



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**28 NOVEMBER 2023**

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**Tuesday, 28 November 2023**

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

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

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

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

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

## **Resignation of member Statement by Speaker**

**MADAM SPEAKER:** Pursuant to the resolution of the Assembly of 27 March 1992, as amended 6 March 2008, which authorises me to receive written notice of resignation of a Member, I wish to inform the Assembly that I received a written notice from Mr Davis, dated 12 November 2023, resigning his office as a Member of the Legislative Assembly.

Pursuant to subsection 13(3) of the *Australian Capital Territory (Self-Government) Act 1988*, I present a copy of the letter of resignation from Mr Davis and a copy of a letter from the Speaker to the Electoral Commissioner advising of the vacancy, dated 13 November of this year.

*Australian Capital Territory (Self-Government) Act 1988* (Cth), pursuant to subsection 13(3)—Resignation of office as Member—Mr Johnathan Davis—Copy of letter of resignation, dated 12 November 2023.

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Copy of letter to the ACT Electoral Commissioner, from the Speaker, dated 13 November 2023.

## **Petitions**

*The following petitions were lodged for presentation:*

### **Kippax—crime—petition 21-23**

*By Mr Cain, from 114 residents:*

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

The following residents of the ACT draw the attention of the Assembly. There is currently a lack of police officers present at the Kippax Group Centre. This has led to an increase in petty and preventable crimes against businesses, as well as intimidation of shoppers, who are afraid of using the Centre at certain times. The primary mechanism to solving this issue is increasing the presence of police officers at Kippax, with more patrols and increased numbers.

Your petitioners, therefore, request the Assembly call on the Government to increase the number of police officers at the Kippax Group Centre and ensure that regular patrols are provided by police officers on foot and in police vehicles to increase safety for citizens.

### **Kippax—crime—petition 30-23**

*By Mr Cain, from 71 residents:*

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

- a) There is currently a lack of police officers present at the Kippax Group Centre.
- b) This has led to an increase in petty and preventable crimes against businesses, as well as intimidation of shoppers, who are afraid of using the Centre at certain times.
- c) The primary mechanism to solving this issue is increasing the presence of police officers at Kippax, with more patrols and increased numbers.

Your petitioners, therefore, request the Assembly call on the Government to increase the number of police officers at the Kippax Group Centre and ensure that regular patrols are provided by police officers on foot and in police vehicles to increase safety for citizens.

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

### **Ministerial responses**

The following responses to petitions have been lodged:

### **Ngunnawal Oval—lighting—petition 25-23**

By **Ms Berry**, Minister for Minister for Sport and Recreation, dated 14 November 2023 in response to a petition lodged by Mr Braddock on 14 September 2023, concerning lighting at Ngunnawal Oval.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter regarding petition 025-23, lodged by Mr Andrew Braddock MLA, regarding lighting at Ngunnawal Oval.

The ACT has the highest participation rates in sport and recreation in Australia and it is important to ensure every region across Canberra has reliable access to good local sporting facilities to accommodate a range of organised sports. For a number of years Gungahlin has consistently been one of the fastest growing regions in Australia. This has resulted in commensurate growth in demand for organised sport, with sportsground managers fielding a strong demand for access to sportsgrounds for organised sport training and matchplay time.

The ACT Government has committed to improve the Ngunnawal Neighbourhood Oval with upgrades including parking enhancements, sportsground flood lighting, toilet facilities and an improved irrigation system. Currently the site is not a bookable facility, with its most common use being for ad-hoc community recreation activities. The improvements will provide much needed added capacity for organised sport and take pressure off other bookable facilities in the Gungahlin region.

In relation to the provision of the floodlighting system at Ngunnawal Neighbourhood Oval, I can advise similar lighting systems have been installed at over 70 sportsgrounds across Canberra including within residential areas, most recently, a floodlighting system was installed at the Watson Neighbourhood Oval off Knox Street. Sportsground floodlighting is installed to comply with the relevant Australian Standards.

Commissioning tests and measurements at other sportsgrounds across Canberra have shown flood lights easily meet standards for restricting light spill. The standards take into account vertical illuminance (spill) and beam intensity on residential blocks minimising the impact on surrounding residential properties. The ACT Government incorporates best practice lighting design into all its infrastructure projects and has a sportsground floodlighting maintenance contract in place to routinely inspect any reported light spill issues.

Sportsground lighting is only available to those with bookings and is not operational nor available to the public outside of booking times in the evenings. Booking hours are from 7.30am to 9pm daily noting lighting may continue to 9.15pm whilst pack-up occurs and to assist people to safely exit the facility. Note however that after 9pm, the lighting dims to less than 50% of its standard illuminance. These booking times are consistent across all ACT Government sport and recreation facilities.

Sportsground managers have determined a 9.15pm lights out policy meets the balance between allowing night-time training and matchplay on one hand and respecting the need for a no light environment into the evening for the convenience of local residents. Restricting floodlight hours of operation even further is detrimental to sporting clubs' capacity to cater for a large proportion of their members who value their exercise/recreation after work hours.

I trust this information is of assistance.

### **Lyons Early Childhood School—transport—petition 14-23**

By **Mr Steel**, Minister for Transport and City Services, undated, in response to a petition lodged by Ms Davidson on 29 August 2023, concerning a school bus for Lyons Early Childhood School.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter regarding petition 014-23, lodged by Ms Emma Davidson MLA, regarding a school bus for Lyons Early Childhood School.

I appreciate the concerns raised by families enrolled at Lyons early Childhood School with regards to connection to Hughes Primary School using public transport.

The focus for Transport Canberra is to ensure connection between priority enrolment area primary schools and high schools as students enrolled do not have the option of attending the same schools as their siblings due to their age.

Noting enrolment of students into the Lyons Early Childhood School is through choice of the parents and not set by priority enrolment guidelines, Transport Canberra is unable to provide a connecting service between the two schools due to resourcing limitations.

Consideration to a change in bell times by the schools may assist in providing a solution to ensure parents are able to collect children with ease. I will raise this with Ms Yvette Berry MLA as the Minister for Education and suggest she raise this with the schools as a potential solution. The Education Directorate would need to consult with the school community before changing either school hours.

I trust this information is of assistance.

### **Roads—Gribble and Hibberson streets intersection—petition 11-23**

By **Mr Steel**, Minister for Transport and City Services, undated, in response to a petition lodged by Mr Braddock on Wednesday, 30 August 2023, concerning pedestrian safety at the Gribble and Hibberson streets intersection.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter regarding petition 011-23, lodged by Mr Andrew Braddock MLA, regarding a Pedestrian Crossing and Safety at the Intersection of Gribble and Hibberson Street.

Transport Canberra and City Services (TCCS) has investigated this intersection previously for potential pedestrian safety improvements and in April 2021 undertook a survey to determine traffic volumes and the number of pedestrians crossing the road. The survey was undertaken in the morning peak (8am – 9am) and the afternoon peak (3pm – 4pm). Based on the data at this time, TCCS did not believe improvements to the intersection were warranted.

A recent TCCS review has identified that the 2021 data may no longer be representative of what is occurring on site today. The previous survey was completed during a period where travel patterns (both vehicular and pedestrian) were altered because of the Covid-19 pandemic and the Gungahlin Town Centre has continued to grow in the two years since this survey.

As such, noting the Government's commitment to improve active travel facilities in Town Centres and across Canberra, TCCS will engage a local consultant to undertake a traffic study at this intersection to provide more up-to-date vehicle and pedestrian information and consider possible interventions to improve pedestrian safety.

Following completion of the traffic study, the Government will consider possible improvements in the context of other planned improvements in the Gungahlin Town Centre, including Black Spot intersection upgrades and active travel improvements which were funded for design in the 2023-24 ACT Budget.

I trust this information is of assistance.

### **Woden—arts facilities—petitions 5-23 and 26-23**

By **Ms Cheyne**, Minister for Arts, dated 16 November 2023 in response to petitions lodged by Mr Cocks on 29 August 2023 and 19 September, concerning arts and culture in the Woden Town Centre.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letters of 29 August and 19 September 2023 regarding (e-petition) petition number 005-23 and (paper) petition number 026-23, lodged by Mr Ed Cocks MLA. The petitions draw the Assembly's attention to the investment by the ACT Government in arts and culture in the Woden Town Centre. The petitions suggest that a well-located multi-purpose arts facility for visual and performing arts and music would complement the proposed CIT. In addition, it could encourage local activity and provide confidence to the private sector to establish a day and night economy in Woden.

#### Arts, Culture and Creative activity in Woden Town Centre

A Woden Arts program has been delivered by the Tuggeranong Art Centre since 2019 with investment from the ACT Government through the ACT Arts Fund. The Woden Arts program is designed to be inclusive, offering creative experiences for local community groups and diverse cultural groups, as well as pop-up events showcasing the work of local musicians, poets, dancers and visual artists. From 2023 to 2027, as part of the Art Organisation Investment Program funding to Tuggeranong Arts Centre, delivery of the Woden Arts program will continue, including community arts and cultural development programs.

Further opportunities for engagement in arts, culture and creativity can be found through Libraries ACT. Libraries ACT in Woden has a full recording studio where audio recording, live streaming and video recording can occur. There is a podcasting studio as well as a rehearsal studio, community meeting and learning space. These spaces are available to the community and there are staff to train the community in how to use them. The spaces are available after hours by booking through Libraries ACT.

The co-design process for the Woden first floor refurbishment and the Canberra-wide Imagine Libraries 2030 highlighted that the community see libraries as their connected community space. Access to arts programs was highlighted as something that the library should continue to increase.



The Arts Activities funding provides approximately \$900,000 per annum to support individual artists, groups and organisations throughout Canberra, including in Woden. Artists, groups and organisations can apply for funding to undertake arts activities including creating new work, professional or skills development, as well as community arts and cultural development.

The ACT Event fund provides approximately \$742,000 per annum to support the delivery and enhancement of events that can encourage local engagement and participation. The Event Development Fund provides \$450,000 per annum to support the delivery and enhancement of events that can demonstrate strong potential to develop and grow, including capacity to generate community participation, tourist visitation and economic activity.

#### Woden CIT Campus

Construction of the new CIT Woden campus is well underway, with works to build the ground floor structure already having commenced. The new CIT Campus at Woden will have a multipurpose hall available to hire by members of the community for a range of purposes. This may include for arts or music performances.

#### ACT Government Arts Policy and Infrastructure Plan

On 28 July 2022, I released *Canberra: Australia's Arts Capital – Arts, Culture and Creative Policy 2022-2026* setting out the ACT Government's commitment to supporting a wide range of programs and activities to underpin the arts and cultural life in Canberra. Within this policy, there is a commitment for the ACT Government to invest in sustainable and connected arts and cultural venues and precincts for more creative participation across the ACT.

The *ACT Infrastructure Plan update: Entertainment, Arts and Sports* recognises that the variety and scale of cultural and recreational infrastructure that Canberra needs is changing. There is recognition that investing in community-level facilities is important. As Canberra grows, existing arts facilities experience increased demand for space and access. The Plan identifies that over the next five years, a needs analysis for arts centres at Gungahlin and Woden will be undertaken to inform further infrastructure decisions.

I trust this information is of assistance.

### **Motion to take note of petitions**

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

That the petitions and responses so lodged be noted.

### **Kippax—crime—petitions 21-23 and 30-23**

**MR CAIN** (Ginninderra) (10.04): I speak with respect to the Kippax petition calling for increased police presence at the Kippax Group Centre. It has been brought to my attention, over some time, through consultation with the business owners, workers and shoppers who frequent the Kippax Group Centre that crime, shoplifting, theft and threats to personal safety are at an alarming level at the centre.

The members of the Kippax community feel as though they have been neglected and ignored by this Labor-Greens government. Almost every time I visit Kippax to speak

to the constituents, business owners, shoppers and staffers, I am asked to do something to help prevent the petty and preventable crime at their shopping centre. In car parks as I have pulled up to go into that shopping centre, I have even been stopped by staff asking if I can do something. Certainly, this petition is a response to that concern.

Many of the workers and shoppers feel scared to come forward for fear of retribution. I am aware of people who prefer not to go there at night because of the risk to their safety. It has come to the point where, while the respect for the police is high, there is just not enough police presence at that centre, and that is at the very heart of this petition.

I do not make these comments lightly, because I do shop there frequently myself. Like at all of our shopping centres, particularly in my electorate of Ginninderra, I want people to be able to shop there, work there, travel there, park there and to enjoy the full range of benefits that are available at our wonderful shopping centres.

As Minister Gentleman would be aware—I have pleaded with him to go out there and talk firsthand with the shop owners and the business operators, but to no avail. That is, really, neglect of the highest order. The toilet blocks inside the centre are being locked from 5 pm because they get vandalised and damaged. It is not uncommon to turn up there during the day and see that the toilet block is locked up because some incidents have occurred.

I do not know how members of this Assembly would feel if this were a shopping centre in their electorate—how they would respond to persistent calls for improved police presence. I hope they would respond in the way that I have, to support our local community and our local group centre.

Despite the calls for the police minister to do more, this does not seem to have occurred. Although I do note, when I got a news item in July at the group centre that included interviews with two of the shop operators which got played on WIN News on a Friday evening in July, I was informed by people out there at Kippax that in the next week the police were seen wandering through the group centre for the first time in a very long time. Is it just that it needs the media to draw some attention to this for the police minister to act? This petition is calling for him to act. Or is he only going to act when it gets in the news? That would seem to be the case.

As I said, the police do a wonderful job. But, as it has been said on many occasions in many debates in this place, the number of police per head in our city is at too low a level to adequately meet the demands of our community who seek that reassurance of police presence. This is a symptom of a failure of the highest order—a lack of resourcing from this government to a much needed area, an area of our society that contributes to sounds and safe government for our city.

The Kippax Group Centre, and the failure to have police presence more prominently and more frequently, is a symptom of a government that has been in power too long. It has had long enough to get so many things right, and it has not got the simplest things right! This is a symptom of why this community deserves better.

Under an Elizabeth Lee-led Liberal government, we will bring a commitment to look after those basic services for the sake of our community, and for the safety of our community members so that people do not feel discouraged about their public spaces and shopping centres and fully participate in all they have to offer.

I commend this petition to the Assembly.

**MRS KIKKERT** (Ginninderra) (10.09): I rise to speak in support of the petition calling for an increased police presence at the Kippax shops. Thank you to my colleague Peter Cain for bringing this important petition to the Assembly. I hold regular mobile offices at Kippax and speak with both shopkeepers and shoppers.

The visible rise in crime at the centre is an issue frequently raised to me. I have spoken with people who have been victims of theft at Kippax. I have spoken with others who have witnessed theft occurring, or who have been personally intimidated and, therefore, now feel nervous visiting these shops. One of my own staff reported that the only place he has ever been robbed was at Kippax.

Some shopkeepers have had their shops broken into multiple times. One told me that he has stopped reporting break-ins because, after years of neglect and underfunding by Labor and the Greens, our police are too overwhelmed to respond in a timely manner.

People who work and shop at Kippax already feel that they have been written off by this government in so many ways. The long-promised expansion of the shopping centre still has not happened. Last year, the ACT government sold off a surface car park in violation of the Kippax master plan, creating a parking crisis. Allowing petty crime to harm businesses and driving even more shoppers away from the centre is not what a good government would do.

I have heard from many people that they almost never see police patrols in the area and never see police officers on foot. They would like to see this change, and many of those people had no doubt signing this petition. On behalf of those people, and so many others who have raised these concerns with me, I commend this petition to the Assembly.

Question resolved in the affirmative.

## **Leave of absence**

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

That leave of absence be granted to Mr Braddock for today's sitting due to personal reasons.

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

That leave of absence be granted to Mr Hanson for this sitting week due to personal reasons.

## **Justice—restorative—update**

### **Ministerial statement**

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.12): On 28 July 2023, the Legislative Assembly passed a resolution to provide an update on progress of reform work to the ACT's restorative justice scheme by the last sitting day of this year. This was in response to a motion introduced by Dr Marisa Paterson calling on the ACT government to consider possible reforms to the ACT's restorative justice system, including options to increase the availability of restorative justice outside the criminal justice system. I am pleased to now update the Legislative Assembly on the review of the scheme and associated legislation. I also take this opportunity to outline other activities that are occurring in the restorative justice space.

The ACT's restorative justice scheme is administered by the Restorative Justice Unit within the Justice and Community Safety Directorate. The scheme was one of the most ambitious of its kind in 2004, when it commenced, and continues to serve as a model for other jurisdictions in Australia and overseas. It was implemented over three phases, as experience and confidence in the scheme grew. The scheme provides a voice for people affected by crime, alongside the more formal justice system. The purpose is to promote victim empowerment in a non-adversarial justice process and generate understanding, empathy and reparation for victims of crime.

