their community and culture.

Following this, we heard from Connor Winfield. Many of you will know Connor as the 2022 Young Canberra Citizen of the Year, a member of the ACT Youth Advisory Council and a passionate community leader. He uses his voice to advocate for young people from the LGBTIQ+ community, young people with disability or those facing disadvantage. Connor recently graduated from Canberra College and shared his experience in their Big Picture program. Connor's story reminded me of the many voices we heard when developing the Future of Education Strategy. He shared that the way we teach students has a direct link to their wellbeing. Connor specifically highlighted that, when his teachers listened to him, encouraged his passions and personalised their teaching, he was able to experience educational success. In his words, "When I felt supported at school and was allowed to do what I was passionate about in a way that worked for me, I thrived." Connor's message was that, when schools are encouraging, inclusive and supportive, all children and young people can succeed.

Similar messages were heard from four other students who spoke on the introductory panel. Charlie Davis from St Francis Xavier College spoke about an English teacher who inspired her to love English and how important it was for her maths teacher to teach her in a visual way. In her words, "I need my maths teacher to show me things in a way that works for me. It is a must."

Rhys Allan from Erindale College shared that he wants to know how younger students, like his sister, when they go to school, can feel connected with their teachers. Rhys suggested that, if the same teacher were able to teach students as they moved from one grade to the next, the strong relationship and knowledge of how to teach students would help to improve learning.

Toby Felton-McMahon from Blue Gum Community School shared how his teachers encouraged his passions. Toby was grateful that he was able to learn in a school where he can apply the lens of his passion to each of the subjects that he learns—something that helps him to succeed.

Aditya Grama from Narrabundah College spoke about understanding the individual needs of students, noting that some students can experience success in primary school but will need new strategies to engage them as they enter high school, particularly neurodivergent students.

Each of the inspiring students reiterated Connor's view that students are individuals. The students also asked that our schools prioritise wellbeing, strong relationships, the personalisation of learning and the valuing of diversity. Throughout the day, other students emphasised the importance of making sure students feel safe and happy before they learn. What struck me was how many of these articulate young Canberrans said that it is not possible to separate the mental, emotional and social wellbeing of students from their academic outcomes. As Charlie said, "If a student is having a hard time with their social group or at home, they are just not ready to learn."

None of us will be surprised by how important teachers are to students. At each table I visited, I heard stories of inspiring, dedicated, fun, cheeky and motivated teachers in ACT public, Catholic and independent schools. Students shared that they value their teachers' time and love connecting with them. Interestingly, they also value the health and wellbeing of their teachers. One student even spoke about how important it was to give teachers a pay rise, much to the delight of many in the room, particularly those attending from the AEU. This government could not agree more. That is why we have invested over \$200 million in public school teachers and school leaders through the ACT Public Sector Education Directorate (Teaching Staff) Enterprise Agreement. We have also just announced legislation to strengthen professional recognition for early childhood teachers to reflect the immense value they bring to our littlest learners, setting them up for success as they grow up.

We heard from many students that wellbeing must continue to be a priority for all schools. While teachers are important supports for student wellbeing, we want our educators focused on teaching and learning. That is why the ACT government is committed to exploring how we can continue to strengthen the way community wraps around and supports students.

To encourage further discussion and ideas in this space, we invited Scott Diamond, the principal of Northern Bay College in Geelong, Victoria, to come to the summit and share his experience of running a school that builds grassroots partnerships with local organisations and volunteer groups to deliver wraparound support for families. Through doing this, his school has cultivated a sense of service and connection of school students with their community. Throughout the day, students, teachers, principals and community leaders echoed some of the ideas Scott touched on. Some even called on their schools to be known as community hubs. Ideas were shared for co-locating health services, letting students help the local environment and enabling more volunteering in schools.

In alignment with phase 2 of the Future of Education Strategy, the Education Directorate is undertaking work to understand and evaluate community school models. This work will inform how the ACT can strengthen the way our schools connect and partner with different community organisations and government services.

The ACT is also leading an interjurisdictional review that will be presented to education ministers later this year that highlights the examples of schools from across Australia that are meeting the wellbeing needs of students through multidisciplinary services, including several here in the ACT.

I was encouraged to see so much support for the community school approach at the summit, and these ideas will certainly influence the future of ACT public schools. By the end of the day, participants had come up with literally hundreds of big and small ideas for the future of education in the ACT. Ideas were then displayed along a 20-metre gallery wall. There was a buzz of excitement as everybody was able to walk along, read the ideas and indicate which ideas they thought were best by placing a sticker on them.

Our students were very eager to ensure that we now walk the talk and take action on these ideas. I really want to thank the students for being so bold. Not every idea is going to work, and we must always balance the evidence of what we know works best and the voice of students. We must be practical while also being innovative and open to new ways of working. But, through this journey, we will always listen respectfully and hear what our children and young people have to say.

I want to acknowledge the students who held me to account on the day by asking, “What happens next?” I committed to them that the Education Directorate would pull the different themes and ideas from the summit together into a document that can be shared more broadly. We are now turning our minds to the final phase of the strategy, phase 3, which will take us through to 2028. The ideas and themes of the summit will contribute to our phase 3 implementation plan.

But the conversation is not over. I have invited participants from the summit to stay engaged and continue sharing their ideas with the Education Directorate. We will continue to listen to our children and young people because this government values their voice and wants them to have a say in their education. As Connor Winfield shared, the next generation is already here, and we will continue improving all of our schools so that every student in the ACT gets the best possible education.

I present the following paper:

Future of Education Ideas Summit—Ministerial statement, 31 October 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Legislative Assembly—private members’ business**

**Mr Gentleman:** Madam Speaker, I raise a point of order before we go to Assembly business. I draw your attention to private members’ business notice No 4 on the notice paper, a motion relating to the Belconnen transitway by Mr Parton. I also refer to the debate that the Assembly had on 13 September 2023 on a motion moved by Ms Clay

relating to this matter, including amendments proposed by Mr Parton and, indeed, Mr Steel, which highlighted a range of the items included in this week's notice of motion. I also refer to the *Hansard* of that debate, where the issue of the various petitions, including petitions referenced in Mr Parton's notice, were debated at large and by many members of this Assembly.

Madam Speaker, considering the substantial similarity between private members' business notice No 4 and the motion debated and negatived on 13 September, I ask for your ruling on whether this notice is in order in accordance with standing order 136. Madam Speaker, in considering your ruling on this matter, I draw your attention to page 289 of the *Companion to the Standing Orders*, which references your ruling under standing order 136 of 25 September 2019 that also related to motions about bus services. On that occasion, the motion was ruled out of order. While different in style, it sought to revisit the substantive matter already dealt with by the Assembly.

**MADAM SPEAKER:** Thank you, Mr Gentleman. On the point of order, Ms Lawder?

**Ms Lawder:** On the point of order, Madam Speaker, I feel that today's motion is substantively different. It has different "calls on" and it refers to a petition that was presented during the last sitting week as well. I strongly disagree with Mr Gentleman's characterisation that it is substantively similar. I look forward to your ruling.

**MADAM SPEAKER:** I will come back to that. What Mr Gentleman has provided in reference to previous decisions is quite extensive and the motion itself is quite extensive, so I will consider things and come back during the course of today. I note that it is not a matter for debate today, but I will give people advice today. I will endeavour to come back today, if not tomorrow morning.

## **Voluntary Assisted Dying Bill 2023—Select Committee Establishment**

**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) (10.31): I move:

That:

- (1) a Select Committee on the Voluntary Assisted Dying Bill 2023 be appointed to examine the Bill and any other related matters;
- (2) the Committee be composed of:
  - (a) two Members to be nominated by ACT Labor;
  - (b) two Members to be nominated by the Canberra Liberals; and
  - (c) one Member to be nominated by the ACT Greens;to be notified in writing to the Speaker by 3pm today;
- (3) the chair of the Committee shall be an ACT Labor Member;

- (4) the Committee is to report by 29 February 2024; and
- (5) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

As members will see on the daily program, the Voluntary Assisted Dying Bill 2023 will be shortly presented by Minister Cheyne. As members would know, the topic of voluntary assisted dying evokes strong sentiment from both members in this place and the general public. As such, it is my proposal today to set up a select committee to inquire into the bill once it is introduced.

As members will note, the proposal is for a five-member committee, as opposed to the standard three-member committee. Two of these members will be nominated by ACT Labor, two by Canberra Liberals and one by the ACT Greens, and the presented proposal is for the chair of the select committee to be a member from ACT Labor.

I commend the motion to the Assembly and look forward to seeing which members will be nominated from our respective parties.

**MS LAWDER** (Brindabella) (10.33): I move the following amendment circulated in my name:

Omit all text after “That”, substitute:

- “(1) a Select Committee on the Voluntary Assisted Dying Bill 2023 be appointed to examine the Bill and any other related matters;
- (2) the Committee be composed of:
  - (a) one Member to be nominated by the Canberra Liberals;
  - (b) one Member to be nominated by ACT Labor; and
  - (c) one Member to be nominated by the ACT Greens;to be notified in writing to the Speaker by 3pm today;
- (3) the Chair of the Committee shall be a Canberra Liberals Member;
- (4) the Committee is to report by 29 March 2024;
- (5) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.”.

Madam Speaker, as Mr Gentleman has just outlined, this is an important issue for our community. It is a very emotive issue, and it is important that it be addressed with sensitivity and with a thoughtful approach. We strongly support the move to establish a select committee and to send this very important bill to a select committee. However, as you will see from the amendment that I have circulated today, we have three points of difference—three parts of the amendment that we would like to consider today.

Firstly, this particular select committee is proposed to comprise five members. I would like to draw members’ attention to a recent debate we had about the establishment of a select committee on the cost-of-living pressures in the ACT, when the Canberra Liberals had proposed more than three members on the committee. For

example, just to refresh people's memories, I would firstly like to quote from Mr Braddock's speech. In relation to changing Ms Lee's motion so that it was a three-member committee, Mr Braddock said:

I also seek to make some mechanical amendments to Ms Lee's proposal. Every committee for this term has been made up of three members, one from each party represented here in the Assembly. Every party here cares about the cost of living. It is not an issue that belongs to any one particular party. Here is an opportunity for tripartisan examination of the issue, a chance for the three parties to come up with ideas and recommendations for what can be done to address cost of living pressures.

Later, when Ms Lee moved some amendments, Mr Braddock went on to say:

I welcome ... that Ms Lee has finally come to the view that the three-member committees are the way that we have been doing business this term.

This was from Mr Braddock on the most recent select committee that was established here in the Assembly. Mr Davis went on to say:

I am not interested in supporting a motion from the Liberals stacked with their members to manipulate the committee process and use it as a battering ram against the government. I want to be practical. I want to be solutions-focused.

It is one thing when the Liberals propose more than three members on a committee, but, apparently, quite different when the government want to have more than three members on a committee. Would they be saying that this is a committee stacked by members of the government, which is what Mr Davis said about the cost-of-living committee? This is something that we need to consider carefully. It is all very well for the government to say one thing when it suits them about the number of people on a committee but flip-flop the very next time it comes to the Assembly.

Secondly, the next point in my amendment is about the chair of the committee. Once again, I will quote Mr Braddock, when he was talking about the select committee established for the cost-of-living pressures. Mr Braddock said that the committee chair should be "shared around those parties which make up the Assembly", and that is the way it went for the cost-of-living committee, and that committee, the most recent select committee, was chaired by a member of the government. They were from the Greens Party, but they were a member of the government, which is why we think, in this instance, it should be shared around once again and be chaired by a member of the Canberra Liberals.

Thirdly, I would like to talk about the timing. I have proposed an amendment to the finish date of this particular committee. This is something that I mention over and over on committees that I am a member of—the amount of time being given, not just to committee members, because it is our job to examine these issues carefully. Sometimes it takes a huge amount of time and effort, but that is our job. What I am talking about is the time for community organisations, especially voluntary organisations, many of whom will have an enormous interest in this matter and wish to make a contribution.

Many years ago, we had what was called a “social compact”, which talked about the framework for relationships between the community sector and the ACT government. I know about this because I was a member of the community sector at the time when this came out. One of the things that members of community sector organisations said over and over again was how difficult it was for them when something came out asking for submissions right at the end of the year and wanting the hearings and submissions to be due pretty much at the end of January—at the end of the school holidays. These are organisations that are running on a shoestring. They do not have huge staff numbers, and many of their staff, surprisingly, like to take a little bit of time off at Christmas. They have caring responsibilities for children on school holidays.

We have to admit that, at the moment, we have a sitting week and then we have a couple of weeks of annual report hearings; so, realistically, not much is going to be done by this select committee before November, if anything. Then, of course, we get the December and January break, when it is really difficult for community organisations, especially voluntary ones, to find the time and effort to contribute in a meaningful way. I am talking about organisations like ACTCOSS, Women with Disabilities ACT, People with Disabilities ACT, Women’s Health Matters—a whole range of community health organisations. A whole lot of organisations will want to make an important and substantive contribution to this debate and to hearings of this committee.

Ms Berry, just moments ago, in her ministerial statement, talked about the importance of listening respectfully, and that is what I want to see in this select committee as well. It is such an important issue for our community, no matter where you sit on your views. We must listen carefully; we must listen respectfully; we must have the time to take the views of those organisations into account. We cannot expect them to rock up for hearings in January, when so many of their staff are away on school holidays because their children are on school holidays. By reporting at the end of February, how on earth can we have hearings in February and then take the time to deliberate—for the committee to deliberate—and come up with the best possible report, which is what this important bill deserves? I commend my amendment to the Assembly.

**MR BRADDOCK** (Yerrabi) (10.40): The ACT Greens will not be supporting the Canberra Liberals’ amendments to the motion today for the reasons I am about to go through. Firstly, I thank Ms Lawder for referring to the words that I spoke about the cost-of-living inquiry. I would like to remind the chamber that it was actually a four-person committee proposed by the Canberra Liberals; hence that places the context for my comments seeking to provide a three-member committee.

In terms of the number of members, we will be supporting a five-member committee due to the fact that this is actually a conscience vote situation, where there is a wide diversity of views within the parties on this issue; therefore it is important that we incorporate that diversity as much as possible into the make-up of the committee.

Coming to the chair of the committee, I will note that there have been six select committees during the course of this term, of which the Liberals have chaired five, the Greens have chaired one, and Labor have chaired zero; therefore I think it is entirely appropriate that the chair of this particular committee should be given to Labor as an opportunity.

In closing, in terms of coming to the date, and the concerns raised by Ms Lawder, I definitely did take note of that. I also have to note that this is an important issue that we wish to see addressed next year. There is a lot of business for this chamber and the government to do next year, and should there be a five-person committee, there are plenty of members on that committee in order to get through that work in a timely manner.

**MS ORR** (Yerrabi) (10.42): ACT Labor will not be supporting the Liberals' amendment. We will be supporting our motion as presented for very similar reasons to the ones which Mr Braddock raised. Again, for the Labor Party it is quite different; we do have a conscience vote on this matter, and I believe other parties also have the ability to have a conscience vote; therefore we believe having a greater diversity of views on the committee will actually be quite beneficial. We also support Labor having the chair for the goodwill of sharing things around and putting in place the principles of Latimer House.

As to the reporting date, I would note that the date of 29 February is actually quite generous compared to provisions of the standing orders, which would require a three-month inquiry. We have allowed for additional time, given the topic, but considering it is quite a tight year next year with a lot on, we feel this strikes the right balance between allowing people to have a bit more time to interact with the committee and still meeting our requirements as legislators. We will not be supporting the Liberal amendment, and we will be supporting our initial motion.

**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) (10.43): I thank members for their contributions to the debate on this motion. It is important that we do reflect that it is a conscience vote when we come to the bill itself, so it is important to get as many members as possible involved in this committee. I commend the motion to the chamber.

Amendment negatived.

Original question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Scrutiny report 36**

**MR CAIN** (Ginninderra) (10.44): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 36, dated 30 October 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR CAIN:** Scrutiny report No 36 contains the committee's comments on 18 pieces of subordinate legislation, proposed amendments to four bills and four government



responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Voluntary Assisted Dying 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) (10.45): I move:

That this bill be agreed to in principle.

It is with great pride that today I present the Voluntary Assisted Dying Bill 2023. This is a historic day for me, for this government, for this parliament and for all Canberrans. This bill is what we spent 25 years fighting for our territory rights for—a right that was restored just shy of 11 months ago.

This is a bill about people: their empowerment, autonomy, compassion and dignity. This is a bill about choice: an additional choice that an eligible person can make about the circumstances of their death. This is a bill that creates a workable and person-centred voluntary assisted dying framework: a bill that reflects evidence, experience and expertise. This is a bill that is the culmination of extraordinary collaboration and work across government: it delivers our commitment to Canberrans.

This is a bill that honours the advocates—those who have spent their life campaigning for and championing this cause; those who are suffering and dying; those who care and have cared for people dying, personally and professionally; and those who believe in choice. I pay tribute and dedicate this bill to those who long wished to see territory rights restored, and voluntary assisted dying debated, but died before witnessing this bill being introduced. You have never been far from my mind.

Voluntary assisted dying is a safe and effective medical process that promotes the autonomy and dignity of eligible individuals by giving them the option to end their suffering by choosing to die through the administration of an approved substance.

We know that even with the best end-of-life care, some Canberrans with an advanced condition, illness or disease experience suffering near the end of their lives. Voluntary assisted dying is not an alternative to, nor does it detract from, palliative care. It allows eligible individuals to make informed choices when they are at the final stages of their illness, with the support of health professionals and services. It is not a choice between life or death. It is an additional choice that can be made by an eligible individual about the circumstances of their death.

This bill has not been rushed. It has been the subject of extensive consultation, research, engagement and experience—an evidence based approach. While I understand the inherent desirability of consistency with other jurisdictions, it would

be an absolute disservice to Canberrans if we did not consider, in the crafting of our bill, the known lessons of other jurisdictions, together with the ACT's own circumstances and the views of our community. Our bill achieves this.

To access voluntary assisted dying in the ACT, this bill provides that a person needs to be 18 years or older. This bill provides that the individual must have a condition that is advanced, progressive and is, either alone or in combination with other conditions, expected to cause the individual's death. This is a key safeguard. It means that a health professional has assessed the person as being in the period of serious illness when functioning and quality of life decline; treatments, if any, begin to lose their impact; and they are in the last stages of their life. A disability, mental disorder or mental illness alone is not a relevant condition.

Further, the individual must be experiencing suffering, whether physical or mental, that in the opinion of the individual is intolerable. That suffering may arise from the condition itself, from treatment the individual is receiving or the anticipation of future intolerable suffering.

The individual must have lived in the ACT for the last 12 months or be provided an exemption by demonstrating that they have a substantial connection to the ACT. This is to ensure that our health services have capacity to provide the right support for every individual seeking to access voluntary assisted dying and to reduce the risk of VAD "tourism" from other jurisdictions that may have stricter eligibility requirements than the ACT.

An individual does not need to be a citizen or a permanent resident. An individual must be acting voluntarily and have decision-making capacity throughout the entire process. These are important safeguards to protect vulnerable individuals from coercion and exploitation and to ensure that voluntary assisted dying is only accessed by individuals who personally choose to access it, free from undue pressure or influence. All of these eligibility requirements must be met for an individual to access voluntary assisted dying.

The ACT model does not require an individual's eligible condition to be expected to cause their death within a prescribed time frame, as in other Australian jurisdictions. This means that an individual with an advanced, progressive and expected-to-cause-death illness may access voluntary assisted dying regardless of when a health professional expects their death to occur, provided all other eligibility criteria are met.

Again, it is important to underline that an individual's condition is advanced, where their functioning and quality of life have declined and any treatments are no longer beneficial, and they are in the last stages of their life. Research has found that removing the prognosis time frame is unlikely to result in more individuals being eligible for voluntary assisted dying. Instead, individuals will likely become eligible earlier in their disease progression, reducing an individual's intolerable suffering as well as the stress and difficulty of having to request voluntary assisted dying very close to death.

As with other jurisdictions, an individual must undergo a multi-step request and assessment process in order to access voluntary assisted dying. This includes an

assessment by two independent, suitably qualified, trained and authorised health professionals. These health professionals must be independent of the individual and can in no way benefit from the individual's death.

An individual may at any time decide not to take any further steps in a VAD request and assessment process. Further, they do not need to start a new request if they later decide to take further steps in relation to a request.

In line with the Australian model, experienced medical practitioners in the ACT may apply to undertake mandatory training to become a voluntary assisted dying health professional authorised to be an individual's coordinating or consulting health professional. However, as the ACT is a small jurisdiction with limited health resources and a small health workforce, the bill allows for experienced and skilled nurse practitioners to play a greater role in the ACT than currently in other jurisdictions.

Nurse practitioners are highly trained and autonomous health professionals that can enhance and supplement the medical workforce. Under the ACT scheme, a nurse practitioner with relevant experience, and at least one year's full-time equivalent experience post nurse practitioner endorsement, can choose to be an individual's coordinating or consulting health professional, provided the health professional performing the other role is a medical practitioner.

To support people making an informed decision around their end-of-life choices, the bill requires medical and nurse practitioners who initiate any discussions on voluntary assisted dying to also ensure the person knows the treatment and palliative care options available and the likely outcomes of those options. Other registered health practitioners, as well as social workers and counsellors, can initiate conversations about voluntary assisted dying; however, they must ensure that the person knows they have palliative care and treatment options available and that the person should discuss these with their treating doctor.

It is important to note that the bill does not mandate that anyone take part in voluntary assisted dying. Individuals hold a range of views about voluntary assisted dying, and a health professional or health service provider may choose their own level of involvement in the scheme to reflect their values and beliefs. However, the bill does establish minimum standards that must be followed by individuals and organisations that conscientiously object to or cannot assist with voluntary assisted dying. A health practitioner can refuse to participate in certain aspects of the voluntary assisted dying process, as long as they give the individual written contact details for the care navigator service within two working days.

We consider it is important that an individual's access to voluntary assisted dying is not hindered just because they are living or staying at a facility such as a residential aged-care home or a hospital. Evidence from other Australian jurisdictions shows that it can be difficult to access voluntary assisted dying in facilities that have an ethical or faith-based opposition to voluntary assisted dying, which can increase end-of-life suffering and restrict individual autonomy.

Where an individual seeks information or seeks to engage in a voluntary assisted dying request, assessment or administration process, the bill requires that a care

facility must provide the contact details of the voluntary assisted dying care navigator service. The facility must allow access to relevant persons who can assist with voluntary assisted dying if they are not already available onsite. If it is not reasonably practicable to do this, the facility must facilitate the transfer of the individual to a place where voluntary assisted dying can be accessed, as long as this is reasonable and does not cause serious harm to the individual.

A care facility must also not hinder access to voluntary assisted dying by withdrawing care services because an individual has indicated they might wish to access voluntary assisted dying in the future. To support a workplace culture that is informed of and understands its obligations in relation to voluntary assisted dying, the facility must develop a policy setting out how it complies with these minimum standards, and this policy must be published and made available to residents on request.

The bill contains a number of criminal offences to address conduct that the bill does not authorise. These include penalties for the unauthorised administration of a voluntary assisted dying substance; inducing an individual to revoke a request for voluntary assisted dying; and inducing the self-administration of an approved substance.

These offences are in addition to the existing offences of murder, manslaughter and aiding suicide under the Crimes Act 1900 that might apply to serious wrongdoing that does not comply with the bill. Health practitioners are also, of course, subject to a comprehensive legal, regulatory and ethical framework through existing mechanisms to address concerns about health practitioners' conduct, as well as criminal offences targeted at deterring noncompliance.

The bill will commence in 18 months from notification of the act. This is similar to other Australian jurisdictions and will allow time to establish and operationalise a complex new health service. While the ACT can leverage the experience of other Australian jurisdictions to ensure that our proposed approach is robust, there is still significant work involved to plan, design and implement voluntary assisted dying in the ACT context. During this time the government will work to establish new pharmacy and care navigation services, to develop and deliver training for voluntary assisted dying health professionals, to establish the oversight board and to address the many other matters that need to be developed prior to implementation to ensure system readiness.

I acknowledge there are individuals who are currently suffering and may wish to access voluntary assisted dying, and I want to assure you and your families, friends and carers that we are working as quickly as possible to provide a safe and accessible process for this additional end-of-life choice.

This bill provides for reviews of the act: first within three years of operation, and then each five years after that. This reflects that engagement with voluntary assisted dying is evolving and will continue to do so. The first review will consider aspects of eligibility, including advanced care planning; the adequacy and appropriateness of residency requirements; and age. While each of these is complex, including them is deliberate, because of the strength of community interest in these issues and because we expect more consultation and research will occur which will assist further consideration.

This is a bill that has been the subject of considerable community engagement, and greatly assisted by the input of expert and experienced researchers and clinicians. It will be scrutinised closely, including by the Assembly committee established just earlier, and I certainly welcome that.

There are so many people to thank. I thank the federal parliament for finally restoring our territory rights, and the Labor government. I thank our local representatives—with a notable exception—for paving the way. I thank Michael Moore for his tenacity in introducing multiple bills for voluntary assisted dying in this Assembly in the mid-1990s. I thank former Northern Territory Chief Minister Marshall Perron for his courage and conviction in introducing voluntary assisted dying legislation in the 1990s that was ultimately passed.

I thank my friend Mary Porter for her advocacy and putting end-of-life choices firmly back on the ACT agenda a decade ago. I thank all the campaigners and advocates—the individuals and those across many organisations who never gave up. I thank the Dying with Dignity organisations from across Australia who have been so supportive.

I thank the experts, particularly Professors Ben White and Lindy Willmott, for their decades of research and generous advice. I thank Go Gentle Australia, especially Frankie Bennett, Linda Swan and Steve Offner, who are here today; and Andrew Denton. Your compassion and insights have been so welcome; they make a difference to so many lives.

I thank Voluntary Assisted Dying Australia and New Zealand for their exceptional work and advocacy, and for the important community of practice that is developing, which will assist health professionals in the ACT, too.

I thank the officials from the Justice and Community Safety and Health directorates, as well as the clinical reference group, for working so diligently and capably on this historic reform. It is an exceptional example of cross-government collaboration, and I am indebted to them for their hard work. I also want to thank the drafting office for how well written the explanatory statement and the bill are: they are exceptional.

I thank my staff for their outstanding care and engagement in progressing this reform: thank you, Michael and Jonah, who are here today. I also want to acknowledge Jemma Cavanagh, who is not able to be here today but did so much to get us to this point.

I thank my cabinet colleagues for the support they have given me in leading this, and especially the collaboration with the Chief Minister, the Minister for Health and the Attorney-General, and your directorates and offices. Again, it has been exceptional.

Most of all I thank the thousands of Canberrans who have engaged with and supported this, many sharing deeply personal and very difficult experiences.

Countless times I wondered if this day would ever come. Because of the efforts of so many, it has. It is the honour of my life to commend this bill to the Assembly.

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

## Parentage (Surrogacy) 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) (11.04): I move:

That this bill be agreed to in principle.

I am pleased to present the Parentage (Surrogacy) Amendment Bill 2023. This is a significant reform. It is one which modernises surrogacy law in the ACT by removing discriminatory barriers, providing clearer structure for arrangements which better protects human rights for all parties involved, better considers the rights of a child, and results in greater consistency with states and territories. The bill amends the Parentage Act 2004 to reduce barriers for altruistic surrogacy in the ACT and to establish a structured framework for surrogacy arrangements.

Surrogacy is an arrangement where a person agrees to carry and give birth to a child on behalf of another person or couple. Entering into a surrogacy arrangement offers people an opportunity to create a family and have a child and is particularly important to those who, for many reasons, are unable to conceive and carry a child themselves.

The journey leading to a surrogacy arrangement, and the process itself, can be very complex, emotional and personal. People who become altruistic surrogates provide a significant gift and can often have a personal connection to the intended parents—for example, they may be a family member or close friend.

The ACT was a member of the Working Group on Surrogacy established by the Standing Committee of Attorneys-General in November 2019. The Working Group on Surrogacy was established to advise SCAG on opportunities for attaining greater national consistency in legal and policy frameworks, regulating surrogacy in Australia and to reduce barriers to altruistic surrogacy. Through engagement with the working group, the ACT government identified considerable opportunities to achieve greater alignment with other states and territories, and to ensure that the rights of children, intended parents and surrogates are more adequately protected. Stakeholders provided further useful feedback and issues for consideration, and I sincerely thank them for their engagement and expert assistance.

The bill will improve access to altruistic surrogacy arrangements in the ACT across a range of key areas. It will also provide more certainty for parties entering into these arrangements and strengthen the protections of the human rights for all parties involved. The bill will update the language in the Parentage Act 2004 to refer to “intended parents” rather than “substitute parents” as well as “substitute parent agreement” to “surrogacy arrangement.” This reflects modern understandings of the diversity of ways that families are formed.

The bill will remove discriminatory and unnecessary barriers to altruistic surrogacy in the ACT. Our Human Rights Act recognises that everyone is entitled to enjoy their rights without discrimination of any kind, and that everyone is equal before the law and is entitled to the equal protection of the law without discrimination. The bill will offer people who previously were unable to access altruistic surrogacy to be able to do so.

Single people will be able to be intended parents as the bill removes the current requirement for there to be two intended parents to enter into a surrogacy arrangement. The bill will also remove a requirement in the Parentage Act that one intended parent must have a genetic connection with the child. Traditional surrogacy will be allowed, where a surrogate is a genetic parent, to provide additional flexibility recognising the diverse situations where people may choose to enter into altruistic surrogacy arrangements.

A child will no longer need to be conceived as a result of a procedure carried out in the ACT. Removing this requirement in the Parentage Act will enable parties to a surrogacy arrangement to have flexibility about how and where conception occurs and to use services of their choice. Although conception need not occur in the ACT, intended parents will be required to be living in the ACT when they apply for a parentage order.

The bill also removes criminal offences relating to the advertising or procurement of altruistic surrogacy, while retaining offences regarding commercial surrogacy. This will reduce barriers for both surrogates and intended parents wishing to identify opportunities to enter into a legal altruistic surrogacy arrangement.

Surrogacy arrangements are multifaceted, and they involve complex emotional, financial, legal, psychological and social implications. It is important that each party fully understands the requirements and consequences of a surrogacy arrangement. The bill establishes a structured framework for surrogacy agreements with new requirements, including that the agreement must be made in writing before conception and that all parties must receive independent legal advice and counselling before the agreement is entered into.

The age requirements for intended parents and surrogates are also outlined in this bill. There is a new requirement that provides that a surrogate must not enter an arrangement if they are under 25 years old unless a counsellor is satisfied that they have sufficient maturity and understanding of the legal and psychological implications. Setting a default minimum age of 25 years for surrogates aligns with all other states and territories and aims to protect young adults from exploitation and coercion. However, this bill provides this additional flexibility in recognition that some young people may have sufficient maturity and understanding to participate in such an agreement.

Another feature of the surrogacy framework is greater guidance about what reasonable expenses may be reimbursed under an altruistic surrogacy arrangement. The bill permits the reimbursement of reasonable costs associated with becoming or trying to become pregnant, a pregnancy or birth and entering and giving effect to a surrogacy arrangement. Further detail is set out in a new regulation. To ensure the

surrogate and, if applicable, their partner are not financially disadvantaged by being part of an altruistic surrogacy arrangement, reasonable expenses will include reimbursement of loss of earnings in certain circumstances where the surrogate is required to take unpaid leave as a result of relating to the pregnancy or birth, and a partner's loss of earnings as a direct result of taking unpaid leave to take care of the surrogate parent or child as a result of the surrogacy arrangement.

By introducing a structured framework for surrogacy arrangements, the bill provides greater legal certainty; it provides minimum safeguards; and it strengthens the protection of human rights for all parties involved in altruistic surrogacy arrangements. Having a robust framework will protect people such as potential surrogates, who may be more vulnerable to influence or exploitation. It ensures each party has a clear understanding of their rights and responsibilities as well as legal and psychological implications associated with the surrogacy arrangement and conception of the child. These requirements for surrogacy arrangements are largely consistent with other Australian jurisdictions.

As a further protection for surrogates, this bill confirms that a surrogate has the same rights to manage their pregnancy and birth as any other pregnant person. This recognises the autonomy of people who agree to be surrogates to make informed decisions about their own medical care and bodies during pregnancy.

