Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

TENTH ASSEMBLY

1 NOVEMBER 2023

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Wednesday, 1 November 2023

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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.

Petition

The following petition was lodged for presentation:

Parkrun—Point Hut Pond—petition 20-23

By **Mr Parton**, *from 101 residents*:

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
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> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:
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> - Earlier in 2023 Point Hut Pond Parkrun was established.
> - Hundreds of people participate in this free weekly run event many of whom weren't previous Parkrun participants.
> - Events like Point Hut Parkrun should sit at the centre of Canberra's active lifestyle mantra.
> - The Point Hut Pond Parkrun is mainly paved but there is a particularly problematic section in front of the main carpark that is unpaved.
> - The section in question is quite dangerous when it rains or there is excess debris.
> - The section is used by City Services vehicles for maintenance around the pond causing uneven surfaces creating hazards for runner.
> - A tripping incident has already occurred on this section of path which resulted in an injury.
> - That paving of this section of the course would make the Parkrun safer and able to cater for even larger numbers.
> - That this section of the course makes up both the start and end of Parkrun.

> Your petitioners, therefore, request the Assembly to:
>
> Call on the government to complete the paved section of the course at the northeast corner of Point Hut Pond, from the northwest of McGilvray Close in front of the car park through to Point Hut Pond District Park as per the Parkrun course.

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

Motion to take note of petition

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

> That the petition so lodged be noted.

MR PARTON (Brindabella) (10.02): Parkrun is a beautiful thing, as a concept, to get people all around the world, not just in Australia, to come together on a Saturday morning and walk or run for five kilometres. It is a beautiful thing. Everyone in this place knows all about it. There are a stack of them around Canberra, and the newest of them is the Point Hut Pond parkrun. Tyson and Ania reached out to me a couple of years ago to see if I could assist them in any way with their dream of establishing a second parkrun in the Tuggeranong Valley, on the Lanyon side.

I did what I could to progress things. They were looking for some sponsorship. They were also looking for ACT government assistance just in regard to the nuts and bolts of locking away an actual course. I want to thank Madam Speaker and Mr Steel and all those involved in the government machine for their assistance in getting some things over the line. We did get it happening.

There are some parts of the course that are a little problematic, but here is the controversial part. There is always controversy when I am involved, isn't there! Here is the controversial part. Those involved in the Point Hut Pond parkrun came to me to see what I could do to try to get the improvements mentioned in this petition. I said, "A petition would be a cool way to bring it to attention," so the people at Point Hut Pond parkrun drafted a petition and ran it past me. I said, "That looks fine." We made some changes and I certainly agreed to sponsor it and I made that happen.

Here is the problem. The problem is that I probably made things happen a little too quickly. Once the petition was online and on the various social media channels, the larger parkrun organisation chimed in and said, "We're a little bit worried that we are potentially biting the hand that feeds us. This petition may be perceived by ACT government as Point Hut Pond parkrun being a little ungrateful," in that they jumped through some hoops and got ACT government assistance to get parkrun going, but, as soon as it was up and running, they then cried out and said the course needs improvements.

I would like to believe that it is not perceived in that way, but, as a consequence of that consternation, the promotion of the petition was toned down somewhat. I made an offer. I said, "Seriously, do you want me to just withdraw it?" and they said, "No;

don't withdraw it," but it was sort of in no-man's land for some time and the decision was made to let it run its course. There are 100 signatures on it. I am sure that, if we had gone hell for leather with it, we would have got a lot more. Despite the fact that I can see the point that the wider parkrun organisation has in regard to government perception of this move, I would hope that it is not perceived in that way. The fact of the matter is that this would be a safer and better event if these improvements were made. It just gets down to that.

We are talking about paving a section of the course from the start line down to the main park. The section is problematic because it is uneven, because TCCS vehicles drive along that part. If it has been wet, they rip it up a little. It is right at the start of the parkrun. Here is the thing: it is at the start and it is at the finish as well. It is the section that people run twice. There will be as many as 200 park runners navigating it together at the commencement of the run, with all of that traffic, but also very close to the finish, and runners are much more likely to come to grief on uneven ground when they are absolutely knackered at the end of a five-kilometre run.

I would respectfully ask the government, on behalf of those involved in the Point Hut Pond parkrun, to look closely at this because I would think it would make Tuggeranong better if they did the job, and, ultimately, that is why I am here.

Question resolved in the affirmative.

Health—maternity services and gynaecology oncology—update

Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.06): I rise today to provide an update on maternity services and health services for women in the ACT. I will also address the resolution the Assembly made on 7 February 2023 regarding maternity services and birthing centres and the resolution of 21 March 2023 on gynaecology oncology.

I want to first acknowledge the importance of the dedicated health workforce in these services. I would like to assure the Assembly that the ACT government continues to engage with the workforce and key stakeholders to support them through this time of international workforce shortages. I would also like to highlight the work we have been doing in midwifery.

On 7 September 2023 I attended a midwifery roundtable bringing together representatives of the ACT Health Directorate, Canberra Health Services, the Australian Nursing and Midwifery Federation ACT, the Australian College of Midwives, and the University of Canberra. The roundtable was an opportunity for all to speak frankly and honestly in an effort to consider how we manage and improve the midwifery workforce situation together. I can say that there are actions that have been driven from the roundtable that aim to address the identified issues, and CHS and the Health Directorate are working with staff and stakeholders on these actions. The actions include addressing rostering practices, further consideration of enterprise agreement requirements, advancing midwifery scope of practice, and development of

the continuity program. The first working group to progress these actions was held on 27 September 2023 and the group continues to meet every fortnight.

The ACT government is committed to providing a world-class health system and leading Australia with the best public maternity system. We know that the care that birthing people receive can have a profound impact on the individual and influence their experience of becoming a family. Each year, more than 6,000 women, pregnant people and their families access the ACT public maternity system for their pregnancy, birth and early parenting care. In 2021 almost 82 per cent of births in the ACT took place in a public hospital or as a public patient, so the care provided and received in the public maternity system makes a difference for thousands of families each year.

In June 2022 I launched the ACT government's 10-year plan for public maternity services and announced an additional investment of $12 million through the 2022-23 ACT budget to support the first action plan. Maternity in Focus: the ACT Public Maternity System Plan 2022-2032 and its associated first action plan for 2022-2025 represent a holistic plan that sets the direction and defines priorities for the next 10 years to ensure that the public maternity system evolves to best meet the needs of the community and the multidisciplinary workforce.

The first action plan contains 58 actions across 21 goals under four themes: consumers, best practice maternity care, clinical governance, and data and workforce. Work has begun across actions towards our ambition to improve the public maternity system in the ACT. Early progress has included, in March this year, the Early Pregnancy Assessment Unit opening at Centenary Hospital for Women and Children. It is a dedicated facility to support the provision of specialised care for those experiencing miscarriage or early pregnancy complications. The redesigned model of care and unit creation was prompted and underpinned by consumer feedback received by the inquiry into maternity services in the ACT and is a key action of the first action plan.

Also, the Maternity in Focus Executive Steering Committee has been established, with broad membership across our stakeholders, to provide the oversight mechanisms for implementation of the first action plan. A maternity in focus advisory group and a perinatal mental health reference group will soon be established. The group will inform implementation, identify future collaboration opportunities and communicate Maternity in Focus to the broader community. Key members of the group are consumers, carers and community members who have accessed public maternity services in the ACT in the past three years, as well as health professionals and academics. Seventy-seven expressions of interest were received to join the advisory group and the perinatal mental health reference group. We will also establish the stakeholder consultation pool to inform related maternity reform activities, as required.

With investments from the 2022-23 budget of more than $12 million to deliver maternity reform through Maternity in Focus, we are progressing new scholarship opportunities for our dedicated maternity workforce; an expansion of the special care nursery and establishment of a new gestational diabetes mellitus service at the North Canberra Hospital; a scoping study for a residential mental health service to support mental health care for new parents and parent-infant attachment; identification of a

maternal satisfaction tool that will facilitate care being tailored to individual needs that is accessible, inclusive, respectful and connected between service providers; and implementation of the recommendations from the evaluation of the Canberra Maternity Options program to ensure services continue to evolve to meet consumer and workforce needs.

The ACT government remains committed to supporting the wellbeing of the ACT health workforce. We continue to progress initiatives aimed at providing a safe work environment and a sustainable and inclusive workforce through the ACT Health Workforce Strategy 2023-2032, launched on 4 May this year. The strategy sets out the territory-wide approach to building a sustainable health workforce and will support the territory and surrounding regions to predict and respond to workforce challenges.

As the Assembly is aware, the maternity workforce, both nationally and locally, has been under significant strain, with the last few years being extremely challenging for maternity services, as well as the broader health services. Addressing workforce shortages is another key focus for the ACT government. In partnership with the commonwealth, the ACT is co-leading cross-jurisdictional work to address workforce supply, training and development, along with the Northern Territory and Queensland. The outcomes of this work will assist in informing local strategies.

While national work is ongoing, the ACT government is supporting our workforce, including the maternity workforce, through key projects and investments, including more than $8½ million to support the junior medical officer workforce at Canberra Hospital with more secure work, support and professional opportunities; embedding a positive safety culture in the ACT public health system, building on the success of the Towards a Safer Culture—First Step Strategy; continuing clinical supervision training for nurses and midwives, building on the success of clinical supervision across the allied health workforce, noting that clinical supervision is a step towards ensuring that maternity services are physically and psychologically safe for nurses and midwives; and working with the ANMF ACT on the implementation of a nursing-midwifery ratio framework for maternity services as part of phase 2 of ratios, which is currently under negotiation as part of the enterprise agreement.

The ACT government is committed to ensuring that at least half of the women and pregnant people in the ACT have access to midwife-led continuity of care by 2028. This target will also be reviewed as part of the Maternity in Focus second action plan, in line with the commitment made in the Legislative Assembly to increase this target to 75 per cent of women and pregnant people accessing midwifery-led continuity by 2032.

Expanding midwifery-led continuity of care is being incorporated into our service and workforce planning. Work has commenced to guide the ACT public system in offering every person the most appropriate model of care and care pathway for them. Data metrics to inform the target will be developed through consultation and agreed through the implementation of the data systems for Maternity in Focus. Increasing access to continuity of care will require a multifaceted, system-wide approach, but work has already commenced to expand the programs. The Centenary Hospital for Women and Children's new graduate midwifery rotational program now includes a continuity rotation.

The Transition to Continuity program for early career midwives has also expanded to six full-time equivalent graduates. From 2024 the Transition to Continuity program will be extended to include new graduate midwives in continuity of care models from day one of their practice. Recruitment is currently underway, with three FTE initially being recruited to this program. Increasing the continuity of midwifery care target demonstrates our commitment to ensuring that the maternity system is underpinned by evidence. There is high quality evidence showing that, compared to other models of care, midwife-led or midwife-coordinated continuity of care for low and moderate-risk pregnancies has better maternal outcomes, including fewer interventions or instrumental births, less likelihood of pre-term birth, lower risk of stillbirth and higher likelihood of having a spontaneous vaginal birth.

Expanding midwifery continuity of care is not without its challenges, however. The ACT government has faced and continues to face challenges in midwifery recruitment, including to continuity of care positions, as is the case in other jurisdictions in Australia. We know the evidence of the benefits to the midwifery workforce, including greater job satisfaction and reduced burnout, so we remain dedicated to providing opportunities to work in this model of care. However, working in this model does not suit all midwives, while pregnant people also choose alternative options or are required to follow a different path due to individual risk factors. To complement the continuity model of care and workforce interest, alternative models of care are also being explored. This includes rostered team midwifery and midwifery-led antenatal and postnatal care, with further work being completed to understand these models within the broader maternity model of care in the ACT.

We have also committed, through Maternity in Focus, to improving access to postnatal care. The development of a maternity model of care through the implementation of the first action plan will include investigating options to increase continuity of care to six weeks postpartum. Through working with consumers and key stakeholders, we will review current community-based postnatal care and work together to provide increased access to evidence-based postnatal care that meets the needs of parents. I would like to formally acknowledge the current services providing care for women and families and thank them for their professional support and commitment to the health and wellbeing of our community's families.

As members are aware, we are making progress on our commitments to new health centres in north Gungahlin, the inner south, south Tuggeranong and west Belconnen. This includes a $16.6 million investment over four years for the design and construction of a new health centre in south Tuggeranong and the design of health centres in the inner south and north Gungahlin. The south Tuggeranong health centre will include specific provision for women's and children's health services, guided by consultation with the local community, which is currently underway. West Belconnen already has a fabulous child and family centre where maternal and child health services are delivered. We will continue to investigate the feasibility of a north-side women's health and early childhood hub in the context of the new health centres. The Maternity in Focus Advisory Group will be involved in future planning.

The ACT government is also progressing work on the early design and feasibility to establish a co-designed, midwife-led alongside or standalone birth centre as part of the

development of the new North Canberra Hospital. The North Canberra Hospital and Maternity in Focus project teams are working together. The development of a model of care will inform the size, scope and location of a birth centre as part of the North Canberra Hospital development.

In August, as recommended by a number of midwifery stakeholders, I visited Townsville University Hospital in Queensland to see firsthand its birth centre, which is co-located on the hospital campus. Its holistic approach to pregnancy, birth and parenting offers one-to-one care to women with low risk pregnancies in a home-like environment with minimal intervention during pregnancy and birth. I was pleased that midwives from both the Maternity in Focus team and North Canberra Hospital were able to accompany me on this visit, as well as the ACT Health Directorate's deputy director-general.

The ACT government is committed to improving health outcomes for Aboriginal and Torres Strait Islander people. The evidence is clear that Birthing on Country models of care improve outcomes in relation to preterm birth, frequency of antenatal visits and rates of breastfeeding. The first action plan sets out work with consumers and community controlled organisations to co-design a Birthing on Country model of care. This will provide an additional maternity care option for Aboriginal and Torres Strait Islander women and pregnant people or those pregnant with an Aboriginal and Torres Strait Islander baby. Consultation for co-design has commenced. It was great to see the team at the NAIDOC Family Fun Day on Saturday, 28 October engaging directly with the community.

As set out in Maternity in Focus, the government is also committed to expanding the publicly funded homebirth model in the ACT. I am pleased to update the Assembly that, as of 14 September 2023, all agreed recommendations from the *Evaluation of the Publicly-Funded Homebirth Trial in the Australian Capital Territory* are now being implemented. By working with the ACT Insurance Authority, Canberra Health Services and the ACT Ambulance Service have secured insurance to extend the catchment area to within 30 minutes travel from the Canberra Hospital and to extend care to include primiparas or first births. The completion of this work supports equity of access to the homebirth program for all eligible and interested women.

Implementing the system-level changes required to support endorsed privately practising midwives to provide continuity of care within our public maternity system is action 8.4 of the first action plan, and progress is underway. At the commonwealth level, the work being done on indemnity insurance is still being negotiated and an extension of the existing agreement is in place until a resolution can be confirmed. CHS continues to work with the legal and insurance teams to support privately practising midwives to have admitting rights to maternity health services. I certainly hope that this can occur sooner rather than later.

Maternity in Focus includes the creation of an ACT maternity data dashboard to provide information on current public maternity outcomes, satisfaction and benchmarking for accountability and informed choice on maternal care options. The suitability of key data points for public reporting is being considered through the implementation of the first action plan.

The ACT government agrees that Respectful Maternity Care: the Universal Rights of Childbearing Women is an important foundational framework for ACT public health services, as set out in Maternity in Focus. The ACT government reaffirms that the charter will be embedded in ACT public health services through appropriate avenues for all health professionals who may work with maternity consumers.

For people who are parents, or parents to be, who are detained at the Alexander Maconochie Centre, the ACT government does not currently offer the Circle of Security program. However, ACT Corrective Services has approached the market for a parenting education program to be delivered to parents in custody. The program is intended to be suitable for parents who have current contact with their children. It is also intended to be suitable for parents who may not have current or regular contact with their children but are seeking to re-establish contact in the future and would benefit from receiving support on various issues and skills related to parenting children.

In addition, the Detainee Health and Wellbeing Strategy 2023-2028, recently released by my colleague Minister Davidson, sets out the vision and approach to the delivery of health and wellbeing services. This strategy represents a shared commitment across responsible organisations to work better together to deliver safer, higher quality health care for detainees.

The transition of services at North Canberra Hospital to Canberra Health Services on 3 July 2023 supports fundamental reforms to ACT public maternity services. Having one provider of public maternity services over multiple sites is an opportunity for better integration and efficiency. It draws on the skills and experience of midwives, obstetricians, nurses, physiotherapists, social workers and other allied health professionals across the territory to provide integrated care across the whole pregnancy, birth and early childhood journey.

Work is well underway to realise the ACT government's commitment to improving ACT public maternity services. Collaborative partnerships to complete the Maternity in Focus actions have continued between the ACT government, Tresillian Queen Elizabeth II Family Centre, the community sector, academic leads and health service providers. This work will be guided by the Maternity in Focus Advisory Group, which includes a diverse range of consumers, as well as representatives from the community sector, academia, advocacy groups, midwives and clinicians.

We are excited to be working together with the ACT community to realise our ambition and make ACT public maternity services the best in Australia. By taking a methodical, detailed, collaborative and co-designed approach, we can provide exceptional maternity care to every person, every time. There are many services that support women through the pregnancy period, which can include community clinics, such as the services delivered at Canberra Health Services at Molonglo, the pregnancy enhanced program, diabetes clinics and lactation consultants. These clinics allow for greater opportunity for continuity of care in the antenatal and postnatal period, as well as giving women a positive patient experience during the childbirth journey.

CHS also offers a number of services dedicated to supporting women's health more broadly and is progressing organisational change to support women in vulnerable situations. The Women's Health Service offers nursing, medical, nutrition and

counselling services for women in the ACT and surrounding regions who face substantial barriers to accessing mainstream services. The Women's Health Service fills a gap in physical and mental health care by providing a trauma-informed service, run by women, for women presenting with complex biopsychosocial issues and vulnerabilities, including histories of trauma and interpersonal violence.

The Women, Youth and Children physiotherapy team provides care to women during the antenatal and postnatal period through both individual appointments and group information sessions across the ACT. The team provides support for women with a range of healthcare needs, including musculoskeletal conditions, mastitis and pelvic floor issues, such as incontinence, prolapse and pelvic pain.

The early family support services counselling team provides individual counselling and psychotherapy, including therapeutic supports, psychoeducation, advocacy and referral for women with children up to five years of age for a range of issues, including emotional wellbeing, grief and loss, birth trauma, bonding and attachment, and early parenting support.

CHS acknowledges that family violence is a health issue and is committed to creating a safe environment where anyone at any time can seek help to lessen the impacts of family violence. The Strengthening Health Response to Family Violence is an evidence-based program based on national and international best practice. It embodies a whole-of-organisation cultural change process aimed at sustained attitudinal and behavioural change. It is designed to assist and support clinicians to identify and respond to consumers experiencing family violence through clinician and manager training and consultative support in the emergency department.

I am pleased to be able to further update the Assembly about the ACT government's commitment to establishing a permanent and sustainable gynaecology oncology service in the ACT. CHS continues to have an arrangement with the Royal Hospital for Women in Sydney to support our local service. In addition, I am pleased to advise the Assembly that CHS has recruited Dr Leon Foster as a visiting medical officer to provide inpatient and outpatient gynaecology oncology services. This will allow patients with more complex cases to have their operation locally, rather than travelling interstate. Governance of the gynaecology oncology surgical service transitioned from the Women, Youth and Children Division to the Division of Surgery from 1 October 2023. In addition, in line with the government's budget commitment, a full-time gynaecological cancer specialist nurse was appointed in May 2023.

In conclusion, the government remains committed to investing in the ACT government's vision for maternity service reform and women's health services. We have continued working in earnest to address complex healthcare challenges and we have made progress. We will continue with these reforms to support the best start in life for every baby born in the ACT and the health of women, pregnant people and families.

I present the following paper:

> Maternity services and health services for women—Assembly resolutions of 7 February 2023 and 21 March 2023—Government response—Ministerial statement, 1 November 2023.

I move:

That the Assembly take note of the ministerial statement.

MS CLAY (Ginninderra) (10.27): I thank the minister for that update about how we will support women and birthing people in Canberra. I am really pleased with our progress towards developing a local Birthing on Country model of care. I have heard feedback from the community that early conversations are happening in the right places with the right people and that is great. I cannot wait to see the next update.

I am also really happy to hear that there is some progress on getting admitting rights for privately practising midwives, and I am looking forward to that issue being finally resolved. I am thrilled to see progress on a maternal satisfaction survey. That is something consumers and midwives have been calling for for a long time. And government is looking at extending postnatal care to six weeks postpartum, which is fantastic.

Scholarships for full-time students starting next year will help the sector. I think it would be great if these were also made available to existing students. We would love to see this expanded further. The best way to graduate more midwives sooner would be to offer scholarships to existing second and third-year students. There are loads of students who have had to take a break from their degree or go part time because the cost of living is too challenging, with the high demands of the degree, and they simply cannot study, do placements and pay their rent all at the same time.

I welcome the $8.5 million the minister mentioned to support the junior medical officer workforce at Canberra Hospital with more secure work, support and professional opportunities, although I note that the junior medical officer workforce is doctors and not midwives.

I was thrilled to see recently that publicly funded homebirth is now available to first-timers and to women and birthing people who live all over the ACT. This has been such a long time coming. It is something the Greens campaigned for in 2020. I am really pleased to see it fixed.

The recommendations have been implemented, but, since the 2020 review, there has been a breakdown of medical support for the public homebirth program and midwives are struggling to find doctors willing to sign an order for oxytocin, which the program rules state is a compulsory medication to have at home. We have genuine commitment, but the program is not viable and cannot effectively expand without managerial and medical commitment. I am really hoping we are working towards fixing that so that midwives can do their jobs.

We know that there have been times when there has not been a collaborative environment in our hospitals. I am hopeful that, with the maternity reference group talking with all the people who want to see us succeed in this space, we are on a positive track, moving forward. Our midwives work so hard and they are so committed to being part of the evidence-based solution. We want to support our midwives to give the best possible care and support their autonomy to build a collaborative culture within maternity services.

I am hearing that midwives would like to see real pay increases. We know there is an unspent midwifery staffing budget at the moment and that, because of the shortages, agency midwives are getting paid up to three times what permanent staff are paid to do the same job. Midwifery graduates can get paid as least as much in the public service without the night shifts and weekends. We could use the extra government budget at the moment. I understand that there are negotiations underway, and I am wondering if there is an opportunity for government to recognise the workforce.

I have spoken at length about the weight of evidence that is available on maternity models of care and place of birth, so I was really pleased in February when the Assembly unanimously passed my motion to endorse this. That motion had two parts. The first was about the importance of place of birth and responding to the calls in our community for a freestanding birth centre. Place of birth matters. It matters to women and birthing people who want to make their own choices for their bodies and for their families, and it matters for their babies. The evidence tells us that a freestanding birth centre gets better outcomes. The further you are from a hospital the more likely you are to have a safe and supported birth that does not need an intervention.

Being outside of hospital does not increase the risk for low-risk women and birthing people; rather, it supports low-risk women and birthing people to give birth without interventions. In fact, it makes it much less likely that there will be unnecessary interventions. That means fewer episiotomies, fewer forceps deliveries and fewer unnecessary C-sections. When we feel safe and supported, our bodies relax. When I said those words "episiotomies" and "forceps", I tensed up. It really matters that we allow women and birthing people to relax and give birth in the way that their bodies are meant to. This makes labour safer and easier. It makes sense to have a birth centre that is close by but not inside a hospital.

People giving birth are not sick. Pregnancy and birthing are not diseases. The pandemic has shown us, as never before, that it is really important to keep well people out of hospital. Nobody wants to be in a hospital. We also know that building a freestanding birth centre has an enormous amount of public support and support from the midwives. I am really glad to hear that we are progressing on the design work. It is great. It is essential that we move forward and commit to building that freestanding birth centre, once we have completed that first step. We know that, done well, the freestanding birth centre, co-designed by midwives and led by midwives, will be cost-effective. Birth in a freestanding birth centre will cost less than birth in a hospital birth suite.

That is not the main reason to build a freestanding birth centre. We want the best care we can have for our women and birthing people, and for our babies. We do not want the cheapest care; we want the best care. It is just one more benefit. Offering a freestanding birth centre as another choice of place of work for our midwives is also going to help. It will directly improve the working lives of our midwives. It will reduce burnout. It will help with retention. A freestanding birth centre is really good for the profession. The midwives want to work in freestanding birth centres. I have been told repeatedly that we will have no problem in recruiting midwives to work in a freestanding birth centre. There is not going to be a workforce shortage for that freestanding birth centre.

We do have a national and global shortage of midwives and our midwifery workforce is in real distress, but a freestanding birth centre is one of the sustainable ways forward. They want to work in a freestanding birth centre where they can support women and birthing people in the way that they have learned, where they can practise their profession in the way that they have been trained. They know it is better for women and birthing people and that is how they want to work. They will remain in the profession for longer. They will serve well. They will have a better life, and we will not have retention problems if we commit to that freestanding birth centre that the evidence shows the midwives and the people of Canberra have all asked for. Midwives, parents-to-be and the community at large have called for this freestanding birth centre in Canberra for decades. I am really looking forward to seeing it built.

There were some parts of my motion that were not about the freestanding birth centre but are also really important. When we have our new freestanding birth centre, I recognise that not everyone will want to or be able to give birth there. That is what the second part of my motion was about: what we can do in maternity care right now, in the meantime and moving forward, to improve maternity care for everyone.

I am determined to back the community and keep calling for that freestanding birth centre, but it is important that we are providing the best possible care for all women and birthing people, and that care is midwife-led continuity of care. Midwife-led continuity of care is really important for everyone. It is particularly important for our birthing people who are not women, because they build the ongoing relationship that comes with midwife-led continuity of care. They get to build a relationship between the birthing person and the midwife, and that relationship is based on trust. It is part of what helps birthing people to have a good and empowering experience.

A lot of research shows that trans and gender-diverse people often have a poor experience when engaging with medical care during pregnancy and birth, so part of the reason we are advocating for midwife-led continuity of care to be available to everyone is that that relationship-based model of care really improves outcomes for all. That is what we are after: better outcomes for women and birthing people, their babies and the midwives providing that care.

Midwife-led continuity of care is care where the midwife is the lead professional in the planning, organisation and delivery of the care given to the woman or birthing person, from the initial booking right through to the postnatal period. That is a really long and enduring period of time. That model of care has been thoroughly researched and, like freestanding birth centres, it is shown to have better outcomes for women and birthing people, and their babies. It is appropriate for all pregnancies, including those both with universal care needs and with additional care needs. It is cost-effective and improves satisfaction for both women and birthing people, and for the health professionals involved.

I am really pleased to hear today's recommitment to at least 50 per cent by 2028 and at least 75 per cent by 2032. That is fantastic news. It is what the motion called for and I am really pleased to see that that is the direction we are moving in. I am looking forward at some point to hearing some updated statistics on the waitlists for birth in our existing hospital based birth centres, and I am also really keen to see some data on the birth outcomes and the Caesarean rates and all models of care being included in

the ACT maternity data dashboard when that rolls out. Informed choice and informed consent are also essential, and that data allows that informed position. It is a fantastic statement that we have heard today and I am really pleased at the direction the government is moving in.

Question resolved in the affirmative.

Government—fuel pricing—update
Ministerial statement

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) (10.36): I rise today to provide the ACT government's response to the resolution passed on 31 May 2023 about fuel price monitoring. This motion was passed with the support of all political parties, and I thank Mr Pettersson, especially, for his advocacy in relation to this matter.

The ACT government acknowledges that cost-of-living pressures are continuing to affect Canberrans and that for many households the cost of fuel is a significant household expense. This rise in fuel prices has been driven mainly by fluctuations in wholesale fuel market rates and global circumstances, which have impacted on the cost of fuel in the ACT.

This government has been aware of these issues and has taken action to address them through the establishment of a select committee to inquire into fuel prices in the ACT in the last term. Having chaired this select committee, and now in my capacity as Minister for Business and Better Regulation, I am passionate about investigating avenues to improve fuel prices in the ACT. I have been working closely with my colleagues to ensure that Canberrans have the information and tools available to them to make informed purchasing choices that will assist them in reducing the cost-of-living pressures arising out of fuel consumption.

Following a feasibility study, the ACT negotiated with the New South Wales government to expand FuelCheck into the territory at no cost. This was done in response to a recommendation from the select committee. FuelCheck was introduced in the ACT on 4 November 2022. To test the viability, FuelCheck was implemented as a six-month pilot on an opt-in basis, where retailers had the choice of participating.

The ACT government, in collaboration with New South Wales Fair Trading, established a memorandum of understanding to govern the pilot, which provided a mechanism for managing noncompliance by retailers. Following the end of the pilot period, Treasury and Access Canberra conducted a post-implementation review into the future operation of FuelCheck in the ACT, including whether there was a need to mandate the use of FuelCheck, having regard to the benefits of the scheme and whether the scheme was being delivered in an optimal way. As part of the review, the government conducted surveys via the YourSay conversation platform, seeking feedback from consumers and retailers regarding their experience with the scheme.

I would like to take this opportunity to table a summary of the government's review, entitled *FuelCheck Post-implementation Review—Summary Report*. Broadly, the

review found that the FuelCheck scheme has been successful. Over 95 per cent of ACT service stations chose to display their prices in FuelCheck from the beginning of the scheme and continue to do so today. FuelCheck is popular with consumers, with around 100,000 downloads of the FuelCheck app and 10,000 discrete visits to the FuelCheck website by Canberrans.

During the pilot period, Canberrans were able to use the FuelCheck app to shop around and save, on average, 11 cents per litre on standard unleaded, 16 cents per litre on premium unleaded and 27 cents per litre on diesel. There were low levels of complaints on price mismatches between the price on the app and the price at the pump, all of which were resolved quickly and smoothly by Access Canberra via a simple educative approach.

Consumers and retailers in the ACT have had a positive experience with FuelCheck, with nearly 90 per cent of surveyed consumers saying they were satisfied or very satisfied. All retailer responses indicated that they were satisfied or very satisfied with using FuelCheck. In addition, around 90 per cent of the respondents for the consumer survey indicated that they are likely to continue using the application and to refer the application to others.

Feedback from industry has been positive, with independent service stations, which are typically positioned off major thoroughfares, generally perceiving a benefit from FuelCheck from being able to advertise their prices. The National Roads and Motorists' Association also expressed support for the ACT's ongoing use of FuelCheck and supported the review by alerting its members to the FuelCheck survey and promoting the benefits of FuelCheck.