I would like to take this opportunity to highlight some data from the Restorative Justice Unit, which helps provide the backdrop for current activities. In 2022-23, the unit received 135 referrals involving 245 victims, 151 offenders and 321 offences. ACT Policing and ACT Courts remained the highest referring entities to restorative justice. The Restorative Justice Unit convened 47 conferences involving 59 victims and 53 offenders. Client feedback collected after restorative justice conferences were held indicated an overall satisfaction rate of 99 per cent.

Thirty-eight Aboriginal and Torres Strait Islander offenders were referred to restorative justice. Seven conferences were held involving six young offenders and one adult. The Restorative Justice Unit continues to focus on building relationships with Aboriginal and Torres Strait Islander communities and agencies, with a First Nations convenor and a First Nations guidance partner providing an integral support service to maximise meaningful opportunities to participate in restorative justice conferencing.

Since phase 3 of the restorative justice scheme began on 1 November 2018, the unit has been able to accept referrals for matters involving family violence and sexual offences. In 2022-23, 21 offenders and 29 known family members, or victims, were referred to the Restorative Justice Unit, and seven face-to-face conferences were convened for family violence matters. Seven offenders were referred to the unit for sexual offence matters. These referrals included 19 offences, seven victims and two conferences being convened.

It is pleasing that confidence and client satisfaction in the scheme continues to remain high, especially when working with victims of domestic, family and sexual violence.

The Restorative Justice Unit has implemented a waitlist for its services, reflecting the complexity of matters being considered, the need to ensure effective and safe procedures of participants, and the resources needed to support them. While there is a waiting period, the ACT's restorative justice scheme continues to support victims of crime and provides a meaningful and effective option for having their justice needs met.

2024 marks the 20-year anniversary of the passing of the Crimes (Restorative Justice) Act 2004. With all phases of the scheme now fully implemented, it is timely to comprehensively review the scheme. The review is intended to ensure the scheme continues to deliver and respond to community expectations and needs, to support victim rights and interests, and to provide options for diversion and offender management.

Earlier this year, I committed \$200,000 from the confiscated assets trust to engage an independent external consultant to undertake the review of the scheme. Terms of reference for the review have been developed in consultation with key government and justice agency stakeholders. The terms of reference will consider and deliver advice to the ACT government addressing the strengths of the scheme; the adequacy and effectiveness of the legislation in facilitating the scheme; the efficiency and effectiveness of the operation of the scheme and factors impacting on this; the alignment of the scheme with modern understandings of best practice restorative justice service provision; changes in utilisation of the scheme and impacts of these changes for clients and stakeholders; barriers to access and participation in the scheme for stakeholders and participants, particularly for groups overrepresented in the criminal justice system or who experience inequitable access to justice; any gaps in the scheme and the impact of these; opportunities to increase the impact of the scheme for the ACT community; and the sustainability of the scheme into the future.

The review will also be able to examine the drivers for the current waitlist and the impact, if any, it has on the scheme. Selection of the reviewer will be through a procurement process which is currently underway. I anticipate that a final report will be delivered by mid to late 2024. I am keen to ensure the report provides recommendations that are practical and scalable for the ACT. I look forward to the report's findings and considering any proposed recommendations in due course.

Concurrent with the review of the scheme, we are progressing work on recommendation 13 of the *Listen. Take Action to Prevent, Believe and Heal* report. The report identified gaps in the availability of restorative justice for victim-survivors of sexual violence. In the 2023-24 budget, \$100,000 has been allocated to fund an independent researcher to explore alternative civil justice and expanded restorative justice responses that could be adapted for the ACT to hold perpetrators of sexual violence to account and advance the interests of victim-survivors. The independent researcher will produce a report and make recommendations to guide future reforms in this area. The scope of research has been agreed for this work and procurement activities are currently underway. It is anticipated this work will be completed by mid to late 2024.

I also recently convened a restorative justice roundtable. The roundtable was held on 7 November 2023 and brought together key stakeholders and those with an interest in

restorative justice and practice in the territory. It was a great opportunity to proactively engage with stakeholders about the review, encourage participation and seek direct feedback to help shape and inform ongoing discussion on restorative justice. It was an ideal opportunity to generate renewed enthusiasm and commitment to restorative justice in the ACT.

JACS partnered with the Australian Institute of Criminology to undertake a process and outcome evaluation of phase 3 of the restorative justice scheme. As mentioned, phase 3 was an expansion of the scheme to include referrals for domestic, family and sexual violence matters. The evaluation report was published on the JACS website on 7 November 2023. The Australian Institute of Criminology also attended the roundtable to report its findings to those present.

Of interest, the phase 3 evaluation recognised the ACT's restorative justice scheme provides a unique and important mechanism for victims to have a variety of justice needs met in the aftermath of domestic, family and sexual violence victimisation. It found high levels of satisfaction amongst participants and noted participants expressed feeling supported and respected by the convenors. Many victim-survivors reported feeling safer as a result of participation in the scheme and said the conference had been an integral part of their recovery journey and had supported them to move on from the violence and its impact. The report recognised important features and protections that the Restorative Justice Unit have implemented for supporting domestic, family and sexual violence matters which have contributed to these positive findings for victim-survivors.

Finally, the Assembly may be aware the next National Restorative Practices Conference is going to be held in Canberra from 21 to 23 November 2024. It will be an opportunity to draw on the experience of experts across the country and highlight some of the innovative activities in the ACT. JACS is represented as part of the National Restorative Practices Conference Organising Committee, which meets monthly.

I am committed to ensuring the ACT remains at the forefront of restorative justice practice and leads the way in supporting healing and accountability in our community. The review and associated activities are meaningful steps the ACT government is taking to increase the impact and effectiveness of the restorative justice scheme. I look forward to the results of this work which will arm government with the information it needs to take important steps towards reform. I thank the Legislative Assembly for the opportunity to provide this important update on restorative justice in the ACT.

I present the following paper:

Restorative justice reforms—Assembly resolution of 28 June 2023—  
Government response—Ministerial statement, 28 November 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **ACT Policing—online reporting system and sexual assault reporting—updates**

### **Ministerial statement**

**MR GENTLEMAN** (Brindabella-Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.22): I rise today to respond to two Assembly resolutions relating to online reporting to ACT Policing, made on 8 February 2023 and 29 March 2023.

The online reporting portal established by ACT police complements the existing reporting channels of contacting the Police Assistance Line on 131 444, dialling 000 in an emergency, or attending one of the ACT police stations. The portal has been developed over three years, in consultation with the ACT community and key stakeholders, including the ACT government, which provided \$400,000 for the project as part of the Police Service Model.

We listened to the community and the needs of policing, and the portal is a direct result of this. Its implementation allows improved allocation of resources to respond to incidents where immediate police assistance is required. Between Monday 17 April 2023 and Friday 30 June 2023, ACT police conducted an evaluation phase of the portal, testing its functionality in a controlled environment. Members of the community were invited to report online if they phoned ACT Policing on 131 444 to report a non-urgent, minor property damage or vandalism incident.

Following the successful evaluation phase, on 7 July 2023 I announced the launch of the portal to provide an additional formal way for the ACT community to report minor, non-urgent property damage and vandalism incidents. Online reporting has been developed to allow, in time, expansion to other crime types such as non-urgent minor thefts and stolen motor vehicles. Data collated by ACT Policing demonstrates wide community adoption geographically across the ACT and across various ages groups. Other Australian law enforcement jurisdictions have observed a slight increase to the reporting rates of property damage crime types where online reporting has been introduced, revealing consistent underreporting of these incidents within communities. ACT Policing anticipates a similar trend to emerge and will use this information to better understand our crime trends and dispatch police resources appropriately.

Reporting sexual assault can be a daunting and traumatic experience. ACT Policing recognises the emotional hardship and courage required to come forward. The ACT government is committed to supporting victim-survivors of sexual assault. So, I appreciate the Assembly highlighting the progress ACT Policing has made regarding the historic sexual assault online reporting portal in its resolution, and I wish to acknowledge the Assembly resolution for identifying options for improved services for the ACT community through the recognition of the work of New South Wales police in relation to online reporting of sexual assaults.

ACT Policing launched the historical sexual assault online reporting portal in August 2020, enabling victim-survivors to make informed decisions about their disclosure for

historical sexual assaults—that is, offences that have occurred more than six months ago. The portal complements existing reporting avenues and outlines what level of information is required for such proceedings and gives victim-survivors the choice to proceed with a criminal investigation or not. Victim-survivors can report any incident of sexual assault to police regardless of how long ago it occurred. The online reporting portal is a step towards giving victim-survivors more control over what happens next and the assurance that the information they provide will be managed sensitively and securely. It is the victim-survivor's choice as to how an assault investigation proceeds. Victim-survivors may elect for their matters not to be investigated further, their assailants approached or for court proceedings to occur. Unfortunately these processes are often lengthy and may further traumatise victim-survivors.

It is important that SACAT investigators are victim centric and trauma informed in the way they operate and are guided by the victim-survivors' wishes. Victim-survivors may choose to report initially but decide, for various reasons, not to progress through court. This does not prevent a victim-survivor from re-engaging with ACT Policing at a later date for the purpose of requesting an investigation to be reactivated.

On 29 August, Minister Berry noted in her ministerial statement on the Sexual Assault Prevention and Response program 2023, the important role that ACT Policing plays to act effectively and respond appropriately to sexual assault cases. I would like to commend ACT Policing for their willingness and commitment to the government response to the *Listen, take action to prevent, believe and heal report*, or the Listen report. This includes ACT Policing's cooperation with the sexual assault (police) review to identify areas for systemic reform to achieve better justice outcomes and improved support for victim-survivors. The sexual assault (police) review may also provide insights that inform innovative practices in online reporting.

The government has further supported the community and the objectives of the Listen report by funding an additional Sexual Assault and Child Abuse Team, or SACAT, within the ACT Policing role. These resources for SACAT will assist in meeting community expectations to investigate these matters, protect vulnerable victim-survivors of sexual violence and improve the overall response to sexual violence.

This government also acknowledges that there is more work to be done to protect the vulnerable in our community, and particularly to support victim-survivors as outlined in the Assembly resolution of 29 March 2023 on the sexual assault online reporting.

The New South Wales police force has released an Empower You app which allows family violence victims in New South Wales to discreetly access support services. Police are always seeking ways to innovate and support any technology and developments that allow victims of family violence to be protected and supported. The government and ACT Policing remain engaged in discussions to assess the effectiveness of any ability to extend the app into the ACT.

The ACT government is also investigating further streamlined accessible online sexual assault reporting options available in various languages for victim-survivors. The ACT government will ensure that any future approaches to online reporting will



continue to take into consideration safety mechanisms, accessibility and equity, clear and consistent follow-up and support pathways for victim-survivors.

The needs of the community are the top priority for this government and for ACT Policing. The government's commitment to the ACT community's wellbeing and safety is also highlighted by an unprecedented commitment to enhance community safety by investing over \$100 million in the recruitment of 126 ACT police personnel over the next five years. The new officers will be deployed across a range of priority areas consistent with the new Police Services Model and the statement of direction from the Minister for Police. This includes additional police in suburban growth areas such as Molonglo and Gungahlin and established areas such as Tuggeranong, Woden, Weston Creek, Belconnen and central Canberra. Alongside this recruitment drive, the funding will be used to expand crucial support resources, including the provision of vehicles, body-worn cameras and operational equipment. These enhancements will significantly bolster the capabilities of our dedicated officers in their efforts to ensure the safety and security of the community.

The safety of our community is our utmost priority, and this significant investment in our police force demonstrates our commitment to providing a safe environment for all residents of the ACT. I thank the ACT police for their ongoing hard work to keep this community one of the safest in the world.

I present the following paper:

ACT Policing—Online reporting mechanisms—Assembly resolution of 8 February 2023 and Sexual assault—Online reporting—Assembly resolution of 29 March 2023—Update—Ministerial statement, 28 November 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Environment—bushfire smoke and air quality strategy and wood heaters—update Ministerial statement**

**MS VASSAROTTI** (Kurrajong-Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.32): I am pleased to table the government's report on the First Action Plan 2021-2023 under the Bushfire Smoke and Air Quality Strategy 2021-2025.

The Bushfire Smoke and Air Quality Strategy 2021-2025 was tabled by the Minister for Health in November 2021 and outlined a whole of government approach to effectively prevent, prepare for, respond to and recover from significant bushfire smoke events in the future. The strategy also set out a roadmap for how the government will continue to manage smoke from wood heaters in a way that supports liveable communities and healthy environments.

Smoke from bushfires can be a major source of harmful air pollutants in the ACT. During the 2019-20 Black Summer bushfires, severe smoke had impacts on the physical and mental health of Canberrans. The local economy also suffered as many people sheltered in place or other safe spaces and reduced travel to the ACT region.

The strategy's vision is to support healthy communities by reducing the adverse effects of bushfire and wood heater smoke on human health. The strategy sets out eight objectives to direct government actions over the next four years towards this vision across a wide range of policy areas, including: emergency management; regulation of environmental pollution; monitoring of air quality; public health advice, warnings and directions; work health and safety; building standards; and support for businesses.

The strategy provides high level directions that will guide the development of action plans which include specific steps towards the strategy's vision and objectives. The action plans will be flexible and dynamic so they can respond to new experiences and learning across government and the community.

I am pleased to report that significant progress has been made through the First Action Plan, despite the significant interruptions due to COVID-19. I will table a report of progress against the First Action Plan and discuss the key achievements. The government has strengthened its smoke plume modelling capabilities to better plan to mitigate the effects of bushfire smoke on the ACT community, particularly from prescribed burns. The ACT's air quality website has been updated with a clearer and more interactive dashboard relating to air quality, allowing the public to interrogate air quality data more easily, including on smartphones. The "Outdoor Smoke – Health Impacts" fact sheet has also been updated to incorporate information on ways to reducing smoke entering buildings.

The Gaming Machine (Club Refuge) Amendment Act 2023 was passed by the Legislative Assembly on 28 June 2023. The act made amendments to the Gaming Machine Act 2004 and the Gaming Machine Regulation 2004 to support clubs to become club refuges for local communities during times of a heat or smoke event. The intention is to have this measure implemented by the end of 2023, noting there is a higher risk of heat and smoke events over summer.

WorkSafe ACT has developed a smoke, pollen and dust webpage that sets out the duties of persons conducting a business to ensure the air quality in the workplace is safe. The webpage provides practical information on how employers can manage the risks of poor air quality caused by dust storms, pollen and smoke, and provides links to useful resources to assist businesses in assessing air quality, such as the air quality index for the ACT.

In January 2022, WorkSafe ACT launched its Strategy for Preventing Occupational Lung Diseases 2021-2023. Part of this strategy involves raising awareness of exposures that cause occupational lung diseases through general and targeted awareness campaigns. Work has commenced by the Work Safety Group, Office of Industrial Relations and Workforce Strategy in consultation with the ACT's Work Health and Safety Council, to consider developing further guidance materials to support persons conducting a business or undertaking to meet their work health and safety duties for workers exposed to the risks of smoke and heat.

The Environment, Planning and Sustainable Development Directorate has established a five-year, \$5 million Building Energy Efficiency Upgrade Fund, to be accessed by community clubs. This program provides rebates of up to \$75,000 per club, to upgrade to more energy efficient appliances and energy systems. As part of the registration process for the program, clubs also complete an extreme weather plan, which outlines the measures clubs could implement to become an extreme weather refuge site. As at 30 June 2023, 24 clubs have participated in the program with rebates provided to eight clubs, and 18 clubs have provided their extreme weather plan.

Excellent progress has been made on delivering the ACT Climate Change Strategy 2019-2025. In the area of climate-wise development, the new planning system released in September 2023 includes a significant number of new climate-wise elements.

The new energy efficiency standards in the National Construction Code (NCC) 2022 are the first step to progress on the 10-year pathway to shift to world's best practice on climate-ready and environmentally sustainable buildings. These new standards will commence in the ACT on 15 January 2024. The Environment, Planning and Sustainable Development Directorate has been progressing, scoping and planning works to support development of a roadmap that will set clear goals and ways of measuring, including commitments on gas transition and no new gas connections in greenfield areas.

Several actions in the Living Infrastructure Plan have been completed and strong progress is being made on others. For example, the Tree Protection Act has been replaced by the Urban Forest Act 2023, which was passed in the Assembly in March 2023 and will commence on 1 January 2024.

The Wood Heater Replacement Program provides eligible households a rebate for removing or replacing wood heaters with an efficient electric heating system. This has led to the removal of over 1,292 old wood heaters that do not meet the current national emissions standards. Encouragingly, there has been an increased uptake in electric home heating over recent years and a transition away from wood heating as a main heating source, supported by the significant uptake of solar power and ACT government initiatives, such as the Wood Heater Replacement Program, the Sustainable Household Scheme and the Home Energy Support Program. I continue to encourage Canberrans to consider alternative forms of heating to wood heaters.