The bill further sets out the basis on which the Supreme Court may grant parentage. In any decision that affects a child, including deciding whether to grant a parentage order, a human rights approach requires the best interests of the child must be a primary consideration. The rights of children, including those born through surrogacy, are enshrined in the Human Rights Act 2004 and further described in the Convention on the Rights of the Child.

While the mandatory requirements for a surrogacy arrangement are specified in the bill, and are expected to be complied with, the Supreme Court will have the discretion to dispense with certain formal requirements of a surrogacy arrangement where, despite this noncompliance, making the parentage order is in the best interests of the child. This is intended to provide the court with sufficient flexibility to ensure an appropriate outcome based on an assessment of the child's best interests.

In very limited circumstances, the Supreme Court will also be able to make a parentage order recognising intended parents where a child has been born through a commercial surrogacy arrangement. Commercial surrogacy arrangements are prohibited in the ACT and, while it is not intended to disturb this prohibition, it is acknowledged that there are children born through these arrangements who live in the ACT whose rights must be recognised and who should not be subject to significant disadvantage because of the circumstances of their birth. In these cases, a parentage order may only be made where the court is satisfied that: the child is facing a pressing disadvantage that would be alleviated by making a parentage order; that it is in the best interests of the child; and it is reasonable in the circumstances.

The bill also provides for the making of parentage orders for children who were born before the commencement of these new provisions to allow the beneficial application of provisions introduced by the bill to remove barriers to altruistic surrogacy and to



allow discretion for the court to make parentage orders in a broader range of circumstances. The bill provides transitional arrangements for surrogacy arrangements on foot when the bill commences.

We have consulted with targeted stakeholders, many who are here today, who represent specific groups within the community that have an interest in surrogacy and would be most impacted by the bill. This includes community organisations, including those working with LGBTIQ+ community members and women, fertility and sexual health clinics and organisations, legal organisations, donor-conceived people and ministerial councils. Many stakeholders were supportive of these proposed reforms, recognising the need for the Parentage Act to be updated to reflect developments that have occurred in the past 20 years and to better align with surrogacy laws in other states and territories. Again, I thank them for their engagement, suggestions and assistance.

This bill will make a positive impact on our community for those who want to start a family through an altruistic surrogacy arrangement due to personal circumstances such as experiencing infertility and difficulties conceiving a child, or by being in a same-sex relationship. The bill will remove barriers to altruistic surrogacy, provide further clarity of requirements for all parties involved and ensure adequate protection of human rights for children born of surrogacy, surrogates and intended parents.

This is another historic piece of reform which I am proud to lead and deliver, but the reality is that we have got to this point thanks to the incredible efforts of the Justice and Community Safety Directorate. This is the fifth piece of human rights legislative reform in as many sitting weeks. I think that is nothing short of remarkable—remarkable in the achievement, remarkable in the excellence in drafting across all bills, and remarkable in how they will change people's lives in Canberra for the better.

This has all been undertaken by a small but exceptionally capable team. Their work ethic, their commitment to human rights, their advice and guidance, their willingness to find solutions—all of it is first-rate. I am so proud, as Australia's first human rights minister, that I get to associate myself with a team of this calibre. Without them, these reforms would not have progressed. I commend the bill to the Assembly.

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

## **Justice and Community Safety Legislation Amendment Bill 2023**

Debate resumed from 11 May 2023, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.17): The Canberra Liberals will be supporting this bill and also supporting the amendments lodged yesterday afternoon by the Attorney-General. The bill in its original form will change the title of Principal Registrar Chief Executive's Office of the ACT Courts to the Chief Executive Officer of the ACT Courts to clarify that the position is not there to direct registrars or deputy registrars in the exercise of a function of the court.

It also proposes to resolve an inconsistency for interstate detainees on life sentences whose parole orders have been transferred to the ACT. As it stands, the ACT does not allow for parole in cases of life imprisonment, as these applications are handled through a release on licence. The bill makes an amendment in the act to allow for non-parole periods to be set for parolees who reoffend; to set new terms of imprisonment; and it will integrate parole laws into other jurisdictions.

Thirdly, the bill will extend the time frame for licensees to forfeit their gaming machines in exchange for land lease and planning and development charge offsets. The extension is for two years, from 1 April 2026 to 1 April 2028, which is part of the government's proposed Pathway to 4000 Gaming Machines. The extension is proposed in lieu of COVID-brought measures upon clubs hindering the exchange of machines for these concessions.

Lastly, the bill will amend the Land Titles (Unit Titles) Act 1970 to correct a mistaken reference to the Magistrates Court when the reference should be to the ACAT. I thank the Attorney-General, his office and officials from the department for a briefing on 14 August and for a brief exchange this morning about the amendments that the attorney will seek leave to move shortly. Such leave will be granted by the Canberra Liberals.

The amendments circulated yesterday basically validate general meetings of associations incorporated under the Associations Incorporation Act where the meetings were held virtually or someone was in attendance virtually. It does seem to be a bit of an oversight that we are having to pass legislation to validate otherwise constitutionally held meetings that were held virtually because of the COVID measures that were implemented to allow that to happen. We are supporting repairing the invalidity to make sure that those meetings held virtually are indeed genuinely things of the particular incorporated body.

Finally, the amendments circulated yesterday afternoon will extend the time for review of the gaming machine tax rebate so that that review can take place in March next year, not November this year.

They are minor and uncontroversial changes, in my opinion. In some cases, as I have said, they are to repair defects in legislation. I do encourage the Attorney-General to monitor his own statute book so that we perhaps do not need to go through these exercises.

**DR PATERSON** (Murrumbidgee) (11.21): I rise to speak very briefly. The bill is an omnibus bill which amends a range of legislation primarily in the Attorney-General's portfolio that will see administrative changes, amend inconsistencies in legislation and reduce the administrative burden for a range of government agencies. It will give the Human Rights Commission more flexibility in managing the complaint processes for vulnerable people and amend our will and succession laws according to proposals from the ACT Law Society's Elder Law and Succession Committee. The bill will also promote rights under the Discrimination Act 1991, the Freedom of Information Act 2016 and the Human Rights Commission Act 2005. The amendments in this bill were developed in targeted consultation within government and with relevant community stakeholders. I commend the bill to the Assembly.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.22), in reply: I am pleased to close this debate today and thank members for their supportive comments. The Justice and Community Safety Legislative Amendment Bill, as has been stated, does make a number of amendments in that omnibus vein that these bills tend to have. I think they are all valuable amendments that seek to both improve and clarify the law in a range of circumstances.

The bill makes amendments to five pieces of justice related legislation. The first, amends the Court Procedures Act to rename the role of the Principal Registrar and Chief Executive Officer of the ACT Courts and Tribunals to the Chief Executive Officer of ACT Courts and Tribunals. This current title causes confusion among members of the public and the legal profession, as the principal registrar and chief executive officer actually has no traditional registrar functions. They are expressly prohibited from directing a registrar or deputy registrar in the exercise of a function of the court. Amending the Court Procedures Act will simply clarify the scope of the role, and it is important to better align with its statutory functions.

The bill also amends two acts to resolve an inconsistency in our parole laws. The Crimes (Sentence Administration) Act includes a process for offenders who are on parole in another state or territory to have their parole orders transferred to the ACT. Similar arrangements are in place under other state and territory sentencing legislation. When a parole order is transferred to the ACT it is treated as if the original sentence had been imposed in the ACT and ACT laws will apply.

An inconsistency arises when a parolee on an interstate life sentence has their parole order transferred to the ACT. Under ACT sentencing law a sentence of life imprisonment does not allow for parole. The Crimes (Sentencing) Act does not allow a court to set a non-parole period for a life sentence. The Crimes (Sentence Administration) Act provides a different pathway for ACT offenders on life sentences. There is a process for these offenders to apply for release on licence rather than parole. Decisions to release on licence are made by the executive, which is different from decisions on parole. However, these release on licence provisions only apply to offenders who have committed an offence against a territory law. If a transferred interstate parolee on a life sentence breaches the order and commits further offences in the ACT, the transferred parolee is returned to custody on a life sentence and there is currently no mechanism for a court to set further non-parole periods and no mechanism for the person to apply for parole or otherwise apply for release. This is different to how other parolees are treated under ACT law.

The proposed changes make minor amendments to the Crimes (Sentencing) Act and the Crimes (Sentence Administration) Act to ensure that a new non-parole period can be set for a life-sentence, transferred parolee if the parolee re-offends and receives a further sentence of imprisonment. The amendments will cover current and future cases where interstate life-sentence parolees come before the ACT courts in relation to new offences. The amendments help to integrate interstate parole orders into ACT law in situations where there is no equivalent order, and enable the ACT system to manage breaches of the order coherently in the context of ACT sentencing law. This, of course, is not guaranteed parole for these offenders. Their applications will need to be considered by

the Sentence Administration Board and are subject to the same requirements of the Crimes (Sentence Administration) Act as any other application for parole.

As noted, the bill amends the Gaming Machine Act to extend the amount of time licensees of gaming facilities can redeem offsets that were granted under the Pathway to 4000 scheme. In 2018 the government inserted Part 2A into the Gaming Machine Act. This part provided incentives for licensees of gaming facilities to voluntarily surrender gaming machine authorisations in the form of land lease or planning and development charge offsets. The intention behind these incentives was to support licensees to explore new revenue streams and thereby reduce their reliance on gaming machines. Reducing the availability of gaming machines would then reduce gambling related harm occurring to individuals and the broader Canberra community.

However, the uncertainty and financial downturn caused by the COVID-19 pandemic has had an impact on licensees' ability to undertake planned development and explore these new revenue streams. Currently, these offsets could expire on 1 April 2026. The government was approached by a range of licensees who are keen to use these credits and who are interested in projects but have lost time and lost some momentum as well as, potentially, financial capability because of the impact. So the amendment will extend the timeframe for licensees to access these offsets to 1 April 2028. This amendment will remove barriers to licensees of gaming facilities diversifying away from gaming machine revenue and therefore support economic diversity for the territory. I am pleased that the Community Clubs Ministerial Advisory Council has provided a forum for members to raise these issues, and I welcome them identifying these really practical ways in which the government can assist and make sure that their diversification opportunities are there for them.

Finally, the bill amends the Land Titles (Unit Titles) Act relating to the registration of final building damage orders and administration orders. These amendments will rectify a historical error whereby consequential amendments to the Land Titles (Unit Titles) Act were not made following the introduction of the Unit Titles (Management) Act. The error resulted in an inconsistency between the entities responsible for making final building damage orders and administration orders. The amendments rectify this inconsistency, clarifying that the ACT Civil and Administrative Tribunal is the body responsible for making these orders, and removing any risk of confusion for people seeking to register final building damage orders and administration orders.

This is an uncontroversial but important amendment that will promote trust in the ACT government and institutions, and ensure the efficient operation of ACT laws. The amendments to this bill being debated today were identified following ongoing and open consultation and recommendations from key stakeholders—that is an important feature of these bills as well—and they also come from ACT government directorates and agencies, community advocates and the legal profession. I would like to take the opportunity to thank all of those who take the time to bring amendments such as these to the government's attention. Active engagement by our community with the territory's laws is incredibly valuable and ensures the legislation remains fit for purpose for Canberrans, both today and into the future.

I might take the opportunity to speak briefly about the amendments, as they have also been touched on, and I will be moving a number of amendments shortly. The first

couple relate to the Associations and Incorporation Act 1991. A potential issue did arise in relation to a COVID-19 measure in the act. The measure allowed incorporated associations to hold virtual meetings during the COVID-19 emergency, and that provision expired on 30 September this year. However, the ability to hold virtual meetings under the provision ended when the COVID-19 emergency declaration ended in September 2022.

Public communications on this issue had indicated that the provision expired on 30 September 2023. The government identified concern that some associations may have taken this to suggest that virtual meetings can validly be held under the provision until expiry on 30 September 2023. If that had occurred, there was a risk that those meetings may not have been validly held and that votes taken at those meetings, particularly in relation to special resolutions, may also be invalid. To address that risk, this validating provision is being introduced into the act to clarify that any general meeting of an association that was attended virtually since the end of the COVID-19 emergency will be considered to have been validly held. This amendment might be best described as a stop-gap measure as the Better Regulation Taskforce has recently finalised a project to introduce new model rules for incorporated associations. The new model rules, which were made public on 29 September and take effect from 1 February 2024, will permanently provide for virtual meetings in the future.

This has been done in recognition—as with many things that came up during the COVID period—of instances where people have said, “Well, these charges are actually valuable, we want to continue them.” As members will know, there has been a program by the government to make some of those measures permanent. This is another one, but there is a need, as I have indicated, to ensure that there is not invalidation of any meetings that were held, as a result of uncertainty.

The Parliamentary Counsel’s Office has advised that the proposed amendment is a validating law rather than a retrospective law. The distinction is that validating laws commence prospectively but remedy a defect that has already occurred. In this instance, I am not aware of any disadvantage that would flow to associations or third parties from validating virtual meetings that were held in reliance on the COVID-19 emergency provision after its operative effect ended. Rather, the amendment is expected to reduce any uncertainty or scope for dispute that may arise if associations have mistakenly understood that virtual meetings remain valid until September 2023.

Let me turn briefly, then, to the Gaming Machine Act, and that is, as Mr Cain noted in his remarks, a brief extension. The time frame here would not have allowed for a thorough examination of the issues required to be under the Gaming Machine Act, so I am putting this proposal to the Assembly in order to enable additional time, particularly to allow for consultation with the venues on the impact of section 162A of the Gaming Machine Act, to ensure there is time for both good consultation and the contracted party to provide the government with a comprehensive and considered report. I commend both the bill and the proposed amendments to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

Bill, by leave, taken as a whole.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.33), by leave: I move amendments Nos 1 to 3 circulated in my name together [*see schedule 1 at page 3596*] and table a supplementary explanatory statement to the government amendments. These amendments have not been circulated in accordance with standing order 178A and have not been considered or reported on by the Scrutiny Committee. I have already made remarks on this amendment, so I propose we just move to the vote.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## Electoral and Road Safety Legislation Amendment Bill 2023

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

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (11.35): The Canberra Liberals will be supporting this legislation and will be supporting the government's amendments. We will be opposing the Greens' amendments.

As we know, after each election this Assembly takes the opportunity to go through electoral laws and consider what needs to be improved, and the Electoral and Road Safety Legislation Amendment Bill is this term's response. This process took a considered approach involving all parties, stakeholders and the community as a whole, and has then finalised the changes that will apply for the next election. I am pleased that in this term's review the position of the parties and major players broadly is for minimal change. That is the approach that has been taken, and it is one that we support. We have over the past decade or more had significant change to our electoral laws in the ACT, and certainly this represents more of a steady-as-you-go sort of approach.

In 2021, the Assembly asked the Standing Committee on Justice and Community Safety to review the conduct of the 2020 election and assess the need for changes to electoral law or policy. During that inquiry, the committee heard from candidates, volunteers, major political parties, independent small parties, academic experts, the Electoral Commission as well as the government.

The committee recommendations covered topics including early voting, electronic voting, campaigning rules, roadside signs, donations and reporting, voter participation and lowering the voting age. That report was concluded and has been publicly

available since 2021. The government responded to the report and proceeded to draft the bill before us, which is the Electoral and Road Safety Legislation Amendment Bill 2023, which was presented on 29 June this year. In turn, the bill was sent to the JACS committee for review and inquiry. That committee held an inquiry and published their report in August this year. The JACS committee in their scrutiny role raised several issues and asked the minister to respond. The minister considered the report and has drafted amendments in response.

That brings us to the bill and the amendments before us today. I think it is important to note that the bill has been through extensive consideration and consultation. It has been carefully drafted and widely circulated, and all parties have had input. At this stage, I would like to thank the minister and his staff—in particular, I thank David Ferguson, in the minister's office, for his active engagement and consultation on this legislation. That certainly assisted the Canberra Liberals in coming to our position to support this bill as well as the government amendments.

I will go through the amendments now because we have a situation of duelling amendments from the Greens and the Labor Party, and it is probably easier just to discuss my position on these now, in principle, so that we do not need to do that piece by piece. It is going to be a complex script by the looks of it.

The Canberra Liberals will be supporting the government's amendments. One of those is that the bill initially lowered the reporting threshold for gifts and donations to \$100. The Labor Party, Liberal Party and the ACT Greens all argue that this was unworkable and undesirable, whilst the Electoral Commissioner submitted that "the current legislation provides for an appropriate balance".

The committee recommended that the bill be amended to "omit reforms to the gifts and donations disclosure scheme". In response, the government has amended this clause to keep the thresholds at the current amount of \$1,000 and not to change the current reporting requirements. Although we in the Liberal Party philosophically support open reporting, equally it has to be workable, and it clearly was going to be problematic.

With regard to donations from foreign entities, we support the concept of a limitation on foreign donations. As stated in the explanatory memorandum, the government's definition will seek to "follow similar amendments which have been introduced by the Australian Government for federal elections, as well as amendments in New South Wales, Victoria and Queensland to ban donations or gifts from foreign entities".

On the particular approach proposed, the explanatory memorandum states:

The intent is to ensure that individuals ... and entities who have a genuine connection to the territory and are legitimately living, working, or doing business in Australia are able to donate to political entities.

Having a look at the way it has been constructed, we believe that the government's approach is reasonable, and we will support this.

Another amendment deals with movable signs and roadside advertising. One of the practical changes from 2020 was to rules around movable signs, or corflutes, and

advertising on signage trucks. There is a proposal to restrict the number of corflutes to 250 signs per candidate, and there are new limitations on where corflutes can be put in terms of speed limits on roads and so on. We will be supporting that amendment.

There is also the issue of signage trucks, and, under the amendments being proposed today, signed trucks will effectively be banned from parking on the side of roads, particularly roads in high-speed corridors, and penalties for those breaches will be increased, essentially to make sure that people do not just see the penalty as a cost of doing business. We will be supporting that amendment.

I will not be supporting the Greens' amendments. At the outset, I have to say that, given the long gestation period of this legislation and the fact that it has been to two committee inquiries, the fact that I saw the Greens' amendments yesterday at 4 pm, is pretty disappointing. If Mr Braddock and the Greens had been genuine about wanting to effect these changes and get support for these amendments, I think that they would have knocked on my door and had that discussion. I think that that indicates that what we have at play here is grandstanding from the Greens. I know that we should not be shocked about that, but if you want to get complex amendments through this place, in a process that has been going on for about 2½ years, providing those amendments at the midnight hour is, if nothing else, rude, and we will not be supporting the amendments.

When I go through the amendments—and I will go through them briefly—the point that is made about online voting is perhaps the most legitimate of all the concerns that have been raised. But it is clear that this part of the bill will not be enacted in this election, based on advice from the Electoral Commissioner, and those provisions therefore will not need to be omitted.

The penalties for breaches for road sign offences is a sort of duelling way of doing it, between the government and the Greens. I am satisfied that the Labor Party's approach is appropriate—and it did help that they bothered to speak to us about it.

With regard to foreign entities, again this is grandstanding from the Greens. I would point people to the response from the scrutiny of bills committee and what they have said in regard to this, including that the proposed amendments will limit the right to freedom of expression under section 16 of the Human Rights Act; that they also may raise concerns over the compatibility of the Australian Constitution's implied right to freedom of political communication; that the proposed amendments may also limit the right of equality before the law; that this limitation has not been addressed in the ES; and, given the potentially broad range of entities covered by the proposed definition, it is not clear how the proposed amendments will contribute to purposes accepted as legitimate. Further information was asked for, but I doubt that that has been provided—or, if it has, I certainly have not seen it.

The next piece of grandstanding from the Greens is to ban certain businesses and industry groups from participating in the electoral process. From the scrutiny of bills committee, it is not clear there has been a sufficient link between the making of donations to territory political actors and the making of these decisions. It is quite clear that what you have here is a piece of grandstanding. If the Greens were serious, maybe they would come in and have a ban on landlords. There is a direct link between



landlords and, obviously, what happens with legislation here in the ACT. Maybe the Greens could ban Mr Rattenbury, Mr Davis and the other Greens of the landlord class. The Greens hate the landlord class, except for the fact that they are all of the landlord class. Those members want to ban defence and fossil fuel entities, but they are not going to ever ban anything that might hit their hip pockets. They do not want it to interfere with their holiday homes and their portfolios, do they? No, they do not.

Of course, they could also ban pokies. If they wanted to look at a ban on an industry here that the government regulates, that government operates, where is the ban on pokies? Where is the ban on that, or would that annoy the CFMEU and the tradies? I imagine it would, and that would be a pretty big impost on some of the donations in this place, both to the Labor Party and to the Greens.

The Greens have come in here and decided that they want to ban defence industries. I am not aware that we have an ACT defence force. I do not know if that is a policy that is going to be coming forward from the Greens. To try to ban defence donations when we are prohibited under the Constitution and we do not actually have a defence force—that is a federal issue—just shows you that that is a piece of ridiculous grandstanding, and that it reflects a philosophical view from the ACT Greens, just like their federal colleagues, which is about wanting to defund and attack the Australian defence industry.

The Australian defence industry is what keeps our soldiers, our sailors and our airmen and women safe. The Greens do not understand that, and they take every opportunity, including in an ACT electoral bill, to have a crack at the Australian Defence Force and Australian defence industry.

**Mr Parton:** They would probably like to ban the military.

**MR HANSON:** I think that they would. We will not be supporting that particular piece of grandstanding. I think that is probably enough in terms of a critique on the Greens' amendments, because I do not think they are particularly—

**Mr Parton:** You can keep on going if you want.

**MR HANSON:** I could, and I could keep quoting from the scrutiny of bills committee. But I think it is clear from what I have said that this has been an exercise in Greens grandstanding, rather than a legitimate desire to make substantive change. There has been a process available for that, but I will move on.

**Mr Parton:** I think the Speaker is keen for more.

**MR HANSON:** The Speaker loves the Greens. Aside from the Greens grandstanding, this has actually been a thorough and considered process. It has engaged collaboratively with the Canberra Liberals.

**MADAM SPEAKER:** Can I just hold you up there. That was a reflection on the Speaker, and I do ask that you withdraw it.

**MR HANSON:** I withdraw, Madam Speaker. I was responding to interjections. I should not do that.

**MADAM SPEAKER:** From your own side.

**MR HANSON:** Indeed, from my own side. But I notice that you will not warn him—but that would be a reflection as well. Anyway—

**MADAM SPEAKER:** Yes. That would be. You were not warned; you were just asked to withdraw.

**MR HANSON:** Fair enough—and I will withdraw that one. There has been a proper process for this, other than the pretty shoddy attempt at grandstanding that we have seen again from the Greens. I can indicate that we will be supporting the bill in principle and that I will be supporting the government's amendments, but not the Greens' amendments.

**MR BRADDOCK** (Yerrabi) (11.49): Much will be made in public discourse regarding the disagreements within the government—and there are a range of matters over which I have circulated amendments, and I will come to those when we reach the in-detail stage—but those disagreements should not detract from the good reforms happening in this bill, which is why the Greens will be supporting this bill in principle.

A lot of what was identified in the inquiry into the last election has been acted upon. We will be doing away with the requirement that voters must have a reason for needing to vote early during a pre-poll period. Rhetorically, we know this rule has been flouted by people for a long time. We are now officially allowing people to vote at a time of their choosing. Together with a shortening of the pre-poll period, this means we are practically moving towards an election fortnight rather than an election day with pre-poll, and this is fine.

Very few people have traditionally voted during the first week of pre-poll and, for those who genuinely need it, postal voting options will remain available for the full three weeks before the close of polls. Elections ACT will also get an extra 24 hours to do preparatory work ahead of this period starting and can accept candidate statements at the point of nomination. These reforms will help with the overall smooth operation of the election. Telephone voting will be made a normal thing available for the vision impaired. Polling booths will operate at places where homeless people gather. These are two more useful reforms to support the franchise.

The details of party secretaries will now be recorded with Elections ACT, closing a loophole of vulnerability for political parties and allowing for better confidence that when communications are made with Elections ACT it is genuinely on behalf of the party concerned. On the other side, there will be increased flexibility for the appointment of reporting agents, allowing for an increased number of people to satisfy a party's reporting obligations. Authorisation requirements are printed in electronic electoral matter are being clarified, including for translated electoral matter. This should make compliance more straight forward. The real-time disclosure of donations will become an ongoing thing, rather than being limited to election years. This was in the parliamentary agreement, and it is good to see it happening.

There are a range of other technical reforms that I expect the minister will speak to. However, this bill does leave behind some unfinished business—things on which

I have not been in a position to develop useful amendments from the crossbench but which are worth noting at this point in time.

The government and Elections ACT have, not for the first time, disagreed with the expert advice of ANU Associate Professor Vanessa Teague, independent security researcher T Wilson-Brown, and Dr Andrew Conway, regarding the need for a verifiable paper record for electronic voting systems. The government responses I have seen incorrectly conclude that the concern is with the auditability and verification of the vote-counting system. It is not; it is with the vote-recording system. As of right now—and this problem will continue—there is no means to provide assurance that what a voter inputs on a computer screen accords with what is recorded as a vote in the back end of the system. It is the single biggest vulnerability in our electronic voting system that is not being acknowledged by the government or Elections ACT.

It could be resolved by requiring the print-out of each electronic ballot, including the display of an anonymised index number that can be matched to a database of votes, checked by the voter for their assurance and later audited by Elections ACT. If the government does not show any action on this issue, it can rest assured that the I will be raising it yet again in the future.

The lack of any action on the definition of “electoral matter” will continue to leave us with one that is not fit for purpose and is absurd to enforce. As PhD candidate Mark Fletcher observed in his submission to the committee inquiry—a submission in which he describes being threatened with jail time for failing to provide comprehensive information on the finances of the third-party campaigner known as the Australian National University—our current laws define ‘electoral matter’ without regard to the intent of either the author or whomever ultimately communicates it. To drive the point home: any academic articles on rental prices will touch on matters before voters at our upcoming election and will therefore be absurdly classified as electoral matter. If they are not authorised by someone like the vice-chancellor or someone else with the institutional delegations, the ANU will likely have committed an offence. The ABC’s Vote Compass activity will be electoral matter. Wikipedia’s article on the 2024 election will be electoral matter. This issue remains in need of fixing.

On road signage regulations, it is no secret that the Greens would prefer to see an end to all roadside corflutes on grounds of visual pollution and waste. We know that we are liable to lose that argument, since the old parties in here are in love with their corflutes, and thus the restrictions on roadside signage do not go far enough. A meaningful restriction would be to permit signs in white-listed particular locations around the territory rather than blacklisting locations where they are not. I am also concerned that the proposed cap of 250 signs per candidate or 6,250 per major party will be both ineffectual at changing behaviours and impossible to enforce.

Unfortunately for me, the controls for this remain entirely within regulation, specifically the moveable signs code, leaving the Greens to choose between accepting the suboptimal regulations proposed or disallowing them and in effect having no regulation at all. With that dilemma in mind, let my discontent be known and put on the record.

A few other things in this bill remain subject to budget prioritisation. That includes resources to empower enforcement of the 100-metre rule at polling stations, the roadside signage rules including the aforementioned cap, and any new parking offences relating to the display of advertising or electoral matter. Nothing in our current laws would prevent someone like Clive Palmer single-handedly bankrolling a party and campaign which matches that of a major party. It would be the antithesis of grassroots democracy and representation of people of the territory.

As I mentioned earlier, there is some good material in this bill and the Greens are very happy to support it in principle. Our concerns are mostly in where it fails to advance issues, and I have some amendments to go over, during the detailed stage of debate.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.56), in reply: I am pleased to close the in-principle stage debate today on the Electoral and Road Safety Legislation Amendment Bill 2023. The bill implements a number of commitments of the Parliamentary and Governing Agreement of the 10th Assembly. It also implements a large suite of measures agreed to by the government in its response to the Standing Committee on Justice and Community Safety's inquiry into the 2020 election. The bill makes the ACT electoral process more accessible and transparent, improving transparency in our local elections and also improving road safety.

The importance of ensuring the integrity and transparency of the ACT's voting system cannot be overstated. It is core to our democracy and the right of every voter to know how candidates, politicians and political parties are funded and that they are not being influenced by foreign actors.

I intend to move a number of government amendments to the bill today, which I will speak to more in the detail stage debate on the bill. In summary, these government amendments respond to the recommendations by the standing committee and address a technical error to the Electoral Act identified by the ACT Electoral Commission.

Passing this bill will enhance the transparency of the ACT electoral process and will support greater public confidence by the introduction of new bans on donations from foreign entities. There is strong interest from the public in being certain that there is no risk of elections being unduly influenced by foreign entities. Any actual or perceived influence by foreign entities on government decisions will have negative impacts on public confidence. Criminal offences are being introduced to make it an offence for a foreign entity to give political donations of \$250 or more. If the donation is under \$250 in value, this will not be captured by an offence but the amount of the donation will be payable as a debt to the territory by both the giver and the receiver.

Political entities, including members of the Legislative Assembly, political parties and candidates for election, will also be prohibited from accepting any donations from foreign entities. Reasonable steps must be taken to ensure that political entities are not receiving donations from foreign entities. Several other jurisdictions in Australia, including the commonwealth, New South Wales, Queensland and Victoria, have banned donations from foreign entities over recent years.

The bill does not unnecessarily restrict the ability for individuals, corporations or other entities to make political donations in the ACT. People and organisations who are legitimately living, working or doing business in the ACT—including, for example, on work or sturdy visas—will not be prohibited from making political donations. I am proud that the government has been able to deliver this reform, as committed to under the 10th Assembly's Parliamentary and Governing Agreement.

The bill also meets the government's commitment in the PAGA to enhance transparency by introducing real-time political donations reporting, to help safeguard the integrity of political donations and government decisions. The government amendment is made to the bill to retain the current \$1,000 reporting threshold for political donations. If that amendment is passed, the bill will require political entities to disclose any donation received that is over \$1,000 in value, but within seven days of receiving the donation. The requirement allows for much faster public visibility of donations and greater transparency throughout an entire electoral cycle.

Through a number of amendments, the bill further improves accessibility and inclusivity so that voters can fully participate in elections. The early polling period is around two weeks from the second Monday before election day. That will allow electors to cast their vote. There is no need for voters to provide an excuse or reason to vote early, further inconveniencing voters. The bill also permanently introduces electronic voting for ACT voters who are overseas during election time. The process for postal and electronic voting for overseas electors is set three weeks before the election date to accommodate the need for a slightly longer period to vote.

The bill also improves inclusivity of the multicultural community in Canberra. Candidates and political parties will be allowed to spend up to around \$5,000 on translation services without this contributing to the expenditure cap, to better engage Canberra's multicultural community on elections and to be more inclusive. The bill also aims, through telephone voting, to improve inclusivity of voters who are blind or vision impaired and who would otherwise need assistance to complete a secret ballot. Elections ACT will be allowed to undertake telephone voting and mobile polling to provide a more inclusive voting system. I am confident that those amendments will enfranchise voters so that they can participate fully in elections by making voting more accessible and inclusive.

The bill also makes changes to tighten the rules around authorisation statements for electoral matter. Currently, a person or organisation is legally required to include an authorisation statement if they disseminate electoral matter so that the public can identify the source of the information. There is an exception under the current law to protect freedom of political communication. Under the exception, authorisation statements are not required where people disseminate their own unpaid personal political views on social media.

To improve transparency and to reduce the risk of misinformation regarding electoral matter disseminated on social media, this bill clarifies that this exception only applies where a person disseminates electoral matter on social media, the person is not paid, the person is acting in a private capacity and expressing their own personal political views, and the person is not using a social media account created for the dominant

purpose of disseminating electoral matter unless the account is in their name. The bill will ensure that the requirements for authorisation statements cannot be evaded while still protecting the right of the individuals to express their own views in a private capacity.

The bill provides a broad range of strengthened powers and improvements for the Electoral Commission. These changes come from recommendations of the committee of the Assembly and have been developed in consultation with the commission. They closely reflect recent changes made by the commonwealth under the Electoral Act 1918. In particular, new section 93 will enhance the integrity of the election process by ensuring that party names are not misleading or confusing. Applications to register a party name will have to be refused if they incorrectly suggest a relationship to other parties already registered. Parties will be able to make objections to the commissioner about the continued use of misleading names under the new provisions.