Compliance with the terms of the scheme by retailers is important for the ongoing success of the scheme, the protection of consumers and the fostering of competitive fuel prices. Access Canberra's data-led, evidence-driven and proportionate approach to risk and harm minimisation compliance is best achieved through targeted and effective education and engagement with individuals, business and the community. This has been demonstrated through Access Canberra's successful educative approach to retailer compliance with the scheme. Only 16 complaints of price mismatches were received during the pilot, and all instances were able to be resolved quickly and efficiently through that education and engagement. Further, a sector scan of 23 retailers undertaken by Access Canberra in April showed a 96 per cent compliance rate.

In the event that serious noncompliance is identified, retailers can be suspended or removed from the scheme for not providing real-time price information, under the arrangements agreed with New South Wales, or issued with sanctions under the Australian Consumer Law for falsely advertising petrol prices. While it is pleasing that this level of enforcement has not been required to date, I am satisfied that the interests of Canberrans are suitably protected by the regulatory tools available to Access Canberra. Based on the outcome of the post-implementation review, I am happy to advise this Assembly that the ACT government will commit to the continued operation of FuelCheck in the ACT for the foreseeable future.

The second aspect of the resolution calls on the ACT government to continue monitoring the price of fuel in the ACT to ensure that prices remain fair and

comparative to other capital cities. The Australian Competition and Consumer Commission has had a longstanding role of monitoring retail prices of unleaded petrol, diesel and LPG in Australian capital cities and in more than 190 regional locations. The ACCC prepares quarterly reports on the Australian petroleum market, which include information on developments in the petroleum industry, ACCC monitoring activities, components of petrol prices, and price movements in capital cities and regional locations across Australia.

There is a general sense that fuel prices in the ACT are higher than in other jurisdictions. I would like to highlight that the most recent ACCC petrol quarterly report of June 2023 found that Canberra's average retail fuel price was 187.2 cents per litre, marginally higher than Sydney, at 183.1 cents per litre, and Melbourne, at 185 cents per litre. Compared to the top five capital cities' average fuel prices, Canberra's average fuel price was within 4.3 cents per litre. By using FuelCheck, Canberrans effectively have the ability to monitor fuel prices themselves, and they have the option to pay less than the national average petrol price by shopping around.

Following the pilot of FuelCheck use in the ACT, an analysis of data obtained from FuelCheck use in the ACT has been compared with data obtained from the Australian Institute of Petroleum to reflect 10-month average prices. Between 6 November 2022 and 3 September 2023, the ACT's average retail price for standard unleaded of 185.7 cents per litre was marginally higher than the national average of 185.5 cents per litre, and the ACT recorded an average diesel price of 211 cents per litre, which is 3.2 per cent higher compared to the national average of 204.4 cents per litre.

While average ACT fuel prices were higher than the national average during this 10-month period, by shopping around and using FuelCheck, an ACT motorist could have paid less than the national average by around eight cents per litre for standard unleaded and 12 cents per litre for diesel. The ACT government does not undertake formal petrol price monitoring for the reasons that it would be costly and duplicative of the work already undertaken by the ACCC in this space. Having considered the current monitoring undertaken by the ACCC and the data on ACT fuel prices able to be obtained from the FuelCheck scheme, the ACT government is able to consider trends in fuel prices in the ACT in a way that it has not previously been able to.

We are seeing motorists have the capacity to save, to see information on when the best day of the week is to buy and to receive alerts on when prices drop at favourite stations. Coupled with the successful educative and engagement approach to compliance that has been undertaken by Access Canberra, there does not appear to be a need for formal fuel price monitoring by the ACT similar to that already undertaken by the ACCC.

My message to Canberrans is simple: FuelCheck gives you the capacity to save money when you fill up. It allows you to make the choice of whether it is worthwhile filling up at one station and saving up to 10, 15 or 25 cents per litre, or whether it is worthwhile paying more.

I will take the indulgence, Madam Speaker, to thank the Scullin Service Centre for the station that will be opening this Friday, 3 November. It has been a long, long time coming. I remember first talking with Mark, the owner of that site, more than four

years ago about doing so. It will be a Metro. He has certainly delivered on his commitment to ensure that it will be a lower-price fuel station. We know that Metro does offer cheaper prices, and that will be adding to the options that Canberrans have in the ACT. I really commend them for their tenacity in bringing that service to Canberrans, after what has been a very long journey.

Madam Speaker, with that, I say that the FuelCheck app, and the capacity to save money at the pump, is literally in Canberrans' hands. I table the following papers:

> FuelCheck Post-Implementation Review—Summary Report, dated August 2023.
>
> Fuel price monitoring—Assembly resolution of 31 May 2023—Government response—Ministerial statement, 1 November 2023.

I move:

> That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

Debate resumed from 9 May 2023, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR CAIN (Ginninderra) (10.48): As members would be aware, the Justice (Age of Criminal Responsibility) Legislation Amendment Bill aims to raise the minimum age of criminal responsibility—and I will refer to that as MACR for brevity—to 14 years, with carve-outs for children aged 12 or 13 convicted of serious crimes such as murder or sexual assault. Across Australian states and territories, the MACR is 10 years old, except in the Northern Territory, which raised the age to 12 on 1 August this year.

As members would be aware, the United Nations petitioned Australia in 2019 to raise the MACR to 14. ACT Labor and ACT Greens have committed to raise the minimum age of criminal responsibility in their Parliamentary and Governing Agreement for the Tenth Assembly. A Greens motion, passed during the Ninth Assembly, pledged to raise the MACR to 14 during the subsequent Assembly.

The existing MACR, nationwide, is supported by the presumption of the *doli incapax* principle, meaning "incapable of crime", wherein children are presumed to be incapable of distinguishing right from wrong unless the prosecution can demonstrate otherwise. However, evidence increasingly suggests that this principle does not work effectively at protecting children from the criminal justice system, as it is targeted heavily in the courts and frequently rebutted. The most prevalent crimes committed by children of this age are theft, robbery and minor assault. With passage of the bill, individuals found to have committed these acts will no longer be able to be trialled, convicted and given prison sentences. Less common crimes such as manslaughter, murder and sexual assault would be, however, exempted from the MACR, with the accused aged 12 and 13 meeting conditions for trial.

While raising the age, the bill establishes the therapeutic support panel for children and young people, introducing a new intensive therapy order and establishing minimum standards for intensive therapy places to be used only as a last resort. The panel created under section 501B will ensure a framework to support lowering the MACR by providing referred children or young persons with appropriate support services. The panel will comprise 10 to 12 members, all of whom will possess expertise, qualifications and knowledge in relevant fields. The new therapeutic correction order, a community-based sentencing option, will support rehabilitation, where applicable, for children under 18.

While the Canberra Liberals support raising the MACR to 12, for reasons I will go into, we do not support raising it to 14. As members would be aware, the scrutiny of bills committee gave a report on the bill and on subsequent government amendments, and highlighted a few things that I think are worth noting.

Firstly, there was a committee report, with a dissenting report from me and with Mr Braddock providing additional comments. Mr Braddock had concerns directed to the legal inconsistency of the exemptions or carve-outs. He made the point that if a 13-year-old has the mental capacity to be criminally liable for a serious crime, how is it that they do not have the mental capacity to be criminally liable for a lesser crime? The logic is just not there.

I made this recommendation in my report:

> … two years following raising the age of criminal responsibility to 12 and implementing the therapeutic support regime, the ACT Government implement an independent review of the impact of these changes, and include in such a review an investigation into whether the minimum age of criminal responsibility should be raised further.

That was my single recommendation, and I will speak on that in this debate.

I also made the point that it does seem inconsistent, from a logical and legal point of view, for a 13-year-old to be criminally liable for certain serious offences but not criminally liable for less serious offences. The logic and the legality do not stack up. Again, as usual, I thank the department for a briefing that I had on the original bill, noting that we have amendments to be provided by Mr Braddock and the Attorney-General later this morning.

As mentioned, Mr Braddock has, subsequent to that committee report, moved amendments to introduce a sunset clause on the carve-outs so that, while the minimum age of criminal responsibility is raised to 14 in 2025, those carve-out exemptions—the three serious offences, where a 13-year-old, for example, could be found criminally liable—will disappear by 2030.

As we are aware, the government circulated to members yesterday afternoon 21 amendments to its own bill that were brought to the attention of the scrutiny committee last month—highlighting, perhaps, some incomplete drafting of their first bill, and covering up gaps and lapses in the drafting of the original bill. The proposed amendments from the government—in fact, from the Greens Attorney-General—

include allowing a referral to the therapeutic support panel where a child or young person is at risk of engaging in serious damage to property or the environment or cruelty to an animal; adding a range of health professionals as accredited persons who can visit a child or young person who is in therapy at an intensive therapy place; clarifying that a person may be found guilty of incitement or recruitment if the child is under the age of criminal responsibility; amending the Personal Violence Act 2016 to prevent corresponding protection orders made under another state, territory or in New Zealand against a child under 12 or 14 years from being registered and enforceable in the ACT; and revoking existing protection orders already registered.

The proposed amendments also include ensuring that victims of harmful behaviour of a child under the age of criminal responsibility have the same rights as other victims; expanding the range of individuals characterised as a secondary victim in the Victims of Crime Act 1994 in circumstances where a primary victim dies because of the harmful behaviour of a child under the MACR; adding a qualification—which we think needed to be looked at—for appointment to the therapeutic plan, and that is the ability to work effectively with culturally and linguistically diverse children and young children; and confirming that the ACAT can make a mental health assessment after a referral by the Childrens Court, both during proceedings for an interim or final intensive therapy order and in the making of those orders.

So, we have quite a range of things to talk about this morning. My own amendments, which I was seeking leave to move are perhaps the simplest. My own amendments simply say, "Let's take the age to 12. Let's then review that change in a couple of years, and, hence, not commit to 14 until such a review has been performed." I believe the evidence from the government's own workshop supports such a recommendation—the evidence from the government's own workshop, as presented during the public hearings on this inquiry by the health minister, Ms Stephen-Smith.

Mr Braddock's motion, which I have mentioned, is perhaps the next least complex amendment. It removes the carve-outs for criminal behaviour by 2030 so that by 2030 a child under 14 cannot be held criminally liable for any offence.

The government's amendments, as I have traversed briefly, were lodged to members of this Assembly yesterday, just after lunch, for our consideration this morning. What more can be said about that! That is a very discourteous and disorganised approach.

I do want to talk, Madam Speaker, very briefly about the inquiry into this bill, and my own dissenting report. What we have seen is that opinion was divided during the hearings over raising the age as high as 14, and, accordingly, that led to my dissenting recommendation.

During public hearings I note that the Attorney-General Mr Rattenbury stated that the Greens ministers did not support the carve-outs, and yet his own amendments retain them, so I am not quite sure how he will explain that. I quote from the Attorney-General:

> As you note, there are four offences, which are identified in schedule 1, that the government has created as exceptions. This is a heavily contested part of the legislation. It is, I think, a known fact that the Greens ministers did not support

> this during the cabinet process but, nonetheless, the cabinet has resolved to proceed on this basis.

These carve-outs are to be preserved under the Attorney-General's bill and under his amendments.

During the same session I asked the Minister for Health, Ms Stephen-Smith, what evidence supported the carve-outs, and she said something about the community. I quote the question I asked the minister:

> Minister Stephen-Smith, you said something about the community view of 10 to 11-years-olds versus 13 to 14-year-olds. What evidence are you basing that conclusion on?

And Ms Stephen-Smith said:

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

That information was asked for and was taken on notice. I will quote the answer from Minister Stephen-Smith:

> In December 2021, Kantar Research was engaged by the ACT Government to conduct research to explore community views, attitudes, and values in relation to raising the minimum age of criminal responsibility in the Australian Capital Territory. The report was compiled with input from the community, including focus groups. The report is attached.

That report undertaken by Kantar research, which I will call the Kantar report, is available on the justice and community safety committee website. Briefly, the Kantar report outlined its methodology for inquiring into the community's view on raising the age of criminal responsibility:

> Focus groups and on-on-one interviews were held with 32 people from within the ACT of different ages, life-stages and socio-economic backgrounds, and also included participants from Aboriginal and/or Torres Strait Islander and Culturally and Linguistically Diverse backgrounds. Participants were drawn from all of the major geographical 'districts' within the ACT (e.g. Tuggeranong, Belconnen, Weston Creek/Molonglo, etc).

The only support for the carve-outs that I could find in this report—and Minister Stephen-Smith said there was some—appears to be the following conclusion under the heading "Rationally, there are three key factors that are weighed up when considering a response to offending by young people". Here is what the report actually concluded:

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

Given that the carve-out argument is relevant to 12- to 14-year-olds under a raised MACR, which I do not support, I will not focus heavily on this issue but note that there were several submissions, including from the Human Rights Commission, who pointed out the inequity of having carve-outs for certain crimes. Further, the Kantar report made some interesting observations and conclusions regarding the focus group views on raising the MACR to 14. Under "Key insights and findings", there is support to lift the MACR age but community sentiment hardens in relation to older offenders, and here I will read from the report:

> There is little distinction between the youngest offenders (i.e. 10 to 12 year olds) who are typically seen to be victims of circumstance, in that there must be something 'else' causing/driving their offending – they are not 'criminals' as such. Therefore, the community is generally comfortable with a change to MACR that will help 10, 11 and 12 year olds avoid interactions with the criminal justice system. This tends to dissipate when thinking about older cohorts (13 years and above).
>
> Overall, there is a sense that the ACT community would be relatively comfortable with the MACR increasing to 13 years … but beyond this age, there are very mixed views about where the line should be drawn.

I quote from "Key conclusions and take-away learnings":

> Almost everyone who took part in the research (with very few exceptions) thought that treating children of 10 to 12 as 'criminals' was wrong (both morally and as a policy response). However, the community appetite to raise the MACR to a higher age is impeded by several interrelated issues that can start to act as a negative cognitive loop (there is generally a reduced empathy for offenders who are older than 12; the reasons for the reform are perceived to be 'weaker' when thinking about older children who are committing crimes; and perceptions can coloured by a feeling that MACR reforms could be about reduced responsibility … which in turn feeds lower empathy when thinking about young offenders).

I commend this full report for people to read. Again, in my opinion, the balance of the evidence does not support raising the age to 14.

One argument from several submitters in support of raising the age to 14 was international consensus; however, the findings of the Kantar report did little to endorse this. In appendix A it said that "detailed analysis of responses to policy/evidence statements" showed that the United Nations committee, as an international body, "was not a source that resonated with the audience and felt distant". I will quote again:

> Similarly to the United Nations, participants felt the Australia-wide trusted champions were not close to home and did not resonate.

I note as well that the focus group with participants from the ATSI community supported a MACR higher than 14, up to 17 in the opinion of some. Again, this really reinforces my view that we should do a review after the change to 12 years and see the impact of that, and then perhaps do a broader consultation with the community than was done by the government leading up to this case.

It does really enforce that we need a stronger engagement with our community to get their sense of where this age should sit. I think we are agreed—all the MLAs in this room will be agreed—to take 12 as an appropriate age, but obviously the Canberra Liberals believe we should reflect on that change, consult with the community and actually explore whether there is a case for going higher or not.

Finally, and relevant to my recommendation, I note the observation about the idea of the ACT leading the nation in reform. The Northern Territory went ahead in August, as we are aware. Under the heading "Nation Leading: ACT leading the way", the Kantar report, at appendix A, stated:

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

Again, the evidence that the government itself collected shows concern about jumping to the age of 14. There is acceptance of going to 12, which we support, and, based on the evidence, there is concern about jumping to 14 as a nation-leading exercise.

I will be seeking leave to move amendments during the detail stage of this debate because I believe the community deserves to be consulted after we have raised the age to 12. The community deserves to be listened to and more broadly consulted with than the consultation the government has instituted with the Kantar group, to find out if there is evidence to support the case for raising the age to 14. Based on the evidence that the government collected and the feedback I received from the community, going to 14 is too far and too early until we have fully consulted with our ACT community. Thank you, Madam Speaker.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.08): I thank those who have contributed to the debate so far: the Attorney-General, for introducing this bill, and Mr Cain, for his contribution. I would remind Mr Cain that this has been a three-year process of engaging with the community through various mechanisms, including the committee of which he was a member. I think calling for more community engagement is probably not helpful at this point.

I am very proud and, I have to say, quite relieved to be at the point of seeing the Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023 debated in this place. I thank the Standing Committee on Justice and Community Safety for its considered reflection on the bill, which has resulted in government amendments that strengthen and clarify its operation. I will not speak to those now but foreshadow that I will speak again in the detail stage, particularly about the government amendments

that relate to the Children and Young People Act elements of the bill, and also those amendments to be moved by other parties.

Ministers usually close their remarks on bills by thanking everyone involved, but I want to start my remarks there, before I get to the substance of the bill. I spent many hours—indeed, it probably adds up to weeks over the last three years—thinking about this work; writing papers and commenting on briefs; working through policy and legislative drafting; engaging with stakeholders; and debating the finer details with officials and with my Labor colleagues and Ministers Rattenbury and Davidson. I want to recognise that this work commenced under the former Attorney-General, Gordon Ramsay. Gordon and I were on a unity ticket about the need to reform the youth justice system, including, but not limited to, lifting the minimum age of criminal responsibility, or MACR.

We both understood what was subsequently highlighted by Emeritus Professor Morag McArthur, Dr Aino Suomi and Belinda Kendall from Curijo in their work to review the service system and implementation requirements for raising the minimum age of criminal responsibility in the ACT. These experts told us:

> Based on the findings of the current Review, we argue for taking the legislative change as an opportunity for comprehensive systems reform. Unless broad-ranging service reform is undertaken, neither the legislative change nor the proposed therapeutic response will result in better outcomes for children … In the absence of systems reform, the legislative change is likely to result in failure to meet children's needs, but also to drive an increase in reporting to child protection services and – ultimately – to more children entering the justice system at the age of 14.

This observation highlights the importance of this reform being embedded in the wider reform project across child, youth and family services, from the Best Start for Canberra's Children: the First 1,000 Days strategy to Next Steps for our Kids and Our Booris, Our Way, reforming our child and youth protection system, to the Blueprint for Youth Justice, ensuring that all young people who come into contact with the youth justice system, not just those aged 10 to 13, and including those who are in remand or sentenced at Bimberi Youth Justice Centre, are supported with therapeutic supports to reduce their criminogenic behaviours and change their life trajectories. Of course, this aligns with reform in the health, mental health and education portfolios.

I want to recognise that the Attorney-General and Minister Davidson completely get this, and I thank them for the collaborative way in which they have approached this complex work. I also want to thank our offices, who have worked closely together throughout this process, particularly my own staff, including Johnny, Martin, Kath and Ben, as well as staff in the Chief Minister's Office.

I know that we are all grateful for the strong engagement of our community stakeholders, who have contributed their perspectives and expertise at key stages of our work over several years. I want to acknowledge that this change has not come about quickly or easily. It is a reform that has been built on the unshakeable conviction of advocates and experts who have campaigned for years for governments across Australia to raise the age. I know many of those advocates are here today. I welcome them to the chamber and thank them for their advocacy.

I particularly want to recognise the legacy of Sophie Trevitt, who sadly passed away earlier this year. Sophie was a solicitor and advocate for social justice whose tireless work to raise the minimum age of criminal responsibility was instrumental in driving a national conversation that is ongoing, even as we take our reform forward in the ACT.

I also want to thank other advocates and advisors, particularly Jodie Griffiths-Cook, the Public Advocate and Children and Young People Commissioner, and Justin Barker, the Executive Director of the Youth Coalition of the ACT, who have been incredibly important sounding boards for me. I want to thank our community sector partners, including those who work with children and young people who are engaged with the youth justice system or at the edge of care, including PCYC; our ACT Together partners Barnardos, OzChild and the Australian Childhood Foundation; youth service providers, including Woden Community Service, Northside Community Service, Capital Region Community Services and YWCA; and so many others. Madam Speaker, I cannot name them all.

I want to thank those who have helped develop and deliver service system improvements already, including the Safe and Connected Youth Program, supported by the Youth Coalition through a collaborative co-design process driven by Rotary and now delivered by service providers the Conflict Resolution Service and Marymead CatholicCare. I thank those organisations that work across other portfolios and service sectors, including youth mental health, drug and alcohol, and supporting young people with trauma, like Marymead CatholicCare and Ted Noffs—and, again, many others.

I want to thank our own ACT government services, particularly Child and Youth Protection Services and the staff at the Bimberi Youth Justice Centre. One disappointing element of this debate to date has been that, too often, engagement with youth justice systems and particularly the experiences of young people who are on remand or sentenced to a youth justice centre have been misrepresented.

In the ACT, Bimberi Youth Justice Centre is a human rights compliant youth justice centre that has a school and has incredibly dedicated staff. It is not Don Dale. I have seen and I have read stories of young people whose lives have been turned around positively as a result of having the time out at Bimberi and the engagement of the therapeutic supports, the incredibly dedicated staff and the youth workers at Bimberi Youth Justice Centre, supporting those young people, believing in them and giving them an opportunity to change their life trajectories.

Indeed, just this morning, on radio, somebody texted in in relation to this debate to say she had heard a couple of 12-year-olds talking about how they could get back to Bimberi. She asked them why and they said because it was better than home, because it was the place that they felt safe. That is not what we want. We do not want 11-, 12- and 13-year-olds engaged in the youth justice system ending up on remand in Bimberi and then reoffending in an effort to get back there because it is where they feel safe. We need a service system that will support them in more productive ways, and that is exactly what we are building here. I want to emphasise that it is extraordinarily rare in the ACT for young people under the age of 12 to end up in Bimberi. When they do, service systems are wrapped around them. I do not believe there has ever been a 10-year-old in Bimberi, but Minister Davidson would probably have more up to date figures on that.

This bill brings together a significant reform journey that is changing how we, as a community, support young people who engage in harmful behaviour. Both the Justice and Community Safety Directorate and the Community Services Directorate have done an enormous amount of work. I very much want to thank them for this detailed work and the many conversations we have engaged in.

As others have said, currently across Australia, except in the Northern Territory, children aged as young as 10 can be charged, arrested and placed in detention. They can be either on remand or, if they are found guilty of committing a criminal offence, sentenced to a period of detention or a good behaviour order. This actually comes as a surprise to most people in the ACT and across Australia. The legislative change we make today will raise the minimum age of criminal responsibility in the ACT from 10 to 12, and then to 14 years from 1 July 2025. We will be the second jurisdiction after the Northern Territory to raise the minimum age to 12 years and the first Australian jurisdiction to legislate to raise it to 14 years.

We would all prefer to see national movement on this issue. I have been pleased to see movement in Tasmania and Victoria and some indications that South Australia is seriously considering this matter. The substantial body of work we have done to get to this point aligns with the position of the United Nations Committee on the Rights of the Child, which has recommended that all state parties raise the minimum age of criminal responsibility to at least 14 years. It also reflects advice from medical experts, community organisations, academics and advocates, who, for many years, have called for this kind of reform. Our work to raise the age not only upholds international human rights standards but also supports community expectations in the ACT, a point I will come back to.

There is strong evidence to support the ACT government's commitment to raising the age. When children and young people become involved with the criminal justice system, particularly if this includes a period of detention, it negatively impacts community outcomes and leads to higher rates of recidivism. We also know that children and young people who become involved with the youth justice system often present with diverse challenges, including health and mental health issues and cognitive disabilities. Our experience is that almost all young people who end up in detention have an experience of complex trauma in their past lives.

The government's aim in raising the minimum age of criminal responsibility has always been to divert young people away from the criminal justice system, not simply to delay their interaction with the justice system. We want to better support these young people to embark on a new, better life trajectory, in which they avoid interaction with the justice system entirely.

This requires a response to children and young people who engage in harmful behaviour that responds to the complex issues related to trauma, abuse, homelessness, neglect and unmet disability and mental health needs. The bill acknowledges these risk factors and seeks to address them by establishing an alternative service response based on effective therapeutic support for children and young people, rather than a criminal response. An individualised and therapeutic approach will also lead to better outcomes for Aboriginal and Torres Strait Islander children and young people,

supporting them to remain connected to country, community and culture. Creating a service system that preserves these vital connections will support the wellbeing of Aboriginal and Torres Strait Islander children and young people at risk of becoming involved in the youth justice system.

I also want to particularly acknowledge the very important role that Aboriginal community-controlled organisations play in this space and that advocates have played in supporting this. Particularly, I want to recognise Gugan Gulwan Youth Aboriginal Corporation, which supports so many children, young people and their families who are at the edge of our care system, at the edge of the youth justice system or indeed engaged in it. I also recognise Winnunga Nimmityjah, which is doing such important work under the justice reinvestment initiative, working with families to reduce the incidence of intergenerational engagement with the justice system. I recognise organisations like Yerrabi Yurwang that are now coming to the fore, as well as Worldview, supporting people on their journey out of the justice system, and again addressing those risks of intergenerational contact with the justice system.

All of the work that we are doing aligns with the work that began under the Blueprint for Youth Justice in the ACT 2012-2022, which seeks to address the underlying causes of youth offending through early support, diversion and therapeutic responses.

Central to an alternative service response is our work to establish the Therapeutic Support Panel, a critical element in implementing a raised minimum age of criminal responsibility. The panel is a statutory body that can provide a strategic response to the therapeutic needs of individual children and young people who engage in harmful behaviour. This model reflects what we know about the vital role of therapeutic supports in improving outcomes for children, young people and their families. Importantly, the panel will also advise government on continued systemic reform.

We heard throughout our conversations and consultations with stakeholders that relationships are extremely important in the life of a child or young person. Our service response has been designed to maintain existing connections or foster new relationships with the child or young person. Working with a child or young person, their family and support network, the panel will develop a therapy plan aimed at reducing the likelihood of the child or young person engaging in harmful behaviour in the future. Given we know that voluntary engagement in a therapeutic response is more likely to be effective, every effort is being made to support this approach.

The ACT government remains committed to ensuring that the raised minimum age is underpinned by a strong, effective support system. That is why the 2023-24 ACT budget provided $10.4 million to support the development of new service responses needed to raise the age of criminal responsibility. This includes resources for the establishment of the Therapeutic Support Panel, and a casework team who will be able to access funding for sector development and individual brokerage.

A further $3.1 million is funded for an ongoing Functional Family Therapy Youth Justice program, which has been proven to support strong outcomes for children and young people and their families. We have listened to the experts, who have advised that multi-systemic therapy would be a valuable addition to the ACT service system and have provisioned resourcing for that change as well.

The Therapeutic Support Panel will be led by the chair, engaged as a full-time statutory office holder. It will comprise 10 to 12 members, at least two of whom will be Aboriginal or Torres Strait Islander people. The panel will also be supported by relevant advisers and government representatives, contributing expertise in areas such as psychology, paediatrics, education, disability, criminology and social work.

In response to recommendation 13 of the standing committee's report, an amendment is being moved to add working with cultural and linguistically diverse children and young people to the list of qualifications, experience or expertise that will allow someone to be nominated as a member of the panel. Expressions of interest for membership of the panel are being received through the ACT Diversity Register right now, closing on 6 November 2023.

Before I close, I want to speak briefly about the matter of exceptions that Mr Cain has raised. As Mr Cain has indicated, there is a difference of view between ACT Labor and the Greens on the matter of these four exceptions to raising the age of criminal responsibility to 14. These exceptions relate to very serious, harmful behaviour that is intentional. This has been a difficult balancing act, and I do want to acknowledge that, but we have a responsibility in this place to ensure that when we make this kind of progressive change, particularly when we are the first in the country to do so, we do it in a way that meets community expectations and retains the confidence of the community.

I will not go over all of the discussion that we had in the committee inquiry in relation to this matter, but if anyone going back and reading Mr Cain's contribution actually reflected on the quotes he has taken from some of the Kantar research, I think they would understand that we are balancing the views that we heard there, through the committee process and in our conversations with advocates. We are balancing the views in relation to the balance of harms to children and young people of becoming engaged with the justice system, and to the community of these extremely harmful behaviours in relation to murder, the intentional infliction of grievous bodily harm and intentional serious sexual assault matters.

As I said, this is not simple, but it is about recognising that, in the extremely unlikely event that a 12- or 13-year-old engages in this kind of behaviour or commits this kind of offence, we must have an appropriate response to that. The community expects that the government, the legal system and the support system will be able to respond. While this legislation recognises that most young people are not able to form a criminal intent, I think we only need to look at some of the incredible things that 12- and 13-year-olds do in our community to understand the range of maturity that we see in that age group. We need to recognise that some young people can form criminal intent and, in fact, they have a right to have tested their capacity, rather than the potential to be detained in a psychiatric facility indefinitely to meet the expectations of the community—something that would do them more harm than a proper legal process.

It is a privilege today to speak about such groundbreaking reform. This bill positions the ACT again as a leader; as a leader in responding to the international standards that are set, and a leader in responding to our community expectations about supporting the needs of children and young people who engage in harmful behaviour. The bill

recognises the strong evidence about the effect of childhood trauma, disadvantage and unaddressed need in the context of harmful behaviours of children and young people.

It represents and reflects the generous contribution of researchers, advocates and community stakeholders who have engaged in the reform work over many years. I again thank my Assembly colleagues, the Attorney-General and Minister Davidson for their collaborative work on this bill. I am proud of the hardworking commitment that has informed its development.

In raising the minimum age of criminal responsibility, this bill represents an enormous transformation in the way that we think about children and young people in our community. It is a nation-leading change in how we respond to children and young people engaging in harmful behaviour. It is a bill that will have lifelong impacts for these young people, who, rather than being drawn into a cycle of criminality, will now be provided with the supports that they need to live a better life. I commend the bill to the Assembly.

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) (11.28): Madam Speaker, it has taken many thousands of hours of work by community advocates, academic and service delivery experts, policymakers and people with lived experience of the youth justice system to reach this point. What we are doing today has the potential to create transformational intergenerational change, not only for young people who might otherwise have spent large parts of their life in the justice system but also for their children and grandchildren. This is about ending cycles of harmful behaviour and supporting children and young people and their families to live their best lives. These changes will mean a safer community for everyone.

We know that in the ACT 90 per cent of children and young people aged 10 to 13 years on youth justice orders have a family violence history. More than two-thirds have witnessed violence perpetrated by their father; 33 per cent have experienced sexual abuse or exploitation; 58 per cent engage in regular or harmful substance use; 66 per cent have at least moderate mental health concerns; 38 per cent experience suicidal ideation or attempts; and 58 per cent have cognitive or developmental issues.