The ACT government's Burn Right Tonight campaign was reviewed following public consultation, and an updated Burn Better campaign launched over the 2023 winter. The campaign recognises that even with stricter emissions standards for wood heaters, how they are used is just as important, as improper use can lead to significant smoke emissions. This public education tool has run every winter since 2011 to remind the ACT wood heater owners of the correct storage of firewood and the use of wood heaters to reduce their emissions.

The ACT government is now represented on the Australia Standards Technical Review Committee for Australian Standard AS/NZS 4013 for the emission standards for wood heaters and has lobbied to have the emission standards lowered in line with standards proposed in the First Action Plan.

Issued annually, this year's *ACT air quality report 2022* for the first time in over a decade saw no exceedance of health-related standards for particulate matter PM2.5 associated with emissions from wood heaters. This has continued into 2023, with only one marginal exceedance of the national standard for PM2.5, which indicates the government's longstanding policies and initiatives to reduce smoke from wood heaters are working.

While the progress outlined represents important steps on the journey towards cleaner air for all, we need to continue to improve our responses to climate change and severe weather events, and to, as a growing and consolidating city, transition away from expensive, polluting wood and gas heating towards comfortable well-insulated homes heated by clean electricity.

In terms of next steps, in August this year the government announced it would work to progress a phase out and ban of wood heaters in all urban areas in the ACT by 2045. This significant policy is not captured in the current strategy. In addition, the government notes the Commissioner for Sustainability and Environment is expected to table her report into the ACT State of the Environment in late 2023. Furthermore, the government is working to amend the Human Rights Act 2004 to recognise the right to a healthy environment. In consideration of these emerging policy issues, the government is now considering whether the development of a second action plan against the current strategy, a refresh of the current strategy, a completely new strategy, or another approach, is preferred. The government will have more to say on this issue in 2024.

Madam Speaker, I will also take the opportunity today to report back to the Assembly on the resolution made on 8 June 2022, that called on the government to deliver a trial to remove the upfront cost for low-income households to replace wood heaters with an electric, energy efficient heating system and increase the uptake of the existing wood heater replacement program.

Actions to address this motion include the government delivering a trial to replace wood heaters with electric, efficient, reverse cycle split systems in about 40 public housing properties, where the main source of heating is a wood heater. The proposed trial intends to provide insights to inform future program design to relieve the upfront cost of replacing wood heaters in low-income households, whilst meeting the government's energy efficiency and air quality objectives.

The government is also adjusting the rebate and eligibility criteria of the current Wood Heater Replacement Program. This will ensure that rebates are more accessible to lower-income households. Complementary government support of an interest-free loan through the Sustainable Households Scheme and a further rebate to install an energy efficient heating system through the Home Energy Support Program for eligible concession card homeowners would keep the upfront costs to switch from a wood heater to an energy efficient heater low or fully covered.

The government has committed to delivering both the trial and a modified rebate program to also address the recommendation, from the Commissioner for Sustainability and Environment's 2023 investigation into wood heater policy in the ACT, to make financial support more accessible for low-income households to remove a wood heater.

In conclusion, I am pleased to report on the government's solid progress against the First Action Plan and to discuss the government's response to the resolution for a trial for low-income households to remove wood heaters. I would particularly like to acknowledge the work across government, and especially note the work of the Minister for Health and her directorate in progressing actions under this First Action Plan. I look forward to providing the Assembly and the Canberra community with further information in 2024 on the next phase of this work by government to further improve Canberra's air quality and reduce the impacts of bushfire smoke.

I present the following papers:

Bushfire Smoke and Air Quality Strategy 2021-25—First Action Plan Report—

Report, dated November 2023.

And wood heater replacement program—Assembly resolution of 8 June 2022—Government response—Ministerial statement, 28 November 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Mental health—workforce strategy**

### **Ministerial statement**

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.46): On 8 October 2021 a resolution was passed by the Legislative Assembly for an ACT mental health workforce strategy to be developed. On 21 September 2022, I shared with the Assembly the ten-year Framework for Change: ACT Mental Health Workforce Strategy that was developed through co-design with the ACT mental health sector. The Framework for Change provides high-level direction to the ACT government and the broader mental health sector on future workforce initiatives.

Following further consultation across the mental health sector, I am pleased to be able to share with the Assembly the ACT Mental Health Workforce Framework for Action 2023-2026, including the Work Plan 2024. This document sets out how the ACT will address the needs of the mental health workforce in the short term, to deliver the longer-term benefits set out in the Framework for Change. The Framework for Action and the first annual Work Plan are the first in a series of steps to drive change and address some of the persistent challenges facing the ACT mental health workforce.

Over the 10 years of the Mental Health Workforce Strategy, the Framework for Change will be supported by up to three frameworks for action, and a number of short-term work plans overseen by a Mental Health Workforce Strategy Oversight Group. This approach has been designed to provide the ACT with the best option to be responsive to the changing needs over the ten years of the strategy and enable

flexibility and adaptability to leverage broader developments as they are progressed at the ACT and national level.

Together the different parts of the strategy set out the shared objectives of the sector, the values and principles that should underpin workforce initiatives, the desired outcomes, the focus areas for medium term action, and targeted short-term actions to deliver reform across the four priority areas of: data-driven planning, monitoring and evaluation; attraction, recruitment and retention; education, training, research and innovation; and developing and embedding the lived experience workforce.

This first Framework for Action sets out 14 areas for action to build a strong foundation for longer-term reform. The first annual Work Plan 2024 sets out 34 activities to be undertaken to address immediate needs and to build the foundations for future actions. Under the Work Plan, we will start to build more robust data reporting and analysis. We will undertake activities to promote awareness of training courses and jobs in the mental health sector, with a focus on school students and people from diverse backgrounds. We know positive student placements encourage students to seek employment in that same area. We will build on our current work to enhance student placement numbers and experiences. We will continue our active recruitment activities and look at innovative ways to meet the current workforce needs. We will also build on our current workforce training, supervision and capacity to equip our workforce for the future.

We also need to build a stronger lived experience workforce. We know this will require intentional activities to build sector readiness, leadership, supervision support and career pathways. The Work Plan 2024 starts with the first steps of new senior lived experience positions, supporting peer worker certificate scholarships and activities to enhance organisational readiness.

Workforce challenges are not unique to the mental health sector in the ACT. We will work actively with the other sectors such as education, as well as the commonwealth and other state and territory mental health agencies, to seek a collaborative approach to achieve joint outcomes.

The National Mental Health Workforce Strategy was recently released by the commonwealth government. I am pleased to advise that the ACT government has supported its development and implementation. The ACT is an active member of the national implementation group and our Mental Health Workforce Strategy will support our commitments under the National Strategy.

The combined components of the ACT Strategy recognise the valuable contributions made by workers across the full spectrum of care from the acute end through to the community managed sector. The mental health workforce is a key driver in facilitating the delivery of mental health services and therefore mental health and wellbeing outcomes across the community.

Having a strong and vibrant workforce is critical for our mental health system, and we will continue to explore the challenges we face here in the ACT and nationally, and

work towards solutions collaboratively. I look forward to providing you with an update on this work as it continues.

I present the following papers:

ACT Mental Health Workforce Framework for Action Plan 2023-2026 including Work Plan 2024—Ministerial statement, 28 November 2023.

Mental Health Workforce Strategy 2023-2033—Framework for Action 2023-2026 including 2024 Work Plan, dated November 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

### **Bimberi Youth Justice Centre—headline indicators report Ministerial statement**

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (10.51): I am pleased to present the 12th *Bimberi Headline Indicators Report*. This report is tabled biannually and demonstrates the ACT government's ongoing commitment to both transparency for Bimberi Youth Justice Centre's operations and performance and the safety, health and wellbeing of the young people detained there. The report I am tabling today provides data for the 2022-23 financial year. It provides for continuing scrutiny of a range of indicators relating to the safety and care of the young people in Bimberi and provides trend data to monitor performance against operational indicators.

The number of young people detained in Bimberi on an average day has increased when compared to the last five financial years, up from 10 young people in 2018-19 and 2020-21 to 19 young people on an average day in 2022-23. This increase in the number of young people in detention has also resulted in an increase in the total number of custody days served by young people when compared to the previous five financial years.

The year 2022 saw the end of the 10-year strategy for youth justice, the Blueprint for Youth Justice in the ACT 2012-22. It is time to reflect on the successes of the Blueprint and co-design with community a new strategy that will deliver on our ongoing commitments to reduce youth offending and reduce recidivism and ensure that custody for young people is used as a measure of last resort. The ACT government has committed \$200,000 in this year's budget to co-design and develop a throughcare program and a new youth justice strategy for the ACT. I look forward to a strategy that will support our work with community, young people and their families to reduce and address offending by young people.

Bimberi's ongoing recruitment strategy has seen two recruitment rounds completed in 2023, with a third currently underway. Eight new staff completed induction training

and commenced as youth workers in May 2023. An additional seven staff completed training and commenced as youth workers on 20 August 2023. A third round of induction training is currently underway, with 10 staff expected to complete their training in late December.

Despite the increase in custody days and young people in detention on an average day, the number of incidents remained comparable to 2021-22. There was one category 1 incident and 103 category 2 incidents in 2022-23. However, the number of assaults in the year increased when compared to the previous year, up from 10 assaults to 17 assaults.

Recognising the trauma some young people have experienced in their young lives and the level of support they need in developing positive, prosocial behaviours and relationships, Bimberi has developed and introduced a new Behaviour Management Framework. The new Behaviour Management Framework was introduced in May this year and young people have responded positively to the changes, particularly the introduction of a tangible reward to reinforce positive behaviour and improvements in the moment the young person is displaying a positive behaviour. As I noted in May, when I tabled the half-year *Bimberi Headline Indicators Report*, there was an increase in uses of force in 2022-23, up from 108 to 169. This was largely due to an increase in occasions of leave and the use of mechanical restraints, such as handcuffs, to escort young people safely on leave in the community.

Due to the increase in young people detained in Bimberi, there was an increase in health segregations when compared to 2021-22. All young people entering Bimberi during the reporting year were placed on health segregation while precautionary COVID-19 testing was carried out by Justice Health Services. There were 136 health segregation directions made in the reporting period. Changes were made to COVID policies in August 2023, and young people are no longer placed on health segregation when entering Bimberi unless they are displaying COVID or flu-like symptoms.

During the 2022-23 financial year, 100 per cent of young people residing at Bimberi engaged in educational programs. One young person completed their year 10 certificate, one young person completed a certificate II in general education for adults and one young person completed a certificate II in horticulture. There was also a significant number of short courses offered, with young people completing accreditation in first aid, white card, asbestos awareness, road ready, responsible service of alcohol and responsible conduct of gambling. These are all valuable qualifications that will assist young people in gaining meaningful employment upon return to the community.

We are continuing to see community support for Bimberi, with 916 visitors from 42 different agencies, both government and non-government, visiting young people in Bimberi to provide services and deliver programs. Some of the highlights have included NAIDOC and Reconciliation Day events, sports and mentoring programs with the Canberra Raiders and ACT Brumbies and the introduction of therapy dogs within the centre.

Thank you for the opportunity to update the Assembly today on the Bimberi Youth Justice Centre and the 12th *Bimberi Headline Indicator Report*.



I present the following papers:

Bimberi Headline Indicators Report—November 2023—  
Report.  
Ministerial statement, 28 November 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

### **Legislative Assembly—conduct Statement by Speaker**

**MADAM SPEAKER** (Ms Burch) (10.56): I wish to make a short statement in relation to the alleged mishandling of an allegation against a member. Members will be aware that on Sunday, 12 November 2023, Mr Johnathan Davis resigned as an MLA. This followed the publication of certain misconduct allegations and initial inquiries about those allegations having been undertaken on behalf of the Leader of the ACT Greens, Mr Rattenbury.

Having considered those matters, the Standing Committee on Administration and Procedure has unanimously agreed to recommend to the Assembly that an independent review be undertaken, pursuant to resolution, by a person with extensive experience in public administration, governance and integrity matters. The terms of that motion have been circulated.

### **Standing orders—suspension**

Motion (by **Ms Lawder**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent her moving a motion relating to the mishandling of allegations against a Member.

### **Legislative Assembly—conduct—independent review**

**MS LAWDER** (Brindabella) (10.57): I move:

That this Assembly:

(1) notes that:

- (a) on Friday 10 November 2023, allegations of ‘serious sexual misconduct’ were reported in *The Canberra Times* concerning then Member of the Legislative Assembly for the ACT, Mr Johnathan Davis;
- (b) on Sunday 12 November 2023, Mr Davis resigned his position as an MLA to the Speaker;
- (c) on Monday 13 November 2023, Mr Rattenbury MLA, gave a media conference in which he stated that he first became aware of concerns about the conduct of Mr Davis on Monday 6 November 2023 and that

- at that time he had asked a senior staff member to ‘conduct initial inquiries to determine the most appropriate next steps’;
- (d) on Monday 13 November 2023, the ACT Greens publicly released a statement about the allegations against Mr Davis and his resignation, as well as the document titled Report to Leader of the ACT Greens Internal review to understand complaints made about Johnathan Davis MLA;
  - (e) on 29 October 2023, Ms Emma Davidson MLA asked for a meeting with the senior staff member in Mr Rattenbury’s office and the following day advised the senior staff member that ‘there were rumours circulating about Mr Davis engaging in inappropriate behaviour with younger people, and that it was possible that some of those people might be between 15 and 17’;
  - (f) there is significant concern across the Assembly and in the wider community about these allegations;
  - (g) there are also questions about the handling of the allegations, including in relation to the timeliness and completeness of reporting to relevant authorities; and
  - (h) the Standing Committee on Administration and Procedure has recommended that an independent review be conducted in relation to these matters, pursuant to Assembly resolution as outlined in this motion;
- (2) resolves that the Speaker engage on its behalf, an independent person and/or firm (the reviewer) with extensive experience in public administration, governance, or integrity matters to review:
- (a) the timeline during which material details of the allegations were received by Mr Rattenbury, Ms Davidson and the senior staff member given responsibility for conducting initial inquiries;
  - (b) the appropriateness of the steps taken by Mr Rattenbury and Ms Davidson in relation to the handling of the allegations and having regard to applicable laws, good governance, compliance with available policies, and community expectations;
  - (c) the timeliness and completeness of reporting the allegations to relevant authorities; and
  - (d) best practice and possible changes to laws, policies, and procedures to ensure that allegations of sexual misconduct against an MLA particularly those involving a child or young person—are appropriately reported and investigated, and in a way that is trauma-informed and responsive to the needs of victim/survivors;
- (3) resolves that the reviewer shall, on its behalf:
- (a) invite submissions from:
    - (i) MLAs;
    - (ii) staff of MLAs involved in the processes conducted by, or on behalf of, Mr Rattenbury or Ms Davidson in these matters;
  - (b) afford procedural fairness to participants in the review;
  - (c) give due consideration to the wellbeing of participants and protecting their identity;

- (d) not make findings about the substance of allegations concerning Mr Davis, recognising that criminal investigation or other proceedings may yet occur; and
  - (e) present a written report to the Speaker containing findings and recommendations in relation to matters listed at paragraph 2(a)-(d); and
- (4) further resolves that:
- (a) upon receipt by the Speaker, the reviewer's report is authorised for publication pursuant to standing order 212A, shall be circulated to Members of the Legislative Assembly and published on the Assembly website; and
  - (b) following its presentation to the Speaker, a copy of the report shall be presented to the Assembly at the next available sitting.

This is a very serious matter and one the Canberra Liberals do not take lightly. We support the establishment of an independent review into the handling by the ACT Greens of allegations made against a former member of this place, Mr Johnathan Davis.

On Sunday 12 November 2023, Mr Davis resigned his position as an MLA. As the motion outlines:

- (1) notes that:
- (c) on Monday 13 November 2023, Mr Rattenbury MLA, gave a media conference in which he stated that he first became aware of concerns about the conduct of Mr Davis on Monday 6 November 2023 and that at that time he had asked a senior staff member to 'conduct initial inquiries to determine the most appropriate next steps';
  - (d) on Monday 13 November 2023, the ACT Greens publicly released a statement about the allegations against Mr Davis and his resignation, as well as the document titled *Report to Leader of the ACT Greens Internal review to understand complaints made about Johnathan Davis MLA*;
  - (e) on 29 October 2023, Ms Emma Davidson MLA asked for a meeting with the senior staff member in Mr Rattenbury's office and the following day advised the senior staff member that 'there were rumours circulating about Mr Davis engaging in inappropriate behaviour with younger people, and that it was possible that some of those people might be between 15 and 17';
  - (f) there is significant concern across the Assembly and in the wider community about these allegations;
  - (g) there are also questions about the handling of the allegations, including in relation to the timeliness and completeness of reporting to relevant authorities; and
  - (h) the Standing Committee on Administration and Procedure has recommended that an independent review be conducted in relation to these matters, pursuant to Assembly resolution as outlined in this motion;

Of course, it is incumbent upon us as members of the Assembly and public representatives of our community to uphold the highest standards of integrity and personal conduct. An independent review into this matter, particularly an examination of existing laws, policies and procedures and potential recommendations to improve reporting and investigations, will strengthen confidence in the way matters of a serious and sensitive nature are handled in future by members of the Assembly and their parties.