The bill also provides a series of new provisions that will support the commissioner to make necessary arrangements to secure electronic voting. These provisions ensure that arrangements for electronic voting are clear, transparent and secure. The commissioner will have the power to ensure the integrity and security for the devices used and backups of data produced by those devices.

The bill improves the safety of our road network by introducing restrictions on roadside advertising. The bill introduces a new offence for vehicles that park with a sign attached displaying advertising or electoral matter. The vehicle must be parked in a designated area—an area which has been selected in the interests of road safety. This goes to a matter which Mr Braddock raised in his grandstanding. It is unfortunate that he has characterised these changes as about being in the political interests of other political parties, when in fact these have been crafted based on the constraints and the engagement of the implied freedom of political communication under the Australian Constitution. That means that when we make changes to laws, especially around political communication, we need to make sure that they are appropriate and adapted and serve a legitimate purpose—in this case road safety. So it is very unfortunate that the comments made by Mr Braddock today seek to politicise these changes, which are proportionate and which address that legitimate purpose of road safety.

This builds on our Parliamentary and Governing Agreement commitment and our commitment to Vision Zero. The Vision Zero commitment was given by the ACT in the ACT Road Safety Strategy 2020-2025, which aims to have zero deaths and serious injuries on our road networks. Driver distraction is a priority issue for the ACT government, and it is one of the key focus areas of our latest Road Safety Action Plan.

This bill aims to reduce the distraction from advertising on stationary vehicles. Drivers are performing complex driving tasks when maintaining an active awareness, which requires concentration. Roadside advertising can encourage the driver to gaze away and affect concentration. Parked vehicles with attached signs displaying advertising or electoral matter, such as A-frame vehicles with billboards, not only distract passing drivers and compromise road safety but also detract from the visual attractiveness of Canberra.

Parked vehicles pose a collision hazard, particularly on higher-speed roads. The bill aims to prevent vehicles from being used as large signs or billboards frequently parking on arterial roads, often at peak times. This applies for political advertisements but also commercial advertisements on the side of ACT roads. The offence carries a penalty of \$700 infringement or a 20 penalty unit court-ordered penalty up to \$3,200. Vehicles parked in designated areas must have a signed display advertising or electoral matter attached to the vehicle in order to be subject to the offence.

It is worth noting that the bill allows for disallowable instruments to define the scope of advertising on vehicles and for all declared places to be defined by a notifiable instrument. The arrangements provide flexibility for the offence to target areas of significant concern, such as areas predominantly being used for roadside advertising or that are complex or have a high-crash risk, or vehicles with advertising that is particularly distracting to passing drivers. It is currently being considered that advertising must be greater than 1.5 metres squared.

The advertisements will apply to all advertising since there is no practical difference between commercial, political or community advertising from a road safety point of view. The definitions will exempt bumper stickers, given their insignificant impact to driver distraction for passing vehicles, and allows for messages on trailers during roadworks to safely guide traffic.

The bill will deliver further road safety measures through amendments addressing roadside signage through electoral corflutes on public land. Again, a matter that engages the implied freedom of political communication needs to be appropriate and adapted to serve a legitimate purpose. The ACT government recognises that signs identifying and promoting the candidates and policies for an election are a valid mechanism by which the electorate is informed or communicates about the available alternative candidates for public office. Do not take my word for that, Madam Speaker; take the word of the courts, which have actually made this comment in obiter dicta in Victoria. That is why we need to take a proportional response.

Movable electoral signs are currently regulated under the Electoral Act, which requires authorisation information to be published. They are regulated, under the Public Unleased Land Act 2013, Public Unleased Land (Movable Signs) Code of Practice, which limits when electoral signs may be displayed under requirements such as size and distance from the kerb. New restrictions to be included in the movable signs code will be timed with the implementation of this bill to set a maximum cap of 250 signs per candidate and entity. That means that if a political party has given candidates in five electorates they will be able to have 6,250 signs for the individual candidates and 250 for the political entity, such as a political party, recognising that they may have particular party-branded corflutes that are not directly related to the individual—so a maximum of 6,500 in total.

Through this movable signs code we will also prevent the placement of those signs along roads that have a speed limit at or exceeding 90 kilometres per hour. These new restrictions will give effect to the Parliamentary and Governing Agreement of the Tenth Assembly commitment to further regulate electoral corflutes and will further road safety and environmental benefits.

It is clear that Canberrans experience a jump in the number of corflute signs during election periods, and we know that they can also cause safety risks in terms of driver distraction. They can be blown onto oncoming traffic, and vehicles that are frequently stopping pose safety risks where they are unloading, maintaining and collecting corflutes on busy roads. This is a problem in Canberra during election periods where we have a larger number of signs. The smaller number of signs and the restrictions on higher-speed roads will hopefully address that.

We also recognise that the pollution and unnecessary waste that is brought about by an excess of electoral corflutes can cause environmental problems. Corflute recycling technology can only alleviate part of that problem. Reducing waste in the first place is an important step under a circular approach. Under these principles, there is a benefit to capping the number of signs, as this adds value to each sign, making people more responsible and careful in where and how they are placed.

This bill introduces offences under the Public Unleased Land Act, which will support the new electoral corflute restrictions. Currently, the penalty for breaching the non-insurance related requirements of the code is 10 penalty units or a fine of \$220. We recognise that this is more serious, and the bill will introduce a higher penalty of 20 penalty units or a \$440 fine for the new restrictions. That recognises the cost of business and makes it clear that excessive numbers of corflute signs per candidate or electoral signs being placed in high-speed traffic areas will no longer be acceptable. But it is not an outright ban, because we cannot do that under the Constitution. I want to make that absolutely clear for everyone here today. An outright ban would not be implemented because it would be ruled invalid and then, of course, no restrictions would be available to us.

I will speak further to the government amendments in the detail stage. I table:

A revised explanatory statement to the bill and a supplementary explanatory statement to the government amendments.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 3.

Debate (on motion by **Mr Gentleman**) adjourned to a later hour.

**Sitting suspended from 12.12 to 2 pm.**

### **Questions without notice Government—taxation**

**MS LEE:** My question is to the Treasurer. Treasurer, today the *Australian* presented detailed analysis on the ACT's budget and tax failures by several experts in economics. In particular, Dr Khalid Ahmed and Dr Stephen Anthony say that per



capita tax on Canberrans has been the highest in the country since 2014-15 and climbed to \$5,347 in 2022. That is \$5,347 per person and almost \$500 more than the next highest-taxing jurisdiction, New South Wales. Treasurer, why do Canberrans pay the highest tax per capita?

**MR BARR:** They do not. The most recent data from the ABS indicates that New South Wales and Victorian residents, when you include local government, pay higher tax than those in the ACT.

**MS LEE:** Treasurer, are the experts, especially Dr Khalid Ahmed and Dr Stephen Anthony, wrong when they say the ACT government is charging the most per capita?

**MR BARR:** They may not have seen the most recent data from the ABS on taxation revenue per capita by level of government and jurisdiction. In the most recent data, from fiscal year 2021-22, the ACT is taxed \$5,346, as you quoted, Ms Lee. In New South Wales it is \$5,537 and in Victoria it is \$5,638, which are higher than in the ACT.

**MR HANSON:** Treasurer, did you purposefully decide to tax Canberrans at the highest rate per capita in the country or is that a mistake?

**MR BARR:** As I have clearly pointed out, and as the ABS data shows, the first part of Mr Hanson's question is wrong. We are not the highest taxed per capita. Victoria and New South Wales tax higher and the ACT is only about \$170 above the national average, so we are broadly in line with the rest of the nation and taxed lower than in New South Wales and Victoria.

### **Government—taxation**

**MS LEE:** My question is to the Treasurer. Treasurer, reporting in the *Australian* newspaper today quotes former senior Treasury official Dr Khalid Ahmed on your tax reform policy. He says:

... duty on conveyances would be less than a quarter of what the government is collecting now, and tax on rental properties would have been abolished ...

Treasurer, why isn't your tax reform program doing what it was originally planned to do?

**MR BARR:** It is. I do not know where Dr Ahmed has got his figures from. I have looked again at the stamp duty share of total state and local government tax revenue, and, at the commencement of tax reform, the ACT had the highest share. Stamp duty was the highest proportion of own-source revenue of any state or territory, and it is now the lowest as a result of cutting stamp duty. It is a 20-year program, and we are 10 years into it.

**MS LEE:** Treasurer, has your tax reform program resulted in you double dipping on tax revenue?

**MR BARR:** No. The reason that revenue has increased is that the size of the territory economy has increased: the size of the population has increased and the number of

properties in the ACT has massively increased, by nearly 40 per cent. The economy, the city—everything is larger. Stamp duty as a proportion of all tax has fallen, and it certainly has fallen to the lowest of all the states and territories as a proportion of own-source revenue.

**MR CAIN:** Treasurer, why did you mislead Canberrans about how much tax they would be paying, when you originally announced your tax reform policy?

**MR BARR:** I did not. We have been very clear. It has been a 20-year tax reform process. During that time, the economy and the city have grown. If you look at the counterfactual—what the relative tax lines would be if no reform had occurred—stamp duty would be the highest revenue source, and it would be approaching \$1 billion, based on what we are seeing in other jurisdictions. Rates would have also increased, and so would other tax lines, because every year the tax lines increase because the economy grows, and because of inflation and because of population growth. All of those factors lead, in absolute terms, to there being more tax collected each year. Just as expenses rise each year—as a result of an increased population, pay rises and inflation—the revenue side grows as well.

Analysis that simply looks at raw figures is pretty low rent. You need to look at tax as a proportion of the economy, tax as a proportion of gross state product and individual tax lines as a proportion of own-source revenue. What is clear is that the ACT's reliance on stamp duty is much lower than it was a decade ago.

### **Government—taxation**

**MS LEE:** My question is to the Treasurer. Treasurer, in 2012-13 you announced a tax reform policy that would abolish stamp duty by 2032. The 2023-24 budget reveals that in 2026-27 revenue from stamp duty will be almost \$300 million—substantially higher than stamp duty revenue received in 2011-12. Treasurer, how will you abolish stamp duty by 2032?

**MR BARR:** By cutting it each and every budget, as I have done over the past 11 budgets.

**Ms Lee:** Is that what you've done? How much have you collected?

**MR BARR:** Ms Lee, what you need to understand is that the number of taxpaying households and the number of property transactions has increased because the population has increased. When tax reform started there were about 140,000 dwellings in the ACT.

**Ms Lawder:** That's a bit of mansplaining—

**MR BARR:** I am just explaining the facts.

**Mr Parton:** I think this is mansplaining, isn't it? Is that what it is?

**MADAM SPEAKER:** Members! Members!

**MR BARR:** I am explaining the facts to the shadow treasurer, who you would hope would understand that the economy grows. So there were 140,000 properties; there is now 190,000, and we are on our way to 240,000 properties. That means more transactions. That means that tax revenue does increase. But each year the rate of stamp duty has been cut. So the path from here to 2032-33 is to cut stamp duty in every budget.

What have we done over the last 10 years? Cut stamp duty in every budget.

**MS LEE:** Treasurer, how much will you have to increase household rates between now and 2032 to cover the revenue lost by abolishing stamp duty?

**MR BARR:** At around the rate of the wage price index plus the transition between the two. That has been about a 1 per cent addition on top of the WPI. At the moment rates are going up by 3.75 per cent.

**MR CAIN:** Treasurer, will you explain to Canberra taxpayers why your government has collected substantially more in stamp duty since you announced the tax would be abolished?

**MR BARR:** Mr Cain has not been listening to the last seven answers. Because the economy is growing—

**Mr Cain:** I'm trying to find sense in your answer.

**MR BARR:** because there are more houses, Mr Cain. There is a 40 per cent increase in the number of dwellings. Therefore—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, you have asked a question.

**MR BARR:** Therefore, there are more properties that transact each year. According to the economic theory, which is right, as you lower taxation you will see more allocative efficiency in the housing market. In other words: more properties transact; the tax rate is lower, but more properties are transacting. That will be the case in to the future as the population grows. It is quite a simple equation. The tax rate multiplied by the number of houses that transact in a year. Pretty straight forward.

### **Arts—Canberra Museum and Gallery**

**DR PATERSON:** My question is to the Minister for the Arts. Minister, can you provide an update on the work that the Cultural Facilities Corporation is doing to promote and elevate the offerings of the Canberra Museum and Gallery?

**MS CHEYNE:** I thank Dr Paterson for the question. The Canberra Museum and Gallery, or CMAG for short, has been attracting new and returning locals and visitors through programming efforts that reflect the diversity of Canberra's identity and community. Offering free museum entry, right here in the heart of the city, CMAG's program of events, exhibitions, education and public programs is going from strength to strength.

To name just a few: the importance of CMAG in promoting Canberra's social and cultural history was recently reflected in the Telopea Park School 100 year anniversary exhibition; the *Nara—Canberra: 30 Years of Friendship* exhibition, currently showing, celebrates the 30th anniversary of that relationship; and, later this summer, CMAG is celebrating the career of pop icon Madonna through an extensive private collection of memorabilia by Canberran Jerry Kirbell, with plenty of opportunities for gallery visitors to strike a pose, including at the Into the Groove Madonna Dance Party, Clearing the Gallery art workshop and *Madonna40 Exhibition* talk, which are all linked to the SpringOut Festival.

Last month I was delighted to announce the winners of the Secondary School Art Prize, with selected works displayed as part of the current *Capturing Canberra* exhibition—an incredible opportunity for our local school students. These efforts are also supported by collaborative work to activate Civic Square as we work towards the transformative Canberra Theatre Centre development and opening of the new gallery space, with a focus on interactive multimedia, in the former restaurant, Mr Wei's. CMAG has continued to exceed its visitor targets, this past financial year by 138 per cent and over 57,000 people through its doors.

**DR PATERSON:** Minister, what work has CMAG undertaken to support the activation of Civic Square?

**MS CHEYNE:** I thank Dr Paterson for the supplementary question. The Cultural Facilities Corporation and CMAG have taken a collaborative approach to working with other parts of government, cultural organisations and the community to enliven and activate Civic Square. While CFC's Civic Square hub has been awaiting an interior refit for future use, the frontages on Civic Square have been part of the CRA's Floriade walking trail, with fun selfie stations linked to the *Capturing Canberra* exhibition and a miniature outdoor Nolan gallery at dog height to encourage some fun social media engagement with the CMAG collection.

Prior to this, the Civic Square hub was brought to life through the fantastic Craft + Design Canberra shop and workshop space and more recent collaborations with the City Renewal Authority on placemaking initiatives. Just two weeks ago, the CFC supported the 45th anniversary celebrations of Canberra Dance Theatre in activating Civic Square with dance workshops and a huge flashmob accompanied by African drumming and birthday cake. As we look towards 2024, CMAG is already working closely with the National Multicultural Festival team to make Civic Square a must-visit destination during the event.

**MS ORR:** Minister, how has the public responded to the opening of a new CMAG gallery space in the former restaurant, Mr Wei's?

**MS CHEYNE:** I thank Ms Orr for the supplementary. As I briefly touched on earlier this year, the Circuit Gallery, in the former Mr Wei's restaurant space, opened with a special focus on interactive multimedia, and it has already hosted two popular exhibitions. The recent children and family focused exhibition *How Cities Work* attracted over 10,000 visitors, with over 66 per cent of people surveyed being first-time visitors to CMAG, and 49 per cent of these were children.

A new, similarly interactive, exhibition has just opened, called *On the Move*, which will run until late January. Designed, again, especially for children and families, *On the Move* is a highly engaging exhibition that offers hands-on discovery of incredible journeys, unique inventions, amazing vehicles and intrepid explorers across the country. Touring from Museums of History NSW, visitors will be able to discover how transportation works in busy cities, how fuel choices can have a positive impact on the environment and how transport modes have evolved over time. Children will be able to develop their fantasy trip, fuel up at the servo, craft their dream machine and build a vehicle for the future from LEGO and test it on a futuristic city track.

### **Government—taxation**

**MS LEE:** My question is to the Treasurer. Treasurer, reporting in the *Australian* today quotes ANU Professor Bob Breunig, who was on the committee tasked to assess your tax reforms. Professor Breunig said that he was not hopeful that stamp duty would be abolished by the early 2030s as planned. This follows analysis that your government is set to collect \$159 million dollars more in stamp duties, this financial year alone, than a decade earlier, when you announced your tax reform.

Treasurer, given that your government is collecting more revenue from stamp duty than when you announced your reform, why are you still increasing rates?

**MR BARR:** As I indicated in my answer to the nine questions that the Liberals have asked on this already, the economy is growing. Our total tax collections will grow every year because our economy is growing and our population is growing, and we have more ratepaying households. Rate increases at the moment are 3.75 per cent per annum. That is necessary to meet the increased costs of service delivery. The line the questioning from the opposition is heading down is the magic pudding phase; they have started making it already. They tried it in 2020—the old “fewer taxes, more services” mantra. You cannot do that. Services must be paid for.

**Ms Lee:** I have a point of order. The new standing orders talk about the answers having the same rules as questions about ironical expressions. I ask that you ask the Treasurer to be relevant to the specific question I asked, which is: why is he still increasing rates if he is collecting more in stamp duty?

**MADAM SPEAKER:** With some level of sympathy to Ms Lee’s point, to the question.

**MR BARR:** Rates need to increase to fund services—to fund the wage increases and salary increases that we have had motions calling for, from this side of the chamber.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** That does not give you leeway for interjections, Mr Hanson.

**MR BARR:** Rates need to be increased to fund health, education, police, emergency services, community services, housing services, homelessness services—all of the things that this place spends most of its time debating and calling for need to be funded. Rates is one of those funding sources.

*Opposition members interjecting—*

**MADAM SPEAKER:** I remind people that interjections are out of order, and also to be very mindful of the scuttlebutt and the words that you use in interjections, because if they were said in debate, they may be asked to be withdrawn. I just ask people to be a little bit conscious of that.

**MS LEE:** Treasurer, will you speed up the stamp duty reduction, given that you are still collecting more stamp revenue than when you commenced your tax reforms.

**MR BARR:** That is asking for an announcement of government policy in questions—

**Ms Lee:** No, it's not; it's already policy.

**MADAM SPEAKER:** Ms Lee, you have asked the question.

**MR BARR:** You are asking whether I will speed it up. I have already announced a significant stamp duty cut in this parliamentary sitting. I will announce more in the weeks and months ahead.

**MR CAIN:** Treasurer, do you agree with Professor Breunig that it is unlikely that your government will abolish stamp duty by 2032?

**MR BARR:** No, I do not.

### **Schools—staff welfare**

**MR HANSON:** My question is to the Minister for Education and Youth Affairs. Minister, I refer to data reported under the headline “ACT school violence and safety incidents reach record high”. That report showed that ACT public school staff reported 38 incidents of occupational violence per school day and that the number of safety improvement notices tripled in the last financial year. Staff submitted 7,448 incidents of occupational violence reports through the RiskMan reporting system in 2022-23. Minister, why have occupational violence incidents in ACT schools increased by so much in the last financial year?

**MS BERRY:** I thank the member for his question. It definitely shows that there has been an increase in violence in our schools. There has also been an increase in violence in our community, and our schools are representative of what occurs in our communities. Our schools do the very best they can to address what they can inside the school gates, as far as school violence is concerned. It is a complex issue, and it is influenced by a number of factors, including what happens in our community.

The growth in violence, as I said, can be attributed to what is happening in the community. We have also seen a more significant increase in the reporting of violent incidents in our schools, which we absolutely encourage; because, if we do not know what is happening in our schools, we cannot address it. Some of the issues that are being reported include things like offensive language and physical violence. That violence can occur across the board—from students, members of the community and parents as well. It also occurs across social media, emails and those kinds of events. That is one of the reasons why the ACT government is committed to a campaign to reduce violence in our schools, to ensure that members of the community understand

that nobody should have to accept violence in their workplace. That is a campaign and an issue that we are absolutely concerned about and will continue to address as we move along.

There is a lot of work happening in this space; but, clearly, things are getting worse, and we need to do more. The Education Directorate and the Education Union, along with our community, will work towards making sure that our schools are safe for our teachers and school staff.

**MR HANSON:** Minister, how are 38 incidents of violence a day acceptable in any workplace, let alone our schools?

**MS BERRY:** They are not acceptable at all. That is why the ACT government has embarked on this campaign, to ensure that the community understands our expectations of our workplaces, including ACT schools. We also have an increasing number of students who have complex issues that need to be addressed; that has caused an increase in some of the incidents that have arisen and have been reported by school staff. We are all working together to try and understand and overcome these complex issues. It involves two conflicting areas—the right to a safe workplace and the right for every child, regardless of their background, to attend school. However, I am committed to ensuring that we find a way and a consensus between those two rights, so that we can meet at a place that is safe for everybody.

**MS LAWDER:** Minister, what investigations have you done to assess the impact of exposure to this level of violence on the children who witness literally thousands of incidents per year?

**MS BERRY:** I do not accept the premise of Ms Lawder's question around students witnessing this level of violence. Certainly, it is the case that it is teachers that are being exposed to this level of violence. The work that is occurring in our schools includes the implementation of the Positive Behaviour for Learning framework, which is about having a positive relationship across the board in our school communities. It works on a positive model of recognition of when things go right and addressing issues when they are not going as well as they should be. It is a complex issue, as I said, but it does not mean that we will not work as hard as we can to overcome these issues.

### **Schools—staff and student welfare**

**MR HANSON:** My question is to the Minister for Education and Youth Affairs. Minister, I refer to the thousands of reported incidents of occupational violence in ACT schools. As has been stated, there is a range of behaviours included in this reporting, from verbal abuse to actual physical assaults on teachers and students. Minister, of the 7,448 incidents reported, how many involved actual violence or assaults and how many of them were perpetrated on staff?

**MS BERRY:** I will have to take that question on notice. I do not have that level of detail with me to respond to that question today.

**MR HANSON:** Minister, what actions are you taking immediately and specifically to address verbal and physical assaults against teachers?

**MS BERRY:** I have just referred to the ACT government's campaign to call for respect of our workforce within our ACT schools and that they have as much right as anybody else to a safe and healthy work environment. I am ensuring that the Positive Behaviour for Learning framework is being rolled out across all our schools, with the majority of our public schools already implementing the Positive Behaviour for Learning framework. We are also ensuring that there are trauma-informed practices, team teaching, social and emotional learning, and restorative practices as well within our schools and, most importantly, we are ensuring that the wellbeing of our staff is assured when incidents do occur and that support from the directorate is assured should those incidents occur, as unfortunate as they are and as concerning as they are. Staff are supported. Importantly, we are working with the Education Union about what we can do better and what we can do more of to support staff within our schools.

**MR PARTON:** Minister, what are you doing to eliminate the harm to students who are victims of or witness to verbal and physical abuse on this level?

**MS BERRY:** As I have just referred to, other initiatives which I listed earlier—trauma-informed practices, team teaching, social and emotional learning, and restorative practices—are being used by our teachers and experts within our school systems, as well as within the Education Directorate, to support anybody who is impacted by violence within our schools.

### **Schools—staff welfare**

**MR HANSON:** My question is to the Minister for Education and Youth Affairs. Minister one of the most insidious aspects of abuse and violence is the impact on those who witness it. This is particularly so when there are little or no consequences for the perpetrators of those attacks. Minister, what is the current policy for dealing with students or parents who are responsible for these assaults, and what consequences do they face?

**MS BERRY:** It depends on the circumstances of those issues when they arise and how they are responded to. As I said, it is a complex issue, so each incident often stands on its own and needs a separate response. Through the process, if it involves a student, those behaviours are reviewed and assessments occur; but, again, I would have to say that it would have to be taken on each individual occurrence, when that violence or unacceptable behaviour occurs, as to how the school would respond.

**MR HANSON:** Minister, is it true that in ACT public schools a teacher must get the parents' permission before a student can be suspended?

**MS BERRY:** Again, it would depend on the circumstance. If Mr Hanson has a particular issue that he wants to raise with my office, I would encourage him to do so. I could not give an outright answer of yes or no. There would definitely need to be consultation between the school and the student's family.

**MS CASTLEY:** Minister, how long do suspensions last? What happens when the child returns to school?



**MS BERRY:** Again, it is not an answer that can be provided in a simple way. These are often complex issues, and there needs to be full consultation and engagement between the family and the school to address these issues.

### **Transport Canberra—electric buses**

**MS CLAY:** My question is to the Minister for Transport and City Services. Minister, the ACT government has signed contracts to buy 90 zero emissions buses to be housed in Woden and Tuggeranong, as well as for the construction of Woden Bus depot and the provision of high voltage electrical connections to both Woden and Tuggeranong depots. But there is not currently any contract or tender open for the procurement of the required chargers to charge these 90 electric buses. I am delighted to hear that the 90 electric buses will be delivered progressively between now and 2025. Can you tell me when the additional battery electric bus chargers are planned to be installed at Tuggeranong and Woden?

**MR STEEL:** The answer is that, before the first electric buses arrive, as part of the contract we have to purchase a further 90 electric buses, in addition to the existing 16 lease buses, which are charged through the chargers that are available at both the Belconnen depot, currently being installed, and the existing six chargers which are available at the Tuggeranong depot.

Transport Canberra is progressing with two separate procurement processes to achieve that outcome for the bus charging equipment related to Woden and Tuggeranong bus depots. Chargers being installed at the Woden depot will provide those facilities as part of a variation to the contract with the current partner for the construction of the Woden depot. Then there will also be a procurement for the chargers at Tuggeranong as well, ready for the first tranche of those buses to arrive.

**MS CLAY:** Minister, will any of the additional 90 electric buses be on the road before the Woden depot opens in December 2024?

**MR STEEL:** I thank the member for her question. Yes, it is possible that is the case. It is one of the reasons why we made a decision to retrofit Tuggeranong—so that we could, as soon as possible, have extra charging capacity at a number of depots and not just rely on the Woden depot, which is still expected to be completed around the end of 2024.

**MR BRADDOCK:** Minister, when will the new electrical connections to the Tuggeranong depot be completed?

**MR STEEL:** I thank the member for his question. We intend to have those complete ready for the first tranche of buses to arrive. The exact timing will be determined through the procurement process. We will go out to market and determine what the outcome is that suppliers can provide. Then we will contract that and will have the timeframe in the contract, which is similar to every other infrastructure project. The intent is to have them available to support the grid infrastructure that is being installed by Evoenergy so we can charge up to 200 electric buses at Tuggeranong and up to 100 at Woden in future.

## **Drugs of Dependence (Personal Use) Amendment Act 2022**

**MR HANSON:** My question is to the Minister for Police and Emergency Services. Minister, police have been quoted as being deeply concerned about the knock-on effects that the change to drugs laws may have on drug-affected driving. They further stated:

... one of the concerns I do have: is people thinking that because it is legal or decriminalised, they can get behind the wheel of a car ...

Minister, given this has resulted in tragedies in the past and police remain concerned, why has your government proceeded with these dangerous changes to drug laws?

**MR GENTLEMAN:** I thank Mr Hanson for his question. The changes to laws governing the consumption of drugs that came into play last weekend relate to looking at the use of these particular substances from a health perspective rather than a criminal justice perspective and making sure that we can provide wraparound services for those people who need that assistance rather than finding themselves in the criminal justice system—a system which has not worked across the world. For 52 years we have had a war on drugs, and it has not worked. We have seen these particular people fall into the criminal jurisdiction when they needed the support of the health services. That is the change that we are making here—

**Mr Hanson:** Madam Speaker, a point of order on relevance: the issue was about the concerns raised by the Chief Police Officer about drug-driving, not the issue of removing individuals from the criminal justice system. I would ask the minister to be directly relevant.

**MADAM SPEAKER:** He is definitely responding to the policy content.

**MR GENTLEMAN:** Thank you, Madam Speaker. Of course, we will keep an eye on any instances that occur in relation to these sorts of occurrences. The police are very active, as you would have seen on the weekend, Madam Speaker. There were a number of instances where people were charged with criminal amounts of drugs. The police do a very active job across the ACT in keeping the community safe.

**MR HANSON:** Minister, beyond just keeping an eye on things, what investigation or analysis has been conducted into the knock-on effects of drug-driving? Will you table any research or advice that you have received on this topic?

**MR GENTLEMAN:** I will ask ACT Policing and see if I can provide any more detail for the chamber.

**MR MILLIGAN:** Minister, who will be responsible if there is any increase in drug-driving offences and tragedies following your decision to go soft on hard drugs?

**MR GENTLEMAN:** The perpetrators, of course, are the ones who are responsible for illegal activities, and they are the ones responsible for the accidents that we see on our roads. That is why the police take an active role in ensuring that they can keep

Canberra's roads safe. They are out there every weekend and every evening ensuring that we can have safer roads across the ACT.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, in every question time I have to remind you multiple times. Can you give us a break!

### **Taxation—road user charges**

**MR BRADDOCK:** My question is for the Treasurer. Treasurer, the High Court's decision on a Victorian EV case was handed down the other week. In media reporting, you mentioned that the ACT government would need to examine the potential broader implications of the High Court's decision. Have any broader implications been identified by the ACT government?

**MR BARR:** That is bordering on asking for a legal opinion. I am not in a position to publicly advise. All I can say is that all state and territory governments are analysing any implications in relation to the decision. The one definitive statement that I can make is that it is a further blow to the states and territories in what is a very significant vertical fiscal imbalance within our Federation, and that the dissenting judges, of whom there were three—so it was a 4-3 decision—make some very compelling points.

**MR BRADDOCK:** The decision will likely prevent New South Wales from proceeding with its plans to introduce a road user charge in 2027—

**Ms Lawder:** Preamble!

**MADAM SPEAKER:** To the question, Mr Braddock.

**MR BRADDOCK:** Will this have any impacts on the ACT?

**MR BARR:** Again, you are asking me to speculate on government policy. I think the clearest interpretation now is that road user charging will be in the federal arena, so it will be a national scheme. There would appear to be great difficulty for the federal government in implementing a national scheme without the support of the states and territories, because we retain most of the data and information.

I think that those who have been celebrating the High Court outcome with the view that it is going to prevent a tax on EVs will actually find that there will be a national tax quicker.

### **Women—ACT Women's Plan 2016-2026**

**MS ORR:** My question is to the Minister for Women. Minister, a few weeks ago you launched the women's third action plan. Can you please update the Assembly on what is in the plan?

**MS BERRY:** I thank Ms Orr for her question and her ongoing interest in improving the lives of women in Canberra. Some of the initiatives coming from this plan include

working with the Ministerial Advisory Council on Women to progress a health and wellbeing guide for women and girls in the ACT. We hear time and again that women's experiences in health care are not good enough. Women still struggle to get accurate diagnoses, and conditions that affect women are often under-researched and not understood. Creating this health and wellbeing guide will allow women to more easily navigate the health system and lead to better outcomes for women and girls in the ACT.

The government is continuing to work on addressing the housing crisis, which also has a disproportionate impact on women and girls. The government will continue to provide support for affordable pathways to home ownership for at-risk women. We will also closely monitor the impacts of different housing initiatives on the wellbeing of women to inform future policy proposals.

These are just two examples of the great initiatives that the government will be focusing on over the next three years. I look forward to continuing my work to promote gender equality in Canberra.

**MS ORR:** Minister, since the first action plan in 2016, a lot has changed for women in the ACT. Why is it still important that we have a women's plan?

**MS BERRY:** Ms Orr is right; a lot has changed since the commencement of the first action plan. We have reduced the gender pay gap in the ACT public service to less than one per cent. We have upgraded 39 ACT government sports pavilions to ensure that they include appropriate facilities for women and are more inclusive. We have piloted the award-winning Understanding Building and Construction Program to encourage girls to enter male-dominated industries.

Education is key in setting up our young people for success, and creating positive attitudes and understanding for gender equality, and respectful relationships at an early stage, are absolutely critical, which is why we have established a gender equality team in Education to create a future where equality is the norm.

Despite some great steps forward in the last seven years, women still feel the effects of COVID-19 more severely than men, through job losses and increased caring responsibilities. Across our workforce, there are still significant gender disparities between industries, and gender-based violence remains a critical issue in our community. There is still more work to do, which is why the third action plan is as important now as ever.

**DR PATERSON:** Minister, why is it important that the government takes an intersectional approach to implementing the actions in the third action plan?