Mental health, childhood trauma, disability, drug and alcohol issues, homelessness, and family relationship challenges are the reasons why these children and young people are engaging in harmful behaviour that brings them into contact with the justice system, but we also know that two-thirds of those children did not have a child protection order within the previous year, were not already known to police and 72 per cent were suspended or expelled from school.

We should be able to do better at providing the health and social services supports that these children and their families and carers need in the community, rather than having to deliver those supports within the constraints of the youth justice system. That is why this bill is so important. It is not just about changing the age in the Crimes Act; it is about enabling a new approach to engaging children and their families and carers in the supports they need to make lasting changes in their lives.

Aboriginal and Torres Strait Islander children and young people aged 10 to 13 years are over-represented among those on youth justice orders. We also know that young people who enter the justice system are more likely to end up in the system as adults and to face challenges in health, education, employment and homelessness throughout their life. What is needed is not incarceration and criminalisation but a person-centred, individual approach that provides therapeutic, culturally safe support.

Raising the minimum age of criminal responsibility is about supporting the human rights of children and young people and creating a safer community for all of us. We are not the only jurisdiction in Australia looking to make this change. While we are the first to raise the age to 14 years, other states and the Northern Territory are also looking to raise the minimum age or at least end the detention of children.

Throughout all of this change, it is important that we provide support for victims of harmful behaviour by children and young people, and that support will continue. This bill provides a framework for alternative service responses to harmful behaviour by children and young people, through the establishment of a new Therapeutic Support Panel, and a new intensive therapy order. The Therapeutic Support Panel will be in place by 27 March 2024 at the latest, hopefully sooner, with interim measures in place until then to support community safety and engage a child in appropriate therapeutic services, should the need arise before then.

The panel is an independent, multidisciplinary, decision-making forum to make recommendations on the therapeutic needs of children and young people who engage in, or are at risk of engaging in, harmful behaviours. The panel's chair will be a full-time statutory officer. The panel will comprise 10 to 12 members, of which a minimum of two will be Aboriginal and Torres Strait Islander people. The panel will work with at-risk young people who have been referred to them by police, schools or our courts and tribunals. By working with the child and their family or carers and their existing support network, the panel will develop a plan that supports behaviour change.

If necessary, the Childrens Court will also be able to make an intensive therapy order that can direct the young person to attend treatment or other services, or to live at a specific place in the community. The Childrens Court can only make such an order if it is satisfied that there is a significant risk to the young person or someone else, and that it is in the best interests of the young person.

Ensuring that we have appropriate health and social services to meet the complex needs of these young people and their families and carers is an investment not only in that individual young person but also in their family, and in future generations of their family, and that is why this government is investing close to $3 million to establish a specialist support service to support children and young people who may engage with police. This service will be contracted before the end of 2023 and will provide an immediate response when needed, including case management and safe accommodation options where children and young people cannot return home.

This government is also investing $10.4 million to establish the Therapeutic Support Panel, and the casework team supporting the panel's work. We are investing a further $3.1 million in an ongoing Functional Family Therapy Youth Justice program, which

has been proven to support strong outcomes for children and young people and their families who are engaged with youth justice.

This bill is a once in a generation opportunity to make real change, not just a number in the Crimes Act, but in addressing unmet needs for ACT children and young people, and their families and carers, that we as a community have known about for decades. I have heard police talk about what it feels like to be picking up the young grandchildren of people they arrested as children decades ago, at the start of their careers, and seeing that cycle of harmful behaviour and community safety issues continuing.

I have often thought about it myself. Early in my career, I sat with young people who had been engaged in the justice system through unmet needs in mental health, family violence, homelessness and drug and alcohol issues. I listened to their stories of how they had ended up in those situations and what they wished had been different. If those issues had not been addressed, the 10-, 11- and 12-year-old children I was listening to back then could be the grandparents of the 10 to 13-year-old children I am seeing in our youth justice system today.

We can do better, we must do better and, with the investments in services that this bill enables, we will do better. I thank the Standing Committee on Justice and Community Safety for its inquiry into the bill. I thank my colleagues, the Attorney-General and Minister Stephen-Smith for their commitment to this reform. I thank the team in my office who have shown great patience and clarity in the detailed policy work required for these reforms. Anything worth doing is worth doing together as a team. Most of all, I thank the researchers, the service providers, the community advocates and the people with lived experience who have so generously committed to years of work to achieve this result.

MS ORR (Yerrabi) (11.35): I am proud to rise to support the Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023. This bill has a simple objective: to keep children aged from 10 to 13 years out of prison and the criminal justice system by raising the minimum age of criminal responsibility to 14 years. It is a bill that I urge every member here to support.

Following the 2020 election, the ACT government committed, in the Parliamentary and Governing Agreement of the Tenth Assembly, to raising the minimum age of criminal responsibility. The bill we are debating today represents a significant body of work to support this important reform. A raised minimum age of criminal responsibility is a key commitment for this government. It is also an important demonstration of our work in following through and delivering for the ACT.

Raising the age requires significant and complex reform, and progress made to this point reflects years-long processes of sustained support and hard work. We know that children and young people aged between 10 and 13 years who engage in harmful, risky or violent behaviour often do so because of trauma, abuse, neglect, homelessness or unmet disability or mental health needs. This bill brings forward amendments that will help to address these risk factors to support young people rather than criminalise them.

Exposing children and young people to the criminal justice system can have a significant impact on their neurological and social development. It can also result in devastating lifelong interactions with the justice system. The existence of a minimum age in justice systems recognises an age below which children are not able to form criminal intent when engaging in harmful behaviour. In these circumstances, a criminal justice response is neither appropriate nor effective.

Raising the minimum age of criminal responsibility is a vital reform. It has received strong support from across the ACT community and reflects widely accepted medical evidence about the developmental capacity of children under 14 years of age. This reform brings ACT law into closer alignment with international norms and human rights obligations. Most significantly, it promotes the health and wellbeing of children and young people as well as the safety of our whole community. For these reasons, raising the minimum age is a significant reform that represents important social progress for the ACT.

Evidence shows us that locking children up makes them more likely to offend again and causes lifelong harm. Primary detention increases the risk of mental illness, disrupts education and affects psychological development. It even increases the chance of early death. Every child should learn from their mistakes and be supported to take responsibility for their behaviour. If a child does something seriously wrong, we need to help them reflect on their actions so they have a fair chance to develop into responsible adults, and we know that locking kids up in detention centres does not achieve this.

Raising the minimum age of criminal responsibility also forms part of a broader focus on building a better system for all children, young people, families and the community. Our work to progress this reform is underpinned by input from experts, stakeholders and the community. This includes an independent review led by Professor Morag McArthur, completed in August 2021—a community consultation process that received 52 submissions and targeted consultation in October and November 2022. This process confirmed the community's support for reform and informed the bill's development. The government has also supported this reform through the 2023-24 budget, committing funding to support the new service response needed for implementation. As we heard in feedback from experts and the community, these services, including the Therapeutic Support Panel, will be crucial for ensuring successful reform.

The bill we are debating today outlines ambitious cutting-edge reforms to deliver on a key priority of the ACT government. It also supports the delivery of other important commitments. The disproportionate impact of involvement with the criminal justice system on Aboriginal and Torres Strait Islander children causes extensive damage and demands urgent action. We cannot hope to close the gap while we have laws that criminalise children, especially Aboriginal and Torres Strait Islander children. Rather than facing criminal charges, these children need early support programs to improve their wellbeing so they can go on to live healthy and productive lives.

The National Agreement on Closing the Gap identified the critical need to address the overrepresentation of Aboriginal and Torres Strait Islander young people and adults in the criminal justice system. The national agreement outlines the following targets to

direct reform and monitor progress: target 10—by 2031, reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent; and target 11—by 2031, reduce the rate of Aboriginal and Torres Strait Islander young people aged 10 to 17 in detention by at least 30 per cent.

We know that Aboriginal and Torres Strait Islander children and young people continue to be overrepresented in the youth justice system. The service system arising from this reform needs to reflect principles of self-determination, strong engagement with community-controlled services and culturally confident staffing practices. This reform aligns with a commitment to improving community health and wellbeing through the ACT Wellbeing Framework. The framework is helping to establish a more holistic understanding of health and wellbeing to inform government decision-making and investment.

Importantly, children and young people are identified as a priority cohort under the Wellbeing Framework. Raising the minimum age of criminal responsibility is another way this government is responding to the needs of children and young people. We know adolescence is a vital window for learning and development. This reform bears the potential to improve wellbeing for our most vulnerable children and young people by responding to the effects of earlier adversity or unmet needs.

As members here today vote on this bill, I urge you to consider the children you know and ask, in a simple and commonsense way: does it make sense to apply adult criminal responsibility to a 12-year-old who attends after-school care because they are not quite ready to be at home alone, and does it make sense that a child in primary school who still has a morning fruit break to help with their concentration can receive a sentence of detention? This notion sits uncomfortably with me and our community. I truly believe we can do much better in responding to the needs of children with complex behaviour. Your support for this bill is a critical step in building a system that supports a stronger future for our most vulnerable children.

MR BRADDOCK (Yerrabi) (11.42): I wish to express my support for the Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023. I will talk much further during the detailed stage of debate about my amendments and how they improve the proposed bill from a human rights perspective. These amendments are improvements to the bill, and my support for the bill is not contingent on them being passed. The bill, as proposed, is a massive step forward in changing the lives of those young people who come into contact with the criminal justice system. My colleagues have talked at length on the benefits of the bill, and I do not wish to repeat those arguments right now.

I would like to recognise the hard work that Shane Rattenbury and Emma Davidson have done to put before us here today this nation-leading reform that will transform lives. We would not have achieved this change without their continued leadership over a number of years on this issue. They, of course, did not do it in isolation, with significant contributions from their staff, advocates, community groups and the legal sector. All of these groups should be acknowledged and thanked for their hard work and effort in this area. I would also like to thank everyone here today who is supporting this bill and making this transformative change here in the ACT.

There are some people, in particular, that I would like to thank, including the late Sophie Trevitt, from Change the Record and Lawyers for Human Rights, who was a powerful force in advocating for this change, and Indra Esguerra, from the Justice Reform Initiative and formerly part of the Greens team here in the Assembly, who was also critical in supporting this change. To all I have mentioned: thank you for your work. Now let's make the good thing happen.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.43): I want to take the chance today to speak in support of the Justice (Age of Criminal Responsibility) Legislation Amendment Bill. I want to acknowledge the years and years of work that has been done in this space by Minister Rachel Stephen-Smith and the previous Attorney-General, Gordon Ramsey, and, of course, more recently by Attorney-General Shane Rattenbury and Emma Davidson. In addition, I want to acknowledge the decades of advocacy and pushing by advocates within the sector—and, of course, many of those are in the room today, watching this bill hopefully pass through the Assembly and become law.

This bill will continue the government's reforms to protect the rights of our children and young people. If a person engages with the criminal justice system as a child, it has a long-term impact on their life that can be devastating. The evidence is clear that this is the case. By raising the minimum age of criminal responsibility from 10 to 14 years of age by 2025, the trajectory for some of our most vulnerable children will change for the better.

Criminal behaviour does not happen in isolation. No child grows up with a plan to do the wrong thing. Children are not evil people. Every child and young person who interacts with the criminal justice system has a story, and usually it is because something is going wrong in their life. Trauma, neglect and abuse are just some of the reasons that increase the chances of a child interacting with the criminal justice system. These children have been exposed to things that no child should have been exposed to or have had to experience. As a government and as a community we all have a responsibility to ensure that there are supports in place to help prevent people from offending in the first place.

In my opinion, children belong in school and in playgrounds. Positive life outcomes for children and young people depend in many ways on their access to a great and secure education. The government's goal is that all children, regardless of their circumstances or their backgrounds, have access to an excellent education—and this has always been my priority. Working to ensure that every child can engage with their learning regardless of their circumstances means that they get the same chance—the same equal chance—at a happy and good life.

Our vision is that an education system equips all children and young people with the knowledge, skills and understanding to embrace opportunities and face the challenges that they may encounter as they go through life. Initiatives, including flexible education settings, will be provided, and these will significantly contribute to improving the lives of young people. We will continue to explore alternate education

settings for students if a mainstream setting is not tenable, because every child learns differently, and we will deliver education to children in a way that works for them and their families. I will always advocate for the importance of education to improve learning, wellbeing and future outcomes for children and young people to broaden their horizons, to achieve their dreams, to grow up and to be whatever they want to be.

We must have a multidisciplinary wraparound approach to supporting children and young people who have had interactions with the criminal justice system. I welcome the bill's promotion of the right to family and culture. This is vital. Family and cultural connections are disrupted when young people interact with the criminal justice system. This bill ensures a child or young person receives referrals and a plan that respects their religion, their language and cultural practices.

The bill, I reiterate, focuses on protecting the rights of children and young people. These changes will support highly vulnerable children and young people who interact with the criminal justice system at an early age. But, most importantly, it reflects on our understanding, as I said, that children and young people do not grow up with a desire to do the wrong thing.

We all have a responsibility to work together to support every child and young person to have a happy, fulfilling life, and I appreciate the Attorney-General's work to help deliver on this. I join again with my colleagues in thanking the advocates and community stakeholders and officers in the Justice and Community Safety and Community Services directorates. Contributions and advocacy in this space are helping to establish the positive legislative and service change for children and young people and their families in the ACT. As I said, this will change lives. I wholeheartedly support this bill and I commend it to the Assembly.

Debate interrupted.

Visitor

MADAM SPEAKER: Thank you. Before I give the next call, can I just acknowledge in the gallery the former Attorney-General, Mr Gordon Ramsey. Welcome back, and I understand your connection to this bill. It is good to see you here.

Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

Debate resumed.

DR PATERSON (Murrumbidgee) (11.49): I want to speak very briefly in support of the Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023, which raises the minimum age of criminal responsibility, and say that I strongly support these reforms. The bill will raise the age to 12 years, seven days after the legislation is notified, and to 14 years on 1 July 2025. When the minimum age of criminal responsibility is raised to 14 years, a child under 14 but over 12 will be able to be prosecuted only for a few very serious offences. These offences are listed in the new schedule 1 of the Criminal Code. These offences include murder, intentionally

inflicting grievous bodily harm, sexual assault in the first degree and an act of indecency in the first degree.

The bill introduces a therapeutic framework for the support and treatment of children and young people who engage in harmful behaviour. It establishes the Therapeutic Support Panel for children and young people and introduces intensive therapy orders and community-based sentencing options of a therapeutic correction order for children and young people up to the age of 18.

I want to express my great thanks to Minister Stephen-Smith, Minister Rattenbury and Minister Davidson for their hard work on getting this bill to this point today, and I acknowledge that this is a landmark day in our nation and in Canberra leading the way in an approach that we take to children and young people who may come into contact with the criminal justice system. This is about building a better system that will ultimately have better outcomes for all.

I was a member of the JACS inquiry into the bill, and I would like to thank all of those who contributed to the inquiry. I have to say it was personally very interesting, as I have a 12-year-old and a 14-year-old—so a lot that was said was directly relevant.

I will briefly note that I was disappointed that the government response to the inquiry was tabled only yesterday. I have sat here trying to scramble to get a copy, because there were some aspects of that inquiry that I thought were really important and I was keen to know how they were going to be addressed.

I want to speak to two recommendations of the committee inquiry. One is recommendation 4, which says:

> The Committee recommends that the ACT Government expand Section 501Q (1), Part 14A.3 – Referrals to Therapeutic Support Panel of the Bill to include additional behaviours, such as cruelty towards animals, arson, and starting bush fires, as a precursor for referral to the Therapeutic Support Panel.

I was glad to see that that was agreed. An amendment will be made or has been made to expand the referral criteria, which will include a reference to engaging in harmful conduct that is serious and significant. This will make it clearer that harmful conduct that is serious and significant but not clearly captured by the category of harm to a child or young person themselves—including cruelty to animals, and significant property damage, like arson or starting bushfires—is relevant as a referral pathway.

I would also like to note recommendation 15 of the committee, recommending that:

> … the ACT Government ensure protections are accessible to victims of domestic and family violence from children under the minimum age of criminal responsibility.

I was very glad to see that that recommendation was agreed and that protections will be in place in referrals to the panel for a child or young person that is engaged in family violence behaviour and that police will still have the same powers for immediate response to intervene and protect victims.

Ultimately, this is about how we support and engage with young people who engage in harmful behaviour in our community. These fundamental changes will have a profound impact on the lives of the children and young people and on our youth justice system. We want to divert children and young people from this system. That is where the vital role of a therapeutic response is so important in working with these young people. This bill is nation-leading in how we respond, and it is a proud day for our jurisdiction.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.54), in reply: I thank all the members for their contributions to the debate today. The passing of the Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023 commences a momentous change in the ACT justice system. Passing this legislation to raise the minimum age of criminal responsibility from 10 to 12 and then 14, means that we are leaving behind an out-of-date system that would see children as young as 10 charged with crimes and entering the criminal justice system.

At the core of this change is the knowledge and understanding that this is not how we should be treating children. It does not help them. It does not help the community. It is the wrong way for us as a society to approach criminal justice and to care for young people. Passing this bill reflects our improved understanding as a society of children and young people, their development, their needs and the motivations behind any harmful behaviour they engage in and our improved understanding of how we can work to support children and young people to reduce such behaviour and keep our communities safer.

The bill which we debate today is the result of many years of research, analysis, listening to our experts, and listening to our community. Since the bill was introduced into the Assembly in May this year, the Standing Committee on Justice and Community Safety has held and reported on an inquiry into the bill. The government has carefully considered all of the recommendations made in the committee's inquiry report and made a number of changes to improve the operation of the bill, including the following.

Recommendation 15 of the standing committee's inquiry report called for the ACT government to ensure protections are accessible to victims of domestic and family violence from children under the minimum age of criminal responsibility. The bill provides that ACT Policing, ACT Courts and Tribunal and other relevant entities will be able to refer a child or young person under the new, raised minimum age of criminal responsibility to the Therapeutic Support Panel, where the child or young person has engaged in family violence behaviour, such as physical violence or abuse, sexual violence or abuse, emotional or psychological abuse and stalking.

The alternative service response provided by the bill has been constructed so that children and young people aged 10 to 13 who engage in harmful behaviours may be subject to measures to prevent them from causing harm to themselves and others. Police will still have the same powers as they currently have to intervene to protect members of the community, including powers to arrest and detain a child or young person aged between 10 and the age of criminal responsibility where the child or young person is carrying out or is likely to carry out conduct that would otherwise be

an offence, or where the child or young person has already injured someone, or there is imminent danger of injury to a person because of the child's conduct.

The government is moving amendments to the bill in relation to the Victims of Crime Act 1994 to ensure clarity around eligibility of victims' dependents for support, and to ensure the victims' rights, including the right to privacy, are protected and respected. The government is also moving amendments to current provisions in the bill to clarify that any harm statement provided by a victim will not be given to a child or young person unless the victim agrees.

The government has very carefully considered recommendation 21 of the committee's report, which proposes that the bill be amended to ensure that ACT Policing retains search warrant powers when interacting with the parents and guardians of young people under the age of criminal responsibility so that property can be seized if required for public safety or to return stolen goods. Police have a range of existing search and seizure powers that they may currently use for children under the age of 10, and which they can utilise in relation to 10- and 11-year-olds when the minimum age of criminal responsibility is raised to 12. The government will work with ACT Policing and the Director of Public Prosecutions to consider any further changes required to support police in their interactions with 12- and 13-year-olds when they are impacted by this reform from 1 July 2025.

The government has also strengthened the operation of recruitment offences in the act through the government amendments we move today. We already have a number of offences in the ACT which prohibit people over the minimum age of criminal responsibility from using or inciting children and young people under the minimum age for criminal activity. Amendments have been made to key definitions to make certain these offences apply as the minimum age of criminal responsibility is raised.

I will turn to the main elements of the bill in brief detail, because they are quite complex, especially because the bill needs to establish a sound alternative support system for children who are diverted from the criminal justice system. At its core, this bill will raise the minimum age of criminal responsibility in the ACT, first to 12 years of age at commencement of the bill and later, in July 2025, to 14 years of age, so that children and young people aged 10 to 13 years who are engaged in harmful behaviour will no longer be subject to a criminal justice system response.

Research shows that diverting young people from the criminal justice system and instead providing support to address their individual needs, results in fewer young people continuing to engage in criminal behaviours throughout their lifetime and contributes to the broader safety of our community. Studies have also shown that the younger children are when they encounter the criminal justice system, the more likely they are to reoffend.

The alternative framework created by the bill includes the introduction of a new Therapeutic Support Panel to provide an independent, multidisciplinary decision-making forum responding to the therapeutic needs of children and young people who display harmful behaviour. This will ensure a child or young person is diverted from the criminal justice system and provided with services to identify and

support their therapeutic needs, to protect the safety of themselves and others, and to improve their overall wellbeing.

The bill makes changes to legislation to ensure that victims remain eligible to apply for financial assistance and other support where they have been harmed by a child under the minimum age of criminal responsibility, ensuring that these important entitlements remain in place to recognise and address harm.

Clause 93 of the bill inserts new section 801 of the Criminal Code 2002, mandating a statutory review of the operation and effectiveness of all amendments made by this bill. The review will be undertaken five years after the minimum age of criminal responsibility is raised to 12 years and approximately three years after it is raised to 14 years. The minister is required to present a report of the review to the Legislative Assembly before the end of six years. This will enable sufficient time to have passed to test the new laws and the new service system and to collect sufficient data and evidence to inform a comprehensive and meaningful review. This accords with recommendation 3 of the standing committee's inquiry report and is an important measure to ensure that the amendments are operating as intended and assist the government in identifying any further areas for improvement.

Since the bill was introduced into the Assembly in May this year, the Northern Territory has commenced its legislation to raise the minimum age of criminal responsibility to 12 years. The ACT has participated, together with other Australian jurisdictions, in the work of the Age of Criminal Responsibility Working Group to prepare a report to the Standing Council of Attorneys-General on raising the age of criminal responsibility to facilitate a national approach to this issue.

I am proud of the ACT's contribution to this national work, but I am most proud that the ACT has worked so hard to ensure that the children and young people in our community will very shortly be able to access the support they need to address the underlying causes of harmful behaviour and be redirected on to a healthier and safer pathway. I am most proud that we will enable this to occur not only for children and young people aged under 12 years but also, in the near future, for young people aged 12 and 13 years.

As others have, I want to take this opportunity to thank many who have contributed their expertise and efforts to making sure this bill is going to operate effectively and fairly for our children and young people and for our community. I thank the Standing Committee on Justice and Community Safety for its inquiry into the bill. I thank the stakeholders who we consulted with many, many times, over years, for continually coming back to work with ideas and improvements and to ensure that this bill is the bill that this community needs.

I thank my Assembly colleagues, particularly Minister Stephen-Smith and Minister Davidson, for their work on this historic bill. It has been detailed and complex and there have been many elements to consider, but I think we have achieved what we set out to, which is to produce the reform, and to produce it in a way that will make a lasting impact for our community.

I particularly want to thank the directorate officials, particularly those that I work with in the Justice and Community Safety Directorate but also those in the Community Services Directorate. This has been a whole-of-government effort. As we have seen from the discussion in the chamber today, this cuts across many areas of government, but those two directorates, in particular, have really done the leg work on getting this bill together, partnering with other colleagues across government to make sure that this comprehensive reform joins all the dots, does not have any inconsistencies and is thorough and well thought through. They have been diligent; they have been detailed; and they have shown real determination to get this complex reform across the line. I also want to thank the team in my office, especially Matt, Lewis and Kate. Like other ministers, we rely on our staff to really get the work done, and they again have worked diligently themselves, and across the offices, to build a very collaborative approach to this.

As a member of the ACT Greens, I can say that we took this issue of raising the age of criminal responsibility to the election in 2020. This is one of those moments where it is great to see a commitment being turned into reality. When you go to the election you have these great aspirations, and the great privilege of being elected to this place is that you get the opportunity to move forward on those ideas that have been taken to the poll.

I also want to take a moment to pay special tribute to the late Sophie Trevitt, who passed away this year, much too young. She was a tireless and committed campaigner for raising the age of criminal responsibility. She could articulate the issue from an intellectual point of view with great rigor, great understanding and great insight as well as great depth, and you could not question her intellectual argument. But she also brought to it extraordinary personal experience from having worked as a solicitor with young people in the Northern Territory. She understood in a very personal and detailed way the importance of these reforms, and I acknowledge her advocacy in particular as we pass this bill.

There has been much said about the bill today. Let me simply conclude, in hopefully a very short summary, with what this is all about. Passing this bill will have profound impacts on the lives of our most vulnerable children and young people, and support the overall safety and wellbeing of the wider ACT community for years to come. That is why I commend this bill to the Assembly.

I table a revised explanatory statement.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Debate (on motion by **Ms Stephen-Smith**) adjourned to a later hour.

Sitting suspended from 12.07 to 2 pm.

Questions without notice

Mental health facilities—security

MS LEE: My question is to the Minister for Mental Health. Minister, last week during question time you were asked whether you were aware of any patients from ACT mental health facilities who were on approved leave that were either missing or uncontactable, and you answered, "No." In recent days, media have published articles reporting that 31 patients absconded from mental health facilities over the past year. Minister, how are patients managing to abscond from a secure facility? And how come you do not know?

MS DAVIDSON: I thank the member for the question. As part of recovery and transition back into the community, people who are in mental health facilities sometimes have leave approved in order to undertake therapeutic activities that will help them with attending to the activities of daily living as they prepare to go home. For example, it might be things like visiting family and friends, attending appointments, education and things like that. In only two per cent of cases do inpatients actually abscond, so it is a very small number of people that we are talking about here, and it is not something that is happening in the kinds of numbers that the member is trying to make it sound like.

MS LEE: Minister, I ask you again: are there any patients currently missing? If yes, how many?

MS DAVIDSON: Not that I am aware of.

MS CASTLEY: Minister, how long, on average, have the 31 patients who have absconded spent out in the community before returning?

MS DAVIDSON: Thank you for the question. Some people are back late from leave because they might have missed a bus, because the appointment that they were attending took a bit longer than they were planning or because something unexpected happened while they were on leave. This can happen to people who are attending appointments or are doing things in the community, whether they are a person who is on leave from a facility or not. It can happen to all of us. In the vast majority of cases, it is not an issue and people are contacted and do return from leave. It is not always the case that the same cause or the same outcome happens.

Mental health facilities—security

MS LEE: My question is to the Minister for Mental Health. Minister, we have heard from families of patients in Canberra's mental health facilities concerned about the safety of their loved ones who may have accessed illicit drugs like heroin and ice whilst on leave as admitted patients or under mental health orders.

Minister, what measures are in place to protect patients in your mental health system from accessing illicit drugs?

MS DAVIDSON: I thank the member for the question. Our forensic mental health facilities do provide care for people with complex mental health needs, and that might

sometimes include people who also have drug and alcohol substance issues. We see that in forensic mental health facilities across the country, so Canberra is not unique in that way.

The team at Dhulwa work very hard to ensure that there are appropriate treatment plans and behavioural management and risk management plans in place for all the people in their care, based on their individual needs, and that staff are resourced and supported to undertake this work. They are also working with people who are more likely than the rest of the community to have had some past traumatic interactions with police, so the forensic mental health team at Dhulwa take this into account when they are deciding how best to ensure safety for both the staff and the people who are in their care. If families have concerns, they can attend individual care planning sessions, with patient consent, or discuss this with Dhulwa team members directly.

MS LEE: Minister, what do you say to family members of patients whose loved ones abscond and access illicit drugs whilst away from ACT Health facilities and appropriate health care?

MS DAVIDSON: I thank the member for the question, but it sounds to me like she is suggesting that a program that works really well, and without issue in 98 per cent of cases of people who have complex needs, is not working well. That is actually not true. In 98 per cent of the cases, the system is working well, and people are able to receive good, therapeutic care—

Mr Parton: A point of order on relevance. The question was very specifically about the loved ones who do abscond and not about the percentage that do not. I would ask that the minister be relevant to the question.

MADAM SPEAKER: Could you come to that area of the question, Ms Davidson.

MS DAVIDSON: The reason why the system works so well in the majority of cases is that, if families have concerns, they can attend individual care planning sessions, with patient consent, to discuss with the Dhulwa team members directly what is needed for therapeutic care for that individual.

MS CASTLEY: Minister, what impacts will the use of illicit drugs like heroin or ice have on the recovery prospects of patients with complex and severe mental health conditions?

MS DAVIDSON: I thank the member for the question. As I was saying earlier, the forensic mental health facility at Dhulwa does deal with people who have complex mental health needs and, sometimes, co-occurring drug and alcohol issues. That is why staff work so hard to ensure the treatment plan for the individual takes into account the complexity of the individual's needs and why they think about how the behaviour management plans and the risk mitigations work for the individual—making sure they are ensuring the best possible safety for staff and other people in their care at the same time.

Mental health facilities—security

MS CASTLEY: My question is to the Minister for Mental Health. Minister, I understand that not all people in mental health facilities are under mental health orders. However, Dhulwa is a forensic mental health unit for people who are likely to be involved in the criminal justice system and has been identified as the location of a number of violent incidents. Minister, when patients abscond from a health facility, does the government alert nearby community or community facilities and how long does that take?

MS DAVIDSON: I thank the member for the question. We have talked before about the processes that we go through when someone does not necessarily return from leave at the time they were expected to, and how it might be different if the person is under orders versus whether they are not. I note you are also specifically asking about Dhulwa and you are referring to violence at Dhulwa. I would note that the independent report into Dhulwa has resulted in an independent board that are looking at how the recommendations for change are implemented, and that I have provided two reports to this chamber about how those recommendations have been implemented and that this includes—

Ms Castley: On a point of order Madam Speaker, on relevance. I was not asking about a report that has been done on Dhulwa. I was asking: does the government alert nearby community or community facilities and how long does that take?

MADAM SPEAKER: Ms Davidson, to that please.

MS DAVIDSON: That includes a review of leave procedures and processes. These questions have also been answered in detail previously with regard to the incident at ANU and that all of these are already on the record.

MS CASTLEY: Minister, has the government undertaken any assessment of risks to the community related to patients absconding from secure mental health facilities, given Dhulwa is located within a one-kilometre radius of multiple primary schools, pre-schools and aged care facilities?

MS DAVIDSON: As I was just saying, there is a review of leave processes currently underway.

MR PARTON: Minister, on how many occasions has the government lost track of patients from the secure mental health facility?