We are pleased that this motion has been brought to the Assembly and, we understand, that an independent reviewer will be appointed forthwith. On behalf of the Canberra Liberals we support this motion and look forward to the timely completion of this review.

Question resolved in the affirmative.

### **Justice and Community Safety—Standing Committee Reporting date—amendment**

**MR CAIN** (Ginninderra) (11.01): I move:

That, notwithstanding the provisions of standing order 174 (d), the Standing Committee on Justice and Community Safety shall present its report on the Crimes Legislation Amendment Bill 2023, the Human Rights (Healthy Environment) Amendment Bill 2023, the Parentage (Surrogacy) Amendment Bill 2023, and the Sexual, Family and Personal Violence Legislation Amendment Bill 2023, on 14 March 2024.

As I am sure this Assembly is aware, the Standing Committee on Justice and Community Safety is an extremely active committee. We currently have eight outstanding inquiries on five bills and three self-referred matters. I say “eight”, because I will be presenting a report from this committee this morning at a later time—otherwise, it would have been nine.

The committee has agreed to seek an extension in the reporting dates for four bills, the Crimes Legislation Amendment Bill 2023, the Human Rights (Healthy Environment) Amendment Bill 2023, the Parentage (Surrogacy) Amendment Bill 2023 and the Sexual, Family and Personal Violence Legislation Amendment Bill 2023. We seek an extension until 14 March 2024, noting that standing order 174(d) does require an inquiry into a bill to be completed within three months of presentation. At the committee meeting—and I speak as chair, on behalf of the committee—the committee agreed, as it is keen to do a thorough inquiry into these pieces of important legislation, to seek the leave of this Assembly to the extension for those four bills to the middle of March, noting that we have the holiday period coming up and we have quite a lot of business on the committee—the committee also has three self-referred inquiries—and we want to do as thorough a job as possible in addressing these pieces of legislation.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.03): I move:

Omit “Human Rights (Healthy Environment) Amendment Bill 2023”.

This amendment proposes to remove one of the four bills from the motion to extend reporting times which Mr Cain has brought today.

While the government understands the Justice and Community Safety Committee’s workload, deferring the reporting time of not one but four bill inquiries, particularly in the lead-up to a busy final year, is not something that should be just waived through, but needs to be considered carefully. On this basis, while the government is happy to agree to the extension of time for the three bills, the Human Rights (Healthy Environment) Amendment Bill 2023 is at risk of some complications if not debated in the March sittings of 2024.

Firstly, this bill forms part of the Parliamentary and Governing Agreement commitment. It also has a six-month delay to its commencement. If debate is delayed, there is a chance that the work that needs to be undertaken to prepare for and commence the right will be compromised by the caretaker period. Additionally, this bill will work in conjunction with the Human Rights (Complaints) Amendment Bill 2023. Having the two pieces of legislation come into effect as close together as possible will provide the optimal outcome.

Finally, the government notes that this bill has been through the iterative consultation; that it is very short as far as bills go, with a handful of amendments, as critical as they are; that it is supported by a thorough explanatory statement; that the Scrutiny Committee report had no comment on the bill; and that the committee’s original submission period closes tomorrow. On this basis, the government considers that this bill can be better accommodated in a shorter time frame for consideration. This is balanced by the need for the directorates to have certainty about its commencement date, particularly in line of a busy 2024. I commend my amendment to the Assembly.

**MR CAIN** (Ginninderra) (11.06): This amendment is of great concern to me—and I speak as chair of this committee. The committee system in our parliamentary structure is the only check and balance we have on a unicameral parliament where the pure numbers can make a law about anything. It is really very concerning, and I suspect unprecedented in this term of government, for the minister to stand up and say, “I am not going to let a committee express itself through an inquiry process and do a full and proper inquiry,” as this committee has decided.

The committee is made up of members from all of the parliamentary parties represented in this Assembly. Dr Paterson, from the Labor Party, is the deputy chair and Mr Braddock, from the Greens, is the other committee member. So we have a tri-partisan parliamentary committee that has asked this Assembly to support it in its activity of undertaking a full and proper inquiry into pieces of very significant legislation. So this is of extreme concern to me as a committee chair.

As to the reasons outlined by Mr Gentleman, he said they go to what the Parliamentary and Governing Agreement says. I know that that can get varied if they wish. The delayed commencement time is certainly something the government can look at itself if it so wishes—and maybe, as a result of a full inquiry, it might reflect

on that part of the bill. Another reason he gave was that it is in conjunction with another piece of legislation which is yet to be debated. So we are not really talking about a certain environment here.

He also said that it is a short bill. Thank you, Minister, for lecturing the committee on how long it should do an inquiry on a short bill. Shortness does not mean insignificant, Mr Gentleman. In fact, you kind of contradicted yourself. You are saying, “It is a short bill; surely the committee can get on with it,” but apparently it is a very significant bill. So make up your mind.

Then, finally, he said there was no comment from the Scrutiny Committee. That is perhaps not unusual. As you are aware, Minister, the Scrutiny Committee does not look at the underlying policy that is driving a piece of legislation. The Scrutiny Committee has a particular focus, as you are fully aware. So these are—

**MR ASSISTANT SPEAKER** (Mr Pettersson): Mr Cain, can I ask you, direct your points through the Chair?

**MR CAIN:** Thank you, Mr Assistant Speaker.

Mr Assistant Speaker, these are confected and fabricated reasons to suit the governments agenda, despite the clear wishes of the committee that I represent. I think this is a very, very concerning initiative on the part of the minister. I urge the members of this Assembly to not interfere with the committee’s structure, which is one of the very few things the community can look to as keeping this government in check—that is telling them things they need to hear and expressing the views of the community on changes to our legislative framework.

This amendment from Mr Gentleman should be resisted by all members of this Assembly—obviously, Mr Gentleman might support it—because it is interfering with an essential part of our parliamentary system in the ACT. It is one of the very few things that can actually speak to the governing parliament, who just use their numbers to do anything. It is only the committee system that has an opportunity to speak strongly to their agenda. Mr Gentleman is clearly seeking to deny this committee its opportunity to properly inquire into a short but apparently very significant piece of legislation. This should be resisted, Mr Assistant Speaker, and I urge all members to do so.

**MR RATTENBURY** (Kurrajong) (11.10): On behalf of the Greens, I rise to indicate that we will be supporting Mr Gentleman’s amendment.

**Mr Cain:** Shame!

**MR RATTENBURY:** Mr Cain was heard in relative silence and he has already interjected on me. But that is his choice of conduct, and that is on him.

The Greens have been clear that we support the committee process. We have worked hard to bring amendments, including introducing this term the expectation that all bills go to an Assembly committee. We absolutely support that approach. We think that this is an appropriate mechanism for this Assembly.

What we need to be clear about is what Mr Gentleman's amendment seeks to do. Mr Cain has brought a motion today seeking an extension on four bills.

**Mr Cain:** On behalf of the committee.

**MR RATTENBURY:** Sure, on behalf of the committee, but you brought the motion, Mr Cain.

**Mr Cain:** As chair of the committee!

**MR ASSISTANT SPEAKER:** Members, I get that we are all fired up today, but please can we do this in a respectful manner.

**MR RATTENBURY:** The motion has come asking for an extension for four bills. What is very clear with Mr Gentleman's amendment is that there is a simple process going on here, and he articulated the reasons why on this particular bill. It is a process of prioritisation and triage. The amendment proposes to allow the committee—and agrees with the committee—to extend on three bills, but simply says that this Assembly is asking that the committee actually stick to the normal timetable on the bill being discussed. So, for all of Mr Cain's elevated tone, this is not about saying no to an inquiry; this is simply this Assembly asking the committee to do its work in the normal time frame.

Mr Cain has given us a big lecture about denying the committee its opportunity to examine this bill and undermining the processes of the committee. What this amendment simply says is: we acknowledge the committee's important role; we want it to inquire on this; but we just ask that, on this particular bill, it be done in the normal time frame. I think that is a perfectly reasonable request. In allowing the three to have an extended time frame, this Assembly is asking for a prioritisation and a triage. That is why the Greens will be supporting this amendment today.

**DR PATERSON (Murrumbidgee) (11.13):** As a member of the committee, I wanted to say that I strongly reject Mr Cain's comments to the chamber just then. They were not discussed with the committee. There was no consultation with the committee in terms of what he would say. This will be an issue that I will be raising in our next committee meeting.

I think the government amendment is entirely reasonable. We will still inquire into all the bills. As Mr Rattenbury said, this is a standard inquiry into the Human Rights (Healthy Environment) Amendment Bill 2023 and an extension of the inquiry into the other three bills. Given we have such a significant workload, it will be good to get some of the bills off the JACS committee's agenda very quickly in the New Year.

**MR COCKS (Murrumbidgee) (11.14):** I want to reflect on the rationale that we have just heard from government members and ministers, which comes down to, essentially, the government has had a Parliamentary and Governing Agreement in place since the establishment of this term of the Assembly; they have only just managed to get around to doing the work on this particular item at the very last minute; and, therefore, the committee should rush through a process in quicker time than it has asked for.

To me, that is not a great rationale. Perhaps the government should have got on with the work and got these things done somewhat earlier to provide for a little bit longer before the end of this term and before the caretaker provisions kick in.

It is notable that all of the levers here are within the control of the government. The government decides what the transition times are; the government decides when a bill is presented; and the government decides when it is debated. It was entirely feasible for this government to “prioritise”, in Mr Rattenbury’s words, this piece of work earlier in the term, but it has not. It has got to this point and, now it is crunch time, the government would much rather that the committee prioritise this over any other piece of work, because that is the government’s priority—not the committee’s necessarily. The committee, I understand, has come to a position to ask for an extension. The committee’s position should be respected, and I will be supporting Mr Cain’s motion, the committee’s motion, and not Mr Gentleman’s amendment.

**MS CLAY** (Ginninderra) (11.16): I just want to offer some words of assistance to Mr Cain as one committee chair to another. We ran a three-month inquiry into the Planning Bill, which had over 600 provisions. It was quite a large body of work to get through in that time. But it is actually possible to run a really vigorous inquiry in three months. We have a fantastic secretariat here who provide excellent services. We have community and stakeholder groups who are really good at providing their input. So it is really well worthwhile and it is possible to do that. If anybody needs some project management assistance, my door is always open. I am really happy to offer that.

I will note that that committee inquiry report led to over 100 amendments to the bill that was eventually passed. So it obviously made some fairly substantive recommendations in that period of time. So I really encourage all of us here to work together and all of us committee chairs to just do what we can to make sure that we are running our inquiries in three months.

**MS LAWDER** (Brindabella) (11.17): I just want to reiterate some of the points that have already been made. We are a unicameral parliament. We do not have a house of review like some other parliaments. So it is incumbent on us here to ensure that we scrutinise things carefully—and that is the role of the Scrutiny Committee. It is providing the checks and balances. But here we have the government trying to dictate to the committee its workload and its priorities, based on the government’s priorities and workload rather than that of the committee’s. It was, as the motion originally said, a decision by the committee to seek an extension of time for these bills. The committee had agreed to seek that extension and Mr Cain was presenting that decision as the chair of the committee, as is entirely appropriate.

We must respect the role of the committee system, the role of the committees, the integrity of committees and the process and the workload of committees. I know from personal experience that the Scrutiny Committee is a heavy workload. In effect JACS is two committees in one. It is something of a logistical challenge trying to manage the workload of that and to do a thorough job of scrutinising the legislation coming to it. All legislation coming to committees deserves proper scrutiny. We need to give them that time. Whether it is a short but complex piece of legislation, it still deserves the proper scrutiny.



Whilst the Parliamentary and Governing Agreement might highlight what are the priorities of the government, of Labor and the Greens, they should not be trying to dictate those to the committee. We do have a timeframe in which inquiries are meant to be completed, but we all know that the workload can mean that requests for extensions come up all the time. I am sure there is no-one here who has been on a committee that has not thought of an extension of time. Mostly that is related to the workloads of those committees, which involve the self-referred inquiries as well as the scrutiny of bills that come to those committees—and JACS, through the Scrutiny Committee, gets so many more than that.

We will be opposing this amendment from Mr Gentleman today to remove that particular bill from the request for extension that Mr Cain has put forward in his motion. We will oppose that amendment because we need to give that committee the appropriate time to complete an important investigation into that bill.

**MR CAIN** (Ginninderra) (11.20): I want to thank Ms Lawder and Mr Cocks for their support. Really, what we are supporting is an important part of our parliamentary structure—the standing committees of this Assembly, established to scrutinise, to inquire, to open up to the community, to listen to the community on behalf of this Assembly, and to be a representative of this Assembly body that speaks to the community and to important stakeholders. As has been pointed out, the reason for this refusal to allow what the committee has asked me to represent—

**Dr Paterson:** You cannot speak on behalf of the committee like this.

**MR CAIN:** This is a motion of the committee. The reason given is basically to say, “It does not suit the government’s agenda.”

**Dr Paterson:** Do not speak for the committee, Mr Cain. Mr Cain, you are speaking for the committee.

**MR CAIN:** I am responding, Dr Paterson, to the arguments presented to me in support of this amendment. I am simply responding.

**Dr Paterson:** You are speaking on behalf of the committee.

**MR ASSISTANT SPEAKER** (Mr Pettersson): Dr Paterson!

**MR CAIN:** It is as chair that I am speaking, because the committee has asked me to present this motion. Thank you, Ms Clay, for not mentioning that we are coming up to a Christmas break, which has a significant impact on both the secretariat and the members of the Assembly, as well as on the stakeholders that a normal inquiry would reach out to! The reason that we have this extension being presented, Mr Assistant Speaker, is really rather obvious. We have a long break coming up. The committees are very active. We have eight outstanding inquiries running. It is very, very concerning that Mr Gentleman is seeking to use the numbers of the government to oppose the wishes of a committee that I am here representing. I oppose this amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Yvette Berry	Marisa Paterson
Joy Burch	Michael Pettersson
Tara Cheyne	Shane Rattenbury
Jo Clay	Chris Steel
Emma Davidson	Rachel Stephen-Smith
Mick Gentleman	Rebecca Vassarotti
Suzanne Orr	

Noes 7

Peter Cain
Leanne Castley
Ed Cocks
Elizabeth Kikkert
Nicole Lawder
James Milligan
Mark Parton

Question resolved in the affirmative.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

### **Reporting date—amendment**

**MR CAIN** (Ginninderra) (11.26): I move:

That the resolution of the Assembly of 24 November 2022 in relation to amending the reporting date for the inquiry into the Integrity Commission Amendment Bill 2022 (No 2) be amended, by omitting all words after “That”, and substituting “notwithstanding the provisions of standing order 174 (d), the Standing Committee on Justice and Community Safety shall present its report on the Integrity Commission Amendment Bill 2022 (No 2) within four months following when the Government review of the *Integrity Commission Act 2018* becomes available.

As previously mentioned, the justice and community safety committee takes its responsibilities very seriously. We are approaching a long break over Christmas and into the holiday period, which will affect the secretariat, Assembly members and stakeholders, so I seek, on this occasion, the full support of this Assembly in allowing this extension.

Question resolved in the affirmative.

### **Committees—Standing Amendment to resolution**

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

That the resolution of the Assembly of 2 December 2022, as amended, that established general purpose standing committees, be amended, by omitting paragraph (5).

## Standing orders—suspension

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.28): I move:

That so much of the standing orders be suspended as would prevent the adjournment debates on 28, 29 and 30 November 2023 being extended by 15 minutes each day.

This is a motion that occurs at the end of each year to allow us to do our valedictorys.

Question resolved in the affirmative, with the concurrence of an absolute majority.

## Justice and Community Safety—Standing Committee Scrutiny report 37

**MR CAIN** (Ginninderra) (11.29): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 37, dated 21 November 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR CAIN:** Scrutiny report No 37 contains the committee's comments on eight bills, two pieces of subordinate legislation and seven government and member responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## Report 21

**MR CAIN** (Ginninderra) (11.29): I present the following report:

Justice and Community Safety—Standing Committee—Report 21—*Inquiry into Gaming Machine Amendment Bill 2023*, dated 22 November 2023, including a dissenting report (*Mr Cain*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I speak in my role now as a dissenting member of the committee. I will speak very briefly as to why I believe this bill should not be supported. The practical outcome of this bill will be to deny the residents of the Molonglo Valley an opportunity to have a community club in their district. That is what this bill will produce. It will not affect existing clubs in the ACT that have approvals to operate gaming machines. It will not affect them, although it will affect the nearby clubs because they will get increased trade. That is perhaps of note, Mr Assistant Speaker.