**MS BERRY:** I thank Dr Paterson for her supplementary. Women from different backgrounds experience disadvantage differently. One of the guiding principles for the women's plan is intersectionality. First Nations women, women from culturally and linguistically diverse backgrounds, trans and queer women, women with disability, carers, and women from low socio-economic backgrounds all experience disadvantage in different ways. For example, during community consultation on the fifth theme of the action plan, "Appropriate and accessible services", it became clear

that Aboriginal and Torres Strait Islander women, older women, women from culturally and linguistically diverse backgrounds and women with disability still have trouble accessing services and supports.

The research also tells us that Aboriginal and Torres Strait Islander women are 3½ times more likely to be the victim of sexual assault than non-Indigenous women. We know that often these women do not feel safe accessing the services for sexual assault that we currently have available. As we implement the action plan, we will work closely with the community to ensure that our sexual assault services are culturally safe and trauma informed.

**Mr Barr:** Further questions can be placed on the notice paper.

## **Leave of absence**

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

That leave of absence be granted to Mr Cocks for this sitting due to illness.

## **Legislative Assembly—private members' business**

### **Ruling by Speaker**

**MADAM SPEAKER:** I made a commitment to respond to a point of order made by Mr Gentleman this morning. Standing order 136 enables the Speaker to disallow any motion or amendment which is the same in substance as any question which, during that calendar year, has been resolved in the affirmative or negative. In exercising their discretion under this standing order, regard needs to be had to the intent of the standing order—namely, to prevent obstruction or unnecessary repetition which would consume the valuable time of the Assembly.

This morning the Manager of Government Business raised a point of order concerning whether the private member's motion that is listed at No 4 on today's notice paper in Mr Parton's name offends standing order 136, as it is the same in substance as a motion moved and negatived on 13 September 2023. In making the point of order, Mr Gentleman quoted page 289 of the *Companion*, which indicated that the Speaker had ruled a notice of motion from Miss C Burch as out of order. That ruling was given after it was noted that the subject matter had been debated three times previously that calendar year.

I note that there are several differences between the motion that was negatived on 13 September and the one lodged by Mr Parton. The notice by Mr Parton references a petition that was tabled last week which calls on the ACT government to implement separated cycleways as part of design and construction bus priority measures; investigate opportunities for improving connections between early education centres, North Canberra Hospital and the Belconnen Community Centre; and consider any other opportunities to enhance public transport and other transport modes between Belconnen and the city. None of these matters were part of the motion negatived in September.

Having considered the matter, whilst there are similar parts of the motion, I rule that the motion lodged by Mr Parton is not the same in substance and, as such, can be brought on for debate, as per the notice paper.

## **Voluntary Assisted Dying Bill 2023—Select Committee Membership**

**MADAM SPEAKER:** Members, in response to another motion put forward by Mr Gentleman today, I have been notified in writing of the following nominations for membership of the Select Committee on the Voluntary Assisted Dying Bill 2023: Ms Orr, Dr Paterson, Ms Castley, Mr Cocks and Mr Davis.

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

That the Members so nominated be appointed as members of the Select Committee on the Voluntary Assisted Dying Bill 2023.

## **Papers**

**Madam Speaker** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual Report—2022-2023—ACT Auditor-General, Report No 7/2023—Corrigendum, undated.

Integrity Commission Act, pursuant to subsection 213(1)(b)—ACT Integrity Commission—Special Report—Rural Land West of Canberra, dated 26 October 2023.

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

Crimes Act, pursuant to section 442C—Statutory Review Report—Sections 36A, 36B and 36C *Crimes Act 1900* (ACT)—A review of the operation of offences of abuse of vulnerable people as required by section 442C Crimes Act 1900 (ACT), dated October 2023.

Economy and Gender and Economic Equality—Standing Committee—Report 8—*Inquiry into Housing and Rental Affordability*—Government response, dated October 2023.

Justice and Community Safety—Standing Committee—Report 17—*Inquiry into Supreme Court Amendment Bill 2023*—Government response, dated October 2023.

Justice and Community Safety—Standing Committee—Report 18—*Inquiry into Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023*—Government response, dated 31 October 2023.

### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Animal Diseases Act—Animal Diseases (Varroa Mite Import Restriction) Declaration 2023 (No 1)—Disallowable Instrument DI2023-239 (LR, 23 October 2023).

Utilities Act—Utilities (Grant of Licence Application Fee) Determination 2023—Disallowable Instrument DI2023-238 (LR, 5 October 2023)

## Parks and conservation—nature reserves

**MS CLAY** (Ginninderra) (2.44): I move:

That this Assembly:

(1) notes:

- (a) recent ACT Government consultations on the District Strategies and Connecting Nature, Connecting People and the committee inquiry into environmental volunteerism prompted community discussion about the location and protection of green spaces in Canberra, especially places that contain threatened species or habitats, given our expanding population;
- (b) the Conservation Council ACT Region and Friends of Grasslands' paper *A Biodiversity Network for the ACT*, which identifies that 67 percent of the ACT's critically endangered Natural Temperate Grassland remnants, and 80 percent of critically endangered Box-Gum Woodland remnants, fall outside of the Canberra Nature Park reserve system;
- (c) these remnants are in a mix of tenures and locations and are managed inconsistently and exposed to threats like urban development, edge effects, invasive plants, pests, overgrazing, fire and climate change; and
- (d) the community have asked for Canberra Nature Park status or better protection, land management or zoning changes for many areas through petitions, representations to development applications and to local members for locations including:
  - (i) Bluetts Block-Piney Ridge;
  - (ii) blocks adjoining Callum Brae;
  - (iii) Ainslie Volcanics;
  - (iv) Lawson Grasslands;
  - (v) Flea Bog Flat;
  - (vi) Umbagong District Park;
  - (vii) Mount Rogers;
  - (viii) Emu Creek;
  - (ix) areas surrounding Tuggeranong Homestead;
  - (x) Dryandra Woodland;
  - (xi) Lyneham Ridge;
  - (xii) Lands End and Piney Creek woodlands;
  - (xiii) Woods Lane;
  - (xiv) Glenloch Grasslands;
  - (xv) Curtin Park;
  - (xvi) Scrivener Hill;
  - (xvii) Isaacs Pines and Isaacs Ridge;

- (xviii) land near Dhulwa on Mugga Lane; and
- (xix) Kuringa Woodland;
- (2) further notes that:
  - (a) we are experiencing climate and extinction crises, and environmental and invasive species management will become more resource intensive as a result;
  - (b) Government recently declined nature reserve protection for new areas when petitioned;
  - (c) there are 10 rangers to manage Canberra Nature Park North, Canberra Nature Park South and Mulligans Flat/Goorooyong, and funding for five volunteer coordinators for the ParkCare program;
  - (d) funding for rangers in urban reserves dropped from \$1.34 million in the 2018-19 budget to \$1.28 million in the 2022-23 budget;
  - (e) Landcare and ParkCare volunteer labour was estimated as worth over \$21.5 million per year by the Commissioner for Sustainability and the Environment; and
  - (f) out of a total ACT Government budget of \$7.5 billion, only \$5.2 million was allocated this year for environmental conservation activities; and
- (3) calls on the ACT Government to:
  - (a) set criteria about when to add areas of high conservation value to our Canberra Nature Park reserve system, and when to better protect areas outside the reserve system;
  - (b) set these criteria with a view to maintaining and improving, not allowing ongoing degradation and loss;
  - (c) create a transparent process that communicates these criteria and changes to the community;
  - (d) undertake a strategic review of the Parks and Conservation workforce plans and resources, including ranger numbers, remuneration levels, turnover and contractor spending on land management, to implement the above policy; and
  - (e) report back to the Assembly on progress against these calls by the last sitting day of the 10th Assembly in 2024.

Canberra is known as the bush capital. Long before this city was here, it was a place of trees and grasslands. It was a place looked after by our local First Nations peoples, who cared for country in a way that we have not yet learned to do. Now it is a place where plants, animals and ecosystems thrive in and around a city enjoyed by the almost half a million people who live here, as well as the many tourists that visit Canberra.

But we are in a climate crisis. This brings many threats: fires, floods and changing temperatures, weeds and animals moving in that have never been here before or that were here but were not as prolific. At the same time, Canberra is sprawling and our environment is losing its buffers. Habitat is being fragmented. Edge effects are destroying essential habitat. The impact is severe, and we need to do what we can to stop the damage and look after what we have left.



Environmental management used to be about conservation and protection. That is really important, but we now know that that is not enough. Our ideas of protection have not led to the actual protection we need to see on the ground. They have led to ongoing degradation and loss. We need to do better, and ideas have moved along. We need to maintain and improve our land. We also need to rethink how we plan our city and how we manage our city if we want to look after this area. We often talk about sustainable development here in the ACT, but we do not often clearly explain what that concept means. Genuinely sustainable development would mean that our children and our grandchildren, and theirs and theirs long after that, could continue to do things the way that we are doing them now.

For all our talk of sustainable development, we are clearly a long way away from actually developing in that way. Only one group of people in Australia have ever done that. Our First Nations peoples actually lived sustainably. We say that it is the goal, that we want to do that. I have never yet met a progressive who does not say that that is our goal, so we need to do things differently from the way we have been doing them.

We need to get better at protecting nature in and around our cities as well. That is where most of us live, it is where the harshest effects of a lot of our development occur, and it is also where a lot of us want to make sure that we keep nature intact so that we can enjoy it. In 2022 some 72 per cent of Australia's population lived in Australia's major cities. Most of our cities in Australia have now adopted compact city planning policies, but despite these positive policies and these commitments our urban sprawl continues. This sprawling urban development and inadequate resourcing of conservation and climate change mean that we need new ways to care for urban environments, and we need more resources to do that.

The ACT Greens believe that these issues should be considered in an integrated way which recognises the need to accommodate a growing population which values the community and the contribution it makes and respects that ecosystem and the endangered flora and fauna. Last week the ACT Greens supported the introduction of a new planning system in the ACT. Amongst other things, it protects and enhances our living infrastructure, the trees, the green spaces, the plants and the animals.

Last week we also saw the tabling of a bill that would introduce the right to a healthy environment. That is a great step forward. For the first time we have a biodiversity-sensitive urban design guide. That has been adopted to recognise the importance of designing spaces that work together with our natural habitat. At the local level, the ACT Greens have worked hard to initiate and to maintain measures to provide more trees and open space on individual blocks, and we look forward to that continuing.

We have a well-established network of nature parks and reserves in Canberra, but there are lots of small parcels of land throughout Canberra and within our urban environment that have conservation values that need protection and better management. According to the Conservation Council, 67 per cent of the ACT's natural temperate grassland remnants and 80 per cent of our box-gum woodland occur outside our reserve system. That is a lot of really precious plants and habitat that is outside reserves.

Some of this is in large areas, some of it is small, some of it is within reserves, some of it is on land that is leased and some of it is on land controlled by the commonwealth. These areas are important as well as beautiful. Natural temperate grasslands are considered to be one of the most threatened Australian ecosystems in Australia. Some say less than 10 per cent remains. Some put it at less than one per cent of the original remaining. Grasslands are home to critters like the golden sun moth, the grassland earless dragon and the striped legless lizard, and to an amazing range of plants.

Sarah Sharp of Kuringa Woodlands knows a lot about this issue, and she has given me some words. I will simply read her words out here. She said:

Only 33% of critically endangered grassland and grassy woodland remnants are in our ACT reserve system. The rest of the sites occur in urban parks, along roadsides, on leased land and on national land. The Conservation Council and Friends of Grasslands are proposing Government and community work together to protect, maintain and link important conservation areas across the landscape, while retaining complementary land uses.

Elle Lawless, the Executive Director of the Conservation Council, also had quite a bit to say on this topic. She said:

Canberra is home to incredible wildlife but nature in Canberra and Australia is in trouble. The wildlife and the places we love are under threat from a warming climate, deforestation, over development, and roads and infrastructure fragmenting habitats.

The Conservation Council fully supports stronger protection for Canberra's nature places ...

We are in the midst of a biodiversity crisis with Australia already leading the world on the extinction of mammals, our local threatened species need their habitats protected.

Urban development is a key threat to habitat. The urban fringe including roads, light and noise impact negatively on wildlife. Without space to breed, forage and nest, our local wildlife will decline and become extinct.

Irrespective of their size or their tenure, all of these sites have environmental significance. They support threatened ecosystems, they provide habitat for native species and they facilitate connectivity across the landscape. Some of these places are really well managed. Some of them have land management plans but not enough resources. Some of them do not have land management plans in place. What is clear is that the management of all of these places, across all of these different systems and tenures, is inconsistent. In circumstances where there is no management, the land is exposed to threats such as invasive plants, pests and fire. The opportunity is also missed for us to use First Nations cultural practices there, including ecological slow burns, in our environment management.

The community are getting pretty vocal about a lot of these areas. They have applied to government, they have talked to local members, they have put in objections and submissions on DAs and they have lodged a lot of petitions. The last two petitions that

came up here were knocked back. They called for additional protection for Callum Brae and Ainslie Volcanics. The government gave a number of reasons why they did not wish to introduce these areas into the reserve system and why they did not wish to increase the protection. Amongst the reasons given was simply a lack of resources.

There are a lot of areas for which the community have asked for better protection or better management. I will read out some of these now. It is a very long list and there are so many other areas that I am sure are not on this very long list. There is Bluetts Block, Callum Brae, Ainslie Volcanics, the Lawson Grasslands, which of course is commonwealth land but it is pretty critical habitat, Flea Bog Flat, Umbagog District Park, Mount Rogers, Emu Creek, areas surrounding the Tuggeranong Homestead, Dryandra Woodland, Lyneham Ridge, Lands End and Piney Creek woodlands, Woods Lane, Glenloch Grasslands, Curtin Park, Scrivener Hill, Isaacs Pines and Isaacs Ridge, the land near Dhulwa on Mugga Lane, and Kuringa Woodlands.

Not all of these areas should be put into the reserve system. Not all of them should become Canberra nature parks. That reduces some of the uses that we can put that land to, and it may or may not be the right management. But all of these areas clearly need better protection and better management. There needs to be an individualised approach to each of these areas and we need to think really carefully about what we do with each of these sites.

What I have observed in my brief time here so far is that government tend to look at the money that they have right now for land management and then say, "We have already spent it and therefore we will not spend further money to protect, conserve or manage." To me, that is the wrong way around. We need to be looking at what we need to protect and improve and then how we get the resources to do that. We need to flip that way of making a decision. We have resources here in the ACT. The total government budget is around \$7.5 billion. Only \$5.2 million was allocated this year for environmental conservation activities. That is not a large chunk from a \$7.5 billion budget. The funding for on-the-ground land care is even less than that, and in some cases it is dropping.

We looked at the funding for urban rangers. That is the funding for PCS rangers who are out there doing the land management. They do a marvellous job. There are not very many of them. In 2018-19 there was \$1.34 million for those urban rangers. In the last budget that had dropped to \$1.28 million. That money dropped. It has dropped in real terms. It has dropped when you look at inflation, WPI increases and CPI increases. It has also dropped when you look at the increasing pressures that we are seeing on our environment from climate change, pests and weed incursions. It should be increasing and it is going the wrong way.

Our Landcare and ParkCare volunteers are fantastic. They are dedicated, they are patient and they are doing an amazing job, but they are tired of having the work of government displaced onto the community. The Commissioner for Sustainability and the Environment has also made this point quite strongly and repeatedly. She estimated that the value of our Landcare and ParkCare volunteer labour was around \$21.5 million each year. At the same time government was spending around \$1.28 million on urban rangers. To me, it is the wrong balance. The figures do not match up.

I have had the incredible honour of joining quite a lot of ParkCare and Landcare groups—not all of them; there are a lot. They have still got me on basic duties. I am still digging holes. I have been digging holes for 2½ years. I think I will probably stick to digging holes. It is quite difficult to identify all of the different weeds and grasses in Canberra. But I am always reassured when I join one of these groups. There are always experts in those groups who know exactly what they are doing. They simply need a bit more government assistance.

On Friday I was out in Kuringa Woodlands in Fraser, in Belconnen, and I was joined by about 30 locals and Landcarers. We had a little gathering, and we went around the circle and everybody shared their name and the reason that they were there. It was a really delightful occasion. I have to say that all of the concerns and issues that people raised were concerns and issues that I had heard about. They were talking about specific sites. They were talking about specific problems and gaps in our land management. It was a very familiar story.

I have had a lot of stakeholder engagement and a lot of community feedback about today's motion. Again, the stories are very similar. The problems are well known. We have a lot of weeds and woody weeds. Woody weed removal is really hard for volunteers to do. They do not have the tools. They do not necessarily have the expertise or the time or, in some cases, the strength. It is really good work, core work, for government rangers to be doing. People have a lot of trouble caring for their areas with just volunteer labour. They love their rangers; they adore them. There are not enough of them and there is a pretty high turnover. People are attracted to that work, they love that work, so if there is high turnover that means it is not well paid enough or there is something else going on there. We can definitely work on that issue.

A lot of them have pointed out the need for multi-year, recurrent funding for core work and for more of that work to become core work rather than volunteer grants applications. It is fantastic to see the work that the government has done on multi-year environmental grants and making them easier to apply for. That is really good, but there is still a core government job there. A lot of these areas need the right zoning and protection. As I said earlier, sometimes it might be as a reserve in Canberra Nature Park; sometimes it might be outside that system. There is still protection and zoning that we can do.

The motion I have put forward today has a few simple calls. I have to say that it was interesting working on this. The problem I outlined in the motion was pretty well understood and agreed. When I started speaking to people in the community, they changed my calls quite significantly, which has not happened to me before. I think a lot of them have learned quite well about how to work with government and they have made some very reasonable suggestions here.

There is a strong call to set criteria about when we should add areas of high conservation value to our Canberra Nature Park reserve system and when, if we are not going to add something to the reserves, we need to add special protection, different protection or zoning measures outside that. I understand that there are some criteria already being worked on by the community. I am really confident that community and government can come together on this with a good, strong set of

criteria. These criteria need to be set with a view to maintaining and improving our land, not allowing the ongoing degradation and loss. We need a transparent process so that community can see what these criteria are and when they change. Often there is an information gap. Government is often doing great work, but it has not necessarily filtered out to all of the people who are involved.

I suggested to people in the community that maybe we needed to make a specific call for resources. Actually, what people told me—and these people have been working on these issues for a long time—is that they would prefer to see a strategic review of Parks and Conservation workforce plans and resources, including the ranger numbers, the pay levels, the turnover, the contractors who are working on land management, and probably also the people who are working in TCCS and how that is integrated. They would like to see a strategic review of all of that, to see what government comes up with and then to have government go away and think about what resources we need to increase. It certainly does sound like a good approach, to me. I commend the motion to the Assembly.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (2.59): I rise to speak to the motion moved by Ms Clay about protecting the ACT's green spaces of high conservation values, and the role and resources of the ACT Parks and Conservation Service in supporting this objective. I acknowledge and thank Ms Clay for her commitment to protecting the ACT's environment and for proposing a range of initiatives for the government's consideration.

The Canberra community is indeed fortunate to have access to a network of 39 high quality nature reserves which make up Canberra Nature Park, in close proximity to the urban area. These reserves serve a range of vital functions, including to protect and serve biodiversity; to provide a recreational asset for walking, cycling and nature observation; and to provide the natural backdrop to our city.

I am fortunate in my electorate of Brindabella to have a particularly impressive view of the natural landscape. As Ms Clay has identified, the ACT has many urban open space areas outside the Canberra Nature Park that in many cases protect endangered ecological systems, such as box-gum woodland in Dryandra and Kuringa Woodland. These areas offer opportunities for recreation that would not otherwise be permitted in Canberra Nature Park, such as off-lead dog exercise on Mount Rogers.

It is equally important that the government carefully consider and take a balanced approach to considering new areas in addition to Canberra Nature Park. This must be balanced, in addition to considering the views and priorities of the ACT community in relation to such areas. Simply adding blocks of land to the reserves network in a piecemeal, unprioritised manner may not be the best solution and could have some undesirable consequences. It also may not be the most efficient use of our resources.

At present, 305 hectares or 26 per cent of the remaining 1,158 hectares of natural temperate grassland is reserved in Canberra Nature Park. A further 871 hectares or 49 per cent is protected in other reserves or on other land managed by the Parks and

Conservation Service. The Environment, Planning and Sustainable Development Directorate maintains a wide range of stakeholder engagement opportunities, such as the Natural Resource Management Advisory Group, the Invasives Working Group and the Biodiversity Conservation Forum, where engagement regularly occurs about protecting, conserving and enhancing these off-reserve areas.

Canberra Nature Park is an example of sound and forward-thinking planning policies over many decades. In recent times, additions to the conservation estate have been made when suitable land is available and requires protection. Examples of significant areas set aside as environmental offsets include Nadjung Mada Nature Reserve and Kinlyside Nature Reserve in the growing Gungahlin area. The government recognises that the condition of the reserves needs to be maintained and restored, and not allowed to degrade.

The ACT government has, in the current budget, made a commitment of \$650,000 over two years to restore condition in reserves under the Conserving Canberra initiative. This initiative will focus on three showcase sites of Mount Ainslie and Mount Majura, Urambi Hills, and Namadgi grassy valleys in order to safeguard and improve our fauna and flora, particularly threatened species. There is an increasing awareness of and focus on the complementary conservation practices outside the reserve system. I note the community's interest in these, as expressed through their feedback on the draft urban open space plan of management prepared by the city services team in the Transport Canberra and City Services Directorate.

Recently, the government has invested substantially in better connectivity between conservation areas and in the restoration of key sites off reserve, such as via the Connecting Nature, Connecting People initiative. Connecting Nature, Connecting People is an ACT government initiative designed to address key challenges facing the ACT's urban environment, including biodiversity loss, habitat fragmentation and increased urban consolidation. The government invested \$2.95 million in the 2021-22 budget towards this initiative that has delivered a range of wonderful results. This includes the inclusion of the biodiversity-sensitive urban design—BSUD—guide, as part of the new planning system.

The BSUD is intended to inform the design of residential and commercial built developments so that negative impacts on the natural environment and its biodiversity are avoided or minimised, therefore promoting positive biodiversity outcomes in urban and semi-rural areas that are not under the statutory process, such as the Environment, Protection and Biodiversity Conservation Act and associated legislation. Therefore the implementation of the guide will help the ACT government to better protect areas outside the reserve system. The BSUD guide, along with other design guides, has been released in the new components of the Territory Plan and the broader planning system which come into effect on 27 November this year.

The ACT government is currently working with the commonwealth and the other states and territories to deliver nationally on the conservation targets for the Global Biodiversity Framework. This includes ensuring that by 2030 at least 30 per cent of terrestrial marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed. This will be through ecologically representative, well-connected and

equitably governed systems of protected areas and other effective area based conservation measures.

It is important to recognise that the ACT is unique in Australian jurisdictions in having more than 60 per cent of its area in reserves. Implementation of the Global Biodiversity Framework targets will provide the opportunity to assess whether there are opportunities to enhance the levels of protection for threatened ecosystems or other areas particularly important for the conservation of biodiversity, through reservation or other effective area based conservation measures.

New conservation reserves require different levels of investment to maintain or enhance their conservation values. Land in good condition can be subject to a lower cost maintenance regime and, where intervention is required, additional resources are applied to manage threats to the values of those reserves. This can ensure that threatened species ecosystems function, appropriate community use is enabled and the required level of enhancement can be undertaken. A great example is at Jerrabomberra grasslands, where active management and habitat manipulation through the use of fire, weed control and carefully managed grazing has seen great benefits for grassland species such as the striped legless lizard and the Canberra grassland earless dragon.

I do appreciate the desire for transparency in allowing the community to understand the status of our parks and reserves and our progress in meeting important obligations to the Australian government, such as those under the EPBC Act and the various strategic assessments that have enabled the sustainable development of our growing city. The ACT government is required to report annually, in detail, outlining how it is managing its obligations for offsets. These reports are publicly available online for all to see.

I am proud to be the Minister for Planning and Land Management, with direct responsibility for the operations of the ACT Parks and Conservation Service. As this year's and previous years' annual reports demonstrate, PCS continues to succeed in delivering quality conservation and land management services to the community. PCS is an agile and innovative organisation and is constantly looking to new technology for ways of working and building its internal capacity and capability to deliver better services within the available resources. I thank PCS for this approach.

I am the first to acknowledge that more resources are always welcome for PCS. I continue to support and advocate for their calls for additional resources to support government and business objectives. I reaffirm that PCS is composed of not only rangers but a cohort of field officers, technical officers, project officers, planners, administration support officers and others who work collaboratively to deliver conservation outcomes. PCS also receives considerable support from other branches within the Environment, Planning and Sustainable Development Directorate. PCS's responsibilities include maintaining fire trails, managing weeds and vertebrate pests and ensuring safe, quality visitor experiences.

Their other functions are less obvious, like managing an impressive dataset of geospatial information to inform decision-making; preparing and implementing comprehensive plans of management; managing offset reserves to a high level; supporting threatened species reintroductions; influencing and guiding other parts of

the ACT government in planning and development issues; and, of course, working to leverage community engagement in land management.

In addition, Canberra's growing reputation as a tourism destination is underpinned by our natural attractions like Tidbinbilla and Namadgi National Park, as well as unique recreational opportunities presented in our PCS-managed plantation forests. I note that EPSDD continues to provide funding for rangers and land management activities each year in the ACT budget. I note that there has been a minor reduction in overall funding, due to the reassignment of one FTE to another business area and technical movements in superannuation payments. Despite these 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 at 15 employees.

A recent staff survey found a high level of satisfaction and morale amongst the PCS team, which supports my view that PCS is well positioned for continuing success in conserving biodiversity and managing our natural areas into the future. PCS works as part of the collaborative and united team within EPSDD, across the full spectrum of environment, water, heritage and cultural matters. I am also pleased to say that PCS is actively looking into the opportunities to further insource key land management functions, such as maintaining roads and fire trails. The government and I look forward to seeing the recommendations that are produced in that area. I thank Ms Clay for the motion.

**MS LAWDER** (Brindabella) (3.11): I thank Ms Clay for bringing forward this motion today. This motion is about the management of our urban reserves and green spaces. It is right to highlight the importance of our green spaces and urban reserves. We know that Canberrans value their proximity and ability to access green spaces and reserves—many quite close to where they live.

Of course, you would remember, Mr Assistant Speaker, that just last year Canberra was named an international tree city of the world by the UN's Food and Agriculture Organisation. It is a testament to the valuable role that green spaces play in breaking up the urban sprawl of our city, acting as crucial habitat for our wildlife and maintaining biodiversity. We have so many wonderful species of wildlife that call our urban reserves home, from possums and kangaroos to reptiles, insects and birds; and, of course, the more endangered species—the pink-tailed worm-lizard, the grassland earless dragon, the golden sun moth and many others.

We have had numerous debates in this place about specific block sections or areas within the ACT. That is done, as Ms Clay said, on an ad hoc basis. There is not a strategic approach to how these are managed and what the criteria for them are. Sometimes the decisions go one way; sometimes they go another. It is pretty much opaque to most of the population of the ACT.

I also want to make special mention of our wonderful ParkCare and Landcare volunteers. As a labour force, they make a huge contribution to our community and to our environment. They allow people of all ages, backgrounds and abilities to become involved in planting trees, managing weeds, and protecting habitat and conservation values—and digging holes, as Ms Clay sometimes does. This is important work, and it should not be underestimated in any way—both in the economic value and in the social and community values. We have many Friends of Grasslands and friends of



various spaces around the ACT—Friends of Tidbinbilla as well—and they provide such invaluable assistance to our rangers that we cannot dismiss them in any way, and we must thank them for all that they do.

We always seem to need our small and dedicated band of rangers to keep doing more and more with less and less. It is unfair to them, and it is not helpful to our reserves that they appear to be under-resourced. Ms Clay identified a drop in the number of rangers over a period of years. We need to make sure that they are adequately resourced to undertake their important work.

Ms Clay's motion calls on the government to create transparent criteria to determine when areas of high conservation value, such as urban reserves, can or should be added to our nature park reserve system; to look into affording better protection to areas outside the reserve area; to base the criteria on an objective of maintaining and improving urban reserves, and not allowing further degradation; and, crucially, to conduct a review into the workforce and resources of the Parks and Conservation Service, particularly ranger numbers, in order to implement these policies. The motion calls on the government to report back to the Assembly on its progress by the last sitting day of the 10th Assembly in 2024.

Whilst the wording of Ms Clay's motion in some places is not necessarily what I might have written, or necessarily agree with, we on this side strongly agree with the intent of the motion, and we will be supporting the motion as a whole, today. It is important that we continue to conserve the green spaces and wildlife habitats that form a vital part of Canberra's DNA. Having a strategic approach to establishing transparent criteria will provide certainty to all involved in protecting our green spaces and wildlife habitats.

Thank you, Ms Clay, for bringing forward this motion today, and I am happy to say that we will be supporting the motion.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (3.16): I rise today to express my gratitude to my colleague Jo Clay for her work in presenting this motion, which seeks to strengthen the protection of Canberra's nature reserves. The protection of our natural environment is a shared responsibility that transcends party lines, and I thank her for her dedication in bringing this vital cause to the Assembly.

The ACT Greens have always placed great value on protecting and restoring nature in our city and our landscape. Over the last three years, I have had the privilege of working with many colleagues across this Assembly, each contributing from different angles towards the common goal of preserving nature in our landscape. However, as we confront the challenges of climate change and species extinction, the bar for our effort has been raised significantly. We must do more than ever before to ensure the continued existence of our unique and precious biodiversity.

I wholeheartedly support Ms Clay's motion, which seeks to enhance protection through the reserves network. I would also like to shed light on some of the fantastic

work that is already underway. Thanks to the Greens in government, we have made significant progress on complementing the objectives outlined in her motion.

Our nature reserves serve as critical havens for biodiversity and provide the highest level of protection around habitat conservation. Here in the ACT, almost 70 per cent of our land mass is contained in the nature reserve estate. It is a testament to our status as the Bush Capital that, even with this high penetration, there are still areas within our borders that support endangered ecological communities, native species and fragile habitat that are not contained in the nature reserve system.

Many of these patches are identified in Ms Clay's motion and are ones that people in this chamber have visited and loved. Many of them are places that I cherish. I have explored the birds in the trees of Bluetts Block with the great, late Jean Casburn. I have pulled weeds and planted trees at Ainslie Volcanics with the Ainslie ParkCare group. I have gone on orchid and wildflower walks with ParkCare volunteers in Dryandra woodland, and I have seen the work of environmental volunteers to rehabilitate Emu Ridge. These are beautiful and special places. These are places that are cared for by formal land managers and often supported by dedicated volunteers.

It is important that we understand the criteria under which an inclusion into the reserve estate is made, and provide transparency and reassurance to the community that decisions are not primarily driven by resource constraints, given we understand that investing in natural resource management to protect is far more effective and cost effective than allowing habitat to be degraded, and then be needed to be restored.

It is important to recognise that not every parcel of land belongs within the reserve estate. There are sometimes issues of location that may make it unfeasible for land to be included. In some cases there is a need to ensure that a range of other activities occur on a piece of land that can complement the environmental outcomes. However, even if there are sound reasons for areas of significant environment protection not to be included in the estate, this does not mean these areas should not be afforded a level of recognition and protection. That is because the green spaces in between are equally crucial, serving as vital ecological corridors that connect existing protected areas and bolstering their biodiversity value.

That is where the urban ecological network comes into play. It identifies habitat areas in Canberra and maps out the ecological connection between protected regions. The Conservation Council and groups such as the Friends of Grasslands have made important contributions in partnership regarding the development of their biodiversity network concept for the ACT.

Through the urban ecological network, we can identify priority urban areas that require protection, enhancement and habitat restoration. Additionally, it enables us to recognise the value of natural areas that fall outside the reserve, which serve as stepping stones for mobile species like birds and native bees. While these areas may be relatively isolated from core habitats, they still provide important habitat and connectivity.

As noted, this work complements the work of others in the community, including the Conservation Council, who have been exploring the idea of a biodiversity network. While the urban ecological network aims to identify potential areas of habitat and

where we need habitat, the biodiversity network has sought to identify areas where there is precious habitat and environmental values that are not currently part of the reserve estate. There is exciting work to come as we reflect on these complementary projects and what they mean in recognising and protecting current and future values that are essential if we are to achieve our vision of a biodiversity haven in the face of increased stress on our local plants and wildlife as a result of climate change.