MS DAVIDSON: I refer the member to Ms Lee's question at the start of today's question time, in which she actually talked about the number of people who have absconded while on leave. So—

Opposition members interjecting—

MADAM SPEAKER: Members!

Arts—funding

MS CLAY: My question is to the Minister for the Arts.

Minister, I was concerned to read *Riotact*'s piece this week about funding levels and indexation rates for our arts organisations. I understand that 29 arts organisations recently received correspondence from ArtsACT that next year's funding indexation has been set at just 2.5 per cent and that the indexation will commence in July, not January as expected. That effectively means that they are getting an index of only 1.25 per cent for the year. CPI is around 5.4 per cent and rising. Other organisations, like the Community Services Directorate, are getting an index of 5.25 per cent. How did you decide on the indexation rate for arts organisations?

MS CHEYNE: I do not decide the indexation rates for arts organisations. This is a Treasury determination. I will be responding to those arts organisations with this information. But the funding deeds provided to the arts organisations state that CPI would be available from 2024, if available, and to be determined by the territory.

Opposition members interjecting—

MS CHEYNE: Madam Speaker?

MADAM SPEAKER: Members, please. If the central table can remain silent.

MS CHEYNE: The 2.5 per cent is a projection and Treasury will update that in February or March. Indexation arrangements are also considered in each budget, including for arts organisations. Unlike the community sector and their relevant award, there is no clear or singular award rate for artists and arts makers. Community sector funding is from a different arrangement, being service funding agreements.

MS CLAY: Minister, how does an indexation rate that is less than half of CPI match up with the government's remuneration principles to ensure that artists receive fair pay for their work?

MS CHEYNE: I thank Ms Clay for the supplementary. Government funding is just one way that arts organisations support and remunerate people who work for them. Funding from the government goes to support operational costs and it contributes to the delivery of activities. But, of course, we do expect and encourage arts organisations to leverage funding to explore and secure a diversity of revenue sources, including raising funds through their own activities, venue hire, sponsors and other government funding.

MR BRADDOCK: Did ArtsACT previously indicate that funds would be indexed and increased in January 2024, not July 2024?

MS CHEYNE: Not to my understanding. My understanding is that the funding deeds provided to arts organisations state that CPI would be payable from 2024, if available, and to be determined by the territory.

ACT Ambulance Service—response times

MR MILLIGAN: My question is to the Minister for Police and Emergency Services. Minister, recently I was contacted by a member of the public who shared a story about their father, who was suffering a suspected heart attack at a local shopping centre and had to wait an hour for an ambulance to take him to hospital. Fortunately, this man survived on this occasion, but an elderly person waiting so long for an ambulance is unacceptable. The 2023 *RoGS* data shows that ambulance wait times in the ACT have been steadily worsening since 2014-15. Minister, what is causing these extensive delays in ambulance wait times and what is being done about it?

MR GENTLEMAN: I thank Mr Milligan for the question. I have not been made aware of an hour wait time for a suspected heart attack. That would be quite extraordinary. I will certainly take that on notice and make inquiries.

Our ambulance response times are the best in the country. We have continued to invest in our fantastic paramedics across the ACT, in budget after budget, and not just in paramedic numbers but also in new equipment, facilitating the ability for them to work safely in their chosen career. They do a fantastic job. As I mentioned, the response times are very quick. I am not aware that there has been the delay that Mr Milligan mentioned, but certainly I will look into it.

MR MILLIGAN: Minister, when can the people of Canberra expect the wait times for ambulances to improve?

MR GENTLEMAN: They are the fastest in the country. To improve on that will be the outcome of the investment we make in more paramedics, more stations and more equipment for paramedics into the future.

MRS KIKKERT: Minster, do you take personal responsibility for the deterioration in ambulance wait times?

MR GENTLEMAN: There has not been a deterioration. I think I have made that quite clear. We have the fastest response in the country. We will continue to invest. I certainly do take responsibility for the investment that we have made. I am very proud of the work that our paramedics do across the ACT.

ACT Ambulance Service—response times

MR MILLIGAN: My question is to the Minister for Police and Emergency Services. Minister, *RoGS* data from the beginning of this year shows that the ambulance-attended cardiac arrest survival rate has dropped from 63 per cent to 30 per cent since you became the minister. Minister, why has the cardiac arrest survival rate dropped by so much under your watch?

MR GENTLEMAN: I thank Mr Milligan for the question. Of course, particular responses from paramedics to particular circumstances will vary, depending on the number of people and the particular call-out, and it can vary from year to year.

MR MILLIGAN: Minister, how have the long ambulance waiting times contributed to this fall in ambulance-attended cardiac arrest survival rates?

MR GENTLEMAN: I have mentioned that the ambulance wait times are not significant at all. They are quite responsive. This does show up in *RoGS*. In regard to the particular event that Mr Milligan has mentioned, I will certainly investigate that and take it on notice.

MRS KIKKERT: Minister, how have the long hours worked by ambulance officers contributed to the fall in the ambulance-attended cardiac arrest survival rate?

MR GENTLEMAN: The long hours that our paramedics put in actually assist in achieving the necessary outcomes that we want to see for Canberra. They do do long hours; there are 14-hour night shifts which quite often extend well beyond the 14 hours so that they can complete their tasks and provide the service necessary for the Canberra community. We have had strong discussions with our paramedics about changing the roster that they have at the moment. I think that the 14-hour night shift is too long, and we would like to see that reduced to perhaps one night shift in a block period. We are working with paramedics at the moment to work through those roster changes. I want to see them in a far better position than having to work for 14 hours or even more on a night shift. But, during that time, they are on the job keeping Canberrans safe.

Education—early childhood and care workforce

MS ORR: My question is to the Minister for Education and Youth Affairs. Minister, can you update the Assembly on the ACT's early childhood workforce strategy?

MS BERRY: I thank Ms Orr for her interest in this issue. Last month, I launched the ACT government's first ever early childhood education and care workforce strategy. The strategy outlines the ACT government's vision for a well-supported, highly valued and highly skilled early childhood education and care workforce. It includes a range of actions to be delivered over a few years. Some of these actions are already well underway. Last week, as members will recall, I introduced a bill into this Assembly which, if passed, will make the ACT the first Australian jurisdiction to enshrine into law access to two years of quality early childhood education prior to formal schooling. The bill will also enable the professional registration of early childhood teachers with the Teacher Quality Institute. This is a significant step in building the recognition and professional standing of early childhood teachers in the ACT. These and other actions in the ACT's early childhood workforce strategy build on national reforms and reflect on the current challenges facing the early childhood profession.

MS ORR: Minister, how will this workforce strategy assist in retaining and attracting more early childhood educators and teachers to the profession?

MS BERRY: For a few years, the ACT government has been providing scholarships of up to $25,000 for early childhood educators wishing to upskill. This workforce strategy will continue that existing program but will also deliver on new scholarships. These new scholarships include scholarships for Aboriginal and Torres Strait Islander staff working in our Koori Preschools, to increase their qualifications, but also include wraparound scholarships to bring additional people into the profession. These

wraparound scholarships will support individuals to flexibly study a cert III, diploma or degree qualification in early childhood education. They will include study financial assistance, paid leave and employer supports, as well as coaching and mentoring. In addition to this, the ACT government's three-year-old preschool program will give early childhood education and care services funding to invest in things like quality improvement, improved pay rates and conditions, and access to professional development and mentoring for staff.

At the end of the day, I know that pay is the biggest issue facing the early childhood profession right now. The research shows that pay for early childhood educators does not match the extensive regulations that are required and qualifications requirements, so our workforce strategy also includes a strong commitment that the ACT will continue to advocate nationally for improved pay and recognition for the early childhood profession.

DR PATERSON: Minister, can you please update the Assembly on the work towards implementation of universal free three-year-old preschool for 2024?

MS BERRY: I thank Dr Paterson for her interest in this matter as well. On Monday, I announced that 130 early childhood education and care services had signed on for the roll-out of free three-year-old preschool in 2024. This is the ACT government's biggest ever investment in the early childhood sector. More than 5,000 three-year-olds in 2024 will be eligible to access 300 hours of free preschool. This equates to about one day per week. It will deliver lifelong benefits for our littlest learners and it will also save families an average of $1,329 per child each year. The ACT government's investment of more than $50 million to deliver this program will increase the number of preschool programs delivered through early childhood education and care centres by degree-qualified early childhood teachers. Parents who want to enrol their child for the 2024 year should check the list of participating early childhood education and care services, which is available on the Education Directorate's website, and contact their preferred provider.

Canberra Hospital—paediatric intensive care unit

MS CASTLEY: My question is to the Minister for Health. Minister, the *Department of Paediatrics Organisational and Service Plan 2021-2023* said that the current case mix at Canberra Hospital would justify a level 1 paediatric ICU. The *ACT Child and Adolescent Clinical Services Plan 2023-2030* has an objective to establish "a dedicated area in the Intensive Care Unit (ICU) for the care of sick children" in the new critical services building.

Minister, is CHS implementing a level 1 paediatric ICU as recommended in the organisational and service plan 2021-2023?

MS STEPHEN-SMITH: What the ACT government did very clearly through the establishment of the Child and Adolescent Clinical Services Expert Panel in September 2022, was to task that panel, including its independent chair, Michael Brydon—who is a paediatrician with many years of experience, notably as chief executive of the Sydney Children's Hospitals Network—to have another look at the plan that Ms Castley has referred to that was previously done as well as at all of the evidence we have at the moment, and to come up with a new clinical services plan

for child and adolescent clinical services. We will be following the advice of the expert panel. That is why we asked the expert panel to do the work to look really closely at how we deliver the best care for the sickest children in the hospital.

One of the things Professor Brydon has talked about in undertaking this work—and we have had a number of conversations, and it was the topic of a lot of conversation in the group and with clinicians at Canberra Hospital—is the risk that when you establish an intensive unit specifically, you then de-skill your paediatric high care teams, and this has been seen in other jurisdictions.

Ms Lee: On a point of order. We have got less than 20 seconds left and the minister is not answering the question, which is very straightforward: is the CHS implementing a level 1 paediatric ICU, as recommended in the organisational and service plan?

MADAM SPEAKER: I think she is answering the question around the review of clinical provision.

Opposition members interjecting—

MS STEPHEN-SMITH: Madam Speaker, there will be dedicated beds in the ICU in the critical services building. What we need to do is ensure that we have people cross-skilled between both the ICU and the paediatrics team so that we do not end up in the circumstance where children get escalated to the ICU unnecessarily where they could receive that care in the paediatrics department.

MS CASTLEY: Minister, does CHS currently have staff specialists that are able to help in stabilising seriously unwell children?

MS STEPHEN-SMITH: Yes.

MS LAWDER: Minister, have all of the recommendations from the *Department of Paediatrics Organisational and Service Plan 2021-2023*, including the road maps and actions for year 2, been implemented?

MS STEPHEN-SMITH: I will take on notice to provide an update to the Assembly going through each of those actions. But, as I indicated in response to my first question, we referred that plan, along with a whole lot of other information, to the Child and Adolescent Clinical Services Expert Panel—chaired by the former chief executive of the Sydney Children's Hospitals Network, an experienced paediatrician—and a number of other expert panel members, including people who currently still work in the Sydney Children's Hospitals Network, as well as our own senior people and consumer representatives, for them to have a look at those recommendations and at other work that has been done and to talk, again, to all of our clinicians. Because while there were recommendations out of that particular piece of work, it has been clear for some time that not everybody in the clinical team supported all of those recommendations.

The opposition seem to be saying that we should have implemented every recommendation in a report, but they then would come back and say, "Well, why are you doing this, because X person over here doesn't agree with it."

Ms Lee: Madam Speaker, on a point of order. It is going to hypotheticals here. We are asking a straightforward question: have they been implemented or not? It is either a yes or a no.

MADAM SPEAKER: She is relevant to the question asked. Any more to add, Ms Stephen-Smith?

MS STEPHEN-SMITH: No.

Canberra Hospital—Obstetrics and Gynaecology Unit training accreditation

MS CASTLEY: My question is for the Minister for Health. The *Canberra Hospital workforce planning update August 2023* for the Obstetrics and Gynaecology Unit that you tabled shows that, as of September 2023, the unit recruited 2.1 full time equivalent staff, not including locums. The document also reveals that the unit hopes to recruit at least an additional 16.5 FTE between June and early February 2024. Given that the unit has only managed to recruit 2.1 FTE staff while losing 2 FTE staff between June and September, do you maintain that you have no expectation that the unit will lose training accreditation?

MS STEPHEN-SMITH: Yes, Madam Speaker.

MS CASTLEY: Minister, what is the cost of the additional locum staff that have been recruited for the unit until February next year?

MS STEPHEN-SMITH: I will take that question on notice. I do note for Ms Castley that when we undertake recruitment of medical staff it often takes quite a long time to onboard those people. People who are being recruited to a health system, if they are medical staff, generally have jobs somewhere else and they usually have to give notice at those jobs somewhere else. They might even want to see out a full year. They might have other commitments in relation to those; they might have upcoming surgeries or patients and they want to ensure they finish those lists. In addition, our recruitment extends to overseas recruitment. One of the challenges we have seen, across all jurisdictions in Australia—and it has been explicitly something that national cabinet has sought work on, and the health ministers have been working on through the health workforce taskforce and the review undertaken by Robyn Kruk—is streamlining those pathways for recruitment of overseas doctors because there is currently a very cumbersome process of multiple steps, both through immigration and through the health regulators, to bring those people onboard. So recruiting medical professionals takes time. While that is occurring you need to sometimes employ locums; that is how all health services across the country manage staffing shortages.

MS LAWDER: Minister, are you concerned that more staff will leave the Obstetrics and Gynaecology Unit given that you have failed to substantially increase the number of permanent workforce over the last three months?

MS STEPHEN-SMITH: We have undertaken a successful recruitment and as Ms Castley said in her first question, we also have locums on board. So the actual

number of staff in the unit has increased. There has also been substantial work within that unit to understand some of the challenges that they were facing, to work through those. There have been some changes in leadership and there has been a range of other work that has been done. So I am confident that this unit will not lose their training accreditation and I am confident that they are a group of clinicians that are working together to build a better and stronger culture that will continue to attract new staff. The only people who are undermining that are those opposite, who keep talking down this group of professional clinicians.

Community councils—government support

MR BRADDOCK: My question is to the Chief Minister. Chief Minister, the Weston Creek Community Council no longer has a decision-making entity in place, as no volunteers were found to take on the committee roles. The Molonglo Valley Community Council has decided it is not worthwhile to take up the new deed despite the increase in funding. What does the ACT government see as the future role for community councils in the ACT?

MR BARR: I thank Mr Braddock for the question. You are probably aware that the Standing Committee on Public Accounts provided some recommendations around grants management that have been accepted and put into place in relation to the latest community council deed of grant. The other important thing that the government has done is significantly reduce the meeting requirements for community councils to four meetings a year. I think that is a reduction of more than 50 per cent in the meeting requirement and, effectively, the burden on volunteers.

I do note, though, that surveys of the Canberra community indicate that just four per cent of the community have ever attended a community council meeting and it is the ninth-most preferred form of engagement with the territory government. So I think the nature of the organisations will need to change and the number of meetings significantly reduce.

MR BRADDOCK: Chief Minister, how does the ACT government support community councils' access to information and public servants to allow them to fulfill their roles?

MR BARR: Public servants are available to attend meetings and they regularly brief the executives of those community councils. But it is clear that the community has shifted dramatically in its preference for engagement and it is much more direct either with us as elected members in this place or with the bureaucracy directly and through digital and online forms. I think this is not unusual. I guess the 20th century town hall meeting is a relic of that century and people prefer to engage in other ways in the 21st century.

MS CLAY: How much additional money has the ACT government offered in its deeds to the community councils?

MR BARR: There is $104,000 in funding available each financial year and each has access to $13,000.

ACT Health—Digital Health Record system

MS CASTLEY: My question is to the Minister for Health. Minister, I refer to previous instances of Canberra Health Services incorrectly listing unrelated individuals as patients' next of kin. In May your office confirmed that this had happened eight times and was due to human error. I was recently contacted by a Canberra man who, on arrival at hospital, found his next of kin listed as a random person that he had never heard of. This same man was subsequently called about patients for whom he was incorrectly listed as next of kin—not once but twice. How many such mix-ups have now occurred and why do they keep happening?

MS STEPHEN-SMITH: I am aware of the matter that Ms Castley raises. That individual has also written to me, and we are seeking some further advice in relation to that matter. I will take Ms Castley's question on notice to see if I can get some updated information. I am also aware of somebody else who has raised an issue in relation to attendance at North Canberra Hospital and having an incorrect name recorded in the Digital Health Record for them—a name that they had previously used but no longer use. I am getting advice in relation to that as well.

I suspect this is also an issue in relation to the merging of records that occurred in the establishment of the Digital Health Record. There have been a very small number of these incidents. As I said, I will take on notice Ms Castley's question to get some specific information.

MS CASTLEY: Minister, how can you be sure that there have not been or will not be in the future other next of kin mix-ups which Canberra Health Services is simply unaware of?

MS STEPHEN-SMITH: The team has worked very hard to minimise any errors in these matters. Because I do not know the exact reason for the instance that Ms Castley raised, and that I was already aware of, I cannot comment on whether there may be other instances of this at the moment and how CHS can ensure that it is preventing this. When we have some further information, we can make more of a judgement around that.

MR CAIN: Minister, are these next of kin mix-ups related to the implementation of the Digital Health Record?

MS STEPHEN-SMITH: I thank Mr Cain for the question. As I indicated in my first response, I suspect it probably is related to the merger of patient records through the implementation of the Digital Health Record. As I also said, the team worked extremely hard to be very careful about how that was managed. Particularly where people have the same names and are similar ages, there may have been some errors. That is why I am very happy to come back to the Assembly with some information about whether that was an issue in this particular matter or whether it was an issue of pure human error, which of course occurs in every system that human beings are involved in managing and supporting, whether in the public sector or the private sector.

Homelessness services sector—procurement

DR PATERSON: My question is to the Minister for Homelessness and Housing Services. Minister, a process of commissioning for homelessness services has been undertaken. Can you please outline what this process has involved?

MS VASSAROTTI: I thank the member for the question and for her interest in this commissioning process. It is a very complex process, and it is a really different way that we have been looking at procurement for the specialist homelessness sector. We are one of the first subsectors within the human services sector that is doing this work, so it is a big process.

Through 2022, we worked with the sector in going through a process of analysing the sector and identifying key issues for the sector, such as how the service system was working. We looked at the different types of services that were being provided and tried to identify what was working well, where there were service gaps and where we needed to respond to emerging need.

When we got to the end of that process, we had a number of listening reports that we put out. We also put out a homelessness strategic investment plan, which outlined a range of different approaches that we would take to the procurement process. Throughout this year, we have been working through that process, in terms of the different strategies. We have been doing direct sourcing for a number of organisations. That includes nine grants that have been completed, with two grants in negotiation. Two grants have been completed in relation to select grants. For open grants, there have been two grants released, and both are being evaluated. For open tenders, there are five tenders in total. Two have been released; one is due to be released shortly; and two will be released in February and March. There are a number of other services that have had an extension as we do some further co-design work.

DR PATERSON: Minister, what will be the outcomes of this work for Canberrans at risk of or currently experiencing homelessness?

MS VASSAROTTI: I thank the member for the question. We are trying, through the commissioning of the specialist homelessness services sector, to ensure that we have an integrated and linked-up service that is responding to the needs of people who are experiencing or at risk of homelessness. We have a range of tailored services that are working with people with very high levels of vulnerability, and who have tailored needs and requirements. A number of organisations are responding to cohorts such as families, and women and their children fleeing domestic violence. We have a range of gender-specific services. We also have a range of emergency accommodation, support services, food services and outreach services. We are aiming to have an integrated service sector that is responding to both current and emerging needs.

One of the great things with the commissioning process and working around co-design is that we are strengthening the connections within the service sector. We are also trying to link in very much with the rest of the human services sector. We recognise that, in the specialist homelessness services sector, many of the issues and vulnerabilities come from the requirement to have support from other parts of the

human services sector, whether it be mental health, support around drug and alcohol support services and the like.

MS ORR: Minister, when can we expect to see this work making a difference?

MS VASSAROTTI: Thank you for the question. We hope that we are seeing some of the outcomes of that right now. As I have identified, we have been working through the process of entering into agreements with services throughout this year. This is a rolling process. It has been a great process in relation to working with services in terms of the outcomes that they are achieving through their work with people that are experiencing or at risk of homelessness. We are seeing the results now, and we are continuing to work through this process.

We do have some additional work to do, and we are working with our services in terms of some of the further co-design work. Some of the key areas in which we are working in relation to that are around a centralised intake service and how that might connect with other parts of the human services sector, and looking at the work in terms of responding to people with complex needs. People accessing homelessness services generally have a level of complexity and trauma, just by virtue of being in that service system. We do recognise that there is a particular need on the part of groups within the community, and we are continuing to work with services to design the very best service system to respond to those needs.

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.

Parks and conservation—fire trails

MR MILLIGAN (Yerrabi) (2.43): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) that on 20 September 2023, the ACT Government claim reported in *The Canberra Times* that "… the ACT is more prepared in 2023 than in any time in our past";
>
> (b) that by the Minister's own admission during question time on Thursday 26 October, the reality on the ground would not support this ministerial claim, given the condition of the Namadgi National Park fire trail network today, that is post-Orroral Valley Fire of 2020, and excessive rainfall of the past two years;
>
> (c) critical fire trails remain either closed, not fully accessible to Rural Fire Service appliances, such as large flow trucks, and certainly not built and therefore maintained to the required standards, that only a band aid

approach to repairs and maintenance has been implemented nearly four years post 2020;

(d) that according to the Minister's response, they would not be able to get large equipment up to the higher parts of Namadgi National Park; and

(e) that Corin Dam is not accessible and so water supply to that area remains uncertain;

(2) further notes:

(a) an "articulated float" or flow truck means having a road network built to such a standard which allows a small dozer to be floated (transported) on the back of a large truck, thus allowing rapid response access to remote fires to quickly commence building fire containment lines; and

(b) that such a "roading standard" was a key recommendation from the 2003 McLeod fire inquiry; and

(3) calls on the ACT Government to:

(a) fully commit to reinstating the Namadgi National Park fire trail network, returning the network to its pre-Orroral Valley Fire 2020 accessibility status, as per *ACT Bushfire Management Standards* July 2023, section A3.9.4, *Standards – Fire Trails* (pages 97 and 98), including articulated float roading classification to ensure rapid access to remote locations within the Bimberi Wilderness area of the Park;

(b) reports to the Assembly on a quarterly basis, progress on the implementation of these fire trail repair works as per *ACT Bushfire Management Standards* July 2023; and

(c) report back to the Assembly by the final sitting day of 2023, on the status of the repair of the critical fire trails network in Namadgi National Park.

Today I am calling on the Minister for Police and Emergency Services to fully commit to reinstating the Namadji National Park fire trail network; to return the accessibility to its status pre the Orroral Valley fire of 2022, as per the standards; to report to the Assembly on a quarterly basis on the progress made to reinstate the fire trails; and to complete the repair works as a matter of urgency.

Canberrans love their bush capital. I love living in Bonner, in an area that is very close to bushland. Like many other Canberrans, I assumed that this government would have prioritised safety, with appropriate bushfire preparedness.

Last sitting, the minister stood up in the Assembly and assured all Canberrans that "the ACT is more prepared in 2023 than in any time in our past". I was therefore surprised to read an article in the *Canberra Times* the next day quoting Brett McNamara, who has over 30 years of experience in ACT parks. He stated quite clearly that not only is the ACT not prepared but the fire trails network is also in a shocking condition. Many areas in Namadji National Park remain inaccessible three years after the fires. Key fire trail roads and access ways are not up to standard. Much of the essential work to repair the fire trails after the 2020 fire events is still to be done. In my discussions with Mr McNamara, he raised some serious concerns that massive work is still required to be done.

The McLeod report in 2003 called on the ACT government of the day to ensure that all fire trails in the ACT were up to bushfire management standards. This means that all areas within Namadji National Park around the Cotter and Corin dams would be able to provide rapid access. Rapid access is important when fighting a fire so that you can get there with the trucks, the dozers and appropriate equipment and fight the fires as needed. Without this access, firefighters have to be dropped off kilometres away from where the actual fire is, and by the time they get there it is normally out of control, as happened in the 2003 fires.

Canberrans would have assumed, and I think rightly so, that the return of the fire trails to the same accepted standards would have been a matter of priority, but that is not the case. Looking at the bushfire map online, I was concerned to see a number of key fire trails and fuel breaks listed as under maintenance, needing to be upgraded, still in progress or in the proposal stage. Why has this essential work not already been completed? I am aware that we have had several winters of heavy rainfall, with significant flooding in many areas. However, I was advised that one of the keys things holding up the progress for fire trail renewal and maintenance is red tape. "The bureaucratic wheels have slowed everything down," was one of the comments I received.

Meanwhile, our fire trails still need repair and we have the potential for another disastrous fire season. By the minister's own admission last week, the fire trails are not in the same condition as they were prior to the 2019-20 fires. They are very much worse. Access is still difficult at the top of Namadji National Park for firefighting purposes. In fact, the minister stated that you could not currently get a float truck up the road to the Cotter hut, a key location for firefighting. Nor is the top of the Corin Dam accessible—another key location for firefighting purposes.

You would have thought that, if nothing else, making sure the water supply was fully accessible to fight fires would be on top of the priority list. I know that the minister is going to say we have helicopters. I have been reliably informed that helicopters alone cannot fight the types of fires we might expect and they would find it difficult to get to the Cotter Dam and Corin Dam catchment areas. Helicopters on their own cannot fight fires. They need the support of ground crew, fire trucks, bulldozers and all the tools that firefighters have available. That is why they are there. All equipment is needed to ensure the fire safety of the people of Canberra.

I asked a question last week about the water catchment area and security of the water supply. Again, the minister stated that there was plenty of water. He also mentioned that we are entering an El Niño event, as predicted by the Bureau of Meteorology. That was not of concern to the minister. The minister assured the Assembly that the moisture content in the soil and grasslands around the ACT would be there for several weeks, going forward.

The minister seems to be at odds with the advice that I have received that the intense 2019-20 fires caused several extremely dry summers that damaged the subalpine soil base which the water catchment area relies on. The soil type is not designed to burn, and especially not at the fire intensities that Canberra experienced in 2003 and again

in 2019-20. It takes a long time for this soil to rejuvenate to the point where it is able to retain the water needed to supply the dams that supply Canberra.

You can understand my concern, and why these fire trails are necessary. Canberrans need firefighters to be able to get to the national park quickly, efficiently and with all the equipment at their disposal. They need to protect the major part of our water catchment area that provides 80 per cent of the ACT's water supply. It is vital that this large area is maintained and cared for.

Every year, in our rates, we all pay the ACT government's $375 per household levy, to be spent on maintaining our fire safety. Our businesses are even paying more. Last year that led to a staggering $103.5 million of revenue. I understand that some of that money goes towards paying the wages of our firefighters and building stations and so on, but it would be interesting to know how much of that is spent on ensuring that our natural environment in the bush capital is kept safe from bushfires.

Under the Emergencies Act 2004, the ACT Emergency Services Agency is required to deliver a strategic bushfire management plan, spanning five years. The strategic bushfire management plan contains several themes, objectives and outcomes. Objective 8 of the plan, on pages 54 and 55, addresses the following: "Access for vehicles and firefighters to undertake bushfire fighting and fuel reduction." But we have heard that that access is not possible. This objective is obviously not being met.

The plan also states that it is the responsibility of the government to ensure well-maintained roads and trails, which are essential for a swift response and for community safety. Importantly, that makes it safer for firefighters to enter and leave a fireground. Again, we have heard that these are not in place in many areas of Namadgi National Park. Given the lessons learned from the 2003 firestorm and the following coronial inquiry, and the internal ESA review of the Orroral Valley fire of 2020 and various royal commissions, including into the 2019-20 bushfires, it should by now be well established that containing wildfires in remote locations relies on many tools in the fire managers' toolkit.

I have been advised that aerial support helicopters and air tankers—the minister's favourite response—need on-ground support, but that the deployment of remote area fire teams is only effective when there is a robust, fit for purpose fire trail network across our landscape. This provides access to rapid response for four-wheel, light and heavy vehicles, including earth-moving dozers, as a means of fire containment.

By the minister's own admission during question time last week, the ACT is not bushfire ready. Our trails do not meet the standards required. I therefore call on the minister to commit to reinstating the fire trail networks to the required standards as a matter of urgency. The ACT government cannot afford to be neglectful of Canberra's bush surroundings and water catchment areas. I call on the minister to report to the Assembly by the final sitting day of 2023 on the status of the repair of these critical fire trail networks in Namadgi National Park. Mr Braddock has circulated a series of amendments to my motion which the Canberra Liberals will be supporting.

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) (2.54): I welcome the opportunity to respond to the motion, again reaffirming the extensive efforts completed and well underway by the government to prepare and respond to bushfire incidents. I want to begin by acknowledging the community's interest in how the government works to reduce the threat of bushfires in the ACT and to maintain its management trail network to allow access by emergency vehicles.

The tragic bushfires that Mr Milligan mentioned, in 2003 and 2020, will continue to bring back negative memories for many Canberrans. It is therefore imperative that the government's preparations and actions provide reassurances that bushfire risks are known and addressed. While the Canberra urban area was spared the destruction that occurred in many other locations during the Black Summer bushfires, it is clear that Canberrans have deep connections across our region, including with many places that were severely impacted.

The ACT's management trail network is over 2,500 kilometres in length. Prior to the Orroral Valley fire in January 2020, the management trail network was managed in a prioritised manner that considers road purpose and condition, access and egress, localised conditions, risks and weather outlook. Prioritised asset management practices are crucial, considering our finite resources. These practices help us to focus our efforts on maintaining assets to the best of our ability, even when we cannot guarantee that the maintenance trail network will or can be maintained to the highest standards at all the times.

The ACT Parks and Conservation Service is currently completing a strategic review of the management trail network. This review is examining the standards and classifications of the network. It considers topographical, construction and financial constraints alongside best practice suppression measures and requisite environmental values. The outcome sought is the most appropriate future fire trail network across the PCS estate that balances all our objectives and constraints. In summary, what existed prior to 2020 is not an appropriate benchmark in what is a rapidly changing environment, with a need for careful consideration of need and likely future conditions. As our climate changes, the way we manage the environment will also need to change.