**Mr Parton:** Which club would that be?

**MR CAIN:** I think it is the Labor Club at Stirling, very close in proximity to the Molonglo Valley. The policy driving this bill is to prevent harm from gambling. But, as we saw during the COVID period—and Mr Parton spoke of this—the attendance of Canberrans at Queanbeyan clubs increased significantly because of the restrictions on the clubs in the ACT. This is the practical outcome of this bill. The residents of the Molonglo Valley will not have a valuable community resource providing recreation, dining, sport—or even evacuation zones if there is an emergency of some sort. They will not have that facility available to them because of this bill.

Clubs that currently have approvals to operate gaming machines will really benefit from this restriction. As mentioned, perhaps very notable is that, close by, the Labor Club will benefit from this restriction. Not just problem gamblers but people who like going to a club will be attending those clubs nearby that have approval to provide that wonderful range of activities that clubs provide to our community. It will basically be where the problem gamblers will go, because it is not that far to go from one district of Canberra to another.

My dissenting report is there. It is part of the committee report. I say very strongly, as a dissenting member, that this bill will harm the citizens of the Molonglo Valley by denying them a real community facility for gatherings, for recreation, for dining and for sports. The government is letting that land be developed without sufficient community activity. I am sure local members here would be hearing their community forums and other advocacy groups saying, “Why are we being treated differently? Why are we missing out on so much of what the rest of Canberra has?” They are, rightly, disturbed by the approach of this government to this newly developed area.

The report is there. I will be making sure that the community recognises the position that I have taken. I say, “We believe that you deserve the facilities that the rest of Canberrans are able to have. We believe that you deserve that and we are not going to deny you that opportunity. If in government, we will not deny you the opportunity that this government seems intent on doing.” I commend my dissenting report to the Assembly.

**DR PATERSON** (Murrumbidgee) (11.34): I was not planning to speak, but after hearing Mr Cain’s speech on his dissenting report I felt the need to. I think Mr Cain has not read the bill correctly, in that it only disallows gaming machine licences for venues in the Molonglo Valley and undeveloped areas. It is not banning clubs or saying that there should not be clubs in these areas. It is saying that there will be no poker machines in these areas.

**Mr Cain:** You know that they need the finance, as do other clubs.

**MR ASSISTANT SPEAKER** (Mr Pettersson): Mr Cain!

**DR PATERSON:** What we know and what the research tells us is that the closer you live in proximity to poker machines, the more likely you are to experience harm. The intention of this bill is to work towards our community, particularly new communities in the ACT, reducing gambling harm.

Residents of the Molonglo Valley were very broadly consulted and are very supportive of this bill. They do not want to see gambling harm in their community, but they very much do want to see a club. I think this is a great opportunity for the Molonglo Valley to be the first club in Australia established without machines.

**Ms Castley:** It's not viable.

**Mr Cain:** How are they going to do it? No other club can do it.

**MR ASSISTANT SPEAKER:** Members! Interjections are not required.

**DR PATERSON:** I am also proud to be part of a government that can think outside the box—think of new, innovative ways and a future for our community that does not involve poker machines. I will be looking forward to bringing this bill back for debate. I thank all the people who submitted to the inquiry. I would also like to thank the members of the Molonglo Valley community for their support for this bill.

**MR COCKS (Murrumbidgee) (11.36):** As a local member who spends a lot of time in the Molonglo Valley, I have to reflect that the community have expressed significant concerns about this bill. The community are concerned that because of this bill they will be denied the type of facility that the rest of Canberra gets to enjoy. They are concerned that this government has become a government set on telling the Molonglo Valley that they do not get to enjoy what everyone else does. They do not get the facilities, they do not get the services and they do not get the infrastructure that everyone else in Canberra seems to get. People in the Molonglo Valley speak to me about this proposal and they are fundamentally concerned about the viability of any club trying to establish itself in the Molonglo Valley.

People from all walks of life need somewhere to go to spend time with their family, to enjoy an evening out, and that does not always involve poker machines. I would say that most people I know who attend clubs are not going there to simply use the poker machines. However, it is undeniable that poker machine revenue is fundamental, in the current context, to the viability of every club in Canberra. It is impossible to imagine the Labor Club over in Stirling existing without the revenue that comes from poker machines. If the government is so determined to address the issue—and there are issues around problem gambling; absolutely—and if Dr Paterson is so convinced that an outright ban is the way to go, I suggest they start in their own backyard.

Perhaps they should start by experimenting on the Labor Club. Perhaps it would be a prudent concept, a demonstration of the entirely out-of-the-box thinking that this government say they have, if they experimented on their own revenue sources. Perhaps that would be a better place to start than preventing people in the Molonglo Valley from getting the types of services and facilities that everyone else deserves.

**MR PARTON (Brindabella) (11.38):** I want to briefly remark that Dr Paterson is an academic and she knows full well that, although she stood in this chamber just then and suggested that community clubs can exist in Molonglo without poker machines, any such club that was established would not be a club as we know it.

I was in Western Australia a couple of years ago, making a video, of all things—which may surprise you, Mr Assistant Speaker Pettersson—about how the clubs model works in Western Australia. They do not have poker machines. I visited the place where I went to senior high school, a town called Northam. I went to the Northam Workers Club, which is pretty much a shed with some fold-up tables and chairs, some carpet from way back somewhere in last century, a kitchen that opens on Friday and Saturday nights, and a bar. I think they have one almost full-time staffer. It is not a club as we know it. It is just not.

Dr Paterson absolutely knows full well that, although she stood in this chamber and said, “We can have a club in Molonglo, but it will be a club without poker machines,” there will not be any club. If there is, it will not be anything like the facilities that are provided for the good folk of the rest of Canberra, who will not be captured by this particular bill.

Question resolved in the affirmative.

## **Economy and Gender and Economic Equality—Standing Committee**

### **Statement by chair**

**MS CASTLEY** (Yerrabi) (11.40): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economy and Gender and Economic Equality relating to statutory appointments in accordance with continuing resolution 5A. During the reporting period 1 July 2022 to 31 December 2022 the committee considered a total of three reappointments, two to the Government Procurement Board and one to the Territory Records Advisory Council. I now table a schedule of statutory appointments considered during this reporting period:

Economy and Gender and Economic Equality—Standing Committee—Schedule of Statutory Appointments—10th Assembly—Period 1 July to 31 December 2022.

## **Health and Community Wellbeing—Standing Committee**

### **Statement by chair**

**MR MILLIGAN** (Yerrabi) (11.41): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health and Community Wellbeing. In my role as the chair of the committee, I wish to table a second communiqué concerning briefings provided by the Minister for Health to the committee in relation to the transition of Calvary Public Hospital Bruce to Canberra Health Services.

On 11 May this year the committee issued a statement acknowledging the motion in the Legislative Assembly that the Health Infrastructure Enabling Bill 2023 would be debated by the Assembly prior to any committee inquiry or report. The 11 May statement announced that, to provide appropriate scrutiny of the executive government’s decision to acquire Calvary Public Hospital Bruce, the committee had

instigated regular briefings with responsible ministers and Canberra Health Services officials. These ongoing briefings have allowed the committee to receive detailed information about the ongoing transition from the responsible minister and officials. They have also been opportunities for members of the committee to ask questions about the transition progress and have provided advice about the transition process.

On 29 August the committee tabled a communiqué concerning briefings provided by the Minister for Health and officials from ACT Health and the ACT Health Directorate on 23 May and 20 June. The second communiqué, which I am tabling today, relates to the briefing given on 5 September. The briefing on 5 September encompassed the initial transition process at Calvary Public Hospital Bruce, including staff pay arrangements, staff redundancies, ongoing recruitment processes, feedback from staff and feedback from patients. In relation to redundancies, the committee noted that 97 per cent of Calvary staff members have transitioned to employment with Canberra Health Services.

The briefing also included discussion of the boundaries of Calvary Private Hospital Bruce; the transition process at Clare Holland House; the Senate Legal and Constitutional Affairs Legislation Committee's inquiry into the Australian Capital Territory (Self-Government) Amendment Bill 2023; the North Canberra Hospital post-acquisition joint committee; and the process and time frames around negotiating compensation for the hospital acquisition.

The committee wishes to thank the minister and officials from the ACT Health Directorate and Canberra Health Services for meeting with the committee to discuss the transition process. I seek leave to table the communiqué from the second briefing with the Minister for Health.

Leave granted.

**MR MILLIGAN:** I table the following paper:

Health and Community Wellbeing—Standing Committee—Calvary briefing by Minister for Health—Communiqué—Second, dated 27 October 2023.

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

**MS CLAY** (Ginninderra) (11.44): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning, Transport and City Services relating to referred bills. The Urban Forest (Consequential Amendments) Bill 2023 was referred to the committee on 25 October 2023. The committee understands that the bill will amend various pieces of territory legislation to support the implementation of the Urban Forest Act 2023. The bill makes technical and minor amendments to 14 pieces of territory legislation that relate to the management and protection of the ACT urban forest, including updating references in the Tree Protection Act 2005 and the Urban Forest Act 2023.

The committee observes that, in developing the bill, the government has consulted with ACT government stakeholders, due to the technical nature of the bill. The

committee also understands that the public was consulted twice during the development of the Urban Forest Act 2023, and that this was incorporated into the development of key parts of the act, such as the objectives, the definition of a regulated tree, the Canopy Contribution Framework and tree bonds.

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

## **Assisted Reproductive Technology Bill 2023**

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

Title read by Clerk.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.46): I move:

That this bill be agreed to in principle.

I rise today to present the Assisted Reproductive Technology Bill 2023. As I start, I want to recognise the members of Donor Conceived Australia, representing donor-conceived people and parents of donor-conceived people, who join us in the gallery today.

This important bill will provide a legislative framework to regulate assisted reproductive technology, also known as ART, in the ACT. ART covers a range of medical procedures and treatments that give people the chance to have children when they may not otherwise have been able to do so. This includes people with fertility issues, those who may carry a risk that a disease or genetic abnormality may be transmitted to their child, and people of diverse genders and sexualities. People born from donated gametes or embryos are known as “donor-conceived” individuals.

In Australia, there is currently no national legislation specifically regulating ART practices. Legislative responsibility lies with the states and territories. This legislation will ensure and protect the rights of people who access ART, donors and, most importantly, the donor-conceived individuals born as a result.

ART is now a common medical practice in Australia. Data sourced from the National Perinatal Epidemiology and Statistics Unit, based at the University of New South Wales, reveals that there were more than 110,000 ART treatment cycles performed in Australia and New Zealand in 2021. From these cycles, more than 20,000 babies were born. The most recent national estimates by the Australian Institute of Health and Welfare indicate that 5.4 per cent of all women who gave birth in Australia in 2021 received some form of ART treatment. It is therefore crucial for governments to ensure that there are strong laws in place to protect the rights of those who access ART.



The use of ART is also on the rise in the ACT. Many people who access ART will also require a donated gamete or embryo to achieve pregnancy. The use of donor gametes or embryos is now commonplace in ART, with many individuals and couples choosing this option.

Single parents by choice and LGBTQI+ individuals and couples now represent a significant proportion of people who are accessing ART in the ACT and opting to use donated gametes. The ACT government is committed to ensuring individuals and couples in the ACT have the opportunity to create their own families in the way that best suits them.

The ACT currently has three ART providers: IVF Australia, Genea and Compass Fertility. These clinics seek to operate to the highest clinical and ethical standards, and I wish to thank the specialists from each clinic for their positive and constructive contributions throughout the development of this legislation.

The bill's objectives are: the protection of the welfare and interests of people born, or to be born, as a result of ART treatment; the protection of the reproductive capabilities of individuals, and children born as a result of ART treatment, from commercial exploitation; the right of donor-conceived people to have access to information about donors; and the protection of the health and wellbeing of people undergoing ART treatment. Donors themselves will also benefit from a better regulated ART sector.

Parts 3 and 4 of the bill deal with the registration of ART providers and the provision of ART services. In the ACT, regulation of ART to date has occurred primarily through the accreditation process for ART providers. ART providers must be accredited by the Reproductive Technology Accreditation Committee of the Fertility Society of Australia. ART providers must also comply with the National Health and Medical Research Council's—NHMRC's—ethical guidelines and the accreditation committee's code of practice.

However, compliance with the code of practice and the NHMRC guidelines is an accreditation requirement and not a requirement in law. The NHMRC guidelines and the RTAC code of practice are primarily focused on the ethical and research aspects of ART, and there have been no robust enforcement mechanisms in place should an ART provider fail in its responsibilities. The bill aims to ensure that ART providers in the ACT continue to adhere to superior clinical and ethical standards in the delivery of their services by enshrining these responsibilities in law.

Part 5 of the bill provides for the establishment of a donor register. The introduction of a donor register will allow donor-conceived people the opportunity to gain information about their parent or parents' donor, including medical history and possibly information about any siblings they may have.

Historically, there has been a culture of secrecy around donor conception, meaning many donor-conceived people do not find out until later in life, if ever, that they were donor-conceived. Finding out later in life can be very distressing and can impact a person's sense of identity and belonging. While some donor-conceived people are told about their conception by their parent or parents, others may learn of this by other means, such as through commercial DNA testing by providers like AncestryDNA or 23andMe.

It is important for donor-conceived people to know their genetic heritage for a range of reasons. In addition to being informed about heritable conditions that may impact their health, or the health of their own children, there may be a desire to know about their ethnicity, social and cultural background and to potentially contact their parent or parents' donor or any donor-conceived siblings.

It is also important for donor-conceived people to be able to identify any biological relatives to avoid them or their children unknowingly entering into an intimate relationship with a close biological relative. The legacy of donor anonymity influenced how some donor records were kept, and donor-conceived people have expressed significant distress and frustration about the difficulties they have faced in accessing information about their parent or parents' donors.

This bill means the ACT will join other Australian states, including Victoria, Western Australia and New South Wales, that have already established donor registers. Each state has developed their donor registers slightly differently and the ACT has investigated them to understand the strengths and limitations of each existing donor register. Based on our consultation, it is my hope that the ACT's donor register will best serve the needs and rights of donor-conceived people. The ACT legislation also embeds social supports, such as counselling, into the policy design to assist people when they access the donor register.

The ACT donor register will be implemented in two stages. The first stage, which is occurring through this bill, will be a prospective register that will allow donor-conceived people conceived on or after the commencement of the bill to gain identifying information about their parent or parents' donor. As part of stage 1, historical donors or donor-conceived people can also voluntarily provide their information to the register. Stage 2 will establish a fully retrospective donor register; that is, all donor-conceived people, irrespective of when they were conceived or born, will be able to gain identifying information about their parent or parents' donor, if those records still exist. We are conducting this process in two stages to allow people who are donor-conceived from passage to ensure their information is protected from the start.

Part 6 of the bill will also impose requirements on ART providers to maintain historical records for eventual inclusion in stage 2. The requirement to maintain such records has been part of NHMRC guidelines since 2004 but has not previously been legislated in the ACT.

Stage 2 will require further legislative amendment to ensure that retrospective donor information is also included on the central register. Because this is a retrospective requirement, we will need to undertake further community and stakeholder engagement, as well as conduct a public information campaign. This is a measured and practical two-stage approach to ensure that the rights of future donor-conceived people are protected while we do further work during 2024 to implement stage 2 of the register. While we consider the rights of donor-conceived people as paramount, we must also acknowledge and respect the rights of past donors, many of whom were promised anonymity.

Parts 7 and 8 of the bill deal with regulatory action and enforcement. The bill will allow for the government to issue notices to ART providers to improve their practices

or prohibit them from doing specific activities if they are about to contravene ART legislation—for example, to prevent or minimise a serious risk to another person’s health, safety or welfare or to public health or safety. The enforcement provisions include the ability for the government to direct ART providers to provide information, enter premises if there are concerns that someone has committed an offence, and seize things on the premises to be used as evidence.

Parts 10, 11, 12 and 13 of the bill deal with technical matters, providing for the minister to determine fees and create regulations in relation to the bill, and for some decisions being subject to review by the ACT Civil and Administrative Appeals Tribunal. The bill also amends the Freedom of Information Act to insert a new clause exempting the donor register from the operation of the FOI scheme, to preserve individuals’ privacy.

The ACT’s legislation is designed to be as interoperable as possible with legislation in New South Wales. However, our legislation differs in a few key ways, reflecting our status as a human rights jurisdiction.

The ACT will be the first jurisdiction to allow donor-conceived people under the age of 16 to access the donor register. Any donor-conceived person over the age of 16 will be able to access their information directly. Any younger donor-conceived person will be able to access the register once a qualified counsellor deems them mature enough to understand both the serious nature of the information they are accessing and that they must abide by any contact preferences put in place by the donor. These young people will then be supported whilst accessing the register. The ACT will also be the first jurisdiction to allow the parent or parents of young donor-conceived children or babies to access the register to gain information about their donor without the donor’s consent.