In this debate we have already touched on the Connecting Nature, Connecting People initiative, which is an initiative that addresses multiple challenges faced by our urban environment, including biodiversity loss, habitat fragmentation, climate change and the fundamental right to a healthy environment. Through collaborative efforts with community groups, this initiative aims to strengthen ecological connection across Canberra's urban landscape, forging deeper connections between our community and the natural world. This project is aligned with numerous government commitments related to biodiversity, climate adaptation and wellbeing.

There are key projects under Connecting Nature, Connecting People, including the restoration and protection of 20 urban open spaces to enhance wildlife habitat and resilience impacts of climate change and urbanisation. It also involves the development of evidence-based urban habitat connection tools, the biodiversity-sensitive urban guidelines, and the expansion of the Canberra Nature Map platform to enhance the power of citizen science.

Our collaboration with the Ngunnawal community is instrumental in preserving their knowledge and values while celebrating their heritage. In addition, we are working persistently to ensure there is effective coordination across government initiatives, all aimed at helping Canberra to adapt to the challenges of climate change. We are partnering with key community groups and engaging with tertiary students and community volunteers through the Canberra urban biodiversity surveys. I have had the pleasure of playing my part in this, by helping over the years with FrogWatch and Platypus Month surveys.

The delivery of this initiative is already in progress, and, in the relatively short time since it was designed, the ecological network has already been applied to deliver stronger outcomes for biodiversity in our city. This has included shaping the district strategies planning reform and bolstering the importance of biodiversity and habitat in the development application assessment process in the Territory Plan.

On the ground, multiple tree planting days have successfully planted close to a thousand trees and shrubs. Moreover, the launch of the website process for the re-naturalisation plan for Sullivans Creek in recent weeks, which has received a high degree of community interest, signifies our commitment to restoring biodiversity in our urban landscapes. While I am proud of what we have already achieved for nature in our city, we really are just getting started.

Our city and landscapes are defined by a rich tapestry of the nature that weaves through it. While the network is helping to identify the opportunities to enhance and protect habitat connectivity across the ACT, the calls in Ms Clay's motion are a critical part of the change we need. I welcome the motion to the Assembly.

**MS CLAY** (Ginninderra) (3.26), in reply: Thank you, colleagues. It is really lovely when we can do something tripartisan that is simple, straightforward and in the interests of Canberra.

I was delighted to hear Minister Gentleman tell us about all the work that is going on in Parks and Conservation. I was pleased to hear him say that the Parks and Conservation Service always welcome more resources and that he supports those calls. I think that is a really promising start to making sure that we do have more rangers and a good strategic workforce review in that area.

It was excellent to hear Ms Lawder speak about the environment. She has genuine dedication to Canberra's environment, and her efforts are appreciated and will be missed. I would urge her not to make light of my ability to dig holes. It is a combination of having broad shoulders, high energy and absolutely zero skill, and they have matched me exactly where I fit.

I am delighted that Minister Vassarotti is delivering so much work in this field and that she can do a little bit more than dig holes. It is really good to see that there is a lot of great work going on in our natural resource management, and a lot of really good progress. I am looking forward to seeing our ongoing journey in developing these criteria, communicating them, and reviewing and increasing our urban ranger resources to make sure that we are looking after Canberra for our wildlife and our environment now and for future generations.

Question resolved in the affirmative.

## **Municipal services—spending**

**MS LEE** (Kurrajong—Leader of the Opposition) (3.28): I move:

That this Assembly:

(1) notes:

- (a) that in 2012, the Chief Minister announced his tax reform agenda aimed at removing inefficient taxes and abolishing stamp duty;
- (b) that, in announcing his tax reform agenda, the Chief Minister said “it’s not about raising the overall amount of tax the Government receives”;
- (c) in the decade since Andrew Barr announced his tax reform agenda, revenue collected by his Labor-Greens Government from Canberran taxpayers has over doubled to over \$1.3 billion; and
- (d) this massive increase in taxation revenue over the last decade is as a result of:
  - (i) household rates increasing on average eight percent per year;
  - (ii) vehicle registration costs increasing by nearly six percent per year;
  - (iii) utilities tax increasing by eight percent per year;
  - (iv) ambulance and emergency services levies increasing by over 10 percent per year; and

- (v) annual revenue received from stamp duty, a tax that the Chief Minister promised to abolish, has nearly doubled to over \$440 million;
- (2) further notes that, despite collecting a record amount of taxes from Canberrans, basic maintenance of our suburbs has been steadily declining; and
- (3) calls on the ACT Labor-Greens Government to return more of ACT taxpayers' own money back into improvements within their local neighbourhoods.

Canberrans are feeling let down and that their suburbs are neglected. They look around their neighbourhoods and see broken footpaths, overgrown verges and parks, roads riddled with potholes, overflowing rubbish bins, playgrounds that are unkempt and grass not mown. They see the neglect of our waterways, our lakes and our parks. Every single day, we are receiving complaints from constituents who are fed up with the state of their suburbs, fed up with waiting for weeks, months—sometimes years—for things to be fixed, and fed up with being neglected by this Labor-Greens government.

We know that the hardworking staff at City Services are doing their best, and they are committed to making sure that our city is as beautiful as it can be, but they can only do so much when they work under a regime that has neglected our suburbs for far too long.

Last month, when my colleague the shadow minister for city services, Nicole Lawder, moved a motion in the Assembly to develop a suburban maintenance strategy aimed at improving the cleanliness of Canberra's suburbs, and aimed at addressing the neglect and decay that we see every day around our streets, members of this arrogant Labor-Greens government argued in this place that there was nothing to see here, slapped themselves on the back as they normally do, and said that everything was picture-perfect.

The responsible minister tried to blame everything else, as is the usual response from this arrogant, out-of-touch government, and delivered a "word salad", as the Chief Minister likes to call it, of meaningless excuses to deflect from the real problem here, which is the long-term neglect of and the utter lack of care for our suburbs.

How did we get here? How did we go from a city that was befitting of its status as the nation's capital to a city that many have now described as looking tired and neglected? We certainly have not found ourselves in this situation due to a lack of money. We did not get here because the government does not have the resources to put back into our suburbs and neighbourhoods. We know that, since the Treasurer announced his own tax reform agenda—a policy that, in the Treasurer's own words, is "not about raising the overall amount of tax that the government receives"—the amount of money that the government receives, that it collects from ACT taxpayers through household rates, land tax, payroll tax, stamp duty, vehicle registrations and the like, has more than doubled. That is an increase of over \$1.3 billion. That is right—an extra \$1.3 billion that the Treasurer has collected from taxpayers through skyrocketing rates increases and increases in other levies and charges.

This massive increase in tax revenue is certainly not going into essential services like health, education, police or emergency services, or relieving the cost-of-living pressures of the thousands of Canberrans who are doing it tough. Our health system is in crisis. Emergency department wait times are longer than anywhere else in Australia, and it is only getting worse. We have elective surgery waiting lists stretching out for years. Our nurses and doctors are leaving in droves and multiple departments are at risk of losing their teaching accreditation. We have the lowest number of police per capita in the whole of Australia. We have hazardous materials and desperately needed maintenance in our schools, which have been neglected for years. Our teachers are dealing with unprecedented levels of violence and bullying in our schools every day, and our children's literacy rates are declining.

Of course, we know that all of this extra revenue is certainly not going back into our suburbs. It is not going into fixing our footpaths or our streetlights. It is not going into mowing or maintaining our paths and playgrounds, and it is not going into fixing the potholes in our roads. Our suburbs and our local neighbourhoods are the bedrock of our city. They are not just the buildings; they are the places in which we live, where we bring up our children, where we spend time with our friends and family, and where we create our community. It is our local parks that we go to for a picnic; it is our bike paths where we ride our bikes or take our kids on scooters; it is our playgrounds that we take our children to; it is our footpaths that we walk our dogs on or on which we take our babies for a stroll; and it is our roads, which each and every one of us uses daily.

These areas are our community—our own piece of Canberra. But this government does not see it that way. This Labor-Greens government are so out of touch that they do not think investing in our suburbs, our neighbourhoods and our community is a priority. It is clear that they just do not see it as important. The hundreds of millions of dollars that they collect from Canberrans, year after year after year, is not going back into our neighbourhoods. It is not going back into our suburbs. It is not going back into basic essential services.

This motion is simple. It calls on the Labor-Greens government to invest in our suburbs—our neighbourhoods, our communities—and to make this a priority. It calls on the government to return some of the hundreds and hundreds of millions of dollars that they get from Canberrans each year back to the people of Canberra. If, as this government says, it is looking after our suburbs, every single member of Labor and the Greens should have no issue with supporting my call.

I commend my motion to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (3.34): I move the following amendment:

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

“(c) since 2012:

- (i) the population of the ACT has increased from approximately 376,000 to an estimated 470,000;

- (ii) the nominal Gross State Product of the ACT has increased from approximately \$31 billion to \$46 billion, fuelled by a decade of unbroken economic growth; and
  - (iii) residential dwellings have increased from approximately 140,000 to around 190,000, a 36 percent increase;
- (d) the significant growth in the ACT's population, economic production and households has contributed to a commensurate increase in overall own-source revenue received by the ACT Government; and
- (e) since 2012, as part of the tax reform program, the ACT Government has:
  - (i) fully phased out insurance duty;
  - (ii) removed stamp duty for around 80 percent of commercial transactions;
  - (iii) abolished stamp duty for eligible first home buyers, making it easier for young people and those on low incomes to own their own home;
  - (iv) cut, and will continue to cut, stamp duty rates for all residential property transactions each and every year; and
  - (v) raised the payroll tax threshold to \$2 million so that about 90 percent of Canberra's small and medium businesses do not have to pay it;
- (2) further notes:
  - (a) that according to the Australian Bureau of Statistics, the ACT's tax take per capita is broadly in line with the national average and lower than New South Wales and Victoria;
  - (b) the significant volatility in stamp duty revenue experienced in other Australian jurisdictions caused by the boom and bust cycle of the Australian property market;
  - (c) the ACT's 20 year tax reform agenda is successfully adding a stabilising factor to the ACT Budget;
  - (d) from being a roughly equivalent proportion of own source taxation revenue in 2012, stamp duty in the ACT now comprises approximately half the proportion received in Victoria and NSW; and
  - (e) the current five-year stage of taxation reform has set the average residential rates increase at 3.75 percent per annum, which is currently significantly below the national rate of inflation;
- (3) finally notes that the ACT Government has been systematically increasing funding for city services for the benefit of residents, including:
  - (a) an approximate 40 percent funding increase in footpath maintenance this financial year;
  - (b) \$24 million of funding to support urban tree maintenance and planting in the 2023-2024 Budget;
  - (c) \$2.6 million funding in 2023-2024 to support more mowing and continue a rapid response mowing team;

- (d) a 52 percent increase in road maintenance funding over four years compared to baseline funding for the same period, including an up to 150 percent increase in asphaltting; and
  - (e) an extensive program of shop upgrades, local playground upgrades and new dog parks as part of our big suburban infrastructure program; and
- (4) calls on the ACT Government to continue to use evidence-based decision making to determine spending priorities across health service delivery; education; housing and homelessness; cost of living support; transport; mental health; the environment and climate action; city services and suburban improvements; city-improving infrastructure; community services; justice, emergency services and community safety; Aboriginal and Torres Strait Islander affairs; multicultural support; the arts; disability; LGBTIQ+ services; and business support and tourism attraction.

The amendment outlines that, since 2012, the population of the territory has increased from approximately 376,000 to around 470,000 now. In that time the gross state product of the territory has increased from \$31 billion to \$46 billion, fuelled by a decade of unbroken economic growth that has not been matched by any other state and territory in Australia. The number of residential dwellings in our city has increased from approximately 140,000 to 190,000—a 36 per cent increase. This significant growth in the territory's population, economic production and the number of rate-paying households has contributed to a commensurate increase in the overall own-source revenue received by the ACT government. It has, of course, also led to an increase in expenses.

To answer Ms Lee's question posed in her speech, \$2.3 billion is invested in health, \$1.7 billion in education, \$556 million in city services, \$581 million in community services, \$480 million in emergency services and policing, \$362 million in justice, \$521 million in Access Canberra and government services, \$322 million in transport, \$217 million in environment, sustainable development and climate change initiatives, \$164 million in economic development, and \$286 million in housing, just to give a broad outline of where the money goes. As our population has increased, so too has the level of services and the amount of money invested in those services.

Since 2012, as part of the tax reform program, the government has fully phased out insurance duty. It has removed stamp duty from around 80 per cent of commercial property transactions. It has abolished stamp duty for eligible first homebuyers. We have cut, and will continue to cut, stamp duty rates on all residential property transactions, each and every year. Just last week, I made a further announcement in relation to zero stamp duty on secondary dwellings in RZ1 zones.

We have raised the payroll-tax-free threshold to \$2 million, so that 90 per cent of small and medium businesses do not pay any payroll tax in the territory. We also further note that, according to the ABS data, the ACT's taxation per capita is broadly in line with the national average and is lower than New South Wales and Victoria. We note the volatility of stamp duty revenue that is experienced during property booms and busts. We see that in every state and territory, and we see that year in, year out, over the duration—I think about a century—of data on stamp duty collection.



The ACT's 20-year tax reform agenda is successfully stabilising that volatility, because we are less reliant on stamp duty than any other jurisdiction. From being a roughly equivalent proportion of own-source taxation in 2012, stamp duty in the ACT now comprises half of the proportion relative to what is received in Victoria and New South Wales. At the moment, in this five-year phase of taxation reform, average residential rates are increasing at 3.75 per cent per annum, which is significantly below the national rate of inflation.

I touched upon the investment in city services. Specifically, there has been a 40 per cent funding increase in footpath maintenance in this financial year, \$24 million of funding to support urban tree maintenance and planting in the current budget, and \$2.6 million in additional funding to support more mowing and to continue the rapid response mowing team. There has been a 52 per cent increase in road maintenance funding over four years, compared to the baseline funding for the same period. I am advised that this includes up to a 150 per cent increase in the asphaltting program.

At a suburban level, there is an extensive program of local shopping centre upgrades, local playground upgrades and new dog parks, forming part of a big suburban infrastructure program. I note that the government's investment in suburban infrastructure has increased.

My amendment calls on the ACT government to continue to use evidence-based decision-making to determine spending priorities across our full range of responsibilities—health service delivery, education, housing and homelessness, cost-of-living support, transport, mental health, the environment and climate action, city services, suburban improvements, infrastructure, community services, justice, emergency services and community safety, Aboriginal and Torres Strait Islander Affairs, multicultural support, the arts, disability, LGBTIQ+ services, business support, and tourist attraction and major events, just to name a few.

All of this requires revenue. It requires stable revenue sources and, as I observed in question time today, every time that this place sits, this parliament demands more to be spent on pretty much everything. We have just had a motion calling for more resources in another area of ACT government responsibility, and tomorrow Mr Parton is bringing one on, calling for more. There will be calls for more in everything. It must be funded. There is no magic pudding, and the idea that you can tax less and spend more is not sustainable.

The Canberra Liberals took that policy to the 2020 election and were widely ridiculed, and they are heading down the same path again today. I commend the amendment to the Assembly.

**MR BRADDOCK** (Yerrabi) (3.41): The Greens will be supporting Mr Barr's amendment today. I will say up-front in this discussion about spending, suburban maintenance and taxation that the Greens clearly have some different spending priorities from our Labor counterparts. There is no secret about that, and we regularly make them clear within this chamber.

We have talked plenty about, for example, climate change investment, public transport and active transport investment, housing and support for renters, and money being

spent on the horseracing industry that could be going to these other initiatives. As Ms Clay noted in her motion earlier today, out of a total ACT budget of \$7.5 billion, only \$5.2 million was allocated this year for environmental conservation activities.

The Greens' policies and other initiatives have made it clear that we have alternative ideas about priorities for funding within the ACT budget. Those are debates we can and should have here. However, this motion is not helpful because it tries to further an invented narrative. As an example, it is always conveniently overlooked by the Canberra Liberals that, although rates have increased in the ACT, it is because the ACT has removed several other inefficient taxes and is in the process of phasing out stamp duty. Stamp duty has reduced every year for residential property transactions, and stamp duty has been removed entirely for the majority of commercial transactions.

It is not as if rates have increased without compensation. Insurance taxes and stamp duty have significantly reduced. If you are going to critique the ACT tax regime, at least present a full and accurate picture. On this issue, I would like to hear the Canberra Liberals be up-front and explain what they would do with stamp duties and rates. If the promise is to reduce rates or to freeze rates, that is okay, but an explanation is needed as to how to make up the shortfall. Would the Liberals halt the policy to phase out stamp duty, or would they increase stamp duty? If that is the policy, just be clear with the Canberra public as to what the policy is, because the budget is not a magic pudding.

It is especially important to explain where the money will come from, because the Canberra Liberals also claim that they will improve services and the maintenance of our suburbs. Again, I want to make sure that there is no magic pudding economics going on here, because reducing taxes and increasing services sounds like a fantasy.

Another issue ignored or overlooked in this narrative about the increase in tax revenue of the ACT government is that the population of the ACT has increased by around 65,000 people over the past decade. Residential dwellings have increased by about 60,000. The ACT tax base has grown significantly and, as a result, the collected tax has also increased. However, the latest data I have on the level of taxation per capita is that the ACT taxes at a lower rate per capita than both New South Wales and Victoria, and that our tax intake is in line with the national average. I would love it if we could have an economic debate that could operate in reality, with agreed facts about the nature of the ACT economy, and then have debates about the genuine policy differences that we are presenting to voters.

Turning to the issue of suburban maintenance, which the motion claims is steadily declining, that is a subjective assessment. We could look for a more objective assessment in the Better Suburbs work that the government has conducted, where it engages Canberrans in surveys, in a deliberative democratic process, assessing their levels of satisfaction about how to improve suburbs and how to spend the government's budgets. The feedback from the community is now guiding how the government innovates. I see that the results of the Better Suburbs survey show that 86 per cent of survey responders would promote their suburb as a great place to live.

It is also worthwhile taking a moment to acknowledge the hard work of the City Services staff to maintain our city. There are plenty of things that we can still

improve—and my colleagues and I have talked about this a lot—but, overall, we must acknowledge that Canberra is an attractive place to live, with good services, and we are privileged to live here. For example, in comparison to other cities, with respect to road quality or various traffic imperfections across the city, as I have noted before, Canberra has very limited traffic congestion when compared to other cities, and the worst of it, along the Northbourne corridor, has been tackled with the building of light rail stage 1. I recall a while back a report from Engineers Australia, which gave the ACT the highest road quality rating of all jurisdictions in Australia.

The reality is that we live in a different city from the old National Capital Development Commission days, when the federal government disproportionately funded a much smaller city and kept it highly manicured. The ACT is much bigger now, both in population and in geographical size, and it is operating within the funding limitations of its tax base.

Another issue that we can look at is urban trees. Thousands of new trees are being planted to help us reach the 30 per cent canopy target by 2035, in line with the urban forest strategy in the Living Infrastructure Plan. Multiple budgets have funded 54,000 new tree plantings to be achieved by 2024. The current government also faces the reality of an ageing tree canopy, with many trees reaching the end of their useful life simultaneously, due to the fact that they were planted at the same time in large waves.

Another example is the quality of water in the ACT—the quality of our urban lakes, ponds and catchments. Minister Rattenbury released the latest Catchment Health Indicator Program report earlier this year, and the results were some of the best on record.

If we look at public transport and active transport investment in recent years, this is an area in which the Greens believe more effort is needed, but it is true that active transport investment has increased significantly, by tens of millions of dollars. We have built a light rail system that has achieved record patronage, and the whole bus fleet is being upgraded to electric buses. Transport emissions, however, still make up 60 per cent of our emissions. Walking and cycling rates have been static; therefore we need to do more to give Canberrans better active and public transport options.

One last point I want to make about the subject of suburb maintenance is that the Canberra Liberals have a policy of letting new Canberra suburbs sprawl, and expanding the fringes of Canberra, with more and more single-dwelling blocks. That is the solution to housing, they claim, although I note that a recent Grattan Institute report listed many other policies as having a more positive impact than greenfield land release would do. These policies would include the boosting of density in middle suburbs, and abolition of stamp duty.

However, given the focus of Ms Lee's motion on the budget and suburban maintenance, I want to point out that the Liberals' policy of developing new, sprawling greenfield suburbs on the urban edge of our city is expensive when it comes to maintenance and providing infrastructure. It makes it harder for the government to provide quality services and infrastructure for these new suburbs. This evidence is quite clear. To validate this, you can look at Infrastructure Australia's report on the cost of providing infrastructure in different kinds of development. The report says that

there is consistent and strong evidence that infrastructure can be provided at comparatively lower cost at infill locations, and infrastructure provision for greenfield lots is about two to four times more than for infill.

I remain perplexed by the suggestion that the Canberra Liberals will reduce taxes while at the same time increasing services and maintenance, and dramatically expanding greenfield sites, where the costs are two to four times more expensive. I think that it points suspiciously to the fact that they may in fact cut services, and I will be interested to know which services they plan to cut.

**MR PARTON** (Brindabella) (3.49): We will not be supporting this amendment. This amendment is designed to take everyone off track and to stop them from thinking about a core failure of this government in this very important space. One of our very important collective roles as MLAs—it is often completely forgotten—is to represent the people of our electorates. That is why we are here. We are not actually here to change the world. We are here to represent the people of our electorates. As someone who spends more time knocking on doors out in the suburbs than most members in this place, I can tell you that most Canberrans do not feel that we are properly representing them. Day after day out in Tuggeranong they remind me that this parliament is supposed to, among other things, replicate the functions of a city or town council. But time and again we end up focusing, according to the people that I speak to, on matters that have no relationship with their day-to-day lives.

I would like to refer members to contributions made by readers of the *Canberra Times* to the story about this motion today. Greg says:

To the government of the day: will you fix our suburbs for the extra 40% to 60% rate increase? Or are you gambling this money on more big projects to bolster the image of Canberra and win the next election?

I would concede that that is probably Greg Cornwell; nevertheless, he spoke! Let's move on to some other comments from people who are not former Liberal speakers of this party. Look, I am honest; I have nothing from Jack Dee here! Margo says:

Expectations are raised with the ability to submit online requests via Fix My Street. Expectations are then dashed when, after many months (and sometimes years), no action is taken.

We are all local members—even those on the government side who will not admit it. We all get emails about this stuff all the time from people who have submitted requests and nothing has happened. A Canberra resident says:

... I don't think the government is focussed anywhere near enough on these municipal issues. There needs to be a return to basics.

“NN NN” says:

The ACT Assembly is a local council with delusions of grandeur. Vote for the person interested in local issues. If they are more interested in global/social issues they won't be focused on the job they are voted to do.

Brett says:

There's also Dog Control. You call up with an issue and get pushed to a recorded message or told there are no rangers available. I've been attacked twice more recently about two years ago, getting multiple injuries including a wrist broken in 2 places, as well as my dog being injured, only for the offending dog to be essentially let off scott free. If it wasn't for Nicole Lawder I wouldn't have got a response from the Minister responsible ...

These people are interested about stuff that affects them every day, and they are of the belief that, although their rates continue to escalate, they are not seeing a return.

Deborah says:

But we have a TRAM!!!! And for this government that is the ONLY priority!!! Municipal services pfft... Health pfffttt.... Housing affordability, pffft.

M Ervax says,

Why would this Green-Labor mismanagement committee worry about municipal services? Why would a hip, cool and urbanely gritty mob that see themselves as the best state government ever worry about actually spending the taxpayer's money on city services?

And Martin says:

Footpaths are cracked and broken in Weston Creek—some that were marked for repair PRIOR to the last election are still waiting. Paths are not edged, in places the grass is almost meeting in the middle of the path, aided by the pre mentioned cracks. Garden beds in parks are overgrown with weeds. Storm water drains have waist high weeds and saplings. Paths and roads are swept infrequently. Ugly graffiti and tagging are rampant.

I know that there are a few usual suspects amongst those commenters, but certainly the vast bulk of the people that have responded to what was not a very combative article—it was a straight-down-the-line article about the motion—are of the view that “MF” shares. “MF” says:

The irony is that even the signs that the government erected years ago telling us what the government has (not) done for us lately are also falling into disrepair! I'm talking about those signs that tell us about upcoming projects that years later aren't happening that are now surrounded by weeds that look like trees and they are all bent ...

The feedback from the readers of the *Canberra Times* is overwhelmingly in support of the view expressed by the leader of the Canberra Liberals. I would suggest that Labor and Greens members should listen very carefully to this suburban revolt. I know that in this amendment Mr Barr has insisted on delivering his grand mansplaining tirade, in a follow-on from what we saw in question time in response to Ms Lee, but I also note that his response is not just to Ms Lee; his response is to the thousands of Canberrans who are, at this point, genuinely questioning his priorities. They are angry

out there. I think the Chief Minister should understand that they are not listening to his narrative anymore. We will not be supporting the amendment.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.56): I am pleased to support the Chief Minister's amendment to Ms Lee's motion today. The ACT government are investing in city services and city maintenance right across our city. We have made investments in this in every budget, and we have provided updates to the community on a regular basis about what we are doing. We have been consulting with the community about what priorities they would like to see in terms of the focus for investment by the ACT government when it comes to city services. We did that through a deliberative democracy process called the Better Suburbs community dialogue. Through that process we also undertook the play spaces forum, focused specifically on playgrounds, which I know are of value to many families in the ACT and their children.

That resulted in a range of recommendations that were made to the government. We have been acting on those recommendations, helping to inform our budget, which has also included the introduction of our wellbeing budget, where we assess the benefits of investment in these local projects, based on the wellbeing domains. There are many benefits of these investments, from the investments in stormwater through to upgrades to local shopping centres, mowing, upgrades to dog parks, and investments in our urban tree canopy.

The government is making substantial investments, and they are outlined in the Chief Minister's amendments. We have developed strategic plans around that which are evidence based. I will name a couple of those, in particular. We have developed a draft active travel plan, which has a focus on a better connected and maintained footpath network, and we have backed that up in the most recent budget with a 40 per cent increase in footpath maintenance. We have the Urban Forest Strategy and the Living Infrastructure Plan for the ACT, and we have backed that up with a \$24 million investment in tree maintenance, which we know is an issue, particularly—as Mr Braddock mentioned in his speech—as many of our trees age in our community.

We have invested in more mowing and the continuation of a rapid response mowing team, as well as extra safety crews to make sure our existing mowing teams can get out there on the roads and tackle those hotspots that have arisen because we have had increased rain over the last few years, which has led to rapid grass growth. We have been working in an evidence-based way with the Australian Road Research Board—now known as the National Transport Research Organisation, or NTRO—on a strategic road maintenance road program. As a result of that, our government has made a 52 per cent increase in road maintenance funding, including a 150 per cent increase in asphaltting, taking our total budget up to \$153 million over four years.

We are undertaking the largest ever upgrade, since self-government, to our suburban infrastructure through our Suburban Infrastructure Program—upgrades to local shopping centres, local playground upgrades, and new and updated dog parks across the city. It is a substantial investment and it is based on consultation with the community.

I think what is revealing about Ms Lee's motion today is that, despite the ACT government having substantial plans, many of which have resulted from community consultation and commitments that we made at the last election, the Canberra Liberals and Ms Lee do not have any plan in relation to the suburbs and the maintenance of our suburbs. This motion does not provide any information about what they would invest in, in terms of suburban maintenance, nor, of course, where that would be funded from.

Our government has a substantial program. We took that to the last election. The Liberals did not have a substantial program at all. They had no policy when it came to suburban maintenance at the last election, other than giving out trees to schoolchildren. We are getting on with what we said we would do, with the various evidence-based plans and the investments that we are making in the budget, and we are getting on with investing in the priorities that were set out by the community through the Better Suburbs program. That is not arrogant, as it has been described by those opposite. Consultation with the community and acting on their priorities is not arrogant. It is what governments should be doing, and it is what we are doing through the investments that we will continue to make in future budgets as well. I commend the Chief Minister's amendment to the Assembly.

**MR CAIN** (Ginninderra) (4.01): I rise to speak in support of Ms Lee's motion regarding suburban rejuvenation, and in opposition to the very distracting amendment moved by the Chief Minister. It is distracting because it misses the point that, when you look at the outcomes, you do not just look at numbers, as Mr Barr would like us to do; you look at the outcomes in our actual community, when people go out there and see the state of our suburbs. I do not know whether Mr Barr has done something like that. It would be nice to see his travel logs, to see whether he has actually travelled anywhere except around the city.

I join Ms Lee in calling on the Labor-Greens government to redistribute more of the ACT taxpayer dollars back into our local neighbourhoods. I want to speak particularly of my experience as a member for Ginninderra, and of my personal account as a Belconnen resident for over 20 years. In the more than two decades that I have lived in Belconnen, under the management of Labor and the Greens, and particularly over the tenure of Mr Barr, I have witnessed firsthand the area falling into an increasing state of disrepair.

The average resident now pays record high amounts in taxes and rates. Mr Barr has more than doubled the revenue he collects, at a staggering \$1.3 billion. Naturally, you would think this would translate into beautiful and well-maintained streets and suburbs, but that is not the case. In fact, things have actually got worse.

Canberra used to have the best roads in the country and now we have, in many parts of our road system, pothole-filled scars, waiting for the next pothole to appear with the next rain. The evidence is out there. I encourage this government and its ministers to go and look out there. They should not just sit in their offices, coming up with numbers to show what they have spent and where, but actually look at the outcomes in our suburbs.

From the number of stories I have heard—and Mr Parton recounted many conversations he has had and input from members of his electorate—there is a very

sad theme. Trees, for example, are a cause for concern around Belconnen. Many are declared dead and have been marked for removal but remain in place for extensive periods—over 12 months, in many cases. These are dangerous items in our community, waiting for an accident.

I brought to the Assembly's attention in September the example of a large area of dead trees surrounding the oval in Latham. Over 20 trees are sprawled across the ground, marked for well over 12 months, and they remain as a hazard for anyone using the oval and that area. There have been new trees planted, but the old trees remain as dangerous items in that part of Latham.

Footpath maintenance, cracked and jagged pavers are highlighted as an issue almost on a daily basis. Repairs are requested on Fix My Street multiple times, but, as I have heard at door fronts and at shopping centres, the responses are very untimely and sometimes miss the point altogether.

I am often told by members of the public that they are unable to walk to their local shops or around their neighbourhood due to dangerous paths, particularly those more vulnerable pedestrians. I met one elderly resident in Holt who told me her sad and personal story of trying to walk from her home—not very far—to the Kippax group centre. She requires a walking frame, and walking is actually part of her recovery regime. I saw firsthand with her what she had to walk over to get to the group centre at Kippax. Unfortunately, one of these walks resulted in her falling heavily and damaging her shoulder, and other injuries ensued.

At my local shops in Evatt, the modest precinct is crying out for rejuvenation—perhaps a small playground, which some shopping centres have and enjoy. Perhaps there could be renovations of the car park and proper lighting, and even a toilet block, as some of our smaller centres have. Refurbishing of amenities is something that I have spoken about to the business owners at Evatt shops. They are very keen for this local and popular community centre to be well maintained and enhanced.

Bus shelters are often reported as being damaged and torn down. I hear that seating is often damaged and unable to be used. This often leads to vulnerable members of the community having to stand and wait for a bus, which could be harmful or dangerous, or they risk injury while sitting on damaged seating.

These are issues that I frequently hear about. They have been brought to the attention of the Assembly on several occasions during my three years in this place. The grass around the roads in the past has become so long that you cannot see oncoming traffic in some parts. It is long in our playgrounds and community areas, and it has been pointed out to me by residents that these are snake attractions.

Dead and dangerous gum trees and fallen branches on nature strips and around houses are a constant theme that I hear about. I have heard that some residents have been waiting for over two years for removal of a dangerous tree. Debris on footpaths and cyclepaths, particularly under walkways, is becoming a common complaint. Branches, gravel and debris from mowing often sit untouched. This causes dangerous conditions for those who cycle or walk.



Streetlights are a basic amenity, as we would all agree, and I am often told that they are broken, flickering or not working. Recently, a constituent in Bruce informed me that they had been asking Fix My Street for the repair of their streetlight for several months, with no response. Streetlights provide improved pedestrian and vehicle safety and reduce street crime.