It is necessary that I clarify for the benefit of the Assembly that before the 2020 Orroral Valley fires the limit of access for an articulated float carrying a large D6 bulldozer was, and remains, the Ginini gate on Mt Franklin Road. Mr Milligan raised his concerns about not being able to get in to the top of Namadji. Mount Franklin Road, Ginini gate, is the top of Namadji. It is free to access by large float trailers and D6 bulldozers. That remains our access road into the top of Namadji. It is accessible. It has been all the way along. From that point, the bulldozer can be driven to the upper Cotter area and the Bimberi wilderness area. This is unlikely to change in future, as further articulated float access beyond Ginini gate would require overcoming very significant topographical, environmental and financial challenges.

Mr Milligan quoted the coroner's report of 2003. looking at access, particularly via float roads and dozers into the top of the park. What he does not understand is that there was quite a detailed inquiry after that time, which I was part of, where we had input from all Canberrans, including the National Parks Association, who were very

concerned about the increase of float roads in Namadji National Park damaging significantly plants and animals that were endangered. Therefore, there was a decision made by government after that to limit the access of some of those float roads to ensure that those endangered species could flourish and to spend the money in a different way.

The decision was to purchase and train for a RAFT capability—that is, a remote area fire team capability—where helicopters would take the RAFT teams into place where a fire was shown. The RAFT team would go down from the helicopter and put the fire out before it spread. If that had been in place before 2003 the devastation we saw from 2003 may well not have occurred. It is a very important point that we make there. I want to make sure that we can get into those areas where we need to, so we use both the ground appliances, the teams on the ground, but also our remote area fire teams. A further clarification is that the road beyond Ginini gate is suitable for a rigid float, which can carry a smaller but still highly capable D4 bulldozer. Such rigid floats with a D4 machine have long been and remain to this day a core part of the annual PCS fire resource pool.

The heavy and persistent rainfall and flooding associated with the extended La Niña climate event in 2020-23 caused damage to the 2,500-kilometre network of management trails. This was not a unique situation for the ACT. All land management agencies across the east coast have experienced the same sorts of impacts on their networks. In many cases, the inability to readily access some areas was the result of location-specific issues, where the erosive power of the water caused the road surface to wash away, making normal vehicular movements unsafe or impossible. I will stress "unsafe" there. It is important, as we send our incredibly talented fire teams out, to keep them safe as well.

There were less extreme impacts where the overall condition of the surface was compromised. However, it is a fact that none of these circumstances would have prevented rapid access in the case of an emergency, as powerful earth-moving machinery was and is available and prepared to make rapid repairs, if required, to enable fire vehicle access. Such rapid temporary repair action is not as desirable as measured, planned and sustainable repair work, and this is exactly what PCS continues to undertake.

With the drying trend emerging and pre-planned works programs now being implemented, network access is rapidly improving as the level of saturation across the landscape steadily reduces. PCS is implementing a program of prioritised works to ensure that the threat of bushfire can be managed to protect life, property and environmental values. The program of management trail repair works for 2023-24 prioritises works to protect the urban fringe and the water supply catchments, and to allow the mobilisation of heavy plant across the landscape in the event of a bushfire. Already this year, 270 kilometres of trail works have been completed. This approach has been developed in consultation with and is supported by the ACT Rural Fire Service. It is also prudent to acknowledge the valuable contributions that the ACT Rural Fire Service makes to our community.

Right now, work is underway up in the upper Cotter area leading to the Bimberi wilderness. Earlier this week, access through the first damaged section was completed, and works are now progressing further up the catchment. All of the damaged sections

that challenged access over the past couple of years will be restored by the end of November. These repairs will allow plant and equipment access to install permanent, resilient creek crossings that can withstand flood events far more effectively than what was in place before the 2020 fires. This is the "build back better" ethos that is driving PCS's planning and on-ground delivery of this important work.

More extensive resilience improvements on Namadgi management trails will be implemented in 2024 and beyond, using the Australia government's funding through the Black Summer Bushfire Recovery Program, and the ACT post-flood insurance funding. It is important to note that these works are carefully planned and prioritised to ensure that the highest risks are managed first. Like all jurisdictions, the ACT must take such an approach to manage within available resources and contractor and industry capacity, and to ensure that all required environmental and safety standards are met.

I take this opportunity to highlight the vital role that the management trails play, not only for fire management but also to enable the work of Parks and Conservation rangers, volunteer groups and others undertaking important scientific and threat management works. For example, the reinstatement of full access to all trails within Namadgi will facilitate important monitoring by Icon Water; research into the threatened Rosenberg's monitor being undertaken through the National Parks Association; and the ongoing weed control in the upper Cotter by PCS rangers and field officers.

The delivery of management trail maintenance and repair works is currently outsourced by the government to the private sector. A broad range of considerations are factored into this work. This includes acquiring key machinery, including a bulldozer and skilled staff, to improve the timely delivery of cost-effective fire response capabilities, and resilient trail maintenance and storm repair works.

I will just comment on Mr Milligan's comments in regard to the number of trails he has seen under maintenance. They are all under maintenance. We will continue to maintain those trails—all of them—as we go forward. It is appropriate that we do so.

I would like to note specifically that PCS is currently working on repairing damaged sections of Cotter Hut Road, which is the primary vehicular access road to the upper Cotter Bimberi wilderness area. When completed in the coming days, access to repair other damaged sections higher in the catchment will also be possible. This includes Lick Hole Road, which provides access to the headwaters of the Corin Dam, including the supply of water for firefighting.

Similarly, the strategic review has identified the continuing vulnerability of unsealed management trails to climate change driven fire and weather events, despite previous and planned efforts to increase resilience. The occurrence of sequential and cumulative climate change fire and weather driven storm events is predicted to increase in the ACT, with impacts on management trails likely to result.

Diversifying the existing fire vehicle fleet to overcome trail accessibility issues is an adaptation strategy that has been adopted in other jurisdictions and is now being considered in the ACT. One potential adaptation measure includes diversifying the

existing fire tanker fleet by acquiring a Unimog fire vehicle as a trial. These tankers have increased off-road water carrying and all-season capabilities, compared to the existing fleet. Over 50 of these tankers have been incorporated successfully into the Forest Fire Management Victoria fleet over the last seven years. I look forward to the outcomes of the PCS investigation into this option.

I have alluded to the community interest in bushfire management and the need to provide reassurance that the government is working to ensure the safety of all Canberrans, while protecting and maintaining our precious environment that supplies important ecosystem services to our community, including our water supply. To this end, PCS routinely reports to a range of government forums, such as the Multi Hazard Advisory Council and the Security and Emergency Management Senior Officials Group.

PCS also provides comprehensive public information on the annual bushfire operations plan, as well as updates on restrictions to access to parks and reserves as a result of weather or fire conditions. PCS also works closely with the Rural Fire Service across a range of planning, operational and public communication activities to ensure that Canberrans are well informed about what is being done to ensure their safety, and what role they need to play in an emergency. That is why I have asked all Canberrans to be emergency ready. In summary, I have confidence in the approach being taken by PCS, and I thank their dedicated team that is delivering this important work on behalf of our community.

MR BRADDOCK (Yerrabi) (3.08): This is an interesting and specific follow-up to three sequences of questions posed during question time on Thursday last week. The substance of this motion is very good, even if the flourish is a little bit more than is warranted. I would like to thank all parties in this Assembly for the fact that we have been able to collaborate and find suitable and reasonable amendments.

There is common agreement in this Assembly that the trails are not necessarily fit for purpose and that work is required to rectify this. There is also a legitimate question as to what level of bushfire risk the current status of the roads poses. I am keen to obtain further information on this. Because of the community concern about this issue, the Assembly deserves clarity on the nature and level of that risk.

What I believe we are seeing here is a disagreement between the government, speaking through the minister, and some subject matter experts, speaking through the shadow minister, regarding what access standards need to apply on which trails. Do the roads up to the back of the Bimberi wilderness need to meet the articulated float standard or is something else acceptable? How good is good enough? Perhaps more importantly, from the Greens' perspective, are the trails currently good enough for any purpose at all?

On reading this motion, my office reached out to the National Parks Association of the ACT. Ms Gallant, the former president, stated that, as of the last time she had information, a few months back, the situation in Namadgi National Park as described by Mr Milligan's motion was accurate. The current president, Ms Rosemary Hollow, agreed and was particularly keen to point out issues with the Naas Valley trail, which has been impassable for more than a year and has been directly inhibiting ecological

fieldwork. This includes the internationally recognised and ACT government-backed Rosenberg's goanna project.

Ms Hollow said that this project has been virtually on hold for more than a year because the Naas Valley trail is impassable to four-wheel drive vehicles. The essential weed control and pest management is also on hold. So we are not just talking about fire protection issues; this also affects environmental protection work. I seek leave to table a photo provided to me by Ms Hollow, which shows the condition of the Naas Valley trail in August this year.

Leave granted.

MR BRADDOCK: I table the following paper:

> Naas Valley Fire Trail—Copy of photo, National Parks Association of the ACT, dated August 2023.

As members can observe from this picture, the damage to the trail is so significant that even a mad keen mountain biker would struggle to get down the trail. This is the kind of damage that we are talking about.

I have also reached out to Greg McConville of the United Firefighters Union. Being someone who is an excellent representative of his members, he made a few phone calls and offered me some anonymised feedback. The essence of that feedback was much the same as what I had been told by Ms Gallant and Ms Hollow. It also added that aerial firefighting is excellent at slowing down a fire's spread but that actually extinguishing a fire requires getting into the area through the fire trails, which is what makes these trails so critical.

The poorer the state the trails are in, the more valuable time is wasted fixing them up to make them passable on the way in. And, because that work is done hastily during a fire it can cause fire trucks to get stuck, wasting even more valuable time in responding to an emergency. This was McLeod inquiry learnings 101. People who have been around the block on this issue are genuinely worried that we are making the same mistakes as in the lead-up to 2003. We need to acknowledge those concerns because they are legitimate and real. With climate change exacerbating natural disasters and making them more frequent, the concern only becomes more pertinent.

The McLeod inquiry does not offer us much advice on the exact standard for fire trail accessibility. The recommendations on fire access were that policy guidelines should be designed to identify and support a strategic network of fire trails on which an audit process is instituted for regular monitoring of the policy's effectiveness. The Emergency Services Bureau, now the Emergency Services Agency by virtue of inheritance, was then recommended to conduct a risk assessment to determine fire trail access and maintenance needs across the ACT. That is probably worth reflecting on. We in this Assembly are not experts on fire management, but there are good people out there, both within and outside government, who are such experts. We, in here, do understand the importance of utilising a risk assessment framework and that listening to the subject matter experts is of paramount importance.

I welcome Mr Milligan's motion and truly thank him for bringing this issue to the Assembly today. With the fire season upon us, I agree that it is important that we get another update on the status of fire trails before the end of the year. I look forward to this information. I move the amendment circulated in my name:

> Omit all text after "That this Assembly", substitute:
>
> "(1) notes:
>
> (a) that on 20 September 2023, the ACT Government claim reported in *The Canberra Times* that "… the ACT is more prepared in 2023 than in any time in our past";
>
> (b) the impacts of extreme weather events, exacerbated by climate change, have affected the accessibility of fire trails such that ongoing work is required to keep them in a state of good repair;
>
> (c) work is currently required to ensure that critical fire trails will be fully accessible to Rural Fire Service appliances, such as large fire trucks;
>
> (d) there are legitimate concerns in the community that firefighters may not be able to get large equipment up to the higher parts of Namadgi National Park if required in the immediate future; and
>
> (e) that these concerns extend to access to Corin Dam and the associated water supply;
>
> (2) further notes:
>
> (a) access for a float truck means having a road network built to such a standard which allows a small dozer to be floated (transported) on the back of a large truck, thus allowing rapid response access to remote fires to quickly commence building fire containment lines; and
>
> (b) a key recommendation from the 2003 McLeod fire inquiry was to ensure that fire trails should be established and maintained for accessibility as informed by risk assessments conducted by the relevant government directorate; and
>
> (3) calls on the ACT Government to:
>
> (a) fully commit to reinstating the Namadgi National Park fire trail network, to an appropriate and risk-informed accessibility status, as per *ACT Bushfire Management Standards*, July 2023, section A3.9.4, *Standards – Fire Trails* (pages 97 and 98), including articulated float roading classification to ensure rapid access to remote locations within the Bimberi Wilderness area of the Park;
>
> (b) reports to the Assembly bi-annually, including prior to the commencement of each fire season, regarding progress on the implementation of these fire trail repair works as per the *ACT Bushfire Management Standards* July 2023; and
>
> (c) report back to the Assembly by the final sitting day of 2023, on the status of the repair of the critical fire trails network in Namadgi National Park.".

MR MILLIGAN (Yerrabi) (3.13): In closing, and in response to Mr Braddock's amendment, I am really happy to see that there has been common sense on this matter, because a number of concerns have been raised by local residents, as well as frontline officers and other people associated with our emergency services. Just this morning a

resident from Gordon contacted my office to express their real concern for fires down in your neck of the woods, Mr Deputy Speaker—the Tuggeranong Hill grass areas and along Tharwa Drive, which is surrounded by dense bushland with heavy fuel loads. This resident has raised this concern with the minister's office. Unfortunately, she has not received a response. This is just another example of local residents being concerned about being bushfire ready.

I want to thank Mr Braddock for moving his amendment and for his support. I also want to thank Labor for supporting this motion. I certainly look forward to the first update, towards the end of this year, and then subsequent updates. I commend this motion to the Assembly.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Belconnen—bus services

MR PARTON (Brindabella) (3.16): I move:

That this Assembly:

(1) notes that:

(a) a petition calling for improved bus priority measures between Belconnen and Canberra City was tabled in the Assembly last sitting week, and all three parties voiced their support for such improvements;

(b) the population in the Belconnen Town Centre has doubled in the last 10 years with more major residential developments being planned or commencing construction;

(c) there are significant patronage attractors on the corridor including the Australian National University (ANU), CSIRO, Northside Hospital Precinct, Canberra Institute of Technology Bruce, Radford College and the University of Canberra (UC) that would benefit from faster and more frequent bus services;

(d) Canberra Stadium game day matches, and extensive shuttle buses will benefit from bus priority and faster travel times to town centres using a busway;

(e) there are opportunities to encourage interchanging between local and rapid routes to provide connections to the City and Belconnen directly by providing interchange style facilities at the ANU, Northside Hospital, and the UC, inclusive of end of trip facilities and potential park and ride opportunities;

(f) Transport Canberra bus routes to and from Belconnen are among the busiest in the city and are getting busier;

(g) congestion at key intersections along the route is increasingly problematic and causing delays to buses;

(h) the bus corridor dog leg along College Street and Haydon Drive is currently not the most direct option and adds travel time to journeys

from through routed buses in the outer suburbs operating to the City and further south;

(i) improvements to the Belconnen to Civic transitway have been mooted since 2005;

(j) national agencies identified the Belconnen to Civic busway as an infrastructure priority in 2016;

(k) the tram is unlikely to expand to Belconnen before at least 2040, after Commonwealth Park (2A) and Woden (2B); and

(l) a future proof solution is required to speed up journeys and make bus travel a more attractive option to commuting to the City by private car; and

(2) calls on the ACT Government to:

(a) investigate and deliver upgrades to the bus corridor between Belconnen and Civic before 2027, to deliver bus priority for the entire Belconnen to City corridor; and

(b) report back to the Assembly on the progress of these matters by the last sitting day of the 10th Assembly in 2024.

With your indulgence, Madam Speaker, I would like to speak to this motion as though I am trying to explain to someone who does not follow ACT politics, who has no idea what we do and how we go about things—

A member: Like most of the population.

MR PARTON: Like most of the population. I would like to try to explain to someone who is not a regular watcher of our proceedings exactly what is going on here. Let me break this down to its simplest form because I understand that, if you had been casually watching this space in recent months, you could be forgiven for being horribly confused about what is going on right now. As per Mr Gentleman's call yesterday, we do seem to be revisiting some ground that we have been on before.

If I were explaining to a complete cleanskin what is going on here, this is what I would tell them. I would say, "This is a parliament. We have 25 seats. We have three parties represented. Labor has 10 seats, the Liberals have nine and the Greens have six. Labor and the Greens govern through a power-sharing agreement, but secretly they hate each other's guts." It is pretty intense. They hide that disdain for three-quarters of the term, but it tends to become visible in the year or so before the poll.

One of the biggest policy differences between the opposition party and the governing parties is that the Liberals have declared that we are not proceeding with the $3 billion-plus tram project to Woden. The Liberals are yet to announce our full transport policy, but you can guarantee, reading between the lines, that it will rely much more heavily on electric buses and bus priority measures to get more people around much more quickly and cheaply than any convoluted light rail option.

As such, when Ms Clay moved her original motion in September, which was loosely around this matter, we were all over it; we loved it. I stated that, apart from the sections pertaining to light rail, this motion could well have come from me. It addresses holes

in our bus network that have long been identified and should be enhanced, and we have been talking about those holes for a long time. We have been investigating, and we have been going down paths to talk about what we are going to do.

It was wonderful. When the Clay motion was presented, all three parties indicated that they broadly supported it. We all stood in the chamber and spoke to the Clay motion in glowing terms. I made it clear that we could not support the motion with the light rail components included in it. Mr Steel, from the Labor side, despite talking so positively about these outcomes, wanted to water the whole thing down so that it did not actually commit to anything. The whole thing was a bit of a shambles on the floor. It finished exactly the way that I forecast it would. I explained very clearly to the Greens that all they needed to do to get the motion over the line was to support the Liberal amendment. I never expected the Labor Party to support it, and we ended up at an impasse.

The motion was not passed. The Greens got a sort of political victory, because they could go out to their base and spout that they were the only party who really wanted to upgrade the Belconnen busway, because both the Liberal and Labor parties voted against their motion.

The Labor Party were winners in part, in that they never wanted the motion to pass. I will get to the reasons why very soon. As far as the Liberals were concerned, we wanted to get the motion up, but we were pleased that there was a robust discussion about arriving at transport outcomes through greater utilisation of bus transport.

Fast forward a couple of weeks and we saw a petition tabled in this chamber by Ms Cheyne—for those that are not following, Labor's Ms Cheyne. It was a petition that pretty much called for the changes requested in this motion. Most significantly, the primary petitioner was none other than Heidi Prowse. Heidi is well known to most of us. I was chatting to her about this motion at the Australian of the Year awards night at the National Gallery on Monday night. Heidi is, among other things, the second-highest individual donor to the Labor Party in the last financial year—at least according to Lucy Bladen's article about these matters in the *Canberra Times*. I understand that she is also likely to appear on the ballot paper under the Labor banner at the upcoming ACT election; and that, more than anyone else on the planet, she is the person who wants Jo Clay's job after October 2024.

Let us try to figure out what is actually going on here, and what is set to play out in 2024 in regard to public transport into and out of Belconnen. I have a theory. You know me, Madam Speaker; I always have a theory, and I want to share it. I reckon Mr Steel and the Labor machine were readying themselves to announce, in the lead-up to the election, that they were going to complete the Belconnen transitway. At that point Mr Steel would have taken ownership of that, but Ms Prowse would also have taken ownership of it, because she could point to her petition and say that she was getting on with the job of providing outcomes for the people of Belconnen.

That is why Mr Gentleman stood yesterday to do his darnedest to remove this motion from the program today—because they do not want us to debate it. Mr Steel did whatever he could to stop it getting up in September. The amendment that will be moved today does water things down. I know Ms Clay will argue with me that it does

not water things down, but I think it does. Mr Steel is mindful of the fact that the Greens probably would not allow him to completely booby trap it in the way that he did in September. Also, he was mindful of the fact that I would absolutely call out the hypocrisy if the Labor Party said one thing in the chamber but did the absolute opposite when it came to dealing with such a motion.

I believe that the Labor Party wanted this to be an election announcement to bolster Mr Steel, Ms Cheyne, Ms Berry and, ultimately, Ms Prowse. They did not want Ms Clay's fingerprints on it, and they certainly did not want my fingerprints on it.

Again, we stand in this chamber, all broadly agreeing that so much water has passed under the bridge over 15 or 20 years about what needs to be done in Belconnen. We are all coming together and agreeing on what has to be done. I will speak to the amendment in closing later on, because I am fascinated as to what we will hear from Ms Clay and Mr Steel. The amendment, whichever way you look at it, does water down the original motion, because the original motion calls for this to be done—for us to stop talking about it—and the amendment does not really do that. It talks about "informing" the delivery of bus priority between Belconnen and Civic in the next term of government. I am a little surprised that Ms Clay, given her position when we last debated this, is, I assume, going to sign up to it.

I do not know whether or not Mr Hemsley is surprised; I am not sure. I think that Mr Hemsley is entertained, more than anything else, by what is going on. I would not include Mr Hemsley in the category of viewer who was not following this debate. I think he has been following it all the way through, and I note his presence in the gallery.

I will have a bit more to say when we get to the back end of this debate, because I love talking about bus travel. I want to close by saying it is fascinating that, by the look of this amendment, we cannot get the government to actually commit to delivering this, to firmly commit to delivering this in the next term of government. I wonder whether we could get them over that line if we were not going to spend $3 billion on a slow tram ride to Woden. But time will tell. I look forward to closing this debate a little bit later.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.25): That was not an accurate representation of the previous debate and what happened. If I could provide a summary for the community in my own terms, it is clear that Labor supports the idea of bus priority and a Belconnen transitway, and notes the importance of expanding this important corridor for public transport. It is one of the busiest public transport corridors in Canberra.

Of course, we do have to follow government processes; and that, simply, was the point I was making. To do that, we need to understand what is being proposed to be upgraded in order to seek funding for those upgrades. That requires a first-stage feasibility study. There is an old feasibility study that was undertaken, but that needs to be updated. That is a summary of what happened last time and the reasons why we could not support the motion as it was proposed then, but I am very hopeful today that we will be able to get agreement on a way forward.

It is currently a very popular transitway, through from the city to Belconnen. We know that there are rapid bus routes which are very popular—the R2, the R3 and the R4—as well as a number of local bus routes that use this corridor. Bus patronage is only expected to increase, with more people accessing future developments along the corridor, including the new North Canberra Hospital.

With ongoing growth in Belconnen, it is vital that the ACT government proactively protects this key public transport corridor from increasing traffic congestion to ensure that it can continue to provide rapid transport services with optimal operational efficiency.

Mr Parton's original motion claimed that improvements to the Belconnen to Civic transitway have been mooted since 2005. However, that is simply not true, because action has been taken. In 2011, the ACT government commissioned and released the Belconnen to city transitway stage 1 options report, which analysed bus priority options for the Belconnen to city transitway.

Following the release of this report, the ACT government spent over $15 million on implementing a notable portion of the recommended bus priority measures, including dedicated bus lanes and bus jumps at intersections. The upgrades were progressed based on priority and were delivered over two stages. The first stage was completed in 2013 and focused on the city end of Belconnen transitway. It involved the construction of bus priority measures from Clunies Ross Street to Northbourne Avenue, including bus lanes, bus priority lights and dedicated bus-only corridors. The project also included the upgrading of footpaths and roads, and involved the construction of two pedestrian bridges.

The second stage was completed in 2014, and focused on the Belconnen end of the transitway, with works in the vicinity of the University of Canberra and Radford College on College Street and Haydon Drive. The works involved road widening for new bus lanes, construction of bus laybys and intersection upgrades to improve bus priority measures.

Some of the bus priority measures in the report were not progressed, as they were discredited or not deemed to be necessary at the time. These measures were predominantly located in the central section of the transport corridor between Haydon Drive and Belconnen Way. For example, one of the investigations in the report identified that there was not a strong case for extending bus lanes on Haydon Drive from Purdue Street through to Belconnen Way, based on the outcomes of the microsimulation modelling of future traffic conditions on Haydon Drive.

I have heard from Mr Parton and some advocates that we should simply go ahead and implement all of the findings and recommendations from the old feasibility study. To do that would mean we would not implement certain bus priority measures along the corridor, because that is what was recommended in the report—that they were not a priority because they would have impacts on traffic. I think we need to revisit that, in light of the new traffic conditions and the future traffic conditions that this corridor will experience. In the current context, it is not the case that this is a matter of simply implementing an existing plan from 2011, and that is why we need to undertake an upgraded feasibility study.

Another solution which was considered in the report had the potential to increase bus travel times—specifically, the signalisation of Purdue Street. However, the few bus priority recommendations from the 2011 report which were not progressed are now very out of date. They do not reflect the growth that has been experienced in the region, and some of these recommendations, we believe, may no longer be sufficient. More significant interventions may now be required than those that were considered in the feasibility study all those years ago. For example, where an intersection bus jump may have previously been recommended, a dedicated bus lane may now be required.

The ACT government supports the delivery of improved bus priority between Belconnen and the city, but the first step is actually to understand what improvements are beneficial in order to make decisions about the corridor. This is necessary to secure funding through government business and budget processes.

I appreciate that I am the only minister who has spoken in this debate, apart from Ms Cheyne, who has been very outspoken on this topic. I still abide by the *Cabinet Handbook*, which says that ministers should not announce initiatives or expenditure commitments without cabinet authority. In order to get cabinet's authority, I need to have a foundation, an evidence base, regarding what upgrades would actually make a difference along the corridor. To do that I need updated modelling, I need to have a case that is cogent, and I need to understand what the scope of the project is and, presumably, what the costs of the project are. That work has not been done. It needs to be done through an updated feasibility study. I appreciate that those rules do not apply to other members in this place, but they do apply to the government and ministers. We will be diligent and work through this. In order to get federal funding, which we intend to seek, we also need to have done that work.

We propose that an updated feasibility study should be undertaken to build on the existing feasibility study and retest bus priority measures based on up-to-date assumptions. We will look at new solutions that were not considered at the time—or, indeed, ones that were discounted at the time. The new feasibility study will take into consideration the new traffic modelling and future development of housing, health and tertiary education precincts in the region, some of which were not actually contemplated at the time, and it will take into consideration the future traffic impacts of the new North Canberra Public Hospital, precinct planning at the AIS, and future expansion of Radford College and the University of Canberra, as well as connections to the Belconnen community centre—something that was raised by Ms Prowse's petition that was sponsored by Minister Cheyne.

None of us knows exactly what solutions will be proposed and recommended as part of that updated feasibility study. I know that, with that feasibility study, we will be able to make decisions about the transport corridor properly and in accordance with government processes and rules. Our government considers all modes of transport holistically rather than in isolation, and this project is no different. We should be applying a multimodal approach to this strategic transport corridor. That is an approach that is relatively new to the government, and one that we have been developing as part of our transport strategy, which I launched in 2020—a multimodal transport planning approach. That should be taken into account in any updated feasibility study so that we are looking at all forms of travel.

That is why, in the amendment that I am proposing to Mr Parton's motion today, I have also included the consideration of other modes of transport during investigations, including, of course, the future planning for light rail stage 3 and active travel connections in the corridor. I think there are some substantial improvements that can be made to active travel connections. Again, the feasibility study back in 2011 did not provide that wide range of options that we need to consider as part of a holistic multimodal transport planning approach. There is an opportunity there to get a benefit across multiple forms of travel.

The bus priority measures will provide an interim solution to improve public transport outcomes for Belconnen ahead of light rail stage 3 from Belconnen to the city being developed, as part of our vision for a city-wide light rail network. They will also help to mitigate anticipated traffic disruptions during future construction of light rail stage 3 and may support corridor preservation of the planned light rail line. That is an opportunity, again, which we can develop as part of a feasibility study so that we can look at a solution that is forward-looking and looks across the potential mass transit options that can be provided to Belconnen, in order to make sure that the solution that is recommended takes into account all of those modes of transport.

The ACT government supports the delivery of improvements to the Belconnen bus transitway, which is why I will seek to amend the motion to comply with sound government processes. I think that today we will be able to take a step forward and get work underway on that feasibility study so that we can inform the delivery of improvements which realistically will happen in the next term of government, because we do need a period of time to undertake those feasibilities over the coming months. I hope that the amendment will allow us to reach that agreement and deliver these important projects for the community of Belconnen which are generally supported by all parties in this place. I move:

> Omit all text after "That this Assembly", substitute:
>
> "(1) notes that:
>
> (a) a petition calling for improved bus priority measures between Belconnen and Canberra City was tabled in the Assembly last sitting week and all three parties voiced their support for such improvements;
>
> (b) the population in the Belconnen Town Centre has doubled in the last 10 years with more major residential developments being planned or commencing construction;
>
> (c) there are significant patronage attractors on the corridor including Australian National University, CSIRO, Northside Hospital Precinct, Belconnen Community Centre, CIT Bruce, Radford College and University of Canberra that would benefit from faster and more frequent bus services;
>
> (d) Canberra Stadium game day matches, and extensive shuttle buses will benefit from bus priority and faster travel times to town centres using a busway;
>
> (e) there are opportunities to encourage interchanging between local and rapid routes to provide connections to the City and Belconnen directly by providing interchange style facilities at the Australian National University, Northside Hospital, and the University of Canberra,

inclusive of end of trip facilities and potential park and ride opportunities;

(f) Transport Canberra bus routes to and from Belconnen are among the busiest in the city and are getting busier;

(g) congestion at key intersections along the route is increasingly problematic and causing delays to buses;

(h) the bus corridor dog leg along College Street and Haydon Drive is currently not the most direct option and adds travel time to journeys from through routed buses in the outer suburbs operating to the City and further south;

(i) national agencies identified the Belconnen to Civic busway as an infrastructure priority in 2016; and

(j) a future proof solution is required to speed up journeys and make bus travel a more attractive option to commuting to the City by private car; and

(2) calls on the ACT Government to:

(a) deliver an updated feasibility study which investigates upgrades to the Belconnen Bus Transitway, to inform the delivery of bus priority between Belconnen and Civic in the next term of government;

(b) consider other modes of transport during investigations, including future planning for light rail and active travel connections; and

(c) report back to the Assembly on the progress of these matters by the last sitting day of the 10th Assembly in 2024.".

MS CLAY (Ginninderra) (3.35): I rise today to speak in support of the motion by Mr Parton and also to support the amendment put forward by Mr Steel, which takes us a step closer to having better bus priority for Belconnen. The ACT Greens want the Belco busway, and the time to commit is now. A better time to commit might have been in September, when I moved the original motion, but I thank Mr Parton for bringing this issue back today and for bringing it back in a different form of words.

It was disappointing a couple of months ago that all three parties said that they really wanted a Belco busway. I know this was confusing and upsetting for the community as well. We all said that we wanted the same thing, but we were not quite able to come up with the right form of words in order to commit to it.