It is hoped that allowing parents to access the register may help normalise donor conception. We want parents to feel encouraged and supported to tell their child or children that they are donor conceived, enabling them to incorporate this vital information into their own family narrative or discussions from an early age.

The ACT’s legislation will also place a limit on the number of families that an individual donor may donate to. Family limits have been incorporated into the bill to prevent prolific donors from producing countless offspring and to further reduce the risk of inadvertent consanguineous relationships.

The bill includes a limit of five families in the ACT and a total of 10 families Australia-wide that can be produced by a single donor. The ACT has incorporated the term “families” for this point, as opposed to “women”, which is used in other jurisdictions. This will mean that if both members of a same-sex female couple carry pregnancies using gametes from the same donor, they will be counted as one family.

These family limits aim to balance prevention of prolific donors against unintentionally limiting the supply of donated gametes, which are primarily sourced from overseas. Family limits that are too restrictive could inadvertently stop the supply of gametes or make them too expensive. This could encourage people to source their gametes through informal channels such as online and via social media.

Accessing gametes via informal channels can risk disastrous health outcomes and could potentially have significant legal implications in relation to determining parentage.

The bill allows for a donor's gametes to be used after their death if they have left written consent for that to occur. It will also allow for the posthumous use of gametes without the donor's prior written consent in rare and exceptional circumstances. For example, a domestic partner may seek approval from the Supreme Court to use their partner's gametes, following their partner's untimely death, which would be granted if the court is satisfied that it would have been the wish of the deceased.

While the ACT government is proud to be introducing this vital piece of legislation, I also call on the commonwealth government to consider establishing a national donor register that will allow all donor-conceived people, irrespective of when or where they were conceived, the opportunity to gain medical information. The current ad-hoc, state-by-state approach creates inequity, confusion and frustration amongst donor-conceived people.

I also asked the commonwealth government to consider creating legislation that will oversee the supply of gametes to Australia from overseas, including introducing nationally consistent legislation on family limits. In July this year, I wrote to the federal minister for health, the Hon Mark Butler MP, to urge him to consider holding an inquiry into these matters.

The Assisted Reproductive Technology Bill is important legislation that aims to ensure that ART providers in the ACT continue to operate to the highest clinical and ethical standards. The bill also aims to ensure and protect the rights of those individuals and couples who access ART in their attempt to have a child. Most importantly, it seeks to ensure and protect the rights of people born as a result of ART, particularly those who are donor conceived.

I want to briefly reflect on how we came here. I would like to commend my colleague Dr Paterson for her advocacy and leadership on this important work, bringing it to the attention of this place and ensuring that it continued to receive the focus it so clearly needed.

I want to thank our key stakeholders, including particularly Donor Conceived Australia—members of which are here today, as I said earlier—for their support for this legislation. Their generosity in sharing their experiences and knowledge has made this bill better.

Changes are being driven by the powerful advocacy of people impacted by the lack of regulation of ART here and across Australia. When I met some of these dedicated, brave people about a year and a half ago, I was truly impacted by the challenges they had faced in their lives. This bill is a critical first step in ensuring that donor-conceived people will not face the same challenges in the future. Thank you for coming today and for your engagement throughout this process.

Finally, I want to thank the officials who have worked on this policy and legislation. While we are not the first jurisdiction in Australia to introduce such legislation, it has

nevertheless been complex work, requiring sensitivity and care. I commend the team, some of whom are here today, and look forward to continuing to work with them on the next steps of this process.

I commend the bill to the Assembly.

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

## **Urban Forest (Consequential Amendments) Bill 2023**

Debate resumed from 25 October 2023, on motion by **Mr Steel**:

That this bill be agreed to in principle.

**MS CLAY** (Ginninderra) (12.03): I speak on behalf of the ACT Greens in support of the Urban Forest (Consequential Amendments) Bill 2023. I would like to thank the minister for providing a briefing to my colleague Mr Andrew Braddock who, unfortunately, cannot be with us today.

The ACT Greens are confident that these amendments are minor and technical in nature. They will contribute to the operation of the Urban Forest Act and protection of trees throughout Canberra, improving the level of canopy cover, improving our habitat for native species who also call Canberra home, cooling our city and improving our resilience to climate change. We are happy to support this bill.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (12.04), in reply: I thank members for their support for these consequential amendments, which will support the Urban Forest Act 2023 and promote a resilient, healthy and sustainable urban forest for Canberrans now and into the future.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.05 to 2 pm.**

## **Questions without notice**

### **Canberra Institute of Technology—chief executive officer**

**MS LEE**: My question is to the Chief Minister.

Chief Minister, during annual reports hearings last week, it was revealed that the CEO of the Canberra Institute of Technology has been awarded a 3.5 per cent pay rise by the Remuneration Tribunal, despite having been stood down pending the outcome of an Integrity Commission inquiry. Chief Minister, did your government make a submission to the Remuneration Tribunal to argue against this pay rise?

**MR BARR:** No, the government made a submission to the Remuneration Tribunal in relation to the totality of their determinations, as we normally do. No, I did not make a specific reference to the stood-down CEO of the CIT.

**MS LEE:** Chief Minister, given that you did not make a submission against the proposed pay rise, specifically, and this latest pay rise now brings the stood-down CEO's remuneration package to over \$373,000 per year, do you support it?

**MR BARR:** It is not really for me to comment on Remuneration Tribunal decisions. I would not make a habit of doing that. The tribunal is independent for very good reason, and it makes its determinations across the board in an impartial way.

**MR MILLIGAN:** Chief Minister, will you, as head of this government, now insist to the chair of the CIT board that this ridiculous engagement of having the former CEO on a paid leave for over 18 months has to end?

**MR BARR:** I think we are all looking forward to the Integrity Commission's report on the matter, which, I understand the commissioner advised in annual report hearings, is impending.

### **Sport and recreation—international events**

**MS LEE:** My question is to the Minister for Sport.

Minister, Football Australia's Chief Executive has said that he is very confident that Australia will host the 2026 Women's Asian Cup. Australia will also, of course, be hosting the 2027 Rugby World Cup. Will the ACT government bid to host games in both these significant tournaments, following the community's disappointment that Canberra did not host any of the Women's FIFA World Cup games?

**MR BARR:** I will take the question as it falls within the major events portfolio responsibilities I have. The Deputy Chief Minister and I will certainly look at the bidding opportunities that exist around those tournaments and if they represent value for money, as assessed through our process which we undertake to assess all ACT government major event funding. Were those processes to come up with a positive return on investment, then most certainly we would be bidding.

**MS LEE:** Chief Minister, have you had held any meetings with Rugby or Football Australia specifically with regard to Canberra hosting matches for either tournament?

**MR BARR:** I have certainly been engaged with Rugby Australia in recent times on other matters. I do note the change in board chair in relation to Rugby Australia. We see that organisation has undergone a massive upheaval as a result of its member jurisdictions being unhappy with the approach and direction that was being pursued. We will let the dust settle on that, but I look forward to engaging with Rugby Australia—most importantly on the future of the Brumbies, which is far and away the most important issue for rugby in the ACT at this point in time.

**MR MILLIGAN:** Chief Minister, are you confident that the ACT's sporting venues will meet the requirements of those bodies to host games for these major tournaments?

**MR BARR:** Well, both Asian Cup soccer and Rugby World Cup football have been held at Canberra Stadium before.

### **Light rail—stage 2B**

**MS LEE:** My question is to the Chief Minister.

Chief Minister, in annual reports hearings we learnt that the business case for stage 2B of the tram will not be released until after the 2024 election. This is in spite of the fact that in 2019 you stated that the tram would arrive in Woden in 2025. You are asking Canberrans to go to the next election on the promise of the tram to Woden, yet you cannot commit to anything past a vague promise and some shiny pictures. Chief Minister, will you release a cost estimate of stage 2B before the next election?

**MR BARR:** What I can absolutely confirm is that if you support light rail and want to see it extended, then you certainly should not vote for the Canberra Liberals. We will be progressing, firstly, the contract signing on stage 2A and then the necessary work associated with the EPBC referrals and engagement with the National Capital Authority and the federal parliament as it relates to stage 2B.

**Ms Lee:** Madam Speaker, I rise on a point of order. The question was very, very straightforward: will the Chief Minister release a cost estimate for stage 2B before the next election—yes or no?

**MADAM SPEAKER:** He is relevant to the topic.

**MR BARR:** Thank you, Madam Speaker. I advise the Leader of the Opposition that any appropriations that we make in relation to stage 2B light rail will be in the budget.

**MS LEE:** Chief Minister, will you release the business case for stage 2B and, if so, when?

**MR BARR:** As the minister has indicated, once certain matters are resolved—namely, EPBC, route alignment, NCA and any federal parliamentary requirements—it would be our intention to provide further information that would inform a budget business case decision.

**MR PARTON:** Chief Minister, what will it take for you to step away from this project, or will you simply just do it at any cost?

**MR BARR:** The government continues to progress the extension of light rail, and we will do so through a robust process that engages with relevant stakeholders, approval authorities and the commonwealth government, as a co-funding partner for the project.

### **Public and social housing—funding**

**MS ORR:** My question is to the Minister for Housing and Suburban Development. Minister, last week the commonwealth government announced the states and territories Social Housing Accelerator implementation plan. Can you tell us what the plan is for the ACT?

**MS BERRY:** I thank Ms Orr for her question. The ACT government will deliver at least 60 extra public housing homes as part of the federal government's social housing accelerator program. The \$50 million social housing accelerator payment will be used for the purchase of 20 to 25 newly built or off-the-plan dwellings, as well as the construction of a further 35 to 40 new dwellings for public housing. This will be in addition to the ACT government's Growing and Renewing Public Housing program, which is set to deliver 1,400 new or redeveloped public homes by 2027. I am proud of this government's record investment in public housing, and, now, with the support of the federal Labor government, we can build even more public housing properties.

**MS ORR:** Minister, why has the ACT government opted to spend its \$50 million social housing accelerator payment on public housing rather than community housing?

**MS BERRY:** Whilst the whole country is feeling the housing crisis at the moment, every jurisdiction has a different set of challenges and opportunities to work with. In the ACT, the government has decided to invest all of the ACT's social housing accelerator payment into public housing. Our community housing providers will have access to the ACT government's \$60 million affordable housing project scheme, as well as the commonwealth Housing Australia Future Fund, and we simply must continue to grow public housing in the ACT. This approach will facilitate the construction of new social and affordable homes over the short, medium and long term.

**DR PATERSON:** Minister, what will more public housing mean for Canberrans experiencing vulnerability or disadvantage?

**MS BERRY:** I thank Dr Paterson for her question. The Social Housing Accelerator investment will deliver at least 60 more homes for Canberrans on the wait list for public housing. With a growing population and escalating costs of living, the demand for housing assistance is only increasing. This government believes that every Canberran deserves a safe and comfortable place to live so that they have the same chance at happiness as everyone else. That is why we are using this fund to continue to prioritise building even more public housing.

### **Light rail—stage 2A**

**MR PARTON:** My question is to the Minister for Transport and City Services. Minister, during annual reports hearings, the Chief Project Officer said that cost blowouts in relation to the raising of London Circuit were because of unexpected findings in relation to asbestos and other issues. What was the total cost of removing asbestos from London Circuit?

**MR STEEL:** I thank the member for his question. I will take that on notice.

**MR PARTON:** Minister, what is the extent of the delay to this project as a consequence of these unexpected findings?

**MR STEEL:** In the coming weeks, we will be making some further announcements about where raising London Circuit, stage 2A, is up to. The exact timing of the completion, obviously, in terms of any delays that may be experienced due to wet



weather or finding of asbestos, will not be fully known until the end of the project. But we will be making some announcements about the expected timing for stage 2A in the coming weeks. I will leave those announcements for another time.

**MR CAIN:** Minister, what was the cost to ACT taxpayers of the other findings, such as variations from utilities?

**MR STEEL:** I will take that on notice.

### **Transport Canberra—ticketing**

**MR PARTON:** My question is to the Minister for Transport and City Services. Minister, at a recent press conference, you stated that MyWay+ was on schedule for implementation in the second half of 2024. Of course, this is in spite of the fact that MyWay+ was originally announced by your predecessor Megan Fitzharris in 2016, for implementation with stage 1 of the tram. It is now nearly five years since stage 1 of the tram commenced operation, yet there is still no MyWay+, and now the TCCS annual report indicates yet another delay to the MyWay+ project. Minister, when can Canberrans realistically expect to start using MyWay+?

**MR STEEL:** I am very pleased that, in February, we signed a contract with NEC Australia to deliver a new modern and accessible ticketing solution for Transport Canberra. We are currently working with NEC to design and implement that system. Hardware has been ordered. As advised, we expect implementation to be in the second half of next year, with customers being able to use those services. We will be making further announcements about the exact timing of that closer to that point.

**MR PARTON:** Minister, how can you continue to say that the MyWay+ project is on schedule, given the significant delays already experienced?

**MR STEEL:** Because we have been clear with the community about procurement for this project—that we wanted to get the best value-for-money solution for Canberrans in implementing a new modern ticketing system that can use a variety of options for people to tap on and off our public transport systems, whether it is buses or light rail. We made a decision that we would not go with a provider when we went out for open-market procurement. We then looked at a solution with a single provider. Again, we were not able to achieve value-for-money outcomes through that process, so we went out to market again, and now we have been able to secure a partner in NEC Australia and we are on track with delivering that solution.

**MR CAIN:** Minister, what will come first: the tram to Woden or MyWay+?

**MR STEEL:** Both are being built at the same time: the building of an ICT system with MyWay+, a new ticketing system for Canberra, at the same time that we are also under construction with the Raising London Circuit enabling project that will support Light Rail Stage 2A to Commonwealth Park, which is a critical first stage in delivering light rail to Woden. What is absolutely certain is that if a Liberal government existed there would be no light rail to Woden. I also suggest that they probably would not have purchased a value-for-money ticketing solution either.

## **Government—Intelligent Regulator Project**

**MR COCKS:** My question is to the minister for regulation. Minister, during annual report hearings last week, you were asked about the \$2.3 million intelligent regulator project, which has been discarded. In your response, you said:

However, we understand it to be a project from before when I was minister and before Ms McKinnon was in her job. That is why we do not know.

Minister, how, as the minister responsible, are you not aware of a \$2.3 million project that had been written-off in your portfolio?

**MS CHEYNE:** I thank Mr Cocks for the question. I did take this question on notice, so that response is working its way through the system. I have further consulted the records that I have, and I believe I have received one brief on this about the funding that had been expended on this project. I will wait until I have finalised the response to the question taken on notice, because I do not want to speak “out of school” if I get something incorrect here. But I am aware that I received a short brief about some of the remaining funds of that project, I believe, at the beginning of last year. But this has not been a project that has been largely progressed in my time as minister.

**MR COCKS:** Minister, what is the total amount of the scrapped intelligent regulator project?

**MS CHEYNE:** I will take that on notice.

**MR CAIN:** Minister, are you confident that there are not more scrapped projects that you are not aware of?

**MS CHEYNE:** I think Access Canberra has done an extraordinary job with the available resources in progressing what they can, and where they can, and they have made a huge number of improvements over recent times. I am not aware of any other projects which have been scrapped that I am not aware of, obviously, but if there is something that I can share with the chamber, I will.

## **ACT Health—health workforce**

**DR PATERSON:** My question is to the Minister for Health. Minister, can you please provide further information about how the Nursing, Midwifery and Allied Health Study Incentive program will support health students and the health workforce in the ACT?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the question. Through the 2023-24 budget, the ACT government invested \$3 million in attracting and retaining nursing, midwifery and allied health professional students in the ACT. We know Canberra is the best place to live and work, and we are supporting more people to become health professionals here. We know cost-of-living pressures are affecting university students’ ability to complete their courses and to participate in clinical placements. We also know that students do their best when they are under less stress and pressure.

The ACT government has a comprehensive plan for the health system with record investments in our health services, building health infrastructure for the future and growing our health workforce to support our community. This investment is just one part of a broader program to bring in more frontline health workers to our public health services and the ACT more broadly.

The study incentive program will support new and existing students through two streams: a cost-of-living stipend of up to \$3,000 each year over three years for eligible students, commencing in 2024; and placement support grants of up to \$1,000 per clinical placement for continuing students. We have focused on areas of critical workforce need in the ACT across allied health, nursing and midwifery. This includes a broad range of allied health professionals such as occupational therapy, sonography, social work and optometry. We have worked with the University of Canberra and the Australian Catholic University to support students and to enable our universities to remain competitive in the market. We have also ensured cost-of-living stipends prioritise students from backgrounds that may need additional support to attend university.

We have heard from students and their families about their needs and the ACT government has listened and acted.

**DR PATERSON:** Minister, what did you hear from health students during consultation on the ACT Health Workforce Strategy?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the supplementary. During consultation on the ACT Health Workforce Strategy, we heard from health students and stakeholders about the need to consider all parts of the health workforce pipeline. An early action in the strategy was convening a student roundtable to hear more from health students about their needs in the ACT. We completed this action earlier this year with students and education providers from across the ACT in attendance.