One constituent who liaises with my office frequently has spent over a year galvanising the government to fix toilet doors and car park lighting at the Charnwood shops. I sent letters to the city services minister regarding Charnwood toilets, and my constituent has lodged these issues via Fix My Street. Despite these efforts, I am informed that it took an unknown member of the community to take responsibility themselves and fix the broken locks on the doors—an indictment of the service delivery of this government.

In my time as a local member for Ginninderra, I have written hundreds of letters to Minister Steel, pleading for repairs and refurbishments. This should not be the case, because there should be a lot fewer things to complain about. Belconnen residents should feel pride when reflecting upon their suburbs and their community. Instead, they are feeling left behind by this government.

We have already talked about potholes many times in this place. Even though we have had the rain that Mr Steel seems to rely upon as an excuse, regular maintenance may have made the problems much less severe. In fact, there is one pothole that has become quite famous, on Tillyard Drive, towards the top end. It sat untouched for such a long time that a local resident put a Christmas tree and presents in it—perhaps waiting for it to grow larger and have a party around it or something!

What do we need to happen here? Ideally, we need a government that actually cares about what happens in the suburbs, and that cares about what residents experience daily on their roads and footpaths and at their shopping centres and playgrounds. That is what we need. From my estimation, this government is not up to the task.

I am looking forward to presenting even clearer pictures, as we approach next year's election, that an Elizabeth Lee-led Liberal government will spend money where it affects people—where they live, where they travel, where they shop and where they spend their recreational time. We look forward to being presented as the alternative government for this community, as a government that cares about what residents face daily. They deserve value for their taxpayer dollar. They deserve quality services and a quality environment in which to live, shop and recreate. I do not believe that this government is up to the task.

I support Ms Lee's motion and reject Mr Barr's distracting amendment.

**MS LAWDER** (Brindabella) (4.10): I am very pleased to speak to this motion today and I thank Ms Lee for moving it. As we have heard, members of our community constantly, continually and repeatedly raise these basic local maintenance issues with us, as their elected members. They are concerned about the state of their neighbourhood. Canberrans know that their rates have been increasing year on year, and they wonder why the commensurate services seem to be declining. Rates going up, services going down: I hear this from constituents just about every day. I know

that every other member in this place must hear the same thing. I have heard other members talk about it when it suits them, which is usually not when we bring forward a motion about it; then they all clam up and try not to know that it is happening.

As a local member, and as the shadow minister for city services, this is something that I have been focusing on. I know that Canberrans want to be proud of their suburbs and their neighbourhoods. They expect and deserve to have attractive, well-maintained and safe places in which to live, work and play, but they are frustrated because they do not see things improving.

For every damaged footpath, pothole, unswept street, broken streetlight, area of overgrown grass or playground that gets fixed, they know that there are many more still to be dealt with, and these fixes can take months, even years, after being reported. I am sure we have all seen, as we walk around our suburbs, the lines that get spray-painted on broken footpaths. Sometimes six or 12 months later, someone comes back and resprays the lines, but they are still not fixed. We have seen where footpath sections have been fixed; yet, just five or six panels away, unfixed footpaths remain. It does not really pass the pub test.

In my electorate there are many areas that my constituents compare with the newer suburbs of Canberra, and they tell me they would like to see their areas improved. One of the most common requests that I receive from residents, particularly families, is about the many ageing play spaces that our young people especially want to see updated with new equipment. It is raised by parents with children, as well as by grandparents who are looking after kids and caring for them.

The state of our footpaths and cycleways is raised with me a lot. Members have heard me talk about this over and over. While the government clearly allocates money in the budget for repairs, it is equally clear that it is not enough. Canberra taxpayers want these things addressed, and this could happen if some of the money that they pay to the government in their rates is reinvested back into suburban maintenance.

Another area that I hear about is graffiti. I am not talking about street art; I am talking about vandalism, which often involves offensive language. It is about marking property, other people's property, without their consent. There is widespread community concern about this, and it has an impact on the community perception of safety and public amenity.

The Better Suburbs statement that was released, I think in 2018, was the result of community consultation to identify priorities to ensure that Canberra remains a vibrant, beautiful and livable city into the future; yet, when we look around Canberra and when we talk to Canberrans, that is not what they see and that is not what we hear. Certainly, people who come back to Canberra after living elsewhere talk about the decline in the appearance of our city. They talk about the neglect, and they talk about the way that things were so much nicer a year ago, five years ago, 10 years ago or 20 years ago.

I know that the cost of completing basic maintenance and investing in improvements which rejuvenate facilities like suburban shopping areas, play spaces and libraries is

significant. As I said recently, when I called on this government to develop a suburban maintenance strategy to improve the cleanliness of our city, we need a commensurate budget to accommodate our growing city. We do not need to leave the budgets at about the same amount and then suddenly announce a bonus. In fact, sometimes it is even worse than that. I note that in paragraph (3) of Mr Barr's amendment he talks about the ACT government systematically increasing funding for city services. Paragraph (3)(a) refers to "an approximate 40 per cent funding increase in footpath maintenance this financial year".

By way of a bit of context, Mr Deputy Speaker, I would refer you to an Auditor-General's report of 2018 which said that the footpath budget was cut every financial year over five years. It was reduced over that five-year period from \$5 million to \$3.2 million. This is from an Auditor-General's report. At the same time, the number of paths increased. This year, in the 2023-24 budget, there is \$5 million for footpath maintenance. The government do not talk much about the fact that it is \$5 million—back where it was five or so years ago—when we have so many more kilometres of path needing to be maintained. They talk about a 40 per cent increase. It is easy to talk about a 40 per cent increase when you have been cutting, cutting and cutting. Suddenly, you put it back to where it was five years ago and expect everyone to be grateful and to say how wonderful you are.

What we are seeing here is more magic pudding, which seems to be the phrase of the day. With Albert, the cranky magic pudding from the Norman Lindsay story, it is about having your cake and eating it too, and that is what they are doing here with this amendment. They are saying, "We're having a 40 per cent increase." They are trying to tell you how great you are getting it, with this never-ending supply of money for footpaths when, in fact, it is a real decrease. There is no increase in footpath funding.

As well as the other points in the amendment, subparagraph (e) refers to "an extensive program of shop upgrades". I would like to remind you, Mr Deputy Speaker, that I am pretty sure—it is a while ago now but I am pretty sure—that Mr Steel, before he was elected, had a petition about Kambah shops. He told everyone that he would get Kambah shops improved. Have any of you been to Kambah shops lately? Anyone? No-one. Maybe I am the only one. No; I am sorry, Mr Deputy Speaker. The inside area, where the playground is, is a lot nicer now, but the rest of the shopping centre is appalling. When I go there, people talk to me about how poor it looks. Every time I have raised it with the minister, he tells me it is tied up with a development application. How long will this go on? Don't people in Kambah deserve something a bit better? Don't they deserve a better response?

We have a government that cuts, cuts and cuts, then gives you a little bit more money and wants you to be grateful. The returning of more of ACT taxpayers' own money for improvements in their local area would be a much more proactive approach. We could have a vision of our city as a safe and hospitable place. Our community told the ACT Labor-Greens government about the priorities they wanted in the Better Suburbs strategy. Sadly, what they get is a number of short-term fixes and kneejerk reactions, rather than a well-funded strategy to address the growing need to keep our older and more established suburbs attractive and safe.

I commend Ms Lee's motion to the Assembly.

**MRS KIKKERT** (Ginninderra) (4.19): I thank Ms Lee for bringing this matter before the Assembly today. This motion notes that, despite massive Labor-Greens tax increases, basic maintenance of our suburbs has been steadily declining. I do not understand how anyone could seriously argue against this observable fact. Earlier this year, I spoke with a man in Fraser who told me how proud he used to be to live in Canberra and how much he used to enjoy showing off this once beautiful city to interstate visitors. He said, “Now, when friends and relatives come to visit, they all ask why the nation’s capital looks so rundown and neglected.”

As I raised in the speech just last week, the traffic islands throughout my electorate of Ginninderra have been almost completely taken over by weeds and unruly patches of grass. These incursions trap litter and become breeding grounds for pests. However, the problem extends far beyond making Canberra look shabby and neglected. Overgrown weeds are a safety hazard, obstructing drivers’ views and making it difficult to navigate intersections safely. Beyond that, plants that grow in the gaps of traffic islands, stormwater drains, kerbs and footpaths expand and, over time, cause cracks in the cement and bitumen.

This government’s neglect is causing problems not just right now; it is also creating a situation where future governments of this territory will need to spend tens of millions of tax dollars on completely replacing the basic infrastructure ACT Labor and the Greens have wilfully allowed to crumble, buckle and break apart. This motion calls on the Labor-Greens government to spend more of our money on improvements in local neighbourhoods, on behalf of tens of thousands of Belconnen residents who are sick of the neglect. I voice their concerns and echo them here in this Assembly.

The Chief Minister’s amendment says:

... to use evidence-based decision making to determine spending priorities across health service delivery ... and ... city services ...

I have with me pictures of rundown areas in my electorate where weeds are growing on intersections. That is actually really dangerous. I drove past this and I could not actually see over the weeds to see if there was any oncoming traffic. I have pictures here of an intersection in Bruce where there is overgrown grass and weeds—

**MR DEPUTY SPEAKER:** Mrs Kikkert, could you be seated. Ms Orr.

**Ms Orr:** Mr Deputy Speaker, on a point of order: I seek your advice on whether Mrs Kikkert’s photos count as props.

**Ms Lawder:** They could be tabled.

**MRS KIKKERT:** I seek leave to table the photos.

Leave granted.

**MRS KIKKERT:** I present the following paper:

Ginninderra Electorate suburbs—Footpaths, playgrounds and bus stop condition—Copy of photos (8).

I commend the motion to the Assembly.

**MS LEE** (Kurrajong—Leader of the Opposition) (4.22): We see yet another self-congratulatory amendment by Mr Barr that will no doubt be supported by every member of Labor and the Greens. The government that are so out of touch that they cannot even debate, straight bat, a simple motion calling on them to ensure that the hundreds of millions of dollars with which taxpayers fund this government is reinvested in our suburbs.

When you look at paragraph (4) of Mr Barr's amendment, it is an absolute slap in the face to the countless Canberrans who have approached every one of us. Let's be clear: they can pretend all they wish, but we know that there are constituents who are approaching every member of Labor and the Greens, raising concerns about the lack of investment in our suburbs—the neglect that has been there for decades. We know that they receive that correspondence because there are many times when frustrated constituents will carbon copy to all of us when writing about their concerns.

Paragraph (4) is an absolute slap in the face for countless Canberrans who genuinely and legitimately raise concerns because they care about the suburb they live in. They care about the neighbourhood that they live in. They care about the community that they live in. For Mr Barr to move an amendment that is the equivalent of a sarcastic response—in response to a genuine, straight bat motion that I have brought forward, raising concerns on behalf of thousands of Canberrans—demonstrates once again that he does not care about what happens in our suburbs.

In fact, a lot of Mr Barr's time in contributing to this debate was spent saying, "Isn't it great about all of the funding that has gone into addressing the exact issues that you brought forward, Ms Lee?" He talked about all of the funding that has apparently gone into them. Ms Lawder pointed out exactly what this government does best: deflect, spin and gaslight our community. There is absolutely nothing genuine in the contributions that have been made by members on the opposite side of this chamber about the genuine concerns that so many Canberrans have raised about what they see in their suburbs—as outlined by you, Mr Deputy Speaker, in some comments.

If that is not enough, how about some other comments that I have here? This is in response to a post that ABC Canberra put up about TLC in Canberra suburbs. These are just a handful of comments. Julie Allen said:

Lanyon shopping centre needs a facelift. Canberra has no character at all. Inject some colour into the suburbs. The feel of Canberra is so drab and always has been.

Regarding many of the footpaths in Flynn, someone said:

Our suburb has so many trees right on the edges of houses that they are now lifting footpaths. Also, overgrown gum trees are blocking intersections.

This is a safety issue, as Mrs Kikkert has also outlined in her suburb. Another comment said:

The long, overgrown grass in the mini nature reserve gives me anxiety walking through it in summer.

Another one said:

In the whole of Lyneham, streetlights need to be updated. Archibald Street, Lyneham, has a number of vulnerable residents living on this road and there is poor access—lighting and broken footpaths. It's disgraceful that the ACT government hasn't bothered to fix this area. We have finally had one additional light added on this street. That's taken only seven years!

Another one is about Evatt footpaths, along Heydon Crescent, and said:

It was a hazard trying to push my recently departed father in his wheelchair. I was told Evatt was deemed an older suburb, and the area doesn't meet current standards in terms of accessibility at all.

These are just some of the examples that have not come to us but were comments on a news site that spoke about what our suburbs need. These are the voices that the Labor and Greens members do not care about and do not listen to.

I have to say that, out of all the contributions, the most laughable line was when Mr Steel said, "We listen and get on with the job." Really? Through you, Mr Deputy Speaker: Mr Steel, what do community councils say about your government's claims to be listening and getting on with the job? Through you, Mr Deputy Speaker: Mr Steel, what do older Canberrans say about your government's claims to listen and get on with the job? It is laughable that the responsible minister is able to stand up in this chamber and say, with a straight face, that he is listening to the community and getting on with the job. It is absolutely laughable and it is demonstrably false. Once again, what we see from this government is more deflection, more spin and more gaslighting.

If, as the government continuously claims, more money has been spent on city services, how does that marry up with the outcome? How does it marry up with the hundreds of Canberrans who contact us daily and tell us what they are seeing in their suburbs—the long-term neglect of our footpaths, of potholes, of trees, of our playgrounds, and grass not being mowed? If more money is being spent on these essential government services, where has the money gone? It certainly has not resulted in our suburbs looking the way that they should and looking the way that Canberrans deserve them to look.

Mr Braddock's contribution, when you could make sense of it, was just a pathetic rant. Talk about fantasy; it was just making up baseless, fearmongering hypotheticals about what the Canberra Liberals might or might not do.

This motion is pretty straightforward. It calls for a portion of the hard-earned rates dollars of Canberra residents to be reinvested back in our suburbs. That is what it calls for, and what we got in response was a pathetic slap in the face for every Canberran who has raised these issues with me, with you, Mr Deputy Speaker, and with every member in this chamber.

The Canberra Liberals will always stand up for Canberrans and their needs. We know that it is bread and butter; it is the core job of a local government to care about basic local services. The Labor-Greens government have demonstrated time and again that this is not what they care about. What I say to Canberrans now is that we do and we will, because it is about making Canberra the best place, a place that they deserve to live in, and it is all about giving back to our community. I commend my motion to the Assembly.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Noes 6

Andrew Barr	Mick Gentleman
Yvette Berry	Suzanne Orr
Andrew Braddock	Marisa Paterson
Joy Burch	Chris Steel
Tara Cheyne	Rachel Stephen-Smith
Jo Clay	Rebecca Vassarotti
Emma Davidson	

Peter Cain
Jeremy Hanson
Nicole Lawder
Elizabeth Lee
James Milligan
Mark Parton

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## Papers

### Motion to take note of papers

**MR DEPUTY SPEAKER:** Pursuant to standing order 211A, I propose the question:

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

Question resolved in the affirmative.

## Electoral and Road Safety Legislation Amendment Bill 2023

### Detail stage

Clauses 1 to 3.

Debate resumed.

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

**MR BRADDOCK** (Yerrabi) (4.36): I move amendment No 1 circulated in my name [*see schedule 2 at page 3597*] and table a supplementary explanatory statement to the amendments. The amendments I have circulated cover five distinct themes. I will

come to each of them in turn as we approach the relevant clause of the bill. The first of these concerns the restructuring of the bill to allow for further and future additions to our prohibited donors scheme. As such, my amendment to clause 4 substitutes the term “foreign entities” with “prohibited entities”. This feeds into further amendments to clause 69 of the bill, which then define prohibited entities as including foreign entities as well as other classes of donor which the Greens consider to have a corrupting influence on politics.

The three additional categories of prohibited donor are proposed to be defence entities, nicotine entities and fossil fuel entities. In developing the definitions for these three additional categories of prohibited donor, I recognise that there is an inherent risk that banning donations may be challenged in the High Court on the grounds of impinging on the implied right to freedom of political communication.

My explanatory statement contains an outline of the matters relevant to the implied freedom which the High Court has affirmed exists to ensure that the people of the commonwealth may exercise a free and informed choice as electors. Past High Court cases have established a series of tests to assess the compatibility with the Constitution. These tests require that the restrictions upon the implied freedom need to be essentially compatible with maintaining the constitutionally prescribed system of representative government and be assessed as suitable, necessary and adequate in their balance.

Bans on political donations from particular industries do not prevent these industries from lobbying a particular political party by other means; nor do they prevent them from participating in public debate. The purpose of banning donations is to break the nexus of human instinct to provide reciprocal favours and benefits to the donor. This is what justifies our existing ban on property developers, which has been found to be adequate in its balance.

That leaves me with the need to explain why bans on these additional categories of donor are necessary and suitable. With regard to defence entities, I propose to define this as an entity that holds or has held a contract with the commonwealth for the provision of equipment intended for military end use, or for advice in relation to the operations, exercises or other activities of the Defence Force, including advice on the procurement of the aforementioned equipment.

This definition is intended to capture the concept described in the vernacular as the military industrial complex: a section of private sector manufacturers and advice organisations who are entrenched in military functions. Very significant commercial benefits can be derived from securing defence contracts in the conduct of military activities. Seeking favourable contractor selection via the principle of reciprocal favours is a source of corruption around which defence entities pose a distinct vulnerability. As Canberra has a major defence industry presence, that risk is more elevated here than other parts of Australia.

We in this Assembly may not be able to stop the defence industry from sponsoring the War Memorial, but we can play our part to close the back doors to the territory government. This is particularly pertinent, as the territory has a defence strategy that aims to build Canberra’s already significant and globally competitive defence industry.



I propose to define fossil fuel entities as companies which extract, mine, process or refine fossil fuel for energy purposes. We are in a climate emergency, and scientific advice demands that governments make immediate and steep reductions to their emissions and abandon all new fossil fuel projects. In spite of this, the fossil fuel industry seems to have governments worldwide wrapped around its finger. Coalmines and gas projects keep getting approved, and the planet teeters ever closer to an escalating catastrophe. Every avenue of political capture from this industry needs closing off, and the ACT needs to be no exception.

Nicotine entities are deliberately defined as being broader than just tobacco companies. They are defined as an entity that manufactures or advertises products containing nicotine. Vaping products would therefore be captured in the definition, as would nicotine replacement therapies that should be treated as a medical treatment for nicotine dependency rather than a readily available solution to deal with addiction later.

Tobacco companies have inflicted significant harm on our communities, and they have an extensive history of interfering with the ability of governments to make laws and regulations for the benefit of the health of their people. These companies inherently benefit from Australians being addicted to nicotine. Research has found that they have developed interests in nicotine replacement therapies on the basis that they counterintuitively support tobacco and vape sales.

I hope members will agree that this is an insidious industry that needs to have its influence constrained, especially where it has the potential to corrupt political parties. Consistent with how we have handled the ban on donations from property developers, close associates of corporations that are prohibited entities are captured, and my proposals will also pick up their lobbyists. It is my proposition that the ACT government should be willing to make a stand in principle and be able to defend these prohibited entities, should a High Court challenge occur.

I stress that what is being amended at clause 4 is necessary to accommodate any extension of the prohibited donor scheme, be it today or further into the future. It is my hope that by agreeing to this first amendment, and the others which complement it later, the Assembly will endorse the idea of further expanding the prohibited donor scheme, for the benefit of democracy here in Canberra.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.43): Mr Braddock's amendments as a whole raise serious constitutional questions. The government's bill has been before the Assembly since June. It has gone through an inquiry. It is evidence based, and the work has been done to ensure that it will improve our electoral system. The issues raised in Mr Braddock's amendments should not be dealt with lightly, and certainly not at the eleventh hour, before debate on the government bill. The scrutiny committee has largely covered off the serious legal problems with these amendments, so I will be brief.

The amendments deal with foreign donors, defence, fossil fuel and nicotine entities. Changes that restrict the freedom of political communication must meet the strict

legal test which we talked about in the in-principle stage of the debate. Failure to meet that test means expensive litigation. It also means that the ACT's new laws could be held to be invalid by the High Court.

It is important to note that what we choose to do as parties, in line with our values, is different to what can be legislated. As a party, ACT Labor already refuses donations from big tobacco, property developers and firearms manufacturers and dealers. The government developed legislation to ban property development donations by considering strong evidence from other jurisdictions and getting thorough legal advice.

The government's legislation to previously ban that was based on evidence that corruption as a result of property developer donations was a problem in other jurisdictions. We were able to use that evidence to justify the constraints that we were putting on freedom of political communication. The government's legislation to ban foreign donations was developed through an equally rigorous process. It takes detailed analysis and expertise to make our electoral laws effective.

The amendments that Mr Braddock is moving do not have that foundation. When it comes to legal analysis to support these amendments, the explanatory statement contains statements like "compatibility between the laws of the territory and the commonwealth is not required". Bans on political donations actually require a whole lot more policy consideration and legal analysis than that, when we are coming up with a list of entities that we do not agree with. Managing the interaction between territory and commonwealth legislation takes legal expertise. The scrutiny committee's report makes clear that the groundwork has not been done in relation to these proposed amendments.

There is also a range of amendments proposed that call into question the administration of elections. The scrutiny committee has questioned these as well. The government's legislation was developed through consultation with the Electoral Commissioner. We value the hard work of the Electoral Commission. They are the territory's experts when it comes to integrity in the administration of elections, and that is where we should look for guidance on these matters.

The amendments dealing with roadside advertising that Mr Braddock has proposed need more thought as well. Mr Braddock's amendments would create the only parking restrictions in the territory that carry demerit points. The amendments I will be moving to the government bill instead create a \$700 infringement notice for displaying electoral and advertising materials in prohibited areas. Penalties to enforce the electoral legislation need to be proportionate to the activity. The government accepted that there should be restrictions and introduced legislation. We propose to monitor the implementation over time to see whether the penalty is effective.

Taken as a whole, and speaking to all of the amendments that Mr Braddock has put forward, they simply do not stand up to scrutiny. Most of them are likely to be or could be open to challenge, and those that are not obviously facing that problem have significant policy questions attached to them. The government's bill will introduce changes that are effective and that make our elections fairer and more transparent. As a result, the Labor

Party will be opposing all of the amendments put forward by Mr Braddock. We will be supporting the government's bill and the government amendments.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 4

Andrew Braddock  
Jo Clay  
Emma Davidson  
Rebecca Vassarotti

Noes 15

Andrew Barr	Nicole Lawder
Yvette Berry	James Milligan
Joy Burch	Suzanne Orr
Peter Cain	Mark Parton
Leanne Castley	Marisa Paterson
Tara Cheyne	Chris Steel
Mick Gentleman	Rachel Stephen-Smith
Jeremy Hanson	

**Mr Braddock's** amendment No 1 negatived.

Clause 4 agreed to.

Clauses 5 to 31, by leave, taken together and agreed to.

Clause 32.

**MR BRADDOCK** (Yerrabi) (4.52): I move amendment No 2 circulated in my name [*see schedule 2 at page 3597*].

My circulated amendments Nos 2 to 9, concerning clauses 32, 40, 43 to 46 and 48, omit from the bill those elements that would facilitate online voting for overseas electors. Evidence provided by academics and systems experts have identified that there is no jurisdiction in the world that has been capable of developing an online voting system that would provide a standard of security and auditability required for public confidence in government elections. This is not for the want of trying, including in New South Wales, where their government has been significantly struggling with such a system.

It would be extremely naive to assume that the ACT can do better. Relevant experts almost universally argue against these systems even being contemplated. As the evidence before the committee inquiry into this bill made clear, the Electoral Commission has very limited expertise in the field of online voting. Elections ACT should not be relied upon to make a sound judgement on whether a proposed online system would be sufficiently secure to meet the required standards.

Of particular note are the hazards of votes being altered between their submission by the voter and their receipt by the electronic voting system. By their very nature, online systems are incapable of being configured to produce a voter-verifiable paper record

of their vote of the kind that I discussed being needed earlier today, without preserving the anonymity of that vote. Also, online systems are the most vulnerable to interference via remote hacking.

There is also the risk that, if an online voting system is established and subsequently withdrawn late in the campaign period, voters who were expected to use the online system may find themselves without sufficient time remaining to draw on other methods of international voting. This could have the effect of limiting the voter franchise rather than expanding it, absent alternative provisions. This risk was identified as part of the committee inquiry into the bill.

Whereas such a system might have been welcome in exceptional circumstances, such as the COVID-19 pandemic's impact on the flow of international mail, it is hazardous to present it as a consolidated part of our electoral system. Asking the Electoral Commission to periodically contemplate this for ordinary circumstances represents a waste of government resources. Any decision to investigate the use of online voting systems is one that should be at the discretion of this Assembly.

My amendment No 2 amends clause 32 to omit proposed new section 136 so as not to facilitate online voting.

**Mr Braddock's** amendment No 2 negatived.

Clause 32 agreed to.

Clauses 33 to 39, by leave, taken together.

**MR BRADDOCK** (Yerrabi) (4.55): I withdraw my amendments 3 to 9, given the result of the last vote.

Clauses 33 to 39 agreed to.

Clause 40 agreed to.

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

Clause 43.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.56): I move amendment No 1 circulated in my name, together with a supplementary explanatory statement to the amendment, which I have already tabled [*see schedule 3 at page 3620*].

As I mentioned at the in-principle stage, in response to recommendations made by the standing committee, concerns raised by the Standing Committee on Justice and Community Safety in its legislative scrutiny role, and in responding to an error identified by the Electoral Commissioner, a number of government amendments have been proposed to the bill, which I will briefly outline.

The first is in relation to real-time political donations. In response to concerns raised by the standing committee and scrutiny committee, government amendments have been moved for the bill to retain the current gift disclosure of \$1,000, as currently provided in the Electoral Act; however, requiring that any donations from an individual that reach \$1,000 are to be disclosed within seven days of receipt.

This is in recognition of the potential to impose undue administrative burden on the ACT Electoral Commission by lowering the gift disclosure threshold to a lower value, issues raised by political parties during consultation by the committee and to ensure that the right to freedom of association under section 15 of the Human Rights Act 2004 is not limited in any way. It still deals with our commitment to deliver real-time donation reporting within seven days, but the \$1,000 cap would remain.

In response to the standing committee, a government amendment has also been proposed to the bill to narrow the definition of what is considered to be translated electoral matter so that it only relates to the translation of materials, rather than their production. This will encourage greater engagement from Canberra's multicultural community in the territory's public affairs.

A small number of minor and technical government amendments have also been proposed to clarify the definition of "public entity" to ensure consistency throughout the act, and to amend section 222K of the act to remove reference to "commission" and replace it with "commissioner". This error was identified by the Electoral Commission and will support operational consistency within the funding and disclosure scheme.

The bill also proposed to introduce an increase of \$50 to the existing infringement penalties for stopping and parking offences in the Road Transport (Road Rules) Regulation 2017 if the vehicle displayed advertising or electoral matter. In response to the scrutiny committee and the standing committee, in recommendation 10 of their report, government amendments have been made to the bill to remove this amendment.

I remain committed to addressing driver distraction from roadside advertising. The amendments will increase the infringement notice penalty amount for the new strict liability offence, which will remain in the bill, of parking a vehicle in a designated place if a sign displaying advertising or electoral matter is attached to the vehicle. The proposed infringement penalty is to increase from \$640 to \$700, which is considered to appropriately target vehicles parked with the clear intent to advertise and to provide a robust response to advertising on vehicles, which, of course, may have a road safety impact. Although there are exceptions, this amount is more than double the penalties for most parking and stopping offences.

I am pleased to say that these amendments, together with the bill, will make necessary improvements to the ACT electoral process and the safety of our road network. We think that it will, together with the amendments, strengthen the transparency, integrity and inclusivity of our elections and improve overall road safety for drivers in Canberra.

I want to thank everyone that has been involved to this point—members of the Assembly who are supporting the bill today, the Standing Committee on Justice and Community Safety, all of those individuals and organisations who contributed to the inquiry into the 2020 ACT election and the Election Act, and, most recently, those engaged as part of the inquiry into the bill itself. I would like to thank the ACT Electoral Commission for their expert advice throughout the process and constructive and collaborate engagement on the bill, as well as officers from the Justice and Community Safety Directorate and the Transport Canberra and City Services Directorate.

I commend the amendments to the Assembly.

**Mr Steel's** amendment No 1 agreed to.

Clause 43, as amended, agreed to.

Clause 44 agreed to.

Clause 45 agreed to.

Clause 46 agreed to.

Clause 47 agreed to.

Clause 48 agreed to.

Clauses 49 to 55, by leave, taken together and agreed to.

Clause 56.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.03): I move amendment No 2 circulated in my name [*see schedule 3 at page 3620*].

**Mr Steel's** amendment No 2 agreed to.

Clause 56, as amended, agreed to.

Clause 57 agreed to.

Clause 58.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.04): I move amendment No 3 circulated in my name [*see schedule 3 at page 3620*].

**Mr Steel's** amendment No 3 agreed to.

Clause 58, as amended, agreed to.

Clause 59 agreed to.

Clauses 60 to 63, by leave, taken together.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.04), by leave: I move amendments Nos 4 to 6 circulated in my name together [*see schedule 3 at page 3620*].

**Mr Steel's** amendments Nos 4 to 6 agreed to.

Clauses 60 to 63, as amended, agreed to.

Clause 64.

**MR BRADDOCK** (Yerrabi) (5.05): I move amendment No 10 circulated in my name [*see schedule 2 at page 3597*].

Clauses 64 and 65 of the bill represent a policy backed by the ACT government. It is disappointing and shocking to see the Justice and Community Safety Directorate has seen fit to draft the clauses, and I am deeply concerned to see the other parties here endorsing them. My amendments No 10 and 11 would see them omitted from the bill.

To fully appreciate what is going on here, we need to revisit some history. In 2018, the Queensland government decided to ban donations from property developers—a move that this Assembly would later agree to replicate in 2020. The commonwealth government was quite displeased with this movement and sought to legislate overriding legislation that would expressly permit political donations from property developers.

The disagreement escalated to the High Court in 2019, where a judgement known as *Spence v Queensland*, a landmark decision, was handed down. The High Court found that the Queensland laws were entirely valid. This was not just in the sense that it was entirely reasonable to ban political donations with the objective of addressing the risk of donations from corruptive influences, inducing reciprocal instincts. It also affirmed that there was no issue with the Queensland government legislating in a way that might incidentally impact on federal affairs, absent appropriate commonwealth provisions for federal purposes.

On top of that, the court found that the commonwealth government's response in 2018 was wholly invalid, because it engaged in overreach beyond the commonwealth's jurisdiction. It is worth noting that then ACT Labor Attorney-General Gordon Ramsay intervened in the case in support of the Queensland Labor government's positions and their laws—an intervention which seems to be forgotten today.

In 2020, the Morrison government, licking its wounds from the High Court loss, gave it another go with legislating an override, but this time in a much narrower way that strictly limited things to federal purposes, and therefore would not get struck down by the High Court. The language used in the commonwealth legislation states:

Despite any State or Territory electoral law, a person or entity may offer to give a gift to, or for the benefit of, a regulated entity if the gift is expressly offered for federal purposes.

This phrasing is repeated multiple times in the commonwealth legislation. It put some clear boundaries in place around what needs to be done to make sure something is for federal purposes, including defining what a federal account is.

What I hope is evident from members hearing this citation of the Commonwealth Electoral Act is that there is no need for the ACT to update its laws to create a compatibility with the commonwealth scheme. Our laws remain functional as they currently exist, and the commonwealth law entirely takes care of its own override for federal purposes. In fact, there is a risk that we broaden the loophole in the process of fiddling with things, as the bill does not try to engage with the definition of “federal purposes”. There is no legal need for us to endorse the commonwealth’s override of the territory’s legislation; nor is there a moral reason either.

There is no need for us to endorse the idea that it is okay to have a loophole for property developer donations in our laws for apparently federal purposes of the political parties. We know that political parties do not plan for federal and territory elections in isolation from each other. Donations made for federal purposes by property developers allow the freeing up of other funds for territory purposes. Donations made for federal purposes by property developers still increase the overall resources available to a political party. Donations made for federal purposes by property developers still allow for the inducement of reciprocal favours in territory politics.