I was a bit disappointed that we could not reach agreement with our Labor colleagues at that time. It is fantastic to see that we can reach really good ground today, and it is great to see that the Liberals have brought forward this issue again. It is pretty clear that we will get a busway between Belconnen and the city.

Canberrans want good bus services, and delivering improvements to our bus services is something I have been championing since I was elected. I brought forward a motion on improving weekend services and getting more bus drivers back in 2022. In September this year, I moved the motion about the Belconnen busway. I have asked about buses and light rail in every budget estimates and every annual report hearing this term. I have asked a lot of questions without notice to the minister on these issues, and I have spoken a lot about our buses.

They are not frequent enough. Our weekend services remain poor. They are not always close enough to where people want to go, and they get stuck in traffic. Our buses do not yet meet the needs of our people, but they could.

I do welcome the spirit of collaboration that this motion has brought. It acknowledges the petition sponsored by ACT Labor, as well as the established work to date to incrementally deliver bus priority measures between Belconnen and the city. It represents a constructive step by the Canberra Liberals to reach across the aisle and seek an unlikely political ally who they know will support these bus improvements.

The motion gives a nod to the earlier motion I brought in September, particularly in "the calls", recognising how close we got to Assembly support for this idea. It is clear that we are now ready to get on the rapid bus towards better public transport for Belconnen. It is great news.

I would like to thank the Labor Party for their collaboration with me and with the ACT Greens team in proposing an amendment that we can support. We welcome that as a step forward towards the commitment and delivery of these improvements, with a time line for delivery. Specifically, the Labor amendment calls on the government to "deliver an updated feasibility study which investigates upgrades to the Belconnen bus transitway, to inform the delivery of bus priority between Belconnen and Civic in the next term of government".

I am sorry to labour the point; I think that Mr Parton, my colleagues and I may have read this phrase to have slightly different meanings. It is possible that there are always different meanings in English. We have read this amendment in the spirit in which it is drafted, which is that there needs to be updated feasibility work. I think the minister has made this point really clearly and really well: there needs to be updated feasibility work before there can be any kind of design or construction happening. We understand this and that the updated feasibility work will "inform the delivery of bus priority between Belconnen and Civic in the next term of government". The Greens are very comfortable with that. It is a slightly longer time frame than we expected, but it is looking like a good outcome for Belconnen and for our buses.

The amendment commits to action by 2028 at the latest. It is not 2027, which is what was in our original motion, but I am not in government; I am happy with that additional year. Other people here, such as the minister for transport, have a much better sense of how long these things take, so we are very happy to extend that.

The amendment to the motion says that the feasibility study will happen. It will assess the large changes which have occurred since the original 2011 study, including the plans for the billion-dollar north side hospital, the renewal of Bruce stadium, the large increase in student numbers at Radford, the growth in the suburbs of Bruce and the town centre, the delivery of the first stage of our light rail network, and the UC master plan.

This is a really mature project, but there has been a lot of change in Belconnen in that time. That is why a feasibility update is a really good idea. The amendment contains deadlines and a commitment to deliver improvements in the next term of government, and that is eminently reasonable. If we fund that feasibility study in the upcoming

budget, it could be commissioned in the second half of 2024. It might return a result in the following year. We can start construction early next term.

This is a time line that the ACT Greens are happy to support. It is a time line which assesses the changes in circumstances, it figures out how to futureproof us for light rail, it will include active travel all the way on that connection, and it will commit to delivering upgrades for the bus users of Belconnen. Belconnen deserves a great light rail line from Kippax to Ginninderry, all the way to the city and beyond. Of course, before we get that, we need practical, deliverable upgrades to our bus corridor, and we need these in the coming years, not the next decade.

We agree that the study should happen. Of course, it needs to inform the delivery of the bus priority measures. Those may have changed from the earlier studies. We can then get on with the job of seeing this funded in the budget and we can see plans made in the future infrastructure pipeline. These crucial steps have to happen in this order now, and we are happy to see the direction that this is taking.

I look forward to following up on this and seeing how we deliver this Belco busway. We are keen to talk about this issue a lot next year. There is clearly very strong support, agreement and real consensus. We do not often have that real consensus in this room.

I will mention that another amendment has just been circulated from Mr Parton. The amendment clarifies what we thought we already understood from the original amendment, which is committing to the delivery of bus priority between Belconnen and Civic in the next term. I will have a chat with my colleagues, but it looks like it is an actual fit and a part of this motion. I would like to thank Mr Parton for bringing this motion forward and thank Minister Steel for helping to progress this really important issue.

We are so excited in Belconnen to see full bus priority and eventually light rail between Belconnen and the city. We are really keen to get some much better public transport services out there. We are very happy to see this motion progressing.

MR CAIN (Ginninderra) (3.42): I rise to support my colleague Mr Parton's motion regarding the Belconnen transitway. While I reject Mr Steel's amendment, I will speak a bit later in support of Mr Parton's amendment to Mr Steel's amendment, given the possible scenario that Mr Steel's amendment is successful.

Belconnen is a rapidly growing district and will continue to be so for decades to come. As a member for Ginninderra, I will always support transit upgrades throughout Belconnen. William Hovell Drive and Parkes Way are a nightmare, especially during the morning and evening peak hour traffic periods. Better transitways from Belconnen to the city will help to ease congestion on other main roads into the city—a benefit for all.

Haydon Drive is a very busy road and provides access to the University of Canberra, Canberra Stadium, the AIS, Radford College, Belconnen mall, the North Canberra Hospital, the CIT and the suburb of Bruce. The Haydon Drive and Belconnen Way intersection is often congested, with cars and buses competing for the use of the road.

Navigating Haydon Drive during school pick-up or drop-off can be very difficult, let alone when Canberra Raiders or ACT Brumbies football matches are being held.

The three rapid bus routes that run between the city and Belconnen account for 30 per cent of Canberra's daily bus boardings. The R2 and R4 routes are the two busiest bus routes, and R3 is the fifth busiest bus route in Canberra. The Belconnen transitway will allow buses operating between Belconnen and the city to bypass some areas of significant traffic congestion.

As Belconnen continues to grow, making bus journeys faster and more reliable will see more people use public transport to get to the city. This will ease road congestion, especially in the am and pm peak hour periods. Upgraded transit lanes will get Canberra's busiest buses out of traffic and mobilise Belconnen residents and workers more efficiently and more effectively if it is done right.

It is disappointing to hear comments from Labor and the Greens that will delay the implementation of such an obvious enhancement. Regardless of the speculations about light rail, which is a long way off, if it is delivered at all, delivering upgrades to this bus corridor within three years will be beneficial to Belconnen residents. I wholeheartedly support Mr Parton's motion. In the event that we speak to Mr Steel's amendment, I will support Mr Parton's amendment to Mr Steel's amendment.

Can I point out, Madam Speaker, some interesting choices of words in these motions and amendments? Mr Parton's motion contains the word "deliver". That is a promise to bring this upgrade as soon as we practically can. Can I mention the petition that Ms Cheyne sponsored? I have it here in front of me. It calls for the following action: "design and construct improved bus priority measures between Belconnen and Canberra city, specifically along Haydon Drive and Belconnen Way, as an interim solution to improve public transport outcomes for Belconnen prior to the delivery of light rail".

The petition wants some action. It actually calls for some action. What is Mr Steel calling for, Madam Speaker? Mr Steel is calling for an updated feasibility study, and the language used is really interesting—"to inform the delivery of bus priority between Belconnen and Civic". It is not really saying that they will do it; but, surely, they should, because the petition that has stimulated this debate calls for that very thing.

Mr Parton's motion calls for that very thing. In fact, Mr Parton's motion comes closer to fulfilling the petition than Mr Steel's. That is a bit of a contradiction, isn't it? We are taking seriously what we are hearing from the Belconnen community. It is sad that Mr Steel, as city services and transport minister, is not. He is the minister for putting things off, perhaps.

Ms Clay, in supporting Mr Steel's amendment, said, "Isn't it good that Mr Steel gets us a step closer?" Surely, Ms Clay, it is a step further away than agreeing to Mr Parton's motion. You are glad to have a step, but why not be glad about a step that actually conforms to what is being petitioned and what is being offered here through Mr Parton's motion? Surely, the people of Belconnen, whom you claim to represent,

would be pleased to see this as soon as practicable. Just ask those traffic users along Haydon Drive.

It is very disappointing to see another lost opportunity here and a compromise from a local member. They have lost sight of what their target should be; that is, to enhance the lives of members of this community and produce a very important upgrade, as has been called for here by Mr Parton.

I commend Mr Parton's motion to this Assembly. I urge members to rethink their collusion in approving a step that is a lesser step and a step that takes actual delivery further into the future.

MS CHEYNE (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (3.49): I will speak for a very short time, given that we are all, effectively, repeating ourselves. Certainly, I have been consistently clear, in and out of this place, in my support for this work: in sponsoring the petition and speaking to the motion a few weeks ago, in speaking again today, and in conversations that I have had with Minister Steel. I will continue to do so and to stand up for my Belconnen community. I would urge anyone who wants to know the history of the debate to read the *Hansard*, rather than relying on Mr Parton's abject fantasy regarding what occurred.

I am baffled that we have this motion today, and especially that it is being moved by Mr Parton, because with my petition last week, that I sponsored on behalf of Mrs Heidi Prowse, we actually had a path forward. Not only is Minister Steel required to respond to that petition so we may be updated regarding further work and have a clearer understanding of the way forward, but I also have the Assembly's support to refer that petition to a committee for inquiry. That committee comprises not only Ms Orr but also Mr Parton and Ms Clay.

It is quite surprising that this motion has been moved when I am not sure whether the committee has decided to inquire into the matter, but I will assume that Mr Parton and Ms Clay have agreed that they do not want to, for reasons that I do not understand, because an inquiry—

Ms Lawder: A point of order, Madam Speaker.

MADAM SPEAKER: Resume your seat. A point of order?

Ms Lawder: I think that Minister Cheyne is reflecting on your ruling about the validity of having this motion today, when you ruled that it clearly was in order.

MADAM SPEAKER: I consider that she is reflecting on a decision regarding referral to a committee, but I will remind people to be mindful in their comments.

MS CHEYNE: I am not baffled by your ruling, Madam Speaker; I am baffled by Mr Parton bringing the motion forward.

Mr Cain: So you don't like the ruling?

MADAM SPEAKER: You were heard in peace, Mr Cain; offer the same respect across the room, please.

MS CHEYNE: Madam Speaker, if that is the case—and I will wait for the 246A statement when it comes, whenever that may be—I think that would be disappointing. As is clear in this motion, as was clear in the last motion and in the amendments to it, and as is clear in the petition, there are lots of elements that need to be looked at and worked through.

I think that a committee inquiry would have been an excellent way to have done that and to have thought about all of the issues that Minister Steel has touched on—and to hear from the community about what the pinch points are for them and what else is needed. But it is what it is. We do have this motion today; we have a way forward with this motion today, which is excellent to see. I agree with Ms Clay; I am glad that we are here. I thank Minister Steel and Ms Clay for agreeing on the amendment that Minister Steel has moved. I think that is excellent as well.

I also want to acknowledge the presence of Mr Hemsley, who obviously is a very strong advocate for this work to be undertaken and for better outcomes for public transport everywhere, including Belconnen. He provided an absolutely fantastic presentation to the Belconnen Community Council during the week after the motion was dealt with in this place, which thoroughly showed the research that he has done. I appreciate the role of Mr Hemsley in his volunteer capacity as Chair of the Public Transport Association of Canberra, which does excellent work. I think we are the better for it, in having his contributions.

Given that Mr Hemsley is here in the chamber and given Mr Parton seems to like to represent what he thinks Mr Hemsley is thinking, I would note for Mr Hemsley, if he thinks that Mr Parton has misrepresented him, that the citizen's right of reply is certainly available to him. I commend the amendment to the motion to the chamber.

MR PARTON (Brindabella) (3.54): I move an amendment to Mr Steel's amendment:

> Add new paragraph after paragraph (2)(c):
>
> (d) commit to the delivery of bus priority between Belconnen and Civic before the election of 2028.

I am assuming that no-one else wants to make a contribution, so I am happy to speak to this amendment and close the debate if that is in everybody's wishes.

MADAM SPEAKER: I will put the question, and if someone else stands they will have the call.

MR PARTON: I am going to take Ms Clay's words on face value in that she certainly indicated in her speech that she has read Mr Steel's amendment a little differently to the way that we have read it, and I would concede that sometimes our default when it comes to Mr Steel is probably a more combative default than it needs to be. Nevertheless, I would suggest to members that the original motion called on the ACT government to "investigate and deliver" upgrades to the bus corridor between

Belconnen and Civic and that if the Steel amendment was successful the motion then would say "deliver an updated feasibility study which investigates upgrades to the Belconnen bus transitway, to inform the delivery of bus priority between Belconnen and Civic in the next term of government".

If, indeed, that amendment is, as Ms Clay suggests, actually committing to delivering those upgrades before we get to the election in 2028, I could see no reason why anybody in this chamber would then reject my additional amendment, which simply commits to the delivery of bus priority between Belconnen and Civic before the election of 2028. Mr Steel is a minister in this government, and he goes to great lengths to talk about government process. And we appreciate that. However, he is talking about delivering an updated feasibility study which investigates upgrades to the Belconnen bus transitway, and he speaks of it in such a way that you get the impression that it leaves the door open to a feasibility study coming home with the scenario that—no, no, no—it does not work.

In nobody's universe would we not be upgrading bus priority between Belconnen and Civic. Based on everything that has been placed before us, based on all of the information that has been tabled in this motion, in the previous motion and from PTCBR—I am still trying to work out how I misrepresented them—it is an absolute given that this needs to be done. The question is just exactly how we do it. So I understand that there is a question on exactly how, but I can see no possible way that this chamber would not agree to my amendment, which commits to the delivery of bus priority between Belconnen and Civic before the election of 2028.

With regard to the contribution from Ms Cheyne, Ms Cheyne has spent as long in this place as I have. We were both elected in 2016 and she spent a fair bit of time down on my floor. So she knows how the committee process works, and she knows full well that there has not been a government response at this stage to the petition—the petition that she presented. She knows full well that my committee would not have even discussed it, because we do not discuss those matters until there is a government response. But I guess it gets down to this: Ms Clay is suggesting that I should sign up to more of a talkfest—another talkfest—on this project, when it is absolutely clear to everybody that we should be doing it. I think it is a much better option to bring it to this chamber and, as per this amendment, get this Assembly to commit to the delivery of bus priority between Belconnen and Civic before the election of 2028. Why is that so difficult? So, I commend my amendment to the Assembly.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.59): I think it is very clear that there is support for a Belconnen transitway, and in my amendment it is very clear that we will be supporting that, but we need to make sure that we undertake a number of processes first. What has not been acknowledged by Mr Parton is that an updated feasibility is required in order to understand what the scope of those upgrades could be, what the costs and benefits of those upgrades could be, and, indeed, to relook at some of the discounted measures which were considered in the original feasibility and, indeed, look at new solutions.

We need to undertake that first, before we can deliver the project. Of course it will inform the future delivery of the project, but Mr Parton's amendment does not

understand the government processes that we need to go through, and it does not include the element of undertaking that initial feasibility study. The first stage of any infrastructure project is to undertake a feasibility study to discover what is possible, what is going to deliver the benefit to address a particular problem, and what solution will address a particular problem. Because it does not do that, I cannot support Mr Parton's amendment.

It also uses a word which I have said in this chamber during the debate on the original motion is in conflict with the ministerial code of conduct in making commitments about expenditure that have not been agreed by cabinet. As a minister in this place, I simply cannot in this place commit to expenditure on a project that is totally ill-defined at this point in time. We need to do that work first, and Mr Parton's amendment does not acknowledge that that work needs to be done. It does not acknowledge the fact that we need to go through those government processes.

My amendment takes that into account, whilst providing support for the transitway, and provides the path forward to understand the scope of the project, to understand what needs to be delivered to get the benefits, and to understand the cost so that it can be considered properly by both the ACT government and the federal government. That is why I will not be, and Labor will not be, supporting Mr Parton's amendment. We already have it in proposed new section 2(a), which says that we will "deliver an updated feasibility study which investigates upgrades to the Belconnen bus transitway, to inform delivery of bus priority between Belconnen and Civic in the next term of government".

So, the same intention is there; it just acknowledges government process—it acknowledges the process that every infrastructure project has to go through—to have a feasibility study to understand the scope of the project and what we are actually going to deliver so that we can benefit the people of Belconnen with improved public transport.

Mr Parton's amendment to **Mr Steel**'s proposed amendment agreed to.

Mr Steel's amendment, as amended, agreed to.

Original question, as amended, resolved in the affirmative.

Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

Detail stage

Clause 1.

Debate resumed.

Clause 1 agreed to.

Clause 2.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.04): I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the amendments *[see schedule 1 at page 3700]*.

This amendment from me relates to the issue of the commencement date. We are obviously in that commencement provision. This amendment provides a new commencement provision, and subsection (2) provides parts 2, 4, 10, other than sections 130 and 131, and schedule 1 commence on 27 March 2024, or, if before 27 March 2024, a date fixed by written notice of the minister. Other parts of the bill, except for the provisions concerning raising the age of criminal responsibility to 14 years, will commence seven days after the bill is notified, and the provisions relating to raising the age of criminal responsibility to 14 years will commence on 1 July 2025 under the proposed amendment.

So, whilst it is a quite technical amendment in the sense that it is about the commencement, it is quite important in terms of clarifying the various starting dates.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (4.05): I am going to speak once at this point about a number of amendments, and then I will only speak later if I need to, to clarify something.

ACT Labor will be supporting all of the government amendments today but will not be supporting the amendments being brought forward by either Mr Cain or Mr Braddock. Our reason for not supporting Mr Cain's amendments are obvious—they would effectively undo all the work I spoke about in my earlier speech; all the work that was done to get to the point of raising the age to 14 in a staged way. This work has been thorough. It has taken not just months but years to get to this point. We need a deadline for raising the age to 14, and I am confident that 1 July 2025 gives us time not only to establish the alternative pathways for young people but to imbed and test them.

We must remember that we are talking about a small number of young people here. For the most part we are talking about children and young people whose behaviour causes at least as much, if not more, harm to themselves as it does to other people, and we are talking about establishing a system that retains safeguards and provides more effective pathways to divert those young people from being drawn into a cycle of ongoing harmful conduct and future engagement with the criminal justice system.

Regarding Mr Braddock's amendment, ACT Labor sees this as unnecessary and potentially unhelpful in the context of an already legislated review. I recognise that Mr Braddock is responding to a recommendation from the Human Rights Commission, and I thank the commission for giving further thought to the matter of exceptions, but the fact is that the leader of the Greens political party has, in his role as Attorney-General, signed a statement of compatibility with the Human Rights Act. So this is not about the act, as it currently stands, being compatible. Frankly, it is not about making a practical difference to the outcome for children and young people. This is about the Greens political party needing a point of difference and a way to

signal their greater virtue compared with what I am sure Mr Braddock will describe as "the old parties".

As I said earlier, Mr Braddock might want to recall that a Labor government was the first in the country to raise the age to 12 in a parliament without a single Greens member. Sure, they have not yet legislated to get to 14, but they took an important first step—a more important step in the Northern Territory than here in many ways because they had a genuine problem with 10- and 11-year-olds ending up in juvie. Of course, almost all of those children were Aboriginal, and they were not going to a Human Rights-compliant youth justice centre like Bimberi.

I have maintained the whole way through this conversation that we could go to 12 in the ACT at any time because the number of 10- and 11-year-olds engaged in the justice system is extremely low, and most of these children are already well-known to, and supported in some way by, our existing service system, although I do recognise the data that Ms Davidson provided earlier in her comments, and the role that the youth justice system currently plays in drawing attention to the needs of some of these children and young people. That is why the alternative service response is important. But, for the 10- and 11-year-olds, it is a very low number. Even ACT Policing was confident that we could raise the age to 12 without any real impact or concerns on their part, although obviously they also support an alternative service response.

As I said earlier, we have taken a long time to get to this point precisely so we could confidently legislate for a minimum age of 14, and in doing so we must balance the rights of all who will be affected, and we must be practical. We must responsibly manage the potential risks associated with very serious harmful conduct, which is extremely unlikely to occur, having never happened before in the ACT, but which, if it does occur, will test our community and our systems in ways we cannot truly understand or predict at this time.

The bill already contains a requirement for review, and it is appropriate that this review is able to be completed and carefully considered by the government of the day. This includes considering the wider context of where other jurisdictions have landed in five years time, particularly New South Wales.

Mr Braddock's amendment to sunset the exceptions for very serious offending in 2030 pre-empts the outcome of that review. In a practical sense, any review will almost certainly propose amendments to the act. This will be the time to consider whether the systems are in place to ensure the community can be confident in removing exceptions for very serious harmful behaviour, such as murder, intentionally inflicting grievous bodily harm, and serious intentional sexual offending and whether, in fact, such a move is in the interests of young people. In this context a sunset clause is unnecessary. And while I recognise that this might seem like a neat way to thread the needle on human rights and wedge a future government on this issue, I again note that the Attorney-General has signed a statement of compatibility for the bill as it stands, and ACT Labor supports the Attorney's position.

There are a range of government amendments that the Attorney will move—and I am speaking particularly to the first one right now—some of which relate to elements of

the reform for which I have responsibility. So, I will speak to these as a group now rather than jumping up multiple times.

The government is proposing to amend the bill to delay the commencement of elements of the alternative service response to allow time to set up the therapeutic support panel and ensure it functions effectively from the outset. The amendment would see the panel commence operating no later than 27 March 2024. An interim arrangement will be in place, under which the Community Services Directorate, with Director-General oversight, will support children and families who have a therapeutic need or display harmful conduct. As noted earlier, the number of 10- or 11-year-olds who come into contact with the justice system is very small, and we are confident that their needs can be appropriately addressed in this interim period.

In response to recommendation 4 of the standing committee's report, the government amendments also expand the grounds on which a child or young person may be referred to the panel to allow for a referral in circumstances where the child or young person is at risk of engaging in, or has already engaged in, serious damage to property or the environment, cruelty to an animal, or any other serious or destructive behaviour. By including conduct of this kind, the amendment will ensure more children and young people in need of therapeutic support can be identified early, provided with appropriate support, and connected to relevant services.

Responding to recommendation 6 of the standing committee's report, the amendments also require the panel to report to the minister at least annually. This change will ensure greater accountability and oversight for the panel's work. A central priority of these reforms is to ensure children and young people are cared for and supported. For this reason, and in response to recommendation 12 of the standing committee's report, the amendments add a health practitioner providing a health service to the child or young person to the list of accredited people authorised to visit an intensive therapy place. The senior practitioner has also been listed as an accredited person. These changes will ensure suitable supports are available to promote the health and wellbeing of children and young people in intensive therapy places, and that any use of restrictive practices is lawful and appropriate.

To further emphasise the therapeutic focus of intensive therapy places and to respond to recommendation 8 of the standing committee's report, the amendments also clarify that an intensive therapy place must not be a former detention place or any part of a place that accommodates young detainees.

The amendments also clarify arrangements for the interstate transfer of young offenders. These make clear that the ACT will not make formal transfer arrangements where a young person is subject to orders for an offence they committed in another jurisdiction while aged under the ACT's age of criminal responsibility. Children and young people on youth justice orders from another jurisdiction who move to the ACT will be supervised by that jurisdiction and be able to access supports and services through the new service system for harmful conduct. This is an important clarification to ensure all children and young people under the minimum age will be treated equally under ACT law.

The government amendments also address potential issues identified with the powers in the Childrens Court to make mental health referrals to the ACT Civil and Administrative Tribunal. The changes clarify the court's power to make referrals during the proceeding for an intensive therapy order or interim intensive therapy order, and also as part of the final intensive therapy order or interim intensive therapy order. In addition, the changes address a possible issue where a referral from the court may not have enlivened the ACAT's assessment and recommendation powers under the Mental Health Act 2015.

While I am not supporting their amendments, I thank Mr Braddock and Mr Cain for their detailed engagement on this bill, including through the committee process. And I also, again, thank Minister Rattenbury and Minister Davidson, our officers and all officials from JACS and the Community Services Directorate for the collaborative way in which the government amendments have been worked through, and I commend them to the Assembly.

I want to give one more thank-you, which I neglected in my comments on the in-principal stage. I want to thank the children and young people whose experiences have informed consideration of these policy changes. I particularly want to thank those who have taken the time to share their views and experiences with me and with others. One of the great privileges of being the youth justice minister is to go out to Bimberi on a Friday for lunch with the young people and to sit down and eat with them and talk with them about their experiences, not only of their time in Bimberi but of their lives outside the place. Those young people deserve our support. They deserve earlier intervention, and I commend the bill and the government's amendments to the Assembly.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 6, by leave, taken together and agreed to.

Proposed new clauses 6A and 6B.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.16): I move amendment No 2 circulated in my name, which inserts new clauses 6A and 6B *[see schedule 1 at page 3730]*. I have circulated a supplementary explanatory statement that covers those new clauses.

Amendment agreed to.

Proposed new clauses 6A and 6B agreed to.

Clauses 7 to 9, by leave, taken together and agreed to.

Clause 10.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.17), by leave: I move amendments Nos 3 to 5 circulated in my name together *[see schedule 1 at page 3730]*.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.17), by leave: I move amendments Nos 6 to 9 circulated in my name together *[see schedule 1 at page 3730]*.

Amendments agreed to.

Clause 12, as amended, agreed to.

Clauses 13 to 55, by leave, taken together and agreed to.

Clause 56.

MR CAIN (Ginninderra) (4.18), by leave: I will be opposing this clause *[see schedule 3 at page 3739]* and I table a supplementary explanatory statement to my amendments.

It would not be much of a surprise, Madam Speaker, that my amendments effectively accomplish one thing: they support raising the age of criminal responsibility to 12—and I do not want that to get lost in this debate. With respect to much of what was said this morning about the reason for not leaving the age at 10, from a policy point of view, a community welfare point of view and from the point of view of looking after the rights of children, the policy is supported by the Canberra Liberals. That is why we said the age should not remain at 10 but should be increased to 12.

I want to make it clear that I do not believe that there is disagreement about the underlying policy regarding why we need to raise the age from 10 years old. The Canberra Liberals support that policy. As was spoken of at length this morning, we are supporting raising the minimum age of criminal responsibility to 12, and seeking a review after a couple of years to see whether there is a case for raising it higher. Again, that is driven by the same policy that is driving this bill.

I note that Ms Stephen-Smith said, "We've spent enough time doing this." Yes, and here we are; we are actually raising the age of criminal responsibility. We are accomplishing what has been done through the committee inquiry which I chaired.

One thing that does puzzle me is: why doesn't the government take it to the age of 14 straight away? I have not heard a good reason why the government is not willing to do that. I have heard a little bit about making sure that it all works and getting it properly resourced, but we all know that the numbers for the cohorts in these two different age brackets are not high. The numbers impacted are not high. Why isn't the government willing to stick to its position and do it immediately? Why wait until after the next election to say that we will raise it to 14? Is it possible that it is not keen to go to the next election having already raised the minimum age to 14? Is that a possible explanation?

Everything that was said this morning supports immediately raising the age to 14. That would not be inconsistent with anything said by the Labor or Greens speakers this morning. So why isn't it happening? From their own point of view, there is a bit of an inconsistency. I know we are dealing with a particular clause here, but, as I said in my opening comments, my amendments effectively remove the commitment to go to 14; they put into the legislation the requirement for a review two years after commencement to see whether there is a case to go higher.

I will not speak to every one of the clauses. It is pretty obvious that this one will not be supported; nor will any of them. I oppose the clause and challenge the government to come up with an explanation as to why they are not following through on their full commitment to raise the age to 14 immediately.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.23): Mr Cain has raised a very particular policy issue. Whilst it will come up a few times, I will speak to it now.

The government has been very clear about why it wants to raise the age of criminal responsibility to 14. There is clear medical evidence that children and young people aged 10 to 13 years do not have the capacity to understand the gravity of behaviours which constitute criminal offending or to form the requisite criminal intent. Further, young people's involvement in the criminal justice system can solidify criminogenic behaviour and therefore increase their likelihood of reoffending. This evidence is unlikely to change between now and 1 July 2025, when Mr Cain's amendments propose a review.

Also, the Justice Policy Partnership, represented on the Standing Council of Attorneys-General Age of Criminal Responsibility Working Group, states that the longstanding, consistent view of Aboriginal and Torres Strait Islander communities and organisations is that the minimum age of criminal responsibility should be raised to at least 14 years, with no exceptions for any type of serious behaviour or conduct.

The government position was tested through an ACT government discussion paper, which found that, of the 52 submissions made, 45 supported raising the age to 14, two supported raising it to 12, four made no comment on the issue, and one was entirely against raising the age. It is fair to reflect that raising the age to 14 has been continuously tested through ongoing consultation with stakeholders over the past two to three years, as well as by these other fora.

The ACT government's position, as represented in the government response to the inquiry into the bill, is that it is committed to raising the age to 14, aligning with the recommendations of the United Nations Committee on the Rights of the Child that the minimum age of criminal responsibility should be 14 years. As I have noted in other places—I do not think I did today—Australia has previously been criticised for having a very low minimum age compared to the most common international age of 14. Certainly, we have been keen to observe the international experience and evidence, and base our decisions on that.

I offer those comments as the first part of a response to Mr Cain. I welcome his position, that the Liberal Party wants to move the age to 12. That is a perfectly good thing. The first part of his question was: why raise it to 14? Why do it now? That is the evidence base on which we are relying. The process reason, which is part of the question of why we should do it now, is that the government wants to be very clear that we want to raise the age to 14. That is our policy position. But we have also been very clear that we are doing it in two stages to ensure that the implementation is orderly, well prepared, well organised and gives us time to get all of the systems set up. We have described that very clearly, and that is why the approach being taken is as it is. That answers that part of the question.

We then heard all of the theories about why that might be the case. None of those theories is true. It is simply for a practical reason. The government has been very clear that we want to create a certain path. We are being very clear with the service providers, be they government service providers or community service providers, that that is where we are going. It gives them time to set up and get services in place, and scale them up where necessary—all of those very practical things around implementing a significant policy reform like that. That is the reason it is being done.

Mr Cain's other speculations probably are not worth commenting on. That is the reason the government has been very transparent about it, and that is why it is being done in this way. We will not be supporting Mr Cain's amendment.

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) (4.27): I note that Mr Cain talked about raising the minimum age of criminal responsibility to 12 years. I thought it might be useful to remind him of some of the reasons why we are raising it to 14 years.