The students spoke to me and the roundtable panel about clinical placement poverty that impacted their decisions about whether to remain in health profession courses. They said that meeting the clinical placement requirements often caused financial pressure, especially if the placements were outside the ACT and most particularly towards the end of training, as the placement blocks are longer. Often students have part time jobs to support themselves and at times the length of the placement or location puts their jobs at risk. A key recommendation from the roundtable was therefore, to provide financial support to students during clinical placements to address what they describe as, and is known as, “placement poverty.” The students considered that the type of financial assistance that would be most beneficial and result in the reduction of student attrition would be in the form of clinical placement grants. Through the Nursing, Midwifery and Allied Health Study Incentive program we can now support our future health workforce with cost of living and through their clinical placements.

We are growing our health workforce right here in the ACT. Through targeted programs across each stage of student development, and the range of opportunities in our ACT public health services, we are ensuring the ACT is seen as a great place to study and work in health care.

**MR PETTERSSON:** Minister, how will the ACT Health Workforce Strategy and recent budget investments support students and build a sustainable health workforce in the ACT?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for the supplementary. The ACT government overall has a robust plan to support the health workforce now and into the future. ACT Labor committed to an additional 400 full-time equivalent health professional positions at the last election, and we have more than delivered on that commitment ahead of time. Alongside our record investments in health, we are delivering more jobs for graduates and more support for health workers, to attract and retain them in the ACT. Our priorities have been on building a culture of learning and development, leadership, innovation and inclusion. We are listening to our health workers, we are investing in their needs, and we are advocating at a national level.

We are focused on every stage of training and development. From high school to postgraduate, we have ensured there is support for our current and future health workers, like: \$2.2 million for the ACT Health Workforce Strategy for early actions, including workforce data, promotion of health careers and review of incentives; \$1.25 million for the continuation of the Indigenous Allied Health Australia Academy program; dedicated articulation programs from high school through to graduate positions in our health services for nurses; fee-free TAFE places at the Canberra Institute of Technology, in partnership with the Albanese government; and of course, Madam Speaker, our \$3 million investment in the Nursing, Midwifery and Allied Health Study Incentive program that I have just spoken about.

We are also establishing the new undergraduate student of nursing and undergraduate student of midwifery positions in our ACT public health services to support students to work and earn, but also have flexible jobs that will enable them to do their study and their placements. Of course, we have also announced \$8.6 million in support for our junior medical officers, in direct response to feedback from them; more than \$8 million for the Health Workforce Wellbeing and Recovery Fund; and more in boosting pay and conditions, providing scholarships and funding for development opportunities, introducing ratios for nurses and midwives, and being focused on making the ACT the best place to live and work.

### **ACT Health—staff survey**

**MS CASTLEY:** My question is to the Minister for Health. The ACT Ombudsman overturned ACT Health's decision to redact negative comments from the staff survey of the Digital Solutions Division, sought under FOI. The Ombudsman said:

I consider there is considerable public interest in the information at issue which could be reasonably likely to contribute to positive and informed debate by giving direct sources of information to inform debate in the public sphere.

The Ombudsman went on to say:

Publication could also have a necessarily positive effect on response rates if honest and negative feedback is published and issues raised within said feedback is then acted upon by the agency.

Minister, if you disagreed with your directorate's original decision, why didn't you exercise your discretion, referred to in the Freedom of Information Act, to release additional information?

**MS STEPHEN-SMITH:** I have publicly said that I was not convinced by the Health directorate's reasoning or the decision-maker's reasoning in relation to this matter. But I do respect the independence of the public service in acting under the Freedom of Information Act and the responsibility of information decision-makers under that act to make decisions. The reality is that the Health directorate decision-maker, even on considering my feedback and the feedback of others, determined that they had good reason for their decision. I understood what they were saying—that some of the comments that they had redacted not only provided some robust views about their experiences in the Digital Services Division but also were potentially identifiable. This was a tricky balance that we needed to strike in releasing information from these types of staff surveys.

Part of the Ombudsman's decision related to the fact that the logic that the decision-maker had used did not really stack up when some positive direct quotes were released and some more negative direct quotes were not released. Part of the Health directorate's concern was that some of those quotes could potentially identify who made that quote but also who they were talking about and that that would actually be detrimental to the work that they were trying to do within the division to support a positive culture. I respected that the Health directorate is responsible for making this decision, while expressing my own view that I was not convinced by their logic but also while understanding that the applicant had the opportunity to go to the Ombudsman to seek review, which they did.

**MS CASTLEY:** Minister, do you agree with the Ombudsman that publishing negative and positive feedback contributes to an informed debate on workforce issues in your directorate?

**MS STEPHEN-SMITH:** I am a strong supporter of transparency; hence the feedback that I provided to the Health directorate at the time. But I also understand that there are times when publishing specific information about culture surveys in specific areas of specific agencies is actually detrimental to the culture journey that those parts of the organisations are on and that, particularly at a time when often those agencies or those parts of agencies are actually moving forward in a positive direction and when agencies are already acting on the outcome of the survey, having this commentary rehashed in a public way is not in the interests of that positive culture journey.

Is it in the public interest to be transparent? Yes, it is. Is there an obligation when you tell people that you are going to hold their responses in confidence to actually hold their responses in confidence? Yes, there is. I think there is an opportunity now for the ACT public service more broadly, and the Health directorate in particular, to consider how culture surveys are undertaken, the obligations that they have around confidentiality, the information that is provided to staff in undertaking those surveys and then the way that those surveys are written up, with the understanding that they will be potentially subject to freedom of information—and rightly so.

It is important that we are transparent about these things. But it is also important to recognise that sometimes the type of transparency that Ms Castley engages in—which is only talking about the negative and constantly talking down our health system, talking down our Health directorate and talking down Canberra Health Services—is not positive for culture.

**MRS KIKKERT:** Minister, will you now withdraw your previous accusations that discussion of negative aspects of Canberra Health Services' culture is scaremongering?

**MS STEPHEN-SMITH:** I think I will refer Mrs Kikkert to my previous two answers.

### **ACT Public Service—Commissioner for Fair Trading**

**MR CAIN:** My question is to the Minister for Consumer Affairs. Minister, in annual report hearings last week, the Head of Service, Ms Kathy Leigh, confirmed that she did not personally investigate the ongoing conflict of interest matter involving Fair Trading Commissioner, Ms Derise Cubin, and rather solely relied on advice from the ACT Government Solicitor. Minister, you reiterated on multiple occasions in annual report hearings that you stand by the advice you received from the Head of Service on the basis that she had investigated this matter. Given what she revealed in the hearings, do you still stand by your view?

**MR RATTENBURY:** I have been clear with Mr Cain—and on multiple occasions—that I have sought advice from the Head of Service as the appropriate point in considering this matter and providing advice to the minister. I continue to make that point.

**MR CAIN:** Minister, have you been misled by the Head of Service and the ACT Government Solicitor? If not, how can you be sure?

**MR RATTENBURY:** I do not believe that I have been.

**MR COCKS:** Minister, why did you not properly brief the Chief Minister on this issue? Is this a case of “The less the Chief Minister knows, the better”?

**MR RATTENBURY:** This is a matter within my portfolio, and I worked with government agencies to address a matter for which I held responsibility.

### **Animals—medical research testing**

**MS CLAY:** My question is to the Minister for Health. The National Health and Medical Research Council code for the care and use of animals for scientific purposes has not been reviewed in 10 years, and it is now in need of review. There are many advancements in medical research and alternative technologies, and many people around the country are calling for the recognition of animals as sentient beings, which is something that we have recognised here in the ACT. Minister, do you support revision of the code? Will you speak to the federal minister for health to request that the National Health and Medical Research Council initiate a review?

**MS STEPHEN-SMITH:** I thank Ms Clay for the question. I do note, and I know that she is aware of this, that the NHMRC code of practice for the use of animals in medical and scientific research is, in the ACT, actually included as a code of practice under the Animal Welfare Act 1992, which is the responsibility of Minister Steel. So, while it is a commonwealth health responsibility, actual implementation of it in the ACT sits in another portfolio.

I would say to Ms Clay that if she has concerns about this matter, she is a citizen of Australia and she is perfectly entitled to write to the commonwealth health minister and express those concerns. I am not a conduit for her concerns. If she wants me to do something about it, she could organise a meeting with me to explain to me why she holds these concerns, and what she would like me to do.

**MS CLAY:** How does the ACT government advocate for our medical and health research to be more considerate of animal welfare?

**MS STEPHEN-SMITH:** In the ACT, as I have indicated, the NHMRC code of practice for the use of animals in medical and scientific research is included as a code under the Animal Welfare Act. The ACT government does have a strong commitment to animal welfare. The Animal Welfare Advisory Committee supports this work and provides advice to the Minister for Transport and City Services, and would be consulted, were any changes to the NHMRC code of conduct, on how those were implemented in the ACT.

I would note that it was a motion at the ACT Labor conference that called on us to recognise animals as sentient beings. We strongly support the view that Ms Clay has put about this matter. Again, if she has some specific concerns around strengthening the code, I would be very happy to have a conversation with her about that. I absolutely strongly support the ethical treatment of animals in medical research and the use of alternative technologies where those are available. At the moment it is also the reality that we do sometimes need to see animals used in scientific research. That is not only in the ACT government's areas of responsibility—primarily, within the ACT, that is largely around the Australian National University and the CSIRO, who would be undertaking that work, although there is some undertaken within the ACT Health Directorate and Canberra Health Services' responsibilities.

### **Economy—performance**

**MR PETTERSSON:** My question is to the Treasurer. Treasurer, could you update the Assembly on the Australian National Accounts: State Accounts released last Tuesday?

**MR BARR:** I thank Mr Pettersson for the question. Yes, I am very happy to update the Assembly on the national accounts data. I am pleased to advise colleagues that the territory's gross state product increased by 4.3 per cent in the fiscal year 2022-23 and that this was the highest rate of economic growth achieved by all states and territories. The Bureau of Statistics also revised up our growth for fiscal year 2021-22 from 1.9 per cent to 2.8 per cent.

Over the past decade, the territory's economy has grown by 40.8 per cent. Nationally, the growth rate is 26.8 per cent. We have grown by nearly 41 per cent over the last decade and the national economy has grown by 26.8 per cent over the last decade. The state that came closest to our 40.8 per cent growth over the decade was Victoria, and it achieved 30.7 per cent. So the ACT has been far and away the fastest-growing economy in Australia for a decade. Pleasingly, this growth has seen a GSP per capita increase in the ACT, which is again nation-leading. Population growth does contribute to economic growth. Here in the territory, our GSP per capita growth was 2.4 per cent in fiscal year 2022-23. So, not only is our economy the fastest-growing but also our economic growth is far outpacing our population growth.

**MR PETTERSSON:** Treasurer, what industries are driving the continuing growth in the ACT's economy?

**MR BARR:** This growth is broadly based. Both the public and the private sectors have been contributing. Public administration and safety saw a strong increase, clearly reflecting government policies at both the territory and commonwealth levels. Professional, scientific and technical services grew by 4.3 per cent, with continued demand for specialist skills in information technology, cloud computing and the defence sector driving this growth. Accommodation and food service growth was driven by the continued recovery in the tourism and hospitality industries following the easing of COVID restrictions and the recovery in business travel to Canberra, with a 24.2 per cent increase in the previous financial year. Growth in storage and hosting services, growth in information, media and telecommunication industry sectors and construction growth reflected a rise in public investment.

Particularly pleasing also in the data was the continued recovery of air passenger travel growth, which saw the transport, postal and warehousing industry sector increase by 15 per cent in fiscal year 2022-23.

**MS ORR:** Treasurer, how do these results compare to results across the country?

**MR BARR:** As I referenced, this was the strongest performance of any state or territory economy in the nation last year and over the last decade, and it was accompanied by a lift in the revised final outcome for GSP for the year before, 2021-22. For the last completed financial year, our growth at 4.3 per cent was the strongest. South Australia was next at 3.8 per cent and New South Wales was at 3.7 per cent. Perhaps to give some context to the extent of the ACT's economic growth, if you compare us with the next-smallest jurisdiction, which is Tasmania, we have 100,000 fewer people but our economy is 25 per cent bigger than Tasmania's now. If you go back 20 years to the commencement of this century, the ACT and Tasmanian economies were the same size. The ACT economy is now 25 per cent bigger than Tasmania's, and we have grown so rapidly that it is faster than every other state and territory.

Whilst gross state product measures domestic production, the real purchasing power of income generated from that production is affected by changes to the prices of international and interstate imports and exports, but the real gross state income, which



therefore adjusts the gross state product for changes in jurisdictions' terms of trade, showed that, again, the ACT led the nation with growth rates well above the national average and well above the other states and territories.

In conclusion, we have the fastest-growing economy in the nation, not for one year and not for 10 years; we have had 33 consecutive years of economic growth. No other jurisdiction in Australia can match this performance and it is unlikely that there is another jurisdiction in the world that has had 33 years of consecutive economic growth.

I ask that all further questions be placed on the notice paper.

### **Supplementary answers to questions without notice**

#### **Light rail—stage 2B**

**MR STEEL:** Earlier in question time the Chief Minister was asked about the timing of the stage 2B business case. I can provide some further information. On 27 June this year, the Assembly passed a resolution which included the following statement.

... the ACT Government has stated that due to the complexity of the route through the National Capital area, the Stage 2B business case will be developed following National Capital Authority and Commonwealth Parliamentary approval processes, which includes the development of an environmental impact statement and early design which are necessary to confirm the scope of the project to inform analysis of the costs and benefits of the project ...

#### **Government—Intelligent Regulator Project**

**MS CHEYNE:** I will provide a bit more information that I have on hand about the Intelligent Regulator Project, given the extreme interest in it. This was a project that was funded in the 2016-17 budget, which I note was in the Eighth Assembly, and I have only been the minister since the Tenth Assembly. This was funded with the smarter regulation red tape reduction initiative through the Intelligent Regulator Project, which sought to upgrade business systems intended as a pilot to establish common capabilities and other licensing functions. The funding included \$2.51 million in 2016-17 and 2017-18 for capital works.

Following market testing in 2018, Salesforce was the selected customer relationship management platform and an implementation partner procured to build the new business system within the government's instance of Salesforce. Work on the system build commenced in early 2019.

In March 2020, in the Ninth Assembly, Access Canberra terminated work with the implementation partner due to time, scope and cost increases putting project completion beyond certainty of the available budget. The work was paused while the development of other functionality and transactions in Salesforce continued, which the project could then leverage.

In March 2022, a total of \$198,000 of capital funding remained. That, I believe, is the first point at which I was informed about this project, through a request to the

Chief Minister that the remaining funds—that \$198,000—be transferred to a project that had aligned objectives, being the AMR licensing system.

I certainly take umbrage at the insinuation that I was not across my brief or that Access Canberra did not brief me, given that this project was largely ceased in another term of parliament. I am not sure that, in the previous term of parliament, any member ever asked any questions about it, actually. I do not know that for sure, but I certainly cannot see much.

This is what I have found in the time available, Madam Speaker. I will correct the record in my response to the question I took on notice in annual report hearings about what I knew when. But given that this is one project of many, many projects that Access Canberra undertakes in addition to their many functions, again, I reject the insinuation in the questions that were put to me today.

## Papers

**Madam Speaker** presented the following papers:

Bills, referred to Committees, pursuant to standing order 174—  
Correspondence—

Bills—Inquiries—

Crimes Legislation Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 8 November 2023.

Human Rights (Healthy Environment) Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 27 November 2023.

Parentage (Surrogacy) Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 8 November 2023.

Sexual, Family and Personal Violence Legislation Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Justice and Community Safety, dated 8 November 2023.

Bill—Not inquired into—

Education (Early Childhood) Legislation Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Education and Community Inclusion, dated 7 November 2023.

Government Procurement Amendment Bill 2023, Copy of letter to the Speaker from the Chair, Standing Committee on Economy and Gender and Economic Equality, dated 9 November 2023.

Committee Reports—Schedule of Government Responses—Tenth Assembly, as at 24 November 2023.

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Thematic Review of a Correctional Service and National Preventative Mechanism Pilot Visit by the ACT Inspector of Correctional Services—Isolation of children and young people at Bimberi Youth Justice Centre, dated November 2023.

Integrity Commission Act, pursuant to section 278—Investigation into the dismissal of corruption reports by the ACT Integrity Commission—Special report of the Inspector of the ACT Integrity Commission, dated November 2023.

Standing order 191—Amendments to:

Electoral and Road Safety Legislation Amendment Bill 2023, dated 14 November 2023.

Justice and Community Safety Legislation Amendment Bill 2023, dated 8 November 2023.