If the commonwealth were to have a change of heart and repeal their override of our laws—something that I believe that this Assembly should be advocating the Albanese government to do—I would want to see our laws immediately and automatically operate as the ACT intends—that is, the banning of property developer donations to political parties. Should this occur, there is no reason why we should have to come back here in this Assembly and debate a repeal of the federal loopholes that this bill is introducing.

Any political party which votes against my amendment to omit clause 64 from the bill should be expected to be labelled as being in favour of political parties receiving donations from property developers.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.10): Property developer donations were banned in the last term by government legislation, and the amendments on the statute book were drafted on the basis of legal advice to avoid conflict with federal legislation. Mr Braddock’s amendments dismiss that advice as irrelevant.

Our legislation has to be legally sound to be effective. Labor cannot support amendments that it knows will not work and could potentially cause expensive litigation for the territory.

Question put:

That **Mr Braddock’s** amendment No 10 be agreed to.



The Assembly voted—

Ayes 4

Andrew Braddock  
Jo Clay  
Emma Davidson  
Rebecca Vassarotti

Noes 14

Andrew Barr	Nicole Lawder
Yvette Berry	James Milligan
Joy Burch	Suzanne Orr
Peter Cain	Mark Parton
Leanne Castley	Marisa Paterson
Mick Gentleman	Chris Steel
Jeremy Hanson	Rachel Stephen-Smith

Question resolved in the negative.

**Mr Braddock's** amendment No 10 negatived.

Clause 64 agreed to.

Clause 65.

**MR BRADDOCK** (Yerrabi) (5.14): I withdraw amendment No 11, given the result of the last vote.

Clause 65 agreed to.

Clause 66.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.15): I move amendment No 7 circulated in my name [*see schedule 3 at page 3620*].

**Mr Steel's** amendment No 7 agreed to.

Clause 66, as amended, agreed to.

Clauses 67 and 68, by leave, taken together and agreed to.

Proposed new clause 68A.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.16): I move amendment No 8 circulated in my name, which inserts a new clause 68A [*see schedule 3 at page 3620*].

**Mr Steel's** amendment No 8 agreed to.

Proposed new clause 68A agreed to.

Clause 69.

**MR BRADDOCK** (Yerrabi) (5.16), by leave: I move alternative amendments Nos 1 and 2 circulated in my name together [*see schedule 4 at page 3622*].

As my amendment No 1 was disagreed to by this Assembly earlier, in the interests of supporting the Assembly, rather than re-prosecuting the same case, I prepared an alternative version of my amendments to clause 69. These do not include matters relating to the previously discussed expansion of prohibited entities and only includes the other two themes which remain open to debate and are otherwise unchanged in their substance from my main amendments.

The second theme of my amendments to clause 69 relates to exceptions for federal accounts as per what has already been previously discussed. It is worth noting at this point that the Commonwealth Electoral Act exceptions for federal accounts do not include allowances for the receipt of foreign donations. The exceptions for federal accounts being introduced into section 22L(1)(c) and (2) look like drafting errors, which introduce incompatibility with commonwealth law—the very kind that Minister Steel has just argued should not exist. Forgive me for re-stressing that point, but we are better off if we leave federal matters to federal legislation.

**Mr Braddock's** amendments Nos 1 and 2 negatived.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.18): I move amendment No 9 circulated in my name [*see schedule 3 at page 3620*].

**Mr Steel's** amendment No 9 agreed to.

**MR BRADDOCK** (Yerrabi) (5.18): I move alternative amendment No 3 circulated in my name [*see schedule 4 at page 3622*].

The third theme of my amendment here is creating an updated and functional definition of foreign entities. The one proposed in the bill is one you could drive a truck through. The same observation was made about the commonwealth's definition. In fact, Dr Anne Twomey argued at the time that the commonwealth's definition may be a technical violation of the Constitution's implied freedom of political communication. This is because the definition is so ineffectual that any limitation on the freedom it imposes is non-proportionate to the legitimate objective of avoiding foreign interference—not that anyone is going to challenge an ineffectual law.

I really do mean “ineffectual”. Under the bill's definition, Huawei has been incorporated in Australia for the purpose of doing business in Australia and therefore is not a foreign entity. The same could be said of all social media companies like Meta, TikTok, the company formerly known as Twitter or anyone who sets up a shell corporation to serve as a front for access. By excluding any entity that has a principal place of operation in Australia, none of the foreign embassies located here in Canberra become foreign entities.

My amendment substitutes a definition that is based on foreign control and residency. A foreign entity would be defined as an individual who is not an Australian citizen or a permanent resident, or a company that is majority owned by people who are not Australian citizens or permanent residents, whether it be directly or indirectly. This definition is deliberately broader in who it allows to donate than was used in the New

South Wales decision to only allow donations from people on the electoral roll, and which was quite appropriately struck down by the High Court in 2013.

By placing the boundary at Australian citizens and permanent residents, this definition better respects the rights of those who have a stake in Australia's system of representative democracy and more accurately targets those who are much more likely to have a stake in only extracting value from Australia. More specific information on this has been included in the explanatory notes that I circulated earlier.

As I stressed earlier, nothing in the government's bill or my amendments preclude prohibited entities from participating in public discourse and debate. It only closes off their ability to make donations to political parties which are known to induce a reciprocal response in recipients that runs counter to the interests of Australian democracy.

**Mr Braddock's** amendment No 3 negatived.

Clause 69, as amended, agreed to.

Clause 70.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.22): I move amendment No 10 circulated in my name [*see schedule 3 at page 3620*].

**Mr Steel's** amendment No 10 agreed to.

Clause 70, as amended, agreed to.

Clauses 71 to 87, by leave, taken together and agreed to.

Clause 88.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.22): I will be opposing this clause.

Clause 88 negatived.

Clause 89.

**MR BRADDOCK** (Yerrabi) (5.23): I move amendment No 33 circulated in my name [*see schedule 2 at page 3597*].

My amendment concerns a necessary update to the schedule of fines for minor traffic offences in order to ensure that they actually disincentivise violations of the road rules by advertisers and are not simply factored into the cost of doing business. I am sure we have all seen them: mobile billboards on the back of trucks, roaming the roads of the ACT, stopping and parking where they should not. Madam Speaker, I seek leave to table two pictures.

Leave granted.

**MR BRADDOCK:** I present the following paper:

Mobile billboard—Copy of photos (2).

For the benefit of the *Hansard*, the first picture is taken from the website of Big Impact outdoor media, where it is used to advertise their mobile billboard products. It depicts a mobile billboard truck, advertising for Uber drivers, that is illegally parked in the central median of Commonwealth Avenue. Let's be clear: Big Impact outdoor media are marketing this as something they can do, and the laws of the ACT be damned.

The second picture was taken by a Greens volunteer during the 2022 federal election campaign. It depicts a moped with a trailer holding a two-metre-high sign displaying an electoral advertisement. More importantly, it is illegally parked inside Garema Place, in a pedestrian area. People who were witness to that campaign will recall that these scooter-towed signs were prolific and often illegally parked during the federal campaign. Once again, these were deliberately deployed for a campaign, and the laws of the ACT be damned.

It is not difficult to flout our laws and commit these minor offences when the penalties are so insignificant compared to the commercial or political benefit they can bring. In the parliamentary agreement it was agreed that we needed to do something about these behaviours. My concern is that the minister's proposal will be entirely ineffectual in achieving the intended and agreed objective. As originally proposed, an extra \$50 remains well within the cost of doing business. It especially means nothing if the laws are not actually being enforced here in the ACT.

Whilst I note the minister's proposed amendment to change this to a \$700 additional penalty, which is a more significant amount, this will only apply to roads designated on safety grounds by the minister, thus meaning that the majority of the ACT will remain open slather for these operators.

Instead, I propose an approach of issuing demerit points to vehicle operators. There is nothing quite like the threat of losing your licence to incentivise compliant behaviour in this sort of business model. Members will find more information on my justification for this amendment in the explanatory notes that I circulated earlier. The Greens would like this element of the parliamentary agreement to actually be met and meaningful change achieved. I hope others also agree that we need meaningful action on this issue.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.26): The bill proposes to introduce a new offence in the road rules for vehicles that are parked in designated places if a sign displaying advertising or electoral matter is attached to the vehicle. The maximum court penalty is 20 penalty units, which is quite significant—it is \$160 at the moment for one penalty unit—and \$700 for the infringement notice, which will be made through the amendments, so this does deal with the behaviour that Mr Braddock is talking about.

We will, of course, monitor that. We are open to making improvements in the future; but, at the moment, we do not think that putting in place demerit points for a parking offence in the ACT when demerit points do not apply to any other parking offence in the territory is consistent or good practice. We will continue to monitor the implementation once the laws are passed in the form that they are in the bill, with the government amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 4

Andrew Braddock  
Jo Clay  
Emma Davidson  
Rebecca Vassarotti

Noes 14

Andrew Barr	Nicole Lawder
Yvette Berry	James Milligan
Joy Burch	Suzanne Orr
Peter Cain	Mark Parton
Leanne Castley	Marisa Paterson
Mick Gentleman	Chris Steel
Jeremy Hanson	Rachel Stephen-Smith

**Mr Braddock's** amendment No 33 negatived.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.30): I move amendment No 12 circulated in my name [*see schedule 3 at page 3620*].

**MR BRADDOCK** (Yerrabi) (5.30): As I mentioned earlier, the government's approach is one that I am concerned will be both impotent and ineffective. This concern aside, and given the Assembly's decision not to contemplate a more meaningful approach to demerit points, there is no point in retaining the extensive amendments to the road safety schedule. The Greens will let the government try to do it this way. The minister can look forward to me consulting on road declarations, and members can expect the Greens to make a point of these issues if and when this approach is proven to be ineffective.

**Mr Steel's** amendment No 12 agreed to.

Clause 89, as amended, agreed to.

Clause 90.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.30): I will be opposing this clause.

Clause 90 negatived.

Clauses 91 and 92, by leave, taken together and agreed to.

Schedule 1 agreed to.

Title agreed to.

Bill, as amended, agreed to.

## **Mental Health Amendment Bill 2023**

Debate resumed from 21 September 2023, on motion by **Ms Davidson**:

That this bill be agreed to in principle.

**MS CASTLEY** (Yerrabi) (5.32): On behalf of Mr Cocks, I rise today to speak on the Mental Health Amendment Bill 2023. I would like to recognise the briefing that Mr Cocks received from the Chief Psychiatrist and a representative of the minister's office.

A large proportion of this bill is dedicated to clarifying and streamlining the process for dealing with individuals in contravention of a mental health order. These amendments have largely been led by those on the ground who frequently have to work through what can be incredibly challenging and distressing situations. In those scenarios, clarity is important. Everyone needs to understand what the requirements are and where they stand, and the Canberra Liberals support the improvements in this bill, which will make life more straightforward for everyone navigating scenarios when a person who presents a risk to themselves or others is unable or unwilling to make the decision to be treated.

That said, we also believe that there are further improvements which can be made. In particular, it is time to re-examine the language in the Mental Health Act. In engaging with stakeholders on this bill, the Canberra Liberals heard concerns that the use of the term “apprehend” in this bill, and throughout the Mental Health Act, to describe the process of taking a person into care, reflects a stigmatised view of mental health conditions and disorders, and is not the best reflection of what a modern mental health system should be setting out to achieve. The AFPA, for example, highlighted this issue and pointed out:

When talking about mental health and the treatment of people, using the word “apprehended” is a poor word to use and can create a negative stigma associated with mental health incidents. We do acknowledge that the word is technically correct.

The AFPA would prefer the term “apprehended” was removed from the bill and replaced with language more fitting for people's mental health environment and care. Using the word “apprehended” suggests that someone has done something wrong or committed a crime. That is often not the case when dealing with people suffering from a mental health episode or injury.

The AFPA would prefer the term “protective custody” or “safe custody”, as it aligns more with why police have to take the person into custody, for their own safety or the safety of others.

The Canberra Liberals would therefore encourage the government to explore the issue of stigmatising language within the act as a whole.

The other place where the Canberra Liberals disagree with a point in this bill is in the amendment which divests responsibility and accountability for the appointment of mental health officers and instead vests this important role with the Chief Psychiatrist. I will speak to that when I move my amendment in the detail stage. Overall, however, we are happy to support this bill.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (5.35): I rise to speak in support of the Mental Health Amendment Bill. I want to start by recognising that it is a bit rich for the Canberra Liberals to stand in this place today and talk about stigmatising people experiencing mental health challenges after the dog whistling that occurred in question time last week.

I accept the point that Ms Castley is making, and I think that it is well made by the AFPA that the language “apprehended” could be stigmatising—that is a reasonable point to make—but the Canberra Liberals are on shaky ground, given the way that they asked questions last week about people in mental health facilities not returning from approved leave, in a way that was clearly dog whistling to indicate that those people somehow—

**Ms Lawder:** I have a point of order as to relevance. I thought we were discussing an amendment, not question time last week.

**MADAM SPEAKER:** No; we are discussing a bill being agreed to in principle. This is on the policy area.

**MS STEPHEN-SMITH:** The clear implication of the Canberra Liberals’ questioning last week—both the tone and the words—was an indication that people who are subject to mental health treatment somehow pose a danger to the community if they do not return from leave on time. As the Minister for Mental Health pointed out in question time last week, many of those people are in treatment voluntarily, on their own recognisance, and not returning from leave might just mean coming back a bit late. I think Ms Castley’s point is fair, and I would certainly encourage the Minister for Mental Health to have a look at the language in the bill. But I do think that it is a bit rich coming from the Canberra Liberals, given their behaviour last week.

This bill will enhance person-centric, timely treatment. It will promote least restrictive care and it will replace individually tailored supports at the centre of decision-making. The changes proposed in the bill will allow greater flexibility to consider an individual’s personal circumstances. This means there will be more opportunities for a person to remedy a contravention before they are detained, apprehended and taken to a facility to receive treatment, care or support.

Currently, the act requires that a person is told orally and then in writing of their failure to comply with an order. This is necessary for further steps to be taken—for example, for the person to be—in the specific language—“apprehended”. The inflexibility of the notification requirements can result in delays in providing the notice and uncertainty about whether the requirements have been met—for example, whether a person has received an email when they do not have reliable access to technology. Delays in advising someone that they have contravened an order, and taking subsequent steps, can place that person at risk of harm to themselves or, indeed, on occasion, to others, but that is certainly not universal. The amendment will allow more flexibility for these notifications to be adapted to the particular person and their circumstances.

The bill also contains amendments to include a new requirement for the ACT Civil and Administrative Tribunal, ACAT, to consider the views of the Chief Psychiatrist and health service when making conditional release orders. This amendment is intended to enhance ACAT’s understanding of the clinical circumstances for people who are being placed under a conditional release order. This will allow ACAT to consider what conditions would be suitable for the conditional release order—for example, whether the patient would be suitable for an inpatient admission.

In addition, the bill amends this section to clarify that ACAT may include a general requirement for someone who is under a conditional release order to comply with a mental health order, including at a future unspecified point in time. This amendment supports the objects and principles contained in the act, particularly the rights of a person with mental illness or a disorder to determine their own recovery and access to the best available treatment, care and support relating to their individual needs.

The amendment to section 80 provides clarity to first-line responders to ensure that a person who requires urgent care can receive it in the most appropriate time and way. This amendment will mean that, if a person is apprehended by a police officer or authorised ambulance paramedic when they are in breach of a mental health order, the person can be transported in another way. For example, if a person is apprehended by a police officer, they may be transported by ambulance instead of a police vehicle. This amendment preserves the critical purpose of section 80 to provide a mechanism for first responders—ambulance paramedics, doctors, police and mental health officers—to assist vulnerable people who have a mental illness or disorder to access treatment, care and support, while also giving appropriate consideration to the rights of that individual person.

Although not used as a restrictive practice in mental health, making it explicitly clear that spit hoods are not considered a minimum or reasonable method of restraint is an important amendment contained within this bill; it is strongly supported and, as I said, it is current practice. This amendment recognises that spit hoods are not appropriate and do represent restrictive practice that has no place in mental health care, and is not in line with the objects and principles of the act in supporting the treatment, care and support of a person detained under the act.

The amendments reflect the ACT government’s commitment to person-centred care, a healthy community and a safe, responsive and sustainable public health system. I am



pleased to support this bill in the Assembly today and can advise that Labor will not be supporting the amendment to be put by the opposition.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors) (5.41), in reply: The Mental Health Amendment Bill 2023 is the second tranche of amendments to the Mental Health Act since its commencement in March 2016. The amendments in this bill have been developed in response to issues raised by clinicians and stakeholders in exercising their functions under the act, by a consultation with key stakeholders and in conjunction with the Mental Health Act oversight committee.

Our mental health legislation is person-centred, with a focus on the individuality of the people receiving care, and the need to be responsive to an individual's specific needs and circumstances. This bill takes this focus forward to ensure that the individuals subject to this legislation know their rights and what to expect as they navigate their treatment, care and support.

This bill further entrenches the principles and objects of the act, which are the guiding force for our mental health legislation. Our legislation recognises that people receiving mental health care have the same rights as any other person receiving health care when it comes to choosing their own treatment pathway, receiving care in a way that protects their inherent dignity, and the least restrictive or intrusive treatment for the individual person.

An important change to sections 77 and 124 means that a person has greater opportunity to be involved in decisions about their treatment and care. While most people with a mental illness or mental disorder can make decisions about their treatment path, a small number of people will at times need safeguards to ensure their safety and wellbeing. The amendment to these sections provides a lawful means to support people who may be at risk of harm to themselves or others, while ensuring that any limitations on their human rights are safeguarded.

The amendment to section 77 and section 124 will replace the existing oral and written notice criteria for enacting a contravention with a requirement for the relevant official to use "all reasonable steps" to contact the person and provide them with an opportunity to comply with ordered treatment before the person can be apprehended and transported to an approved mental health facility for treatment.

The amendment allows greater flexibility in the approach taken to communicate with people receiving mental health care and simultaneously minimises delays which can worsen mental health outcomes. Providing an opportunity to remedy a contravention before harsher detention action is taken supports the principle of least restrictive care outlined in the act. In making this change we are articulating the principle that people receiving mental health care are entitled to receive treatment, care and support in a way that is least restrictive to them.

Promoting more effective communication in relation to contraventions will simultaneously minimise delays in communication, which can result in delays in treatment, which can then worsen mental health outcomes. This promotes more

effective treatment, care or support being provided. More effective communication will also support an individual to better understand the consequences of contravention and therefore better support the person to make more informed decisions and to promote care being provided on a less restrictive basis in the community where possible.

The amendment also contemplates that it may be harmful to the person to delay their treatment, and that in those circumstances an all-reasonable-steps approach can balance the needs of the person with their right to determine their own health care. The further change to sections 77 and 124 in the bill will enable a mental health officer to authorise the contravention of a person. A mental health officer is usually best placed in supporting a person to comply with the terms of their mental health order. This is because it is mental health officers who provide regular, if not daily, treatment, care and support to a person on a mental health order.

Both the amendment to section 77 and the amendment to section 80 recognise that a person's mental health care is unique. Having flexibility built into provisions for enforcing contraventions of mental health orders, or provisions for apprehending and transporting the person to an approved mental health facility for assessment, can ensure person-centred decisions are made. The amendment to section 80 provides for greater clarity to the assessment and transportation process under the act.

Section 80 allows for a person who has a mental illness and is at immediate risk of harm to themselves or others to be apprehended and transported to an approved mental health facility for examination. The amendment will resolve a known issue and provide certainty to those key first-line responders in carrying out their functions under the act.

The amendment to section 80 will make it clear that, where a doctor or mental health officer has assessed a person against the standard in section 80(3), any authorised officer, including an ambulance officer or police officer, is authorised to transport the person to an approved mental health facility. Similarly, where an ambulance or police officer has assessed the person against the standard in section 80(1), the person may be transported to an approved mental health facility by any ambulance or police officer. The amendment also facilitates the transport of the person in the least restrictive manner appropriate for their care by ensuring greater flexibility of transport options.

The amendments to section 180 will enhance the ACT Civil and Administrative Tribunal's understanding of the clinical circumstances for persons being placed under a conditional release order. This is done by ensuring that ACAT has regard to information provided by the Chief Psychiatrist and/or director-general in relation to conditions that may be considered for inclusion in the order, including matters such as whether the person is suitable for an inpatient admission and, if the person is suitable, considered identification of the appropriate mental health facility for the admission of the person to receive treatment, care or support.

The amendment recognises the important interface between the clinical treating team and the judicial body authorised to make these orders. The amendment to section 180(4) clarifies that orders for the release of a person made by ACAT may include a requirement to comply with a mental health order. The amendment will streamline this

section to make clear that it is not necessary to specify a particular mental health order or forensic treatment order, so as to allow conditional release orders to continue to apply where a mental health order or forensic treatment order might change.

The amendment to section 201 of the act will provide the Chief Psychiatrist with the authority to appoint mental health officers under the act. This authority currently sits with the Minister for Mental Health and is delegated to the Chief Psychiatrist. The Chief Psychiatrist has oversight of the mental health system, so is well placed to make decisions on mental health officer appointments.

The bill includes a new provision that makes it clear that the use of spit hoods as a restrictive practice in mental health treatment, care and support is not allowable. The new definition explicitly recognises that spit hoods are not a form of restraint authorised under the act, which reflects that spit hood use is a cruel and inhuman restrictive practice which is not appropriate when exercising a function under the act. This supports consistency with the objects and principles of the act. I note that spit hoods have never been used in Dhulwa and they would have been considered inconsistent with the ACT's human rights approach to mental health care, but it is still important to explicitly legislate against their use.

The Attorney-General has considered the bill and issued a statement of compatibility with the Human Rights Act 2004. I would like to thank the Standing Committee on Justice and Community Safety for their comments on the legislation as part of their *Scrutiny Report 35* of October 2023.

I thank the people who have lived experience of mental health care, carers, clinicians and community advocates who continue to engage in this work as we build a modern, respectful and effective legislative framework for our mental health system, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MS CASTLEY** (Yerrabi) (5.49): Pursuant to standing order 182A(b), I seek leave to move an amendment to this bill that is minor and technical in nature.

Leave granted.

**MS CASTLEY:** I move amendment No 1 circulated in Mr Cocks's name [*see schedule 5 at page 3623*] and table a supplementary explanatory statement to the amendment.

This is a very straightforward amendment. Very simply, it keeps responsibility and accountability for the appointment of mental health officers with the minister and creates a new requirement for the minister to take advice from the Chief Psychiatrist.

While we accept that the minister is not appropriately qualified to make this decision without expert advice, the same could be said of any number of issues across every portfolio. That is not a reason for the minister to abrogate responsibility. Indeed, the point of having a dedicated Minister for Mental Health is surely to enable consideration of issues other than the straightforward and the clinical.

We also accept that, in practice, this decision has been delegated by the minister to the Chief Psychiatrist. However, that decision itself is one which the minister is accountable for, should it go awry. What we cannot accept is any future scenario which sees either this minister or another attempt to dodge responsibility because of this change to the act.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (5.51): I would like to speak to the amendment that Mr Cocks has circulated, moved by Ms Castley. This amendment addresses section 201 of the act, on the appointment of mental health officers.

Mental health officers are senior clinicians that have the legal authority to apprehend people on mental health grounds. As things presently stand, the Minister for Mental Health is responsible for the appointment of mental health officers, and the power is delegated to the Chief Psychiatrist for day-to-day responsibility.

The amendment bill that I have brought to this place proposes that the power to appoint mental health officers should be that of the Chief Psychiatrist and removes the minister from that process. The reason for this amendment is that mental health officers are clinical staff and should be appointed by a senior clinician. I cannot think of a better qualified senior clinician to decide whether a person is suitably qualified to be a mental health officer than our Chief Psychiatrist.

As the Chief Psychiatrist is appointed by the minister, any concerns about the appointment of mental health officers are still impacted by the minister's appointment of a suitably qualified Chief Psychiatrist, so considerable power still rests with the minister. But it is important that we do not slow down operational processes for the appointment of staff carrying out day-to-day functions, such as mental health assessments and transport to hospital, by requiring that only the minister can make such appointments.

The Minister for Mental Health is not required to have any clinical qualifications in mental health care, teaching qualifications in nursing or emergency care, detailed knowledge of the processes by which a mental health assessment is made, or know how to safely transport a person to hospital if they are unwell. But our Chief Psychiatrist is required to understand these things.

I therefore trust the qualified, experienced, professional skills of the relevant senior clinician with regard to the appointment of mental health officers, over the complete lack of any qualifications required of a minister on such an important operational matter. I do not support the amendment proposed by Mr Cocks.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (5.53): I have already indicated that Labor will not be supporting the opposition's amendment. While we were happy to give leave for Ms Castley to move the amendment, I want to put on the record our disagreement that this is a minor and technical amendment. This amendment explicitly moves to reverse one of the amendments in Ms Davidson's original bill. Explicitly reversing something that has been brought forward is clearly not minor and technical. While happy to give leave and happy to debate the amendment, I want to put that on the record.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

### **Statements by members** **Seniors—ACT Seniors Spring Expo**

**MRS KIKKERT** (Ginninderra) (5.54): We had busy double sitting weeks last month, but my office was very grateful for the opportunity to duck out of the Assembly on the final Thursday sitting day to attend the ACT Seniors Spring Expo, meeting many seniors in our community, listening to their stories, learning their wisdom and celebrating their good works.

We got to catch up with some wonderful programs on stage. I have heard the Gospel Folk choir perform before, and again they presented a delightful set of songs, including *Scarborough Fair*, my staffer's personal favourite that kept her humming on her way back to the Assembly. There was also a demonstration by members of the Taoist Tai Chi Society, whom I have also had the pleasure of visiting before. What a marvellous activity. It does wonders for our physical and mental wellbeing so that we move well, breathe well and feel well at any age.

My sincere thanks to COTA ACT, who do a fantastic job of organising the seniors expo every year. This year was another great success. I thank you for your ongoing commitment to supporting seniors in the ACT. To all the seniors out in our Canberra community, you are an inspiration and we so love and appreciate you.

### **Community councils—government support**

**MR CAIN** (Ginninderra) (5.56): As members may recall, last week I traversed my engagement with the community councils, particularly with the planning consultation that was going on. A common theme was the disappointment with the government's approach to consultation. As members would be aware, the Molonglo Valley Community Forum have pulled out of the funding arrangement with the ACT government, feeling that they are not being listened to, so they will find their own way to make their voices known.

It was very interesting to hear of changes at the Weston Creek Community Council just last week at their AGM. At the moment there is no committee; there is no chair.

I have a quote from the previous chair, Mr Bill Gemmell. He said:

The deed of grant for the next round of community council funding does not provide for ministers or senior officials to attend community meetings and discuss their decisions with local citizens. I cannot see the point in continuing.

While Mr Gemmell awaits advice from the community council, we have another piece of evidence of the community councils expressing virtually a vote of no confidence in this Labor-Greens government.

### **Faith—BAPS Hindu temple**

**MS LAWDER** (Brindabella) (5.57): On 21 October I was honoured to visit the site of the new BAPS Hindu temple and community centre under construction in Taylor. The temple and community centre are expected to be completed by the end of this year. They have been working really hard.

When completed, it will accommodate up to 500 devotees and also have a commercial kitchen and living quarters for priests. It will be available for hire by community members. The complex will welcome people of all backgrounds and religions and will host community events, weddings and classes to teach language, classical instruments, dance et cetera. With the growing BAPS community in Canberra and their need for more places to congregate, BAPS volunteers have provided all of the funding for the building works themselves.

I wish to thank Harshita Kakkad for the invitation to visit, and Jalpa Patel, Hiren Rabal and others for welcoming me to the site and showing me through the impressive new community facility. I wish them all the very best when they open the facility, hopefully late this year.

Discussion concluded.

### **Adjournment**

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

That the Assembly do now adjourn.

### **Mr Rob Docker—tribute**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (5.58): I rise this evening to pay my respects to the late Rob Docker. I particularly welcome family and friends who have waited very patiently in the public gallery this afternoon, and I extend my sympathies to his wife, Anne, his children, Tom and Sarah, and his grandchildren.

The eldest of four boys, Rob grew up on Gungaharra, which is the homestead on Well Station Road, helping his mother and father manage the farm and, I am advised, also manage his brothers. He was a Canberran through and through, a business visionary, and a true people person. Rob was at his brilliant best surrounded by

colleagues, friends and team mates, having a laugh, cracking jokes, analysing the day's play and being cheeky. But there was a very serious side to Rob, too, and there are few who dedicate themselves to their community for as long and as deeply as Rob did.

For those who did not know Rob, he was a father and husband, a passionate cricketer, a golfer, a dedicated sports administrator, and the former CEO of the Tradies Group. The Tradies have been an institution in our city, particularly in the suburb of Dickson, since the 1960s and, over his tenure as CEO, Rob made sure that the club moved with the times. In his 14 years as CEO, he set about developing a talented management team and ensuring that the club was integral to the community it served. He took great pride in being a mentor and a boss who was approachable and supportive, and this was most evident through the COVID-19 pandemic, which was undoubtedly the toughest time to run a hospitality operation over the last century.

In Rob's engagement with government, both as Tradies CEO and board member of Canberra Community Clubs, he always put the safety of patrons and the security of his staff first. During the pandemic, he was very clear that he only wanted to reopen if he could do so in a way that would keep people healthy and safe. At no small cost, he and the Tradies board made sure that staff were looked after through that really difficult period.

One thing that people may not know is that Rob reset the Tradies sporting sponsorships to favour women's teams in basketball, in cricket and in football, and he supported our local wine region by stocking their wines exclusively at the club. These are a couple of examples of the type of person Rob was. He enacted his values. Canberra was a better place for him being part of our community, a leader in our community, and his legacy to this city is one of a fairer and more enjoyable place to live.

He will not be forgotten by those who love him, those who had the great pleasure of working with him, and those that he helped so tirelessly over the years. Rob was a force of nature. He will be missed dearly by everyone, particularly his family and friends. On behalf of the territory government, I want to acknowledge his significant contribution to our city. Rest in peace, Rob.

### **Crime—character references use**

**MR BRADDOCK** (Yerrabi) (6.03): No matter which way you look at it, the idea that a paedophile can be a good character is counterintuitive and wrong. However, good character references can be used to reduce a perpetrator's sentence if they are convicted of such a crime. Currently, legislation prohibits certain types of perpetrators utilising good character references—for example, teachers, religious leaders, scoutmasters and doctors, who are people of obvious good standing in the community. But perpetrators who did not use their obvious good standing to gain access to their victims—and I am talking about step-parents, siblings or other relatives, for example—are well within their rights to use these references.

Child sexual assault perpetrators often deliberately cultivate a good public character in order to enable them to successfully commit their heinous crimes in private. The use of good character references to reduce sentences therefore appears to be rewarding the very strategy paedophiles are utilising to gain access to victims.

I am sponsoring a petition that implores this Assembly to create a uniform rule so that all convicted perpetrators of this heinous crime can be held accountable. The very nature of this crime is predatory, manipulative and involves grooming. A perpetrator's good character within the public sphere is therefore completely contradictory to the evil they commit in private upon the most vulnerable victims of all: our children.

The Your Reference Ain't Relevant campaign was founded by advocates Jarad Grice and Harrison James, who are both survivors of child sexual abuse, and they have mass support from a range of survivor groups, including former Australian of the Year, Grace Tame. A similar petition, signed by over 4,000 New South Wales residents, was tabled by my Greens colleague Abigail Boyd MLC in the New South Wales parliament on 22 August. The New South Wales government is now examining this legislative reform.

I would encourage everyone to sponsor this petition, which it is an absolute privilege to sponsor, and advocate for this change to demonstrate to the community, victims and perpetrators the seriousness with which these crimes are treated under our laws.

### **Harmonie German Club—Oktoberfest**

**MR CAIN** (Ginninderra) (6.05): This being the last day of October, I have to give a shout-out to Oktoberfest, as celebrated at the Harmonie German Club on Friday night and over the weekend. My wife and I were delighted to attend the opening dinner in Narrabundah at their club site. I have to say that a few things did strike me: firstly, just how much I love the word "Harmonie". They have chosen it very deliberately. The club's purpose is to unite, encourage and foster the German language, culture, habits and social life in Australia. The word "Harmonie" was very deliberately chosen as part of its foundation in the early 1960s—that harmony and goodwill would prevail. These are pretty great aspirations to have.