As Minister Rattenbury noted, the United Nations Committee on the Rights of the Child has indicated that a minimum age of at least 14 years of age is the lowest minimum age of criminal responsibility that is internationally acceptable and consistent with the rights of children. This was from the UN Committee on the Rights of the Child, general comment 24, on 18 September 2019. I know that Mr Cain would be aware of this because it was noted in the submission by the ACT Human Rights Commission to the inquiry into the Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023 in June this year.

If that is not quite enough evidence for Mr Cain, I also remind him of the policy statement on the minimum age of criminal responsibility that was published by the

Australian Medical Association and the Law Council of Australia on 17 December 2019, which stated:

> Children under the age of 14 are undergoing significant growth and development, which means they may not have the required capacity to be criminally responsible. Scientific advances related to the understanding of child cognitive development favour a higher minimum age of criminal responsibility, taking into account the time taken for the adolescent brain to mature.

When the Australian Medical Association, the Law Council of Australia and the UN are giving us advice that 14 years is the appropriate minimum age of criminal responsibility, it is important that we listen to their advice. That is why I do not support Mr Cain's amendment.

MADAM SPEAKER: Mr Cain's proposed amendment seeks to oppose this clause. The question is that the clause be agreed to.

Clause 56 agreed to.

MR BRADDOCK (Yerrabi) (4.30): I will not move my amendment No 3.

Clause 57.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.31): I move amendment No 10 circulated in my name *[see schedule 1 at page 3730]*.

This clause will amend clause 57 of the bill, new section 628 of the Crimes Act 1900. This amendment will provide that identification material, forensic material and any information obtained from the forensic material, as well as any record of the identification material, forensic material or information obtained from the forensic material, must be destroyed where collected from a person who was alleged to have committed an offence when they were under 12 years old, but was never charged with committing the offence or proven to have committed the offence.

Essentially, this is recognising that the young person, under the existing law, would have these materials on record as part of a criminal process. Given that they will no longer be deemed to have been acting in a criminal way, that material should be destroyed as part of the expunging of that, at the time, criminal history.

Amendment agreed to.

Clause 57, as amended, agreed to.

Clause 58.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.33): I move amendment No 11 circulated in my name *[see schedule 1 at page 3730]*.

This is very similar to the previous amendment that I have just moved. However, this provision will commence on 1 July 2025. It has the same effect but it relates to an offence committed when young people are 12 to 14 years old, in line with the staggered start dates, as has been discussed.

Amendment agreed.

Clause 58, as amended, agreed to.

Proposed new clause 58A.

MR BRADDOCK (Yerrabi) (4.33): I move amendment No 4 circulated in my name, which inserts a new clause 58A *[see schedule 2 at page 3736]*, and I table a revised explanatory statement.

The ACT was and is Australia's first human rights jurisdiction. We take pride in that fact and regularly emphasise the need for our legislation to be human rights compliant. When human rights advocates raise concerns with our bills, we listen and we take their contributions extremely seriously. It is in that spirit that I move my amendments today. The topic of exceptions, or carve-outs, for scheduled serious offences received significant attention during the inquiry into this bill. I want to describe some of those contributions, for the benefit of the Assembly today.

Save the Children and 54 Reasons strongly opposed the proposed carve-outs in the bill, stating that such exceptions undermine the objectives of raising the age and are inconsistent with medical, developmental and human-rights-based rationales for raising the age. ACTCOSS argued that the inclusion of the exceptions undermined the validity of the legislation and expressed concern that they may lead to a racial bias, resulting in a higher proportion of Indigenous young people in youth detention.

The Human Rights Law Centre argued:

> Neuroscientific consensus as to the ability of children to understand and discern right and wrong does not distinguish between particular acts or behaviours.

The Australia Lawyers Alliance stated:

> Whilst it is natural for the community to want someone held criminally responsible if they have engaged in the most heinous conduct, it is entirely artificial to proscribe the potential criminal responsibility of children based on the seriousness of conduct as opposed to age of the child.

The ACT Law Society expressed strong objection to the inclusion of carve-outs in the bill, saying that such exceptions would undermine the purpose and rationale of raising the age, and describing the resulting "inconsistent" minimum age as "deeply problematic".

Legal Aid ACT expressed concern that the exceptions were:

> … at odds with both scientific understanding of young peoples' development and criminological understanding of the effects of early exposure to justice procedures.

Nonetheless, Legal Aid ACT, in a nuanced position, supported the exceptions on a temporary basis to allow adequate support and management processes to be put in place. Please bear that one in mind as we keep going here.

Change the Record said that carving out offences on the basis of severity was "the opposite of trauma-informed" and was an incoherent approach. They said:

> All children under the age of 14, regardless of their ability or neurodivergent neurotypical status, lack that capacity. That is supported by medical evidence and psychological evidence as well.

The Aboriginal Legal Service NSW/ACT described the inclusion of carve-outs as "fundamentally inconsistent with the principles underpinning the bill" and expressed concern that allowing for exceptions to raising the age will create a precedent and possibly allow for the expansion of such exceptions in the future.

The Inspector of Correctional Services said that the introduction of carve-outs was "fundamentally at odds with human rights and medical evidence". They said that a child's level of culpability was not determined by their conduct, nor by how serious their actions or the consequences of those actions might be, but by their developmental stage and their ability to appreciate those consequences.

There are a few last important ones that I wish to highlight. The ACT Human Rights Commission expressed concern in their submission as follows:

> … excepting offences from an increased minimum age of criminal responsibility is inconsistent with the rights protected in the Human Rights Act, including the rights of children and the right to equality and non-discrimination.

ACT Policing, an organisation which I believe even Mr Hanson would struggle to describe as a left-wing stakeholder, did not support the carve-outs. They stated that, in their experience:

> Children either have the cognitive ability to understand their actions or not, regardless of the crime type.

Lastly, but separate to the inquiry into the bill, *Scrutiny Report 36* stated that the exceptions "may unreasonably limit the right to protection of family and children in section 11" of the Human Rights Act. It said:

> The Committee recommends that consideration be given to amending the Bill to further or limit the exceptions ...

This recommendation was unanimously supported by all members of that committee, regardless of their party or how they plan to vote today. Mr Cain stated in his own

media release today that the carve-outs represent "a profound legal inconsistency that is logically incoherent". If this is a stunt, it has got a lot of evidence sitting behind it.

I put it to the Assembly that the evidence before us is comprehensive. Every credible organisation has agreed that the exceptions are incompatible with human rights. Our commitment to enhancing and meeting human rights can tolerate the exceptions only if we have a clear and material plan to abolish those exceptions. This is what my amendments do. They answer the political question of how soon we can be ready to operate without those exceptions They make a judgement call which a future Assembly will be permitted to amend, and legislate raising the minimum age of criminal responsibility to 14 in a manner compatible with our human rights framework.

Therefore, the purpose of my amendments is to insert a sunset on provisions concerning offences for which children aged 12 and 13 years are criminally responsible after 1 July 2025. In my amendments, the commencement provisions are updated. They currently preclude the clauses identified in subsection (2) from commencing seven days after the bill's notification date and add an exclusion to subsection (3), which is established to provide for new sections 56A and 58A. This is timed to be the day after the provisions contained in clause 58 concerning the transitional provisions for the expungement of youth offences are due to expire. This is expected to occur more than six months after the review of the act, under clause 93 of the bill, is due to report to the Assembly.

The principal argument in favour of having the exceptions appears to be that they are a necessary constraint on human rights made to advance other human rights, notably the right to the security of person, as the therapeutic supports being introduced in this bill will not be of sufficient maturity to provide an adequate response to the offences and the exceptions. This hesitancy is acknowledged as real in my amendments. The therapeutic supports are not in existence at this point in time, and they will need to be established over a number of years. This, however, does not require permanently setting into legislation clauses that are incompatible with the ACT's human rights framework.

That is why I propose to sunset the exceptions rather than remove them immediately. This will give the community, and the government that represents it, time to establish the therapeutic supports, witness the system in action and prepare for the full implementation of the reforms in July 2030. If reforms are needed to the scheme prior to the sunset of the exceptions, they can be prompted by the statutory review and enacted during the Twelfth Assembly.

The suggestion contained in my amendments is that, at the conclusion of the review, it should be assumed that the exceptions will be removed, rather than prompting the Assembly to consider whether the steps should occur. It would be within the power of the Assembly to legislate changes that retain the exceptions, if required at that point, and in the full knowledge of the consequences for human rights when that time comes. Creating that situation, where human rights are advanced by default, means that a failure to take any action will not result in a continuing constraint on human rights.

I hope the Assembly will vote in support of the position that was recommended by the ACT Human Rights Commissioner, recommended by the ACT Chief Police Officer, supported by every key stakeholder on this issue, and unanimously recommended by

the scrutiny committee, whose very role was set by this Assembly to consider whether bills unduly trespass on personal rights and liberties. I cannot stop you from voting against the sunset clauses, but I will call you out and note that you are voting against the human rights of these people.

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) (4.42): I support the amendments that Mr Braddock has moved today. Either a person is developmentally capable of forming criminal intent or they are not.

There is a mountain of evidence that children under 14 years old are not developmentally capable of forming criminal intent, and that is the purpose of the bill that we are debating today. The evidence does not say that a 12- or 13-year-old cannot form criminal intent to nick a block of chocolate from the corner store but they can form criminal intent to commit the worst possible acts of violence on another human being. The logic of that just does not work.

That is why I have said all along—all the way through the discussions that have led to this point today, where we have a bill before us—that there should be no exceptions, and I am disappointed that the Labor political party want carve-outs. The evidence says that a child under 14 cannot form criminal intent—full stop, end of discussion, no exceptions. You can be tall for your age, you can dress and speak like someone much older, you can have well-practised driving skills or you can be academically gifted, and it might look like you are older than 12 or 13 years, but that does not mean you are developmentally capable of forming criminal intent.

I spoke earlier in this debate about the complexities in the lives of 10- to 13-year-olds who end up in our youth justice system. For a young person to engage in harmful behaviour of the type in the proposed schedule 1 exceptions in this bill, they would have to be experiencing the most extreme forms of those complexities, and that is in fact a criminogenic pathway to such offences. So let me say this again: 10- to 13-year-olds engaging in harmful behaviour that brings them to police attention have unmet needs as a result of domestic and family violence, mental health, drug and alcohol use, homelessness, trauma or combinations of these things. These children and their families are dealing with complex problems and have managed to avoid ending up in the existing child protection and police systems. That is why we need alternative service responses that are different to just more child protection and police—because more of the same will not create change.

When your only experience of police in uniforms coming to your house is to lock up your parents or your brothers or sisters, or your only experience of social workers is that they separate you from your family, then you will do whatever it takes to avoid police and child protection. We need to meet young people where they are, take the time to listen and understand their needs and provide solutions that are culturally safe and trauma-informed. That is why we are putting in place alternative service responses—to ensure community safety and support behaviour change. This is being done to deal with offences that might include burglary or theft, domestic and family violence, assault, property damage or driving-related offences.

The alternative responses to the criminal justice system might include a range of therapeutic services, including mental health support, family support, drug and alcohol services and changes in where the young person resides and who is responsible for their care. Some of those things will be about supporting a shift in behaviour and some might be about reducing the opportunity to engage in harmful behaviour. If necessary, intensive therapy orders can be put in place to compel the young person and their carers to participate. If we are capable as a city of putting in place service responses that prevent a child from continuing to damage property or assault people or drive cars, then we are also capable of putting in place service responses that prevent a child from engaging in sexual assault or murder.

Cornel West says, 'Justice is what love looks like in public, just like tenderness is what love feels like in private.' Every young person is worthy of love, even when their behaviour is challenging, even when they are 12 or 13 years old and in that awkward stage where they do not look like a small child but they are not developmentally capable of forming criminal intent and may have done something truly awful to another person. To engage that 12- or 13-year-old in therapeutic services that prevent ongoing harmful behaviour, deal with their unmet health and social services needs and support them to make better choices, is what justice looks like. It is what radical love looks like: compassion that is truly inclusive with no exceptions.

I support Mr Braddock's amendments to this bill today, and I hope that other members of the Assembly will also support this amendment.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (4.47): I will speak briefly again in relation to Mr Braddock's amendment. I have said most of what I want to say, but I would just put on record that, listening to Mr Braddock and Ms Davidson, you would think that the only evidence that was put before the committee in relation to this matter all supported that there is no difference in young people's capacity to form criminal intent in relation to more serious and less serious matters.

I would point members of the Assembly to the submission made by the Office of the Director of Public Prosecutions, which actually looked at the evidence and pulled apart some of the evidence in relation to young people's cognitive decision-making capacity and, in particular, suggests:

> … absent a mental illness or frailty of mind, all young people aged between 12 and 14 would appreciate that it is inherently wrong, immoral and criminal to intentionally kill another person, absent acting in self-defence.

I know in relation to the exceptions that there is an element of intentionality in all of these exceptions. One young person has been charged with murder, which was very quickly dropped, in recent times. But, as far as I am aware, no young person under the age of 14 has ever been convicted of these offences or even tried in relation to these offences in the ACT. I commend the Director of Public Prosecution's analysis of this matter.

I want to emphasise something I mentioned earlier in relation to the rights of young people themselves. I mentioned this example in the committee hearing as well. We have seen internationally an example of a 13-year-old who took a weapon and killed a number of other young people—at 13 years old. There is a legitimate question about whether that particular young person would have had the capacity to form criminal intent in undertaking that behaviour. But there is also a question about how society responds in that extraordinarily unlikely and extraordinarily rare event. In that case, that young person was confined in a psychiatric facility. We do not have a forensic psychiatric facility in the ACT that could take a young person of that age.

The risk of that kind of response for the young person if they were not able to go to a human rights compliant youth justice centre, on remand, would be that they would be confined, isolated, segregated and not able to go to school. Segregation is a restrictive practice that is highly, highly regulated in the ACT and is very rarely used at Bimberi Youth Justice Centre. So there is a question about balancing the rights of young people with the rights of other people to life and to their wellbeing, but there is also a question about what is in the best interests of young people themselves in this extraordinarily unlikely circumstance.

The views on this, even in the youth policy sector, are not universal. It is not the case that views on this matter are universal that young people would be better off confined, segregated and having no contact with other young people or sent away interstate to the only facility that would be able to care for them, rather than being detained in a youth justice centre that is human rights compliant, that has a school, where they are with other young people, where they are not segregated and where there is substantial oversight while it is determined whether they have the capacity to form criminal intent—because doli incapax still applies, and the prosecution still has to prove that they have the capacity to form criminal intent. In the very unlikely circumstance that a young person had behaved in this way, resulting in these outcomes, that young person would be at substantial risk.

I want to be really, really clear that this has been a very difficult conversation for ACT Labor. But it is not only about balancing the rights of a young person against the rights and expectation of members of the wider community; it is also about understanding in practice, not in theory, what would actually be in the best interests of a young person in those circumstances.

As I said, there will be a review. That will be the time to have a look not only at what has changed in the ACT but also at what has changed interstate and whether in fact, if New South Wales has moved, they have put in place a system of supports that we would be able to draw on in this extraordinarily unlikely circumstance. I really do want to put on the record the broader picture both about stakeholders and about ACT Labor's consideration in this matter.

Question put:

> That **Mr Braddock's** amendment No 4 be agreed to.

The Assembly voted—

Ayes 5	Noes 14	
Andrew Braddock	Yvette Berry	James Milligan
Jo Clay	Joy Burch	Suzanne Orr
Emma Davidson	Peter Cain	Mark Parton
Shane Rattenbury	Tara Cheyne	Marisa Paterson
Rebecca Vassarotti	Mick Gentleman	Chris Steel
	Jeremy Hanson	Rachel Stephen-Smith
	Elizabeth Kikkert	
	Nicole Lawder	

Question resolved in the negative.

Proposed new clause 58A negatived.

Clauses 59 to 91, by leave, taken together and agreed to.

Clause 92.

MR BRADDOCK (Yerrabi) (4.58): I withdraw my amendment No 5.

Clause 92 agreed to.

Proposed new clauses 92A to 92C.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.58): I move amendment No 12 circulated in my name which inserts new clauses 92A to 92C *[see schedule 1 at page 3730]*.

This amendment will introduce new clauses 92A to 92C into the bill. New clause 92A will amend section 47 of the Criminal Code 2002 to clarify that a person may be found guilty of the offence of incitement if the person they incite to commit the offence was under the age of criminal responsibility. This offence includes urging the commission of an offence, urging to aid, abet, counsel, procure, be known to consent in or be party to the commission of an offence.

New clause 92B will amend section 47 of the Criminal Code to define a person under the age of criminal responsibility as a person who is not criminally responsible under section 25 of the Criminal Code.

New clause 92C will amend section 655 of the Criminal Code to provide a new definition of criminal activity in relation to a child under the age of criminal responsibility as conduct that makes up the physical elements of the indictable offence engaged in by a person who is under the age of criminal responsibility for the offence. The new definition will operate with the rest of section 655 to clarify that a person commits an offence if the person recruits a child under the age of criminal responsibility to carry out or assist in carrying out a criminal activity.

These amendments are designed to ensure that a person who incites or recruits a child under the age of criminal responsibility to commit an offence can still be found guilty of committing those offences, even when the child incited cannot be held criminally responsible for committing the offence because they are under the age of criminal responsibility.

Amendment agreed to.

Proposed new clauses 92A to 92C agreed to.

Clause 93 agreed to.

Clause 94 agreed to.

Clause 95 agreed to.

Clause 96 agreed to.

Clause 97 agreed to.

Clause 98 agreed to.

Clause 99 agreed to.

Clause 100 agreed to.

Clause 101 agreed to.

Clause 102 agreed to.

Clause 103 agreed to.

Clause 104 agreed to.

Clause 105 agreed to.

Clauses 106 to 108, by leave, taken together and agreed to.

Clauses 109 and 110, by leave, taken together and agreed to.

Proposed new clauses 110A to 110D.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.04): I move amendment No 13 circulated in my name which inserts new clauses 110A to 110D *[see schedule 1 at page 3730]*.

A new clause 110A will amend section 92 of the Personal Violence Act 2016, to legislate that a recognised order, an order under a law of a state, another territory or

New Zealand that corresponds to a protection order against a child under 12 years of age cannot be registered in the ACT.

Similarly, new clause 110B will amend section 92 of the Personal Violence Act to legislate that a recognised order, an order under a law of a state, another territory or New Zealand that corresponds to a protection order against a child under 14 years of age cannot be registered in the ACT.

These amendments mean that protection orders made under the law of a state, another territory or New Zealand against a child under the age of criminal responsibility cannot be registered and enforced in the territory.

New clause 110C will amend section 95 of the Personal Violence Act to legislate that the current registration must be cancelled for any recognised protection orders against a child under 12 years of age.

Similarly, new clause 110D will amend section 95 of the Personal Violence Act to legislate that the current registration must be cancelled for any recognised protection orders against a child under 14 years of age.

That is the purpose of the amendment.

Amendment agreed to.

Proposed new clauses 110A to 110D agreed to.

Clause 111 agreed to.

Clause 112 agreed to.

Clauses 113 to 115, by leave, taken together and agreed to.

Clause 116 agreed to.

Clauses 117 to 120, by leave, taken together and agreed to.

Clauses 121 to 126, by leave, taken together and agreed to.

Proposed new clause 126A.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.07): I move amendment No 14 circulated in my name which inserts new clause 126A *[see schedule 1 at page 3730]*.

Briefly, this amendment ensures that all rights conferred on victims of offences by the charter of victims' rights in part 3A of the Victims of Crime Act 1994 also apply to victims of harmful behaviour within the meaning of new division 3A. This amendment has a positive impact as it ensures all victims enjoy the same rights, such as privacy and respectful engagement, as they currently have.

The government has been very clear in our intention that, in seeking to raise the age of criminal responsibility, we recognise that young people can still engage in harmful behaviour. There are people who will still experience harmful impacts from that behaviour and, in many people's language, will still be considered to be victims. The government wants to ensure that people continue to have the services and rights that are afforded to victims under a range of pieces of legislation and service offerings that are available here in the territory. That is the clear intent of this amendment and related ones.

Amendment agreed to.

Proposed new clause 126A agreed to.

Clauses 127 and 128, by leave, taken together and agreed to.

Clause 129.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.09), by leave: I move amendments Nos 15 to 18 circulated in my name together *[see schedule 1 at page 3730]*.

In a similar vein to the previous amendment, these are related to issues around victims of crime and people who suffer harmful behaviour from young people.

Amendment No 15 expands the range of individuals who can apply for counselling and other support and assistance where a person dies as a result of a child's harmful behaviour. This amendment has a positive impact as it provides decision-makers with greater discretion when determining whether an applicant is eligible for support and assistance.

Amendment 16 ensures the terminology used in the Victims of Crime Act is consistent.

Amendment 17 is again about consistent terminology.

Amendment 18 reassures victims who provide statements that their statement will not be provided to the child who engaged in the harmful behaviour unless the victim agrees. As I remarked before, this is again about ensuring that we continue to preserve the rights and other protections and services offered to victims of crime in the territory.

Amendments agreed to.

Clause 129, as amended, agreed to.

Clauses 130 and 131, by leave, taken together and agreed to.

Clauses 132 to 137, by leave, taken together and agreed to.

Schedule 1.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.11), by leave: I move amendments Nos 19 to 21 circulated in my name together *[see schedule 1 at page 3730]*.

Amendments agreed to.

Schedule 1, as amended, agreed to.

Title agreed to.

Question put:

> That this bill, as amended, be agreed to.

The Assembly voted—

Ayes 13		Noes 6
Yvette Berry	Suzanne Orr	Peter Cain
Andrew Braddock	Marisa Paterson	Jeremy Hanson
Joy Burch	Shane Rattenbury	Elizabeth Kikkert
Tara Cheyne	Chris Steel	Nicole Lawder
Jo Clay	Rachel Stephen-Smith	James Milligan
Emma Davidson	Rebecca Vassarotti	Mark Parton
Mick Gentleman		

Question resolved in the affirmative.

Bill, as amended, agreed to.

Building (Swimming Pool Safety) Legislation Amendment Bill 2023

Debate resumed from 30 August 2023 on motion by **Ms Vassarotti**:

> That this bill be agreed to in principle.

MR PARTON (Brindabella) (5.16): The Canberra Liberals will be supporting this bill. This is good, solid legislation. This is the unseen work which all governments should be doing, and we certainly appreciate the meticulous work that has gone into the preparation of this bill, from all involved.

I want to thank the minister and her office, and staff from the directorate, for the comprehensive briefing that was provided to my office. I also thank stakeholders in the wider community who gave further input, all of which led us to the conclusion that my party would be fully supportive of these changes to the law in the ACT. Any death of a child is a tragedy, and whatever we can do to help reduce such deaths is one

of the most important things that we can do in this Assembly. That goal certainly forms the centrepiece of this bill.

A child is not less likely to drown in a pool built in the 70s than a pool built today. That is essentially what it gets down to. So it just makes sense to me and to my colleagues that both pools should have the same safety requirements. We have spoken with numerous stakeholders who also consulted with government on this bill. They all told us pretty much the same thing: this is a bill that just makes sense. The Canberra Liberals welcome the inclusion of the phase-in period to allow homeowners to somewhat mitigate the financial burden of the new changes.

For quite a number of individuals, there is no question that the financial burden will be a downside. There is no doubt that the changes included in the bill will lead to a financial impost for some pool owners. We are in a cost-of-living crisis, and we certainly hope that this financial impost can be worn by pool owners. Despite what some may say, not all pool owners are wealthy, and allowing some time for such owners to invest in new safety equipment strikes the right balance. The framework that we are debating today will apply to all ACT home swimming pools and spas that are capable of containing water to a depth of greater than 300 millimetres, and are associated with residential buildings such as houses, units, townhouses, or blocks of apartments.

Of course it includes inground and above-ground pools—those that are permanent and those that are temporary—but, most importantly, it includes wading pools, portable pools, kids' pools and spas. The framework will impose requirements for the compliance of a swimming pool or spa to be disclosed on sale or lease of a property, and establish requirements to maintain swimming pool and spa barriers and prevent access to swimming pools and spas when they are not in use. The framework will impose offences for failing to comply.

There is more to come in this space, which is certainly acknowledged by the minister. In particular, we await the changes by regulation in regard to requirements on the lease of properties with a swimming pool or spa, and we look forward to the implementation and monitoring of this bill. It will certainly sail through this chamber today with the full support of those on this side.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (5.19): I rise today to speak in support of the Building (Swimming Pool Safety) Legislation Amendment Bill 2023. The ACT government is reforming swimming pool safety to ensure home swimming pools comply with modern safety standards and align with ACT safety and wellbeing objectives.

The ACT Children and Young People Death Review Committee, which reports to me as Minister for Families and Community Services, has strongly advocated for changes to swimming pool safety standards in the ACT. The committee has previously noted that deaths from drowning would likely decrease if all pools were required to comply with fencing regulations, and has called for changes to regulations that will reduce the risk to children and young people in the ACT.

The change the Assembly is debating today is designed to reduce the risk of drowning, of near drowning and of serious injuries for our children and the community. It is not only children who live at residences with swimming pools who drown or suffer serious injuries; other children, relatives and friends who are visiting the home may also be at risk. Indeed, swimming pools belong to a class of property features known as "attractive nuisance". An attractive nuisance is a hazardous condition or situation that entices children, putting their safety in danger.

The Australian Institute of Health and Welfare reports that swimming pools are the most common location of drowning and submersion accidents that lead to hospital admission. During 2018-19, there were 202 hospital admissions due to drowning or submersion incidents. During 2020-21, this number increased to 520 hospital admissions across Australia. Across Australia over the last year alone there have been 29 preventable deaths due to drowning in swimming pools, and 45 per cent of these deaths occurred in residential swimming pools. Of the total deaths, 14 per cent were children aged zero to four years old.

According to the Royal Lifesaving Society's *National Drowning Report 2023*, over the last 20 years there have been 43 drowning deaths in the ACT, with residential swimming pools being the most common location for drowning death and injury for children under the age of five.

It is estimated that for every child who drowns, another four to seven children are resuscitated following near drowning and suffer life-altering disability from damage to their brain, lungs and other organs. This places significant health and wellbeing impacts on the individual, their families and support systems. This legislation responds to the alarming rate of preventable drownings and serious injuries in home swimming pools, and prioritises the safety and wellbeing of children and the wider community.

The bill introduces several important provisions to enhance safety. It requires that all ACT home swimming pools and spas that can hold water to a depth of more than 30 centimetres and are connected to residential buildings are subject to the new regulations. This does not include inflatable pools. All home swimming pool barriers will need to comply with the modern safety standards. This means that pool owners must ensure their pool barriers meet the current safety standards, regardless of when their pool was constructed. This is a significant change from the current legislation, which only requires pool owners to comply with the standard that applied when their pool was built or installed. That is why there is a four-year transition built in, from the commencement date of 1 May 2024.

In addition to this, the reforms will require homeowners to ensure the ongoing maintenance of home swimming pools and their barriers, with penalties for noncompliance. This means that home swimming pool safety is not a one-time effort, but a continuous responsibility for pool owners. In addition, when a property with a pool is sold or leased, the owner will be required to disclose the pool's compliance status. This ensures that new occupants are aware of the safety features of their pool and can take necessary precautions to protect their children and family.

Embedding compliance frameworks through the bill will support the enforcement of these legislative reforms. This framework will likely include inspections or audits by authorised personnel to ensure a homeowner's compliance. Implementing a compliance mechanism will ensure pool barriers are maintained and remain a vital safety measure to help restrict children's access to a pool or pool area to prevent injury and death.

These reforms are a significant step towards improving pool safety in the ACT and preventing incidents of drowning or near drowning. It is important to remember, however, that while these measures can help reduce the risk of drowning, they are not a substitute for active adult supervision. A lot of work has been done over recent years to raise awareness that drowning is quick and silent. Adults who are supervising children in home swimming pools should take care not to be distracted by reading or looking at their phones. As the campaign says, "Be a backyard lifeguard."

Adult supervision combined with pool fencing is considered the most effective method of preventing drowning and serious injuries around residential pools. For pool owners, though, it is also especially important to teach their children how to swim, and for adults to learn how to administer CPR, which is a vital lifesaving technique.

The bill represents a commitment by the ACT government to protect our children and community from harm. Leading into what is anticipated to be a hotter summer than usual, it is a timely reminder that we as a community share responsibility for the safety of everyone around pools, and that together we can reduce the risks. I am pleased to hear that this bill is also being supported by the opposition, and I commend the bill to the Assembly.

MS CHEYNE (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (5.24): Madam Speaker, I am grateful to speak on this bill that brings about important and long-overdue home swimming pool safety reforms for the safety of all members of the ACT community.

As Minister for Business and Better Regulation, I put on the record my support for this bill and its framework. It establishes a regulatory regime that will require home swimming pools and spas in the ACT to have a safety barrier that complies with prescribed safety standards and, importantly, that these barriers are maintained. Homeowners will also need to prevent access to swimming pools and spas when they are not in use by making sure these safety barriers are closed. It also imposes requirements for the compliance status of a swimming pool or spa to be disclosed on the sale of a property.

The reforms are wide ranging, and their application to all ACT home swimming pools and spas that can contain water to a depth greater than 30 centimetres will make sure that we are minimising the possibility of a member of our community drowning. This means that the bill applies to temporary and permanent pools, wading pools, demountable pools, portable pools, and kids' pools, as well as in-ground and above-ground pools and spas. The reforms cover swimming pools and spas that are associated with a residential building like a house, unit, townhouse or block of apartments.

The four-year transition period for homeowners allows them time to make sure that their swimming pool or spa has the required safety barriers in place. This will give them time to plan and budget for any changes they need to make to their property.

Should the bill pass—I am expecting it will—I will be working closely with the Construction Occupations Registrar and Access Canberra to ensure community compliance with the new requirements as part of their regulatory efforts. Access Canberra has, for a long time, regulated the construction and planning industry, and community safety remains a priority focus for all of us. Access Canberra will apply its accountability commitment framework to regulating swimming pool barrier compliance following these reforms. This will involve educating and engaging with swimming pool owners to help them understand the new requirements and to support their efforts to achieve full compliance.

As the building regulator, Access Canberra has been on the front foot in ensuring pool safety. The registrar's team is currently undertaking an audit of 735 home swimming pools where building approvals were issued over 2020-21 and are identified as having the works complete. These audits check if the necessary documentation is in place on completion, including requirements for being certified and having a certificate of occupancy and use. This audit has found that in some cases there is no certificate of occupancy for the pool, and Access Canberra is engaging directly with owners and certifiers to advise them of the processes needed to make sure the pool complies with the current requirements and to get that certificate of occupancy.