As members would be aware, Oktoberfest is something that has been celebrated for over 200 years, originating in Munich, Bavaria, as part of Germany then, and it celebrates Bavarian culture, which includes very obvious things like food, beverages—I think beer is the main theme along that line—stalls and culture expressed through music and dance. It was a delight to see some traditional Bavarian dancing, which involved lots of knee slapping and boot slapping with traditional costumes, and to hear—for me the first time, I think—a live Oompah band.

I want to give a shout-out and thanks to the chair of the club, Michael Fuller, and the CEO, Paul Berger, for their invitation. I believe it was a very successful Oktoberfest, and I look forward to more of those in our city of Canberra.

Question resolved in the affirmative.

**The Assembly adjourned at 6.07 pm.**



## Schedules of amendments

### Schedule 1

#### Justice and Community Safety Legislation Amendment Bill 2023

##### Amendments moved by the Attorney-General

1

Clause 3, proposed new dot point

Page 2, line 10—

*insert*

- *Associations Incorporation Act 1991*

2

Proposed new part 1A

Page 2, line 16—

*insert*

### Part 1A Associations Incorporation Act 1991

#### 3A Special resolutions Section 70 (b)

*omit*

in person

*substitute*

personally

#### 3B New section 70 (2)

*insert*

- (2) For this section, voting *personally* includes voting while taking part in a meeting conducted using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence.

**Examples—methods of communication**

video conferencing software, instant messaging, telephone conferencing, in writing

#### 3C New part 12

*insert*

### Part 12 Validation

#### 144 Validation of certain general meetings

- (1) This section applies to a general meeting held in accordance with section 70AA (General meetings—procedure during COVID-19 emergency) (repealed) after 29 September 2022 and before the commencement of this section.
- (2) Despite the general meeting being held other than during a COVID-19 emergency—
- (a) the meeting is taken to have been validly held; and
  - (b) any member who took part in the meeting is taken to have been present at the meeting; and

- (c) anything done, or purported to have been done at or in relation to the meeting, including any vote cast by a member mentioned in paragraph (b), is taken to be, and always have been, validly done as if section 70AA applied to the meeting.

**145 Expiry—pt 12**

This part expires on the day it commences.

*Note* If a law validates something, the validating effect of the law does not end only because of the repeal of the law (see Legislation Act, s 88 (1)).

**3**

**Proposed new clauses 38A and 38B**

**Page 12, line 17—**

*insert*

**38A Review of gaming machine tax rebate  
Section 179A (1)**

*omit*

30 November 2023

*substitute*

31 March 2024

**38B Section 179A (2)**

*omit*

8 April 2024

*substitute*

30 June 2024

**Schedule 2**

**Electoral and Road Safety Legislation Amendment Bill 2023**

Amendments moved by Mr Braddock

**1**

**Clause 4**

**Section 3A, note 1, proposed new dot points**

**Page 3, lines 5 and 8—**

*omit*

foreign

*substitute*

prohibited

**2**

**Clause 32**

**Proposed new section 136H**

**Page 18, line 21—**

*omit*

10

**Clause 64****Proposed new section 222A (1) (c)****Page 33, line 10—***omit*

33

**Clause 89****Page 50—***omit clause 89, substitute***89 Schedule 1, part 1.12A, items 223 to 329***substitute*

223	167				
223.1	• when advertising or electoral matter displayed in or on vehicle	disobey no stopping sign—advertising/electoral matter displayed	20	297	1
223.2	• in any other case	disobey no stopping sign—no advertising/electoral matter displayed	20	297	-
224	168 (1)				-
224.1	• when advertising or electoral matter displayed in or on vehicle	disobey no parking sign—advertising/electoral matter displayed	20	132	1
224.2	• in any other case	disobey no parking sign—no advertising/electoral matter displayed	20	132	-
225	169				-
225.1	• when advertising or electoral matter displayed in or on vehicle	stop at side of road with continuous yellow edge line—advertising/electoral matter displayed	20	297	1
225.2	• in any other case	stop at side of road with continuous yellow edge line—no advertising/electoral matter displayed	20	297	-
226	170 (1)				
226.1	• when advertising or electoral matter displayed in or on vehicle	stop in intersection—advertising/electoral matter displayed	20	132	1
226.2	• in any other case	stop in intersection—no advertising/electoral matter displayed	20	132	-

227	170 (2)				
227.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on/near intersection (traffic lights)—advertising/electoral matter displayed	20	132	1
227.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on/near intersection (traffic lights)—no advertising/electoral matter displayed	20	132	-
228	170 (3)				
228.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on/near intersection (no traffic lights)—advertising/electoral matter displayed	20	132	1
228.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on/near intersection (no traffic lights)—no advertising/electoral matter displayed	20	132	-
229	171 (1)				
229.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on/near children's crossing—advertising/electoral matter displayed	20	449	1
229.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on/near children's crossing—no advertising/electoral matter displayed	20	449	-
230	172 (1)				
230.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on/near pedestrian crossing—advertising/electoral matter displayed	20	449	1
230.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on/near pedestrian crossing—no advertising/electoral matter displayed	20	449	-
231	173 (1)				
231.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on/near marked foot crossing—advertising/electoral matter displayed	20	449	1
231.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on/near marked foot crossing—no advertising/electoral matter displayed	20	449	-

232	174 (2)				
232.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop near bicycle crossing lights—advertising/electoral matter displayed	20	132	1
232.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop near bicycle crossing lights—no advertising/electoral matter displayed	20	132	-
233	175 (1)				
233.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on/near level crossing—advertising/electoral matter displayed	20	132	1
233.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on/near level crossing—no advertising/electoral matter displayed	20	132	-
234	176 (1)				
234.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on clearway—advertising/electoral matter displayed	20	297	1
234.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on clearway—no advertising/electoral matter displayed	20	297	-
235	177 (1)				
235.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on freeway—advertising/electoral matter displayed	20	297	1
235.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on freeway—no advertising/electoral matter displayed	20	297	-
236	178				
236.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in emergency stopping lane—advertising/electoral matter displayed	20	297	1
236.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in emergency stopping lane—no advertising/electoral matter displayed	20	297	-

237	179 (1)				
237.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in loading zone—advertising/electoral matter displayed	20	178	1
237.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in loading zone—no advertising/electoral matter displayed	20	178	-
238	179 (2) (a)				
238.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in loading zone longer than ½ hour—advertising/electoral matter displayed	20	178	1
238.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in loading zone longer than ½ hour—no advertising/electoral matter displayed	20	178	-
239	179 (2) (b)				
239.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in loading zone longer than indicated—advertising/electoral matter displayed	20	178	1
239.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in loading zone longer than indicated—no advertising/electoral matter displayed	20	178	-
240	179 (2) (c)				
240.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in loading zone longer than permitted—advertising/electoral matter displayed	20	178	1
240.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in loading zone longer than permitted—no advertising/electoral matter displayed	20	178	-
241	179 (2) (d) (i)				
241.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	taxi/rideshare vehicle/hire car stop in loading zone longer than 2 minutes—advertising/electoral matter displayed	20	174	1
241.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	taxi/rideshare vehicle/hire car stop in loading zone longer than 2 minutes—no advertising/electoral matter displayed	20	174	-

242	179 (2) (d) (ii)				
242.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	taxi/rideshare vehicle/hire car stop in loading zone longer than necessary for passenger assistance requirement—advertising/electoral matter displayed	20	174	1
242.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	taxi/rideshare vehicle/hire car stop in loading zone longer than necessary for passenger assistance requirement—no advertising/electoral matter displayed	20	174	-
243	180 (1)				
243.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in truck zone—advertising/electoral matter displayed	20	178	1
243.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in truck zone—no advertising/electoral matter displayed	20	178	-
244	181 (1)				
244.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in works zone—advertising/electoral matter displayed	20	178	1
244.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in works zone—no advertising/electoral matter displayed	20	178	-
245	182 (1)				
245.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in taxi zone—advertising/electoral matter displayed	20	132	1
245.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in taxi zone—no advertising/electoral matter displayed	20	132	-
246	183 (1)				
246.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in bus zone—advertising/electoral matter displayed	20	178	1
246.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in bus zone—no advertising/electoral matter displayed	20	178	-

247	183A (1)				
247.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on public bus</li> </ul>	stop public bus in bus zone—advertising/electoral matter displayed	20	178	1
247.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop public bus in bus zone—no advertising/electoral matter displayed	20	178	-
248	184 (1)				
248.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in minibus zone—advertising/electoral matter displayed	20	178	1
248.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in minibus zone—no advertising/electoral matter displayed	20	178	-
249	185 (1)				
249.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in permit zone—advertising/electoral matter displayed	20	132	1
249.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in permit zone—no advertising/electoral matter displayed	20	132	-
250	186 (1)				
250.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in mail zone—advertising/electoral matter displayed	20	132	1
250.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in mail zone—no advertising/electoral matter displayed	20	132	-
251	187 (1)				
251.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in bus/transit/truck lane—advertising/electoral matter displayed	20	250	1
251.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in bus/transit/truck lane—no advertising/electoral matter displayed	20	250	-



252	187 (2)				
252.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in bicycle lane—advertising/electoral matter displayed	20	250	1
252.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in bicycle lane—no advertising/electoral matter displayed	20	250	-
253	187 (3)				
253.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in/on tram lane/way/tracks—advertising/electoral matter displayed	20	250	1
253.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in/on tram lane/way/tracks—no advertising/electoral matter displayed	20	250	-
254	188				
254.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in shared zone—advertising/electoral matter displayed	20	132	1
254.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in shared zone—no advertising/electoral matter displayed	20	132	-
255	189 (1)				
255.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	double park—advertising/electoral matter displayed	20	178	1
255.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	double park—no advertising/electoral matter displayed	20	178	-
256	190 (1)				
256.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in/near safety zone—advertising/electoral matter displayed	20	250	1
256.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in/near safety zone—no advertising/electoral matter displayed	20	250	-

257	191				
257.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop near obstruction so as to obstruct traffic—advertising/electoral matter displayed	20	132	1
257.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop near obstruction so as to obstruct traffic—no advertising/electoral matter displayed	20	132	-
258	192 (1)				
258.1	when advertising or electoral matter displayed in or on vehicle	stop on structure—advertising/electoral matter displayed	20	132	1
258.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on structure—no advertising/electoral matter displayed	20	132	-
259	192 (2)				
259.1	when advertising or electoral matter displayed in or on vehicle	stop in tunnel/underpass—advertising/electoral matter displayed	20	132	1
259.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in tunnel/underpass—no advertising/electoral matter displayed	20	132	-
260	193 (1)				
260.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on crest/curve outside built-up area—advertising/electoral matter displayed	20	132	1
260.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on crest/curve outside built-up area—no advertising/electoral matter displayed	20	132	-
261	194 (1)				
261.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop near fire hydrant/indicator/plug indicator—advertising/electoral matter displayed	20	132	1
261.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop near fire hydrant/indicator/plug indicator—no advertising/electoral matter displayed	20	132	-

262	195 (1)				
262.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop at/near bus stop—advertising/electoral matter displayed	20	178	1
262.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop at/near bus stop—no advertising/electoral matter displayed	20	178	-
263	195A				
263.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on public bus</li> </ul>	stop public bus at/near bus stop—advertising/electoral matter displayed in/on public bus	20	178	1
263.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop public bus at/near bus stop—no advertising/electoral matter displayed	20	178	-
264	196 (1)				
264.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop at/near tram stop—advertising/electoral matter displayed	20	178	1
264.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop at/near tram stop—no advertising/electoral matter displayed	20	178	-
265	197 (1)				
265.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on path/strip in built-up area—advertising/electoral matter displayed	20	132	1
265.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on path/strip in built-up area—no advertising/electoral matter displayed	20	132	-
266	197 (1A)				
266.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on painted island—advertising/electoral matter displayed	20	132	1
266.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on painted island—no advertising/electoral matter displayed	20	132	-
267	197 (1B)				
267.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	driver stop on traffic island—advertising/electoral matter displayed	20	132	1
267.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	driver stop on traffic island—no advertising/electoral matter displayed	20	132	-

268	198 (1)				
268.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	obstruct access to ramp/path/passageway—advertising/electoral matter displayed	20	132	1
268.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	obstruct access to ramp/path/passageway—no advertising/electoral matter displayed	20	132	-
269	198 (2)				
269.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop on/across driveway/other access to/from land—advertising/electoral matter displayed	20	132	1
269.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop on/across driveway/other access to/from land—no advertising/electoral matter displayed	20	132	-
270	199 (1)				
270.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop near postbox—advertising/electoral matter displayed	20	132	1
270.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop near postbox—no advertising/electoral matter displayed	20	132	-
271	200 (1)				
271.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	not stop heavy/long vehicle on road shoulder—advertising/electoral matter displayed	20	148	1
271.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	not stop heavy/long vehicle on road shoulder—no advertising/electoral matter displayed	20	148	-
272	200 (2)				
272.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop heavy/long vehicle longer than 1 hr—advertising/electoral matter displayed	20	148	1
272.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop heavy/long vehicle longer than 1 hr—no advertising/electoral matter displayed	20	148	-

273	201				
273.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	disobey bicycle parking sign—advertising/electoral matter displayed	20	132	1
273.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	disobey bicycle parking sign—no advertising/electoral matter displayed	20	132	-
274	202				
274.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	disobey motorbike parking sign—advertising/electoral matter displayed	20	132	1
274.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	disobey motorbike parking sign—no advertising/electoral matter displayed	20	132	-
275	203 (1)				
275.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in parking area for disabled—advertising/electoral matter displayed	20	640	1
275.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in parking area for disabled—no advertising/electoral matter displayed	20	640	-
276	203A				
276.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in slip lane—advertising/electoral matter displayed	20	297	1
276.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in slip lane—no advertising/electoral matter displayed	20	297	-
277	203B (1)				
277.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in parking area for electric-powered vehicles—advertising/electoral matter displayed	20	132	1
277.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in parking area for electric-powered vehicles—no advertising/electoral matter displayed	20	132	-

278	203C (1)				
278.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	stop in parking area for charging of electric-powered vehicles—advertising/electoral matter displayed	20	132	1
278.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	stop in parking area for charging of electric-powered vehicles—no advertising/electoral matter displayed	20	132	-
279	205 (1)				
279.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park continuously for longer than permitted—advertising/electoral matter displayed	20	132	1
279.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park continuously for longer than permitted—no advertising/electoral matter displayed	20	132	-
280	207 (2)	not pay fee/obey instructions	20	-	-
281	208 (1)				
281.1	<ul style="list-style-type: none"> <li>by contravening 208 (2)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not parallel park in direction of travel—advertising/electoral matter displayed	20	132	1
281.2	<ul style="list-style-type: none"> <li>by contravening 208 (2)—in any other case</li> </ul>	not parallel park in direction of travel—no advertising/electoral matter displayed	20	132	-
281.3	<ul style="list-style-type: none"> <li>by contravening 208 (3)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not parallel park near left—advertising/electoral matter displayed	20	132	1
281.4	<ul style="list-style-type: none"> <li>by contravening 208 (3)—in any other case</li> </ul>	not parallel park near left—no advertising/electoral matter displayed	20	132	-
281.5	<ul style="list-style-type: none"> <li>by contravening 208 (4)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not parallel park near road side—advertising/electoral matter displayed	20	132	1
281.6	<ul style="list-style-type: none"> <li>by contravening 208 (4)—in any other case</li> </ul>	not parallel park near road side—no advertising/electoral matter displayed	20	132	-

281.7	<ul style="list-style-type: none"> <li>by contravening 208 (5)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	parallel park close to front/back of vehicle—advertising/electoral matter displayed	20	132	1
281.8	<ul style="list-style-type: none"> <li>by contravening 208 (5)—in any other case</li> </ul>	parallel park close to front/back of vehicle—no advertising/electoral matter displayed	20	132	-
281.9	<ul style="list-style-type: none"> <li>by contravening 208 (6)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	parallel park close to dividing line/strip—advertising/electoral matter displayed	20	132	1
281.10	<ul style="list-style-type: none"> <li>by contravening 208 (6)—in any other case</li> </ul>	parallel park close to dividing line/strip—no advertising/electoral matter displayed	20	132	-
281.11	<ul style="list-style-type: none"> <li>by contravening 208 (7)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	parallel park close if no dividing line/strip—advertising/electoral matter displayed	20	132	1
281.12	<ul style="list-style-type: none"> <li>by contravening 208 (7)—in any other case</li> </ul>	parallel park close if no dividing line/strip—no advertising/electoral matter displayed	20	132	-
281.13	<ul style="list-style-type: none"> <li>by contravening 208 (8)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	park so as to obstruct vehicles/pedestrians—advertising/electoral matter displayed	20	132	1
281.14	<ul style="list-style-type: none"> <li>by contravening 208 (8)—in any other case</li> </ul>	park so as to obstruct vehicles/pedestrians—no advertising/electoral matter displayed	20	132	-
282	208A (1)				
282.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	parallel park in direction other than direction of travel (road related area)—advertising/electoral matter displayed	20	132	1
282.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	parallel park in direction other than direction of travel (road related area)—no advertising/electoral matter displayed	20	132	-

283	209 (2) (a)				
283.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	not parallel park in direction of travel—advertising/electoral matter displayed	20	132	1
283.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	not parallel park in direction of travel—no advertising/electoral matter displayed	20	132	-
284	209 (2) (b)				
284.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	not parallel park near centre of median strip—advertising/electoral matter displayed	20	132	1
284.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	not parallel park near centre of median strip—no advertising/electoral matter displayed	20	132	-
285	209 (2) (c)				
285.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	parallel park close to front/back of vehicle—advertising/electoral matter displayed	20	132	1
285.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	parallel park close to front/back of vehicle—no advertising/electoral matter displayed	20	132	-
286	210 (1)				
286.1	<ul style="list-style-type: none"> <li>by contravening 210 (2) (a)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park at specified angle—advertising/electoral matter displayed	20	132	1
286.2	<ul style="list-style-type: none"> <li>by contravening 210 (2) (a)—in any other case</li> </ul>	not park at specified angle—no advertising/electoral matter displayed	20	132	-
286.3	<ul style="list-style-type: none"> <li>by contravening 210 (2) (b)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park rear out at specified angle—advertising/electoral matter displayed	20	132	1
286.4	<ul style="list-style-type: none"> <li>by contravening 210 (2) (b)—in any other case</li> </ul>	not park rear out at specified angle—no advertising/electoral matter displayed	20	132	-



286.5	<ul style="list-style-type: none"> <li>by contravening 210 (2A) (a)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park at 45° (no angle specified)—advertising/electoral matter displayed	20	132	1
286.6	<ul style="list-style-type: none"> <li>by contravening 210 (2A) (a)—in any other case</li> </ul>	not park at 45° (no angle specified)—no advertising/electoral matter displayed	20	132	-
286.7	<ul style="list-style-type: none"> <li>by contravening 210 (2A) (b)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park rear out at 45°—advertising/electoral matter displayed	20	132	1
286.8	<ul style="list-style-type: none"> <li>by contravening 210 (2A) (b)—in any other case</li> </ul>	not park rear out at 45°—no advertising/electoral matter displayed	20	132	-
286.9	<ul style="list-style-type: none"> <li>by contravening 210 (3) (a)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park at 90°—advertising/electoral matter displayed	20	132	1
286.10	<ul style="list-style-type: none"> <li>by contravening 210 (3) (a)—in any other case</li> </ul>	not park at 90°—no advertising/electoral matter displayed	20	132	-
286.11	<ul style="list-style-type: none"> <li>by contravening 210 (3) (b) (i)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park rear in/front in at 90° as specified—advertising/electoral matter displayed	20	132	1
286.12	<ul style="list-style-type: none"> <li>by contravening 210 (3) (b) (i)—in any other case</li> </ul>	not park rear in/front in at 90° as specified—no advertising/electoral matter displayed	20	132	-
286.13	<ul style="list-style-type: none"> <li>by contravening 210 (4) (a) (i)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park rear in at specified angle—advertising/electoral matter displayed	20	132	1
286.14	<ul style="list-style-type: none"> <li>by contravening 210 (4) (a) (i)—in any other case</li> </ul>	not park rear in at specified angle—no advertising/electoral matter displayed	20	132	-

286.15	<ul style="list-style-type: none"> <li>by contravening 210 (4) (a) (ii)—when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park rear in at 45° (no angle specified)—advertising/electoral matter displayed	20	132	1
286.16	<ul style="list-style-type: none"> <li>by contravening 210 (4) (a) (ii)—in any other case</li> </ul>	not park rear in at 45° (no angle specified)—no advertising/electoral matter displayed	20	132	-
287	211 (2)				
287.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	not park wholly within parking bay—advertising/electoral matter displayed	20	132	1
287.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	not park wholly within parking bay—no advertising/electoral matter displayed	20	132	-
288	211 (3)				
288.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	use more parking bays than necessary—advertising/electoral matter displayed	20	132	1
288.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	use more parking bays than necessary—no advertising/electoral matter displayed	20	132	-
289	212 (1)				
289.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	enter/leave median strip parking area contrary to sign—advertising/electoral matter displayed	20	201	1
289.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	enter/leave median strip parking area contrary to sign—no advertising/electoral matter displayed	20	201	-
290	212 (2)				
290.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	not enter/leave median strip parking area forwards—advertising/electoral matter displayed	20	201	1
290.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	not enter/leave median strip parking area forwards—no advertising/electoral matter displayed	20	201	-

291	213 (2)				
291.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	not restrain vehicle properly—advertising/electoral matter displayed	20	213	1
291.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	not restrain vehicle properly—no advertising/electoral matter displayed	20	213	-
292	213 (3)				
292.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	leave engine on—advertising/electoral matter displayed	20	213	1
292.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	leave engine on—no advertising/electoral matter displayed	20	213	-
293	213 (4) (a)				
293.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	not remove ignition key (no-one in vehicle—advertising/electoral matter displayed)	20	213	1
293.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	not remove ignition key (no-one in vehicle)—no advertising/electoral matter displayed	20	213	-
294	213 (4) (b)				
294.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	not remove ignition key (only child in vehicle)—advertising/electoral matter displayed	20	213	1
294.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	not remove ignition key (only child in vehicle)—no advertising/electoral matter displayed	20	213	-
295	213A (1)				
295.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park outside metered space—advertising/electoral matter displayed	20	132	1
295.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park outside metered space—no advertising/electoral matter displayed	20	132	-

296	213A (2)				
296.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park in occupied metered space—advertising/electoral matter displayed	20	132	1
296.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park in occupied metered space—no advertising/electoral matter displayed	20	132	-
297	213A (4)				
297.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park not completely in metered space—advertising/electoral matter displayed	20	132	1
297.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park not completely in metered space—no advertising/electoral matter displayed	20	132	-
298	213B (1)				
298.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed on motorbike</li> </ul>	park motorbike in metered space with more than 2 other motorbikes—advertising/electoral matter displayed	20	132	1
298.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park motorbike in metered space with more than 2 other motorbikes—no advertising/electoral matter displayed	20	132	-
299	213B (2)				
299.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed on motorbike</li> </ul>	park motorbike in metered space blocking other motorbike's path out of the space—advertising/electoral matter displayed	20	132	1
299.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park motorbike in metered space blocking other motorbike's path out of the space—no advertising/electoral matter displayed	20	132	-
300	213C (1)				
300.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed on motorbike</li> </ul>	park without paying meter fee—advertising/electoral matter displayed	20	132	1
300.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park without paying meter fee—no advertising/electoral matter displayed	20	132	-

301	213D (1)				
301.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park after meter expired—advertising/electoral matter displayed	20	132	1
301.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park after meter expired—no advertising/electoral matter displayed	20	132	-
302	213D (2)				
302.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park for longer than allowed by meter signs—advertising/electoral matter displayed	20	132	1
302.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park for longer than allowed by meter signs—no advertising/electoral matter displayed	20	132	-
303	213F (2)				
303.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park in closed metered space—advertising/electoral matter displayed	20	132	1
303.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park in closed metered space—no advertising/electoral matter displayed	20	132	-
304	213G (a)	insert prohibited thing into parking meter	20	201	-
305	213G (b)	attach anything to parking meter	20	201	-
306	213H (a)	interfere with parking meter	20	700	-
307	213H (b)	fraudulently operate parking meter	20	-	-
308	213I (1)				
308.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park outside ticket space—advertising/electoral matter displayed	20	132	1
308.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park outside ticket space—no advertising/electoral matter displayed	20	132	-

309	213I (3)				
309.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park in occupied ticket space—advertising/electoral matter displayed	20	132	1
309.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park in occupied ticket space—no advertising/electoral matter displayed	20	132	-
310	213I (5)				
310.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park not completely in ticket space—advertising/electoral matter displayed	20	132	1
310.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park not completely in ticket space—no advertising/electoral matter displayed	20	132	-
311	213J (1)				
311.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed on motorbike</li> </ul>	park motorbike in ticket space with more than 2 other motorbikes—advertising/electoral matter displayed	20	132	1
311.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park motorbike in ticket space with more than 2 other motorbikes—no advertising/electoral matter displayed	20	132	-
312	213J (2)				
312.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed on motorbike</li> </ul>	park motorbike in ticket space blocking other motorbike's path out of the space—advertising/electoral matter displayed	20	132	1
312.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park motorbike in ticket space blocking other motorbike's path out of the space—no advertising/electoral matter displayed	20	132	-
313	213K (1)				
313.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park without current/current equivalent ticket displayed/properly displayed—advertising/electoral matter displayed	20	132	1
313.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park without current/current equivalent ticket displayed/properly displayed—no advertising/electoral matter displayed	20	132	-

314	213M (1)				
314.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park after ticket expired—advertising/electoral matter displayed	20	132	1
314.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park after ticket expired—no advertising/electoral matter displayed	20	132	-
315	213M (2)				
315.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park after e-payment period ends—advertising/electoral matter displayed	20	132	1
315.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park after e-payment period ends—no advertising/electoral matter displayed	20	132	-
316	213M (3)				
316.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park for longer than allowed by ticket sign—advertising/electoral matter displayed	20	132	1
316.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park for longer than allowed by ticket sign—no advertising/electoral matter displayed	20	132	-
317	213O (3)				
317.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	park in closed ticket area/space—advertising/electoral matter displayed	20	132	1
317.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	park in closed ticket area/space—no advertising/electoral matter displayed	20	132	-
318	213P (2) (a)				
318.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	display thing falsely resembling parking ticket—advertising/electoral matter displayed	20	640	1
318.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	display thing falsely resembling parking ticket—no advertising/electoral matter displayed	20	640	-

319	213P (2) (b)				
319.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	display changed/damaged/defaced parking ticket—advertising/electoral matter displayed	20	640	1
319.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	display changed/damaged/defaced parking ticket—no advertising/electoral matter displayed	20	640	-
320	213Q (a)	insert prohibited thing into ticket machine	20	700	-
321	213Q (b)	attach anything to ticket machine	20	201	-
322	213R (a)	interfere with ticket machine	20	700	-
323	213R (b)	fraudulently operate ticket machine	20	-	-
324	213S	interfere with parking ticket	20	-	-
325	213SA (1)	sign displaying advertising/electoral matter attached to vehicle parked in designated place	20	640	1
326	213T (1)	display parking permit without being entitled	20	-	-
327	213T (2)	display mobility parking scheme authority without being entitled	20	-	-
328	213U (1)	remove/interfere with parking permit/mobility parking scheme authority	20	660	-
329	213U (2) (a)				
329.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	display copy of parking permit/mobility parking scheme authority—advertising/electoral matter displayed	20	660	1
329.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	display copy of parking permit/mobility parking scheme authority—no advertising/electoral matter displayed	20	660	-
329A	213U (2) (b)				
329A.1	<ul style="list-style-type: none"> <li>when advertising or electoral matter displayed in or on vehicle</li> </ul>	display changed/damaged/defaced parking permit/mobility parking scheme authority—advertising/electoral matter displayed	20	660	1
329A.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	display changed/damaged/defaced parking permit/mobility parking scheme authority—no advertising/electoral matter displayed	20	660	-



**Schedule 3****Electoral and Road Safety Legislation Amendment Bill 2023**Amendments moved by the Special Minister of State**1****Clause 43****Proposed new section 160A heading****Page 24, line 9—***omit***overseas****2****Clause 56****Proposed new section 205C (2), definition of *expenditure*****Page 28, line 11—***omit the definition, substitute****expenditure***, for translated electoral matter, means expenditure incurred on a translation service for the production of translated electoral matter.**3****Clause 58****Proposed new section 216B****Page 31, line 8—***omit proposed new section 216B, substitute***216B Regular disclosure of gifts**

- (1) This section applies if, in the relevant period, a political entity receives a gift from a person that, together with any other gift given to the political entity by the person, is \$1000 or more for the period.
- (2) The financial representative of the entity must give the commissioner a return containing the information mentioned in section 216A (2) not later than 7 days after the day the total amount received from the person reaches \$1000.
- (3) In this section:  
***gift***—see section 216A (3).  
***political entity***—see section 216A (3).  
***relevant period***—see section 216A (3).

**4****Clause 60****Page 32, line 7—***[oppose the clause]***5****Clause 61****Page 32, line 12—***[oppose the clause]*

6

**Clause 63****Page 33, line 1—***[oppose the clause]*

7

**Clause 66****Page 33, line 20—***omit clause 66, substitute***66****Definitions—div 14.4A****Section 222B, definition of *political entity****substitute****political entity*** means—

- (a) a non-party MLA; or
- (b) a party grouping; or
- (c) a non-party candidate grouping; or
- (d) a non-party prospective candidate grouping; or
- (e) an associated entity.

8

**Proposed new clauses 68A to 68D****Page 34, line 14—***insert***68A****Declaration that corporation not a property developer****Section 222K (1) and (2)***omit*

electoral commission

*substitute*

commissioner

**68B****Section 222K (3)***omit*

The electoral commission must make its

*substitute*

The commissioner must make a

**68C****Section 222K (5) (b)***omit*

electoral commission

*substitute*

commissioner

**68D****Section 222K (6)***omit*

electoral commission repeals a declaration it

*substitute*

commissioner repeals a declaration, the commissioner

9

**Clause 69****Proposed new section 222M, definition of *political entity*, paragraph (a)****Page 36, line 9—***omit paragraph (a), substitute*

(a) a non-party MLA; or

10

**Clause 70****Page 40, line 1—***[oppose the clause]*

12

**Clause 89****Page 50—***omit the clause, substitute***89 Schedule 1, part 1.12A, new item 324A***substitute*

324A	213SA (1)	sign displaying advertising/electoral matter attached to vehicle parked in designated place	20	700	-
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**Schedule 4****Electoral and Road Safety Legislation Amendment Bill 2023**Amendments moved by Mr Braddock—Alternative option

1

**Clause 69****Proposed new section 222L (1) (c)****Page 35, line 6—***omit*

2

**Clause 69****Proposed new section 222L (2)****Page 35, line 12—***omit*

3

**Clause 69****Proposed new section 222M****Page 35, line 15—***omit proposed new section 222M, substitute*

**222M Definitions—div 14.4B**

(1) In this division:

*foreign entity* means—

- (a) an individual who is not an Australian citizen or permanent resident; or
- (b) an entity that is beneficially owned by an individual or individuals who are not Australian citizens or permanent residents.

*gift* includes a loan, other than a loan given by a financial institution on a commercial basis.

*Note* The definition of *gift* in s 198AA also applies to this division.

*political entity* means—

- (a) an MLA; or
- (b) a party grouping; or
- (c) a non-party candidate grouping; or
- (d) a non-party prospective candidate grouping; or
- (e) an associated entity.

(2) In this section:

*beneficially owned*—a foreign entity is *beneficially owned* by an individual or individuals if the individual or individuals, whether directly or indirectly, and together or separately, ultimately—

- (a) own more than 50% of the entity; or
- (b) control the entity.

**Examples—controlling an entity**

- 1 control by trust, agreement, arrangement, understanding or practice
- 2 exercising control through the capacity to determine decisions about financial and operating policy

*permanent resident*—see the *Australian Citizenship Act 2007* (Cwlth), section 5.

**Schedule 5****Mental Health Amendment Bill 2023**

Amendment moved by Ms Castley

1

**Clause 19**

**Page 7, line 1—**

*omit clause 19, substitute*

**19 Mental health officers**  
**Section 201 (1)**

*after*

may

*insert*

, after consulting the chief psychiatrist,