Access Canberra will continue to undertake this important audit work for older pools too, and this program of work will align and support ongoing compliance with the new requirements in the bill. Access Canberra already has an established reporting and complaints process in place through its website and through its contact centre on 13 22 81, where members of the community can report if they believe that someone is not complying with the new requirements, or if they have other safety concerns.

I thank Access Canberra for their very hard work in this space, which will continue with this bill, and note that the safety of our community is a central priority for this government. I commend this bill to the Assembly.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (5.28), in reply: Madam Speaker, I am pleased to close the debate on this stage of the Building (Swimming Pool Safety) Legislation Amendment Bill 2023, and I would like to thank the members for their contributions to the debate on this bill. I will later table a response to comments made by the Standing Committee on Justice and Community Safety in its *Scrutiny Report No 36*. I thank the committee for its comments.

One of the government's most important roles is to ensure the safety of its citizens. We can all agree that it is tragic to hear of a drowning or near drowning incident at a home swimming pool, particularly when this incident involves a child. Too many families in Australia have experienced this tragedy. As we have heard, for a child under five years old, the home swimming pool remains the most common location for drownings, and we know that this outcome is preventable. This bill mandates that

home swimming pools in the ACT must have safety barriers that meet modern safety standards, and those barriers must be maintained and kept closed. Through these measures and through continued education on the importance of safety barriers and supervision around home swimming pools, drownings and near drownings can be avoided.

The legislation that has been debated here today is not only necessary from a public safety perspective but is also timely. As we come into summer and Canberrans are getting back into their pools and spas we are reminded of the great enjoyment that we get from being outdoors and around water, but we are also reminded of the risks posed, especially for young children.

We estimate that there are close to 3,000 pools and spas that could require attention and upgrades from the commencement of these reforms on 1 May 2024. This is a little under a third of all pools and spas in the ACT. These upgrades could be small, such as increasing the height of part of a fence, or installing a self-closing gate. In some circumstances more significant upgrades may be required to meet the new requirements.

I have been conscious that these upgrades may place cost pressures on financially vulnerable Canberrans who own properties with pools, as some of these pools were never legally required to have a safety barrier and will now need to have one installed. To support the community transition to the new requirements, the bill does include a four-year transition in which to bring swimming pools into compliance with modern safety standards. This will provide a reasonable time for owners of properties with pools to consider how the new requirements apply to their circumstances, plan how to meet these requirements, and undertake any works that are needed.

I would like to thank the contributions made by industry, advocacy and representative groups, and the community, to the development of this important public safety bill. Should it be passed—and as we have noted, it looks as if it will be—I look forward to continuing the work with these stakeholders as we prepare for the commencement of the scheme. Commencement of the scheme will be supported by an education and awareness campaign that will assist people to understand the new requirements and the steps they need to take to be compliant. Information is already available on a dedicated page on the ACT government's Build, Buy or Renovate website, with fact sheets and guidance material being developed. This material will include helpful information and likely upgrades required, depending on the year that your pool was installed.

When I introduced this bill, I reflected on the reasons that we needed to progress this reform, including the tragic death of River Parry in 2016 and the recommendations made by the coroner to overhaul our laws. I also recognised the work of advocacy groups such as the Royal Life Saving Society of the ACT and individuals including Detective Senior Constable Paul Reynolds—the investigating officer responsible for understanding the circumstances of River's death—who have long called for these changes to be made. I thank them all for this work and hope that they can see the outcomes of their advocacy. I would also like to thank members of the team within EPSDD, Access Canberra and others who have developed a significant legislative framework and implementation program that will be practical and workable for the local community.

In summary, the Building (Swimming Pool Safety) Legislation Amendment Bill 2023 is a timely and necessary piece of public safety legislation to reduce what we know to be avoidable incidents at home swimming pools, from occurring. I commend the bill to the Assembly.

I table:

> Revised explanatory statement to the Bill.
>
> Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 36—Government response to comments concerning the Building (Swimming Pool Safety) Legislation Amendment Bill 2023, dated 1 November 2023.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (5.34), by leave: I move amendments Nos 1 to 7 circulated in my name together *[see schedule 4 at page 3739]*, and table a supplementary explanatory statement to the government amendments.

Just very briefly, the government amendments are minor and technical amendments to clarify the intentions of the provisions of the bill. The government amendments amend the definition of a "regulated swimming pool" to provide clarity around those swimming pools and spas that are being regulated; amend the definition of a "demountable swimming pool" to address a perverse outcome where a demountable swimming pool without a filtration system could not access the standing exemption for demountable swimming pools; to clarify that a compliance certificate associated with a ministerial exemption that has been revoked is not in force from the day that the revocation takes effect; and to clarify that a revoked exemption certificate cannot be used to satisfy disclosure requirements on sale of a property.

MR PARTON (Brindabella) (5.35): We have no concern with the amendments and so we are fully supportive.

Amendments agreed to.

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

Bill, as amended, agreed to.

Statements by members

Municipal services—footpaths

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.35): Yesterday in the Assembly, Ms Lawder stated that our footpath maintenance budget for this year is $5 million, back where it was five or so years ago, suggesting that our increase in the budget for footpath maintenance is from a baseline of $3.2 million. This statement was factually incorrect and I would like the opportunity to correct the record.

As part of the 2023-24 ACT budget, I was pleased to announce an additional $5 million over two years for path maintenance. As I stated in my announcement at the time, this funding is on top of the existing annual path maintenance budget. Transport Canberra and City Services advised that the baseline annual path maintenance budget, including the path replacement budget, is approximately $5.8 million, based on an average annual budget over the period of 2018-19 through to 2022-23. The additional $5 million over two years adds to this baseline, bringing the approximate budget for path maintenance in 2023-24 and 2024-25 to around $8.3 million per annum, representing well over a 40 per cent increase in the baseline and well above the $5 million figure that Ms Lawder incorrectly stated in the Assembly.

If Ms Lawder keeps her erroneous view that the baseline was $3.2 million, then the budget would have increased by well over 200 per cent, according to her figures.

Government—fuel pricing

MR CAIN (Ginninderra) (5.37): I rise to speak to an article published in *Our CBR* today regarding the pilot of the FuelCheck app, noting that the minister answered a question about it this afternoon. This app allows consumers real-time fuel pricing at petrol stations across the ACT. I want to note the role the Canberra Liberals played in bringing the FuelCheck app to the ACT. The Chief Minister initially ignored the development of an app following a recommendation made by a select committee in 2019 into fuel pricing. In August last year, I moved a motion highlighting the benefits and the cost savings generated for consumers and called on the government to urgently develop this app.

I understood intimately that such a solution would ease cost-of-living pressures and deliver savings for road users and motorists. Two months later, the pilot of the FuelCheck app was announced and delivered, which I commended. In fact, I moved for this to be implemented. Perhaps the government should listen to Canberra Liberals' suggestions to help them come up with good policies and outcomes.

National Day of the Kingdom of Tonga

MRS KIKKERT (Ginninderra) (5.38): Today I stand with great excitement and pride as I speak about the National Day of the Kingdom of Tonga. The tiny islands in the

South Pacific, where I was born and raised, are nicknamed the "friendly islands". Our Tongan community will be celebrating our national day this Saturday, 4 November, at Margaret Timpson Town Park, Belconnen, from 10 am to 5 pm. This vibrant event provides us with an opportunity to embrace the rich culture, heritage and traditions of the Kingdom of Tonga. My Tongan ancestors have gifted us a legacy of values: respect for elders and a strong sense of family and community. This celebration is not only for Tongans but for all of us who appreciate and revel in the diverse and colourful cultures that enrich our lives. It is an opportunity for all to witness the harmony of different traditions amongst us and to come together for the celebration.

I thank the Tongan Association of Canberra and Queanbeyan for organising the event. Special thanks go to David Toefoki and his sisters, Jayne and Misiteli, for all their hard work in teaching, training and supporting the Tongan youth to participate in and to share their experience of the beauty of the Tongan culture and heritage with the Canberra community. I have seen the hard work and sweat put forward by these incredible tutors and how the youth have excelled in their roles of learning, participating and sharing. I look forward to celebrating the National Day of the Kingdom of Tonga.

Adjournment

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

> That the Assembly do now adjourn.

ACT Training Awards 2023

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.40): It is my pleasure to share with the Assembly the outcomes of the 2023 ACT Training Awards which were held on 14 September at the National Museum of Australia. The training awards are about recognising the success of individuals and organisations that have made an outstanding contribution to the vocational education and training sector. The awards promote the benefits of VET education to the broader community and inspire others to consider taking up training or an apprenticeship and helping to address skills gaps in our economy.

I am pleased to share with the Assembly that the winners of the ACT Training Awards were: Poppy Chalmers, the ACT Australian School-Based Apprentice of the Year; Tessa Valter, the ACT Apprentice of the Year; Cyrus Wren, the ACT Trainee of the Year; Emma Brown, the ACT Aboriginal and Torres Strait Islander Student of the Year; Marija Rathouski, the ACT Vocational Student of the Year; Peter Redfern-Elliot, the ACT VET Teacher of the Year; and Edward Nathan, the winner of the Norm Fisher Award. Going to the organisational winners, The Spark, Australian Training Company, and the Lendlease Women in Construction JobTrainer Program were winners of the ACT Industry Collaboration Award; Pups4Fun, a local business, was the ACT Small Employer of the Year; Communities at Work was the ACT Large Employer of the Year; McMillan Staff Development was the ACT Small Training Provider of the Year; and the Canberra Institute of Technology was the ACT Large Training Provider of the Year.

I congratulate all those individuals and organisations which have made such a substantial contribution in supporting the Canberra community when it comes to vocational education and training. VET provides extraordinary opportunities to help Canberrans acquire the skills and knowledge they need now and into the future to obtain well-paid and secure jobs and build their careers.

The ACT government has backed our VET sector through a variety of programs in recent years, including JobTrainer and fee-free TAFE, and by supporting our Australian Apprenticeships (User Choice) program and Skilled Capital releases. We have signed a new five-year National Skills Agreement, which will be the first agreement in 10 years, signing up with the Australian government to deliver $24 million for TAFE centres of excellence and $6.5 million for Closing the Gap initiatives. There is support to improve VET apprenticeship completion rates, $13 million to enhance collaboration amongst public training providers in the VET sector, and nearly $1.5 million to improve foundation skills.

Congratulations again to our VET award winners. I am looking forward to seeing how they go at the national awards, the Australian Training Awards, which will be occurring in the middle of this month in Hobart. We had some real successes last year in winning the national VET Teacher/Trainer of the Year Award with Richard Lindsay from CIT. We are looking forward to seeing how all our award winners go at the national awards coming up soon.

Multicultural affairs—migrant and refugee support programs

MR CAIN (Ginninderra) (5.43): I rise with honour to deliver a speech prepared by a student who is working in my office one day a week, Ms Mijica Lus. Her first day was today. I am sure other members of the Assembly will be familiar with Mijica. She took out the coveted ACT Multicultural Individual Champion Award at the Annual ACT Multicultural Award ceremony this year, a testimony to her tremendous community support. I also note and thank Ms Suzanne Orr for hosting Mijica for a day in her office some weeks ago. The following is a speech that Mijica prepared in collaboration with my office and me, and I present it with great delight.

As shadow minister for multicultural affairs, I believe that, in order to understand and represent the unique challenges certain groups in our community face, it is important to play an active role in supporting their events and advocating for them.

The Adult Migrant and Refugee English program, for example, is a settlement English program providing eligible migrants and refugees who have arrived in Australia, and humanitarian entrants, with free English language learning. The program teaches listening, speaking, reading and writing skills in English as well as Australian culture and customs. The topics covered by the program include finance, housing, work, transport and accessing key information and services to support their settlement. Further topics include English for use with computers and other technology and for getting a job and use in the workplace.

Migrants and refugees have chosen Canberra to call home, and it is important that we support programs such as adult migrant and refugee English programs to help support

their settlement here in our Bush Capital. I acknowledge the essential services and efforts of current organisations in providing adult migrant and refugee English programs. However, given the limited resourcing these organisations are afforded, there is more work to be done. We need more support extended to migrants and refugees who have carer responsibilities and may not meet current standards but who also need support—support in the form of increased funding to ensure organisations build capacity to have resources to run programs flexibly for people to access.

The ACT is home to over 116,000 culturally and linguistically diverse people, and we need to ensure that we build capacity in our adult migrant and refugee English programs to ensure that new residents settle well. We also need to extend opportunities for our current program providers to upskill as the ACT becomes home to people who speak languages outside their current language program offerings. The government has implemented its Community Language Program; however, the language program offering needs to extend to meet the growing diversity the ACT is experiencing as we become culturally and linguistically diverse. Canberra celebrates its cultural and linguistic diversity.

I also believe it is important that we offer opportunities to our current and potential language programs to upskill to ensure they are given enough tools for the amazing work they do. These efforts, I believe, will lead to successful outcomes for multicultural communities and for the broader ACT community.

I want to thank Mijica for her support in the office, and I look forward to her input and to her learning in this place as she works with my team.

Women—Canberra Women in Business Awards 2023

MS CHEYNE (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (5.47): Last week I had the honour of attending the Canberra Women in Business Awards, and it was just simply fantastic. It was so impressive to see the many people who were nominated and to hear their stories, particularly those of the award winners, who all spoke and talked about their journey. Supporting women in business, hearing those inspiring stories of growth and seeing those outstanding achievements by women-owned businesses is one of those immensely rewarding aspects of my role as minister.

The event itself is such a fabulous opportunity to come together to acknowledge, be inspired by and to celebrate the achievements of Canberra's businesswomen. It is important to acknowledge the hours of work, the sacrifices made, the big and the little wins, the juggling of family and recreation with work and the ingenuity, drive and dedication it takes to make a business dream a reality. I am so grateful to Canberra Women in Business and the relationship that our government has with them, and the work that they put into these awards every single year, even in 2021 when we were in lockdown.

It was patently clear that the judging panel had a very difficult task this year. I would also really like to acknowledge the major sponsor, Synergy Group, which continues to back women in businesses year after year. This year, the ACT government was proud

to sponsor a prize, the Business Woman of the Year Award. I look forward to that continuing, because I think it is very important for the government to acknowledge women in business, and doing that through these awards is an excellent way to do so.

I will now turn to the winners. The winners of the Social Impact of the Year Award were Eryn Davies and Jenna Keen of the Capital Psychology Clinic. The Social Impact of the Year Award is for the woman—or women—who demonstrates leadership, tenacity, compassion, encouragement, the pursuit of excellence and is a role model for other businesswomen in the field of not-for-profit business, public or community services or social enterprise. It recognises those unsung heroes in our community. I sincerely congratulate Eryn and Jenna.

Debbie Saunders, of Wildlife Drones, won the Innovation Businesswoman of the Year. This is for female-led businesses that demonstrate excellence in the areas of science, technology and innovation and are a role model for women and girls wanting to pursue careers or businesses in these fields. Anyone who knows Debbie and what Wildlife Drones has done and how it has grown in the last few years can be so inspired by that fantastic work.

The Small Businesswoman of the Year was Bianca Flint, of OneSource Customs & Logistics. I loved hearing Bianca's speech. Her tenacity is inspiring. She identified an issue that she could do a fantastic job at, and she has taken to it with both hands and done so. That award is for a business that has 20 or fewer employees and has shown that excellence in growth both financially and in the number of clients.

The Micro Businesswoman of the Year was Chloe Lim, of Giggly Wiggly Balloons. This is obviously a very interesting award and business. Chloe has appeared on TV for her wonderful balloon twisting and all the people that she helps through that. This award is for a business that has one to four employees and has shown that excellence in growth both financially and in the number of clients.

I am running out of time so I might just stick with who else won. The Indigenous Businesswoman of the Year was Sarah Richards, of Marrawuy Journeys. Again, it was a beautiful speech. Emily Coates, of Ivy Social, was the Young Businesswoman of the Year. I think we have all seen that business go from strength to strength. The ACT government sponsored Businesswoman of the Year was Debbie Saunders of Wildlife Drones.

Question resolved in the affirmative.

The Assembly adjourned at 5.53 pm.

Schedules of amendments

Schedule 1

Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

Amendments moved by the Attorney-General

1
Clause 2
Page 2, line 5

omit clause 2, substitute

2 Commencement

(1) This Act (other than the provisions mentioned in subsections (2) and (3)) commences on the 7th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

(2) Parts 2, 4, 10 (other than sections 130 and 131) and schedule 1 commence on—

(a) 27 March 2024; or

(b) if, before 27 March 2024, the Minister fixes another day by written notice—the day fixed.

Note A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

(3) The following provisions commence on 1 July 2025:

- section 56
- section 58
- section 92
- section 94
- section 94F
- section 96
- section 98
- section 100
- section 102
- section 104
- section 106
- section 108
- section 110
- section 110B
- section 110D
- section 112
- section 116
- section 118
- section 120
- section 130
- section 131.

2
Proposed new clauses 6A and 6B
Page 5, line 7

insert

6A Definitions—pt 5.2
Section 114, definition of *young offender*, paragraph (b)

substitute

(b) was under 18 years old when the offence was committed but not under the age of criminal responsibility for the offence; and

New section 114 (2)

insert

(2) In this section:

under the age of criminal responsibility—a person is ***under the age of criminal responsibility*** for an offence if the person is not criminally responsible under the Criminal Code, section 25 for the offence.

3
Clause 10
Proposed new section 501E (2) (a) (va)
Page 9, line 22

insert

(va) working with culturally and linguistically diverse children and young people;

4
Clause 10
Proposed new section 501Q (1)
Page 16, line 4

omit proposed new section 501Q (1), substitute

(1) A referring entity may make a referral to the therapeutic support panel if the entity believes on reasonable grounds that a child or young person—

(a) has a genuine need for therapeutic support services; and

(b) is at risk of engaging in or has engaged in—

(i) harm to themselves or someone else; or

(ii) serious damage to property or the environment or cruelty to an animal; or

(iii) any other serious or destructive behaviour.

5
Clause 10
Proposed new section 501T (1)
Page 19, line 4

after

time

insert

, but must at least once each calendar year,

6
Clause 12
Proposed new section 575 (3) and (4)
Page 50, line 7

insert

(3) The Childrens Court may, under an interim intensive therapy order or intensive therapy order, include a requirement that the child or young person submit to the jurisdiction of the ACAT if satisfied that an order with the requirement is the best way to support the child or young person.

(4) If the Childrens Court makes an order under subsection (1), or an order with a requirement mentioned in subsection (3), the order must contain a provision directing the child or young person to submit to the jurisdiction of the ACAT to allow the ACAT—

(a) to decide whether the child or young person has a mental disorder or mental illness; and

(b) if the ACAT decides that the child or young person has a mental disorder or mental illness—to make recommendations to the Childrens Court about how the child or young person should be dealt with.

7
Clause 12
Proposed new section 578
Page 52, line 2

omit proposed new section 578, substitute

578 Who is an *accredited* person?

(1) In this division:

accredited person, for a child or young person in intensive therapy, means each of the following:

(a) the director-general;

(b) a representative of an entity providing a service or program to the child or young person at an intensive therapy place;

(c) a lawyer representing the child or young person;

(d) a health practitioner providing a health service to the child or young person;

(e) an official visitor;

(f) the chair of the therapeutic support panel;

(g) the public advocate;

(h) a commissioner exercising functions under the *Human Rights Commission Act 2005*;

(i) if the child or young person is an Aboriginal or Torres Strait Islander person—the Aboriginal and Torres Strait Islander children and young people commissioner;

(j) the ombudsman;

(k) the senior practitioner;

(l) a person prescribed by regulation.

(2) In this section:

senior practitioner—see the *Senior Practitioner Act 2018*, dictionary.

8
Clause 12
Proposed new section 587 (2), example 2
Page 57, line 9

omit proposed new example 2, substitute

2 disposing of a forfeited thing of little value

9
Clause 12
Proposed new section 589 (2) (a)
Page 58, line 9

omit proposed new section 589 (2) (a), substitute

(a) is not a detention place, former detention place or any part of a place that accommodates young detainees; and

10
Clause 57
Proposed new section 628
Page 81, line 25

after

committed

insert

, or who is alleged to have committed,

11
Clause 58
Proposed new section 640
Page 87, line 7

after

committed

insert

, or who is alleged to have committed,

12
Proposed new clauses 92A to 92C
Page 120, line 13

insert

92A Incitement
New section 47 (5) (c)

insert

(c) even if the person incited was under the age of criminal responsibility for the offence incited.

92B New section 47 (8)

insert

(8) In this section:

under the age of criminal responsibility—a person is ***under the age of criminal responsibility*** for an offence if the person is not criminally responsible under section 25 for the offence.

92C Recruiting people to engage in criminal activity
New section 655 (2A)

insert

(2A) For subsection (2), ***criminal activity*** includes conduct that makes up the physical elements of an indictable offence engaged in by a person who is under the age of criminal responsibility for the offence.

13
Proposed new clauses 110A to 110D
Page 135, line 10

insert

110A Recognised orders—registration
Section 92 (1)

substitute

(1) On receiving an application under section 91 for registration of a recognised order, the registrar must register the order unless the respondent to the order was under 12 years old when the recognised order was made.

110B Section 92 (1)

substitute

(1) On receiving an application under section 91 for registration of a recognised order, the registrar must register the order unless the respondent to the order was under 14 years old when the recognised order was made.

110C Registered orders—revocation
Section 95 (1)

substitute

(1) This section applies if—

(a) a recognised court tells the registrar that a registered order has been revoked; or

(b) the respondent to a recognised order registered under section 92 was under 12 years old when the recognised order was made.

110D Section 95 (1)

substitute

(1) This section applies if—

(a) a recognised court tells the registrar that a registered order has been revoked; or

(b) the respondent to a recognised order registered under section 92 was under 14 years old when the recognised order was made.

14
Proposed new clause 126A
Page 150, line 17

insert

126A New section 14AA

insert

14AA Application of victims rights to victims under div 3A.3A

(1) A victims right applies, as far as possible, to a victim of a child's harmful behaviour under division 3A.3A.

(2) In this section:

harmful behaviour—see section 15CA (1).

15
Clause 129
Proposed new section 15CA (1), definition of *victim*, paragraph (b)
Page 152, line 6

omit

immediately

16
Clause 129
Proposed new section 15CE (2)
Page 154, line 15

omit

maker

substitute

victim

17
Clause 129
Proposed new section 15CF (2) (b)
Page 155, line 10

omit

maker of the statement

substitute

victim

18
Clause 129
Proposed new section 15CG (1) (d) (i)
Page 155, line 21

omit proposed new section 15CG (1) (d) (i), substitute

(i) a copy of the statement may be given to the child but only if the victim agrees; and

19
Schedule 1, part 1.8
Amendment 1.32
Proposed new section 37 (1) (c)
Page 167, line 7

omit proposed new section 37 (1) (c), substitute

(c) the person is required to submit to the jurisdiction of the ACAT under—

(i) an ACAT mental health provision in a care and protection order or interim care and protection order; or

(ii) a mental health referral by the Childrens Court in a proceeding for an interim intensive therapy order or intensive therapy order; or

(iii) a requirement of an interim intensive therapy order or intensive therapy order.

20
Schedule 1, part 1.8
Amendment 1.33
Page 167, line 10

omit amendment 1.33, substitute

[1.33] Section 178 (1)

omit

or interim therapeutic protection order

insert

, a mental health referral in a proceeding for an interim intensive therapy order or intensive therapy order, an interim intensive therapy order or intensive therapy order

21
Schedule 1, part 1.8
Amendment 1.34
Page 168, line 1

omit amendment 1.34, substitute

[1.34] Dictionary, new definitions

insert

intensive therapy order, for a child or young person—see the *Children and Young People Act 2008*, section 532.

interim intensive therapy order, for a child or young person—see the *Children and Young People Act 2008*, section 543.

Schedule 2

Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

Amendments moved by Mr Braddock

4
Proposed new clause 58A
Page 89, line 20—

insert

58A New part 35

insert

Part 35 Transitional—Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023

Division 35.1 General

646 Definitions—pt 35

In this part:

commencement day means the day the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*, section 58A commences.

schedule offence means an offence mentioned in the Criminal Code, schedule 1, column 2 as in force before the commencement day.

youth offence means a schedule offence committed or alleged to have been committed by a person who was at least 12 years old but under 14 years old when the offence happened.

647 Transitional regulations

(1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*.

(2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

(3) A regulation under subsection (2) has effect despite anything elsewhere in this Act.

648 Expiry—pt 35

This part expires 5 years after the commencement day.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

Division 35.2 Ending action etc for youth offences

649 Application—div 35.2

This division applies, despite any territory law to the contrary, to a person who is—

(a) in police custody in relation to a youth offence, whether or not the person has been charged with the offence; or

(b) subject to a criminal proceeding for a youth offence; or

(c) subject to a sentencing order for a youth offence.

650 Law enforcement action

(1) Law enforcement action carried out by a police officer in relation to a person for a youth offence before the commencement day ends on the commencement day.

(2) If the law enforcement action that ends under subsection (1) is arrest or police custody, the chief police officer must ensure that reasonable steps are taken to ensure the safety of the person on the person's release from arrest or custody.

(3) In this section:

law enforcement action means any of the following actions:

(a) enforcement of a warrant;

(b) arrest;

(c) police custody;

(d) beginning a criminal proceeding;

(e) administration of police bail.

651 Criminal procedures, proceedings and sentences

(1) A summons issued for a youth offence is withdrawn and ceases to have effect on the commencement day.

(2) A warrant issued for a youth offence is revoked and ceases to have effect on the commencement day.

(3) A decision of a police officer to grant or refuse to grant bail to a person for a youth offence ceases to have effect and the person is entitled to be at liberty on the commencement day.

(4) A decision of a court to grant or refuse to grant bail to a person, or otherwise remand a person, in a criminal proceeding for a youth offence ceases to have effect and the person is entitled to be at liberty on the commencement day.

(5) A criminal proceeding against a person for a youth offence is discontinued on the commencement day.

(6) A sentence imposed on a person for a youth offence ends on the commencement day.

(7) In this section:

court attendance notice—see the *Magistrates Court Act 1930*, section 41B.

summons includes a court attendance notice.

652 Destruction of forensic material etc

(1) This section applies if, before the commencement day, any of the following happened in relation to a person who committed a youth offence:

(a) identification material was taken from the person;

(b) forensic material was taken from the person;

(c) a forensic procedure was carried out on the person.

(2) The chief police officer must ensure the destruction of each of the following:

(a) the identification material;

(b) the forensic material;

(c) any information obtained from the forensic material;

(d) any record of a thing mentioned in paragraph (a) to (c).

(3) The chief police officer must also ensure any information about a thing mentioned in subsection (2) entered into a database or record by a police officer is removed from the database or record.

(4) In this section:

forensic material—see the *Crimes (Forensic Procedures) Act 2000*, section 5.

forensic procedure—see the *Crimes (Forensic Procedures) Act 2000*, section 5.

identification material, in relation to a person—see section 185.

653 Release of person from custody

(1) This section applies if, on the commencement day, the director-general responsible for the *Crimes (Sentence Administration) Act 2005* is required under this part to release from custody a person who committed, or is alleged to have committed, a youth offence.

(2) The director-general responsible for that Act must ensure that reasonable steps are taken to ensure the safety of the person on the person's release from custody.

Division 35.3 Validity of past criminal justice action

654 Meaning of *criminal justice action*—div 35.3

In this division:

criminal justice action, for a youth offence, includes any of the following:

(a) investigating, apprehending, arresting, detaining, charging, or prosecuting a person for the youth offence;

(b) adjudicating a charge against a person for the youth offence;

(c) convicting or sentencing a person for the youth offence;

(d) administering or enforcing any pre-sentence orders or sentence for the youth offence;

(e) enforcing a requirement to pay a fine, costs, restitution, compensation or other money as a result of being found guilty, convicted, or sentenced for the youth offence.

655 Past lawful acts not affected

The commencement of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023* does not affect the validity of criminal justice action, for a youth offence, under a territory law before the commencement day.

656 Protection from liability

(1) A person is not personally liable for any criminal justice action for a youth offence done or omitted to be done honestly and without recklessness before the commencement day—

(a) in the exercise of a function under a territory law; or

(b) in the reasonable belief that the act or omission was in the exercise of a function under a territory law.

(2) Any liability that, apart from subsection (1), would attach to a person attaches instead to the Territory.

657 No entitlement to compensation etc

A person who committed a youth offence before the commencement day is not, because of the enactment of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*, entitled to compensation or damages as a result of any criminal justice action for the offence.

Schedule 3

Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

Amendments moved by Mr Cain

2
Clause 56
Page 78, line 6—

[oppose the clause]

Schedule 4

Building (Swimming Pool Safety) Legislation Amendment Bill 2023

Amendments moved by the Minister for Sustainable Building and Construction

1
Clause 4
Proposed new section 83B (2), definitions of *demountable swimming pool* and *inflatable pool*
Page 6, line 9—

omit the definitions, substitute

demountable swimming pool means a swimming pool—

(a) that can be assembled and disassembled by hand, or with hand tools, without damaging the pool's components; or

(b) that—

(i) can be inflated and deflated; and

(ii) has a filtration system.

inflatable pool means a pool that—

(a) can be inflated and deflated; but

(b) does not have a filtration system.

2
Clause 4
Proposed new section 83I (1) (b)
Page 12, line 20—

omit

3
Clause 4
Proposed new section 83J (1) (b)
Page 13, line 5—

omit

4
Clause 4
Proposed new section 83L (1) (c)
Page 15, line 21—

insert

(c) if a Ministerial exemption applies to the regulated swimming pool and the exemption is revoked—the day on which the revocation of the exemption takes effect.

Note The reason for the revocation of a Ministerial exemption affects when the revocation takes effect (see s 83F (4)).

5
Clause 28
Proposed new section 10B (1) (b) (i) (A)
Page 35, line 14—

omit proposed new section 10B (1) (b) (i) (A), substitute

(A) the exemption certificate in force for the pool; and

6
Clause 29
Proposed new section 10B (1) (a) (i)
Page 37, line 16—

omit proposed new section 10B (1) (a) (i), substitute

(i) the exemption certificate in force for the pool; and

7
Clause 29
Proposed new section 10B (2) (a) (i)
Page 38, line 6—

omit proposed new section 10B (2) (a) (i), substitute

(i) the exemption certificate in force for the pool; and