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

Financial Management Act—

Pursuant to section 26—Consolidated Financial Report for the financial quarter ending—30 September 2023.

Pursuant to subsection 30F(3)—2023-24 Capital Works Programs—Progress report—Year-to-date performance as at 30 September 2023.

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

Legislation Act, pursuant to section 64—

Emergencies Act—Emergencies (Multi-Hazard Advisory Council Members) Appointment 2023 (No 2)—Disallowable Instrument DI2023-240 (LR, 26 October 2023).

Magistrates Court Act—Magistrates Court (Circular Economy Infringement Notices) Regulation 2023—Subordinate Law SL2023-26 (LR, 26 October 2023).

Road Transport (General) Act—Road Transport (General) Fee Determination Revocation 2023 (No 1)—Disallowable Instrument DI2023-241 (LR, 26 October 2023)

## **Transport—Canberra-Sydney rail services**

**MS CLAY** (Ginninderra) (2. 45): I move:

That this Assembly:

(1) notes that:

- (a) the ACT, NSW and Australian Greens support the improvement of regional rail connections, including the improvement of the rail connection between Canberra and Sydney, as well as the delivery of a national high-speed rail network;
- (b) in 2017, ACT Chief Minister and ACT Labor Leader Andrew Barr MLA discussed the importance of improving the Canberra to Sydney rail connection with his NSW counterparts;
- (c) in 2018, ACT Chief Minister and ACT Labor Leader Andrew Barr MLA welcomed an announcement from the NSW Government that they would improve rail travel times between Canberra and Sydney;

- (d) in 2018 the NSW Labor Party committed to funding a study into reducing the four-hour train journey time between Canberra and Sydney;
  - (e) Australian Labor Party Member for Fenner and Assistant Minister for Competition, Charities and Treasury, the Hon Dr Andrew Leigh MP called, in 2017, for the NSW Government to support a high-speed railway proposal between Canberra and Sydney;
  - (f) in 2019, Chief Minister Andrew Barr MLA identified that “Canberrans want fast rail. Local NSW councils want fast rail. The NSW Government wants fast rail. The Federal Liberal Party doesn’t want fast rail”;
  - (g) following the May 2022 Federal election, the Australian Labor Party formed government;
  - (h) following the March 2023 NSW election, the NSW Labor Party formed government in NSW; and
  - (i) following these elections, all three relevant governments, Federal, NSW and ACT, support or have supported delivering a faster rail connection between Canberra and Sydney; and
- (2) calls on the ACT Government to:
- (a) support the development of a faster rail connection between Canberra and Sydney;
  - (b) write to their NSW and Federal counterparts urging them to support the improvement of rail connections between Sydney and Canberra in a timely manner, noting their previous commitments; and
  - (c) table a copy of the letters and responses received, by the last sitting day in May 2024.

The ACT Greens support a better train connection between Canberra and Sydney. It was a part of our 2020 election platform, and it has been a part of ACT and federal Greens platforms to improve rail services for many years.

We want the ACT government to actively advocate for the creation of a national high-speed rail network that incorporates Canberra, with an immediate focus on medium-speed rail to Sydney. We need to cut the four-hour journey time between Canberra and Sydney, which makes rail the slowest option out of driving, catching the bus or flying.

Rail is incredibly sustainable. It is the most efficient mass transit available and it is a low emissions option compared to driving a petrol or diesel car or flying. Transport emissions make up over 60 per cent of our tracked emissions in the ACT, and we need to cut that. We need to make more trips by public transport such as rail; it is a great way to cut your carbon footprint. It will be even better if we can get the train line upgraded and electrified.

The problem with the train between Canberra and Sydney is partly the four-hour journey time, but it is also partly the frequency. At just three trips a day, compared to 13 trips for the Murrays bus, it is no wonder that so many people take the option that

is more flexible. Even the Murrays bus is often full or it is booked out. We clearly need more public transport services going from Canberra to Sydney.

Why hasn't the train service improved? It is complicated by the fact that the majority of the route is in New South Wales, but this is an investment that our region needs. That is why I am asking the ACT government to work collaboratively with their New South Wales counterparts, as well as the federal government, to get the fast train to Sydney back on track as quickly as possible.

I understand why, in previous years, our Chief Minister could not get a lot of traction on this. We have had a Liberal federal government and New South Wales government, and it was not easy to get this project moving. But it is fantastic to see that we now have federal Labor and New South Wales Labor governments that we can work with, and that can work with our progressive ACT Greens-Labor government to progress this.

The Australian Greens have been working hard for years advocating faster rail connections across our country. Locally, we have long supported improving the train to Sydney, and to do that as soon as possible. It will deliver real emissions reduction and it will also help to make our city a more accessible place to visit.

The scenic views along the Molonglo Gorge are lovely, but it is too slow and winding. Many sections of that track have barely changed since they were developed in the 1800s. We need that upgrade. The track in many sections is single track, which means you cannot have two trains heading in the opposite direction that can pass one another.

We would not accept it if the Hume Highway was a single-lane road meandering around every hill; we would not accept it if we had a number of one-way bridges where traffic had to wait its turn to cross. But, apparently, we have been accepting it for our rail service between Australia's biggest city and Australia's capital.

This project has been identified by Infrastructure Australia as a near-term priority, with possible early improvements that include track straightening and duplication, track formation renewal, electrification and signalling upgrades, and new rolling stock. That was identified in early 2020 to be done in the near term, nought to five years. It would be great to see that happen more quickly.

The train is so popular that it is frequently booked out, which further highlights the need to run more and better services if we want to boost the number of people who are using it. Already, the number of people who want to use that service is more than the number who can. If we had a better service, we would have even more who would be prepared to use it.

That train currently runs just three car sets with about 150 passengers, and it could run more. Even at its current capacity, it is better mass transit than the bus to Sydney, which only moves around 50. The train is also a lot more comfortable for a lot of people who find the coach cramped and bumpy compared to the train.

We need to be thinking about the future, and it would be fantastic to have a national high-speed rail network, but that is a very long way off. I have lived in Canberra for

my whole life. I have heard the calls for high-speed rail many times over the years. A lot of people who have recently moved to Canberra look around and wonder why we do not have it when so many other countries do.

High-speed rail would be fantastic, but we Greens are pragmatists. Let us get on with building something manageable now that we know will do the job. Let us start making improvements to deliver a faster train connection that competes with driving, at the very least. All that is needed is commitment and collaboration between the ACT, New South Wales and federal governments, and some funding from all three to get it moving.

This motion is a really simple ask. It asks the ACT government to support the improvements and to continue its advocacy and lobbying for that Sydney train connection, and to work with counterparts in the New South Wales and federal governments.

I welcome the Chief Minister's proposed amendment, which sets out some of the advocacy that he has been doing on this. We have seen a lot of different proposals, and I had some great questions at lunchtime about some of the specifics. There are a lot of great ideas, but the main thing is just to get together and do it at this stage.

I thank Chief Minister Barr for his long record of advocating for these improvements. We have the perfect opportunity now, with the changes of government in New South Wales and federally. That is why I have brought this motion now and put on record that the ACT Greens are fully supportive of progressing this issue. We are very keen to get the support of the ACT Legislative Assembly for the ACT government to progress this as quickly as possible.

I commend this motion to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (2.51): I move the following amendment circulated in my name:

Insert after paragraph (1)(i):

- “(j) the Chief Minister has met with the current and previous NSW Premiers and Transport Ministers in support of improvements to the Sydney to Canberra rail link; and
- (k) the ACT Government continues to engage with the Commonwealth on this matter, including by listing Sydney to Canberra rail link improvements as one of the priority projects for joint investment under the National Capital Investment Framework.”.

The amendment just adds a couple of additional points to the notes section in Ms Clay's original motion. I thank her for bringing it forward this afternoon. As she outlined in the motion and in her speech, we, as a territory government, certainly have been supportive of improving rail between Canberra and Sydney for some time. I have personally been advocating for these improvements over many years—until recently with coalition governments—but, with the change of federal and New South Wales governments in the last year or so, I think there is an opportunity to advance this further.

As Ms Clay touched on, there has been discussion about bullet trains or very fast rail in this country since I was in primary school, and that is increasingly a long time ago. What we are specifically talking about and focusing on in the short to medium term, in relation to the Canberra-Sydney rail connection, is to turn what is a 19th century service into a 20th century service. Running more frequent services and reducing travel time to below four hours, and preferably closer to three hours, would be greatly welcomed by Canberrans, by Queanbeyanites and by people in the Southern Highlands and Goulburn; and it would play an important part in making it cheaper and easier to get to Canberra, and that would further the economic contribution of tourism to our region.

As Ms Clay touched on in her motion, we had some positive discussions with the previous New South Wales coalition government and, through joint advocacy between the New South Wales and ACT governments, we managed to have the Canberra to Sydney rail connectivity and capacity added to the national Infrastructure Priority List in 2020. As I have noted before, the ACT is not famous for receiving its fair share of infrastructure funding under federal coalition governments, so it is no surprise that there was not a lot of progress or interest from the previous federal government in relation to this matter; but I am pleased that the new federal government has established the High Speed Rail Authority. I think this is a step in the right direction.

I am pleased Ms Clay has brought this motion forward this afternoon because it gives me the opportunity to update the Assembly on the positive engagement that we have had with the new New South Wales and commonwealth governments on the matter. The amendments I have moved speak to this. In July this year, the Prime Minister announced, jointly with me, the National Capital Investment Framework. This framework recognises that Canberra has been historically underfunded by federal Liberal governments and recognises our city's unique role as both the national capital and also the major city in a very fast-growing region. In September, I wrote to the Prime Minister and put forward three key programs for immediate consideration under the investment framework, one of which was for feasibility investigations to upgrade the Canberra-Sydney rail line.

I raised the need to improve this rail link in my first letter to Premier Minns, following his election. I also personally discussed the matter with him and with his transport minister, Jo Haylen, when I met with them in Sydney in May this year. I was pleased to hear that the New South Wales Labor government is taking investment in rail seriously and that they have committed \$6 billion towards new rolling stock, new trains. That includes a new regional rail fleet, which will certainly improve the experience of passengers travelling on the rail line between Sydney and Canberra.

We will continue to prioritise this issue with the New South Wales and federal governments. It will require all three governments to work together; but I am encouraged by the early responses from both my New South Wales and my federal counterparts.

I commend my amendments to the motion and thank Ms Clay for bringing it forward this afternoon.

**MR PARTON** (Brindabella) (2.56): We are so close to Christmas, aren't we—can't you tell—because, when it comes to the motions in private members' business, we get to the bottom of the barrel, don't we? We will be supporting this one, as I have discussed with Ms Clay. In speaking to this motion today, I have a really big job to do. I am here to prove that the Canberra Liberals are not opposed to everything on rails. I think that is important. The Canberra Liberals will not be opposing Ms Clay's motion. We are not raucously supporting it, but we certainly will not be opposing it.

This motion is, at best, a push in a sensible direction for Canberrans when it comes to transport to Sydney. At worst, it is a rather benign piece of virtue signalling in a space that is completely administered by governments other than this one, but we are supportive. Primarily, we are not opposed to rail projects if they are proven to be cost-beneficial and we are certainly not opposed to infrastructure projects that someone else is paying for. It would be difficult for anyone to oppose this motion.

I could understand Mr Barr opposing it privately, but even he would struggle to oppose it publicly. I know that the Greens were concerned that we, the Liberals, would be keen to amend it or potentially omit clause (1)(f)—this is the part where Ms Clay is quoting the Chief Minister from 2019 when he identified that Canberrans want fast rail, local New South Wales councils want fast rail and the New South Wales government wants fast rail, but that, according to Mr Barr, the federal Liberal Party does not want fast rail.

Ms Clay was a little bit concerned that we may wish to omit that, but we do not; we are happy for that to stand. We do not necessarily agree with the last sentence, but the clause is absolutely pivotal to Ms Clay's argument. Let's be honest about what this motion is about. This motion centres around the fact that, back in 2019, Mr Barr stood in this place, and other places, and declared that everyone wanted us to move forward with faster rail and the only thing standing in the way was that horrible Liberal government. Mr Barr alluded to the fact that, if only we could remove the federal Liberal government, faster rail would just happen.

It is interesting. There has been a bit of discussion about how long this conversation has been going on with regard to a very fast train or light rail. I started working in commercial talk radio in 1984 and I can recall, in the mid-80s, setting up radio interviews about the very things that are in this motion. I would note that, between 1985 and now, there have been quite a number of changes in governments, in all jurisdictions in this country. There have been some conservative governments and some progressive governments, but we are still talking about the same stuff.

Mr Barr stood in this chamber for years saying that most of the ills of the world were the fault of Morrison and Abbott and that the moment they were removed we would be living in a progressive utopia, and it turns out that is not the case. All sorts of problems that were supposed to evaporate after the evil conservatives were moved on have not actually evaporated, and, in fact, many of them got worse.

This motion calls on the ACT government to write to the New South Wales and federal governments to work with them to support improvements to the Canberra-Sydney rail corridor, and I certainly note Mr Barr's amendments. We will



not be opposing them, because they are a matter of fact. The motion does not commit the government to anything drastic; just to simply continue to pressure and to write a letter to the federal transport minister, Catherine King, and the New South Wales transport minister, Jo Haylen. I assume she will still be the transport minister when we get to that point of the year.

Again, I would say that, contrary to popular belief, the Canberra Liberals do not hate things that run on rails; just things that cost too much and take too long to deliver. It gives me the greatest pleasure to fully support the Chief Minister's amendments and to fully support Ms Clay's motion.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.00): The ACT government supports high-speed rail and faster rail connections to improve transportation and connectivity from Canberra to other major cities. I am pleased to advise the Assembly of the work that we have been undertaking in collaboration with the New South Wales government over some years to investigate opportunities to improve rail connectivity between Canberra and Sydney.

A fast, frequent and reliable rail service between Canberra and Sydney is a priority for the ACT government, and delivering faster rail is a once-in-a-generation opportunity for the ACT and New South Wales to build deeper connections across the community and business. The Canberra to Sydney rail corridor presents a unique and significant opportunity to improve connections and strengthen economic service and social relationships between Canberra and its surrounding regions, including the regional cities of Goulburn and Queanbeyan, and also Greater Sydney. Better rail services would not only expand and enhance the connectivity between Sydney and Canberra but would unlock further opportunities for tourism, freight, urban regeneration and affordable housing along the corridor.

Just this month, the yet to be officially declared Australia's national treasure Alan Kohler, in his quarterly essay "The great divide: Australia's housing mess and how to fix it", said that, in order to have a serious and realistic effort to deal with housing affordability in Australia, it would need to involve a big investment in trains that are designed to at least double or triple the commutable distance from the capital cities and industrial inner suburbs where people work.

Fast rail is more than a transport solution. Canberra's growing role as a city in the national context and the centre of our region is dependent on providing high quality transport connections to other major cities and our region. Rail is the only transport mode that provides the focus for both economic development and sustainable housing growth, a critical focus for our region and, indeed, the nation at the present time.

I welcome the development of the commonwealth's High Speed Rail Authority, HSRA, which commenced operations in June this year. The authority is a statutory budget-funded corporate commonwealth entity for progressing high-speed rail in the eastern part of Australia. I understand that the functions of the new authority will include policy development, planning, and liaison with state and territory governments. I am particularly encouraged that Canberra remains a critical part of the rail corridor connecting Brisbane, Melbourne and Sydney.

Less recent efforts have also been made to progress faster rail. In December 2018, the then New South Wales Premier, the Hon Gladys Berejiklian, announced investigations into the delivery of a fast rail network for New South Wales to provide their residents with more jobs, greater opportunities and a better quality of life. The plan identified, among others, the Canberra to Sydney route. Investigations into strategic investment priorities for fast rail development were led by Professor McNaughton through the New South Wales Department of Premier and Cabinet, and four potential routes were identified, which included the corridor between Canberra and Sydney. The then New South Wales Deputy Premier, the Hon John Barilaro MP, announced that part of the \$4.2 billion Snowy Hydro Legacy Fund would be invested in improvements to the existing railway and identifying a new corridor for a very fast train between Canberra and Sydney.

As part of the 2019 state election, the New South Wales government made an election commitment of \$80 million for fast rail preliminary work and the new straightened route along the Canberra to Sydney rail line between Menangle and Yerrinbool, which is a deviation of the line that adds significant time to the trip between Canberra and Sydney.

In 2018, the New South Wales and ACT governments made a joint submission to the federal government's Faster Rail Prospectus for funding to develop a business case for the Canberra to Sydney corridor. Despite not being chosen for further development funding, both governments continue to collaboratively explore opportunities for faster rail between Canberra and Sydney. This work builds on existing commitments through the ACT-New South Wales memorandum of understanding and Cross-Border Public Transport Working Group to explore joint opportunities to improve the Canberra to Sydney rail line and continues to support the strong connections to key regional centres along the corridor, including Queanbeyan, Goulburn and the Southern Highlands.

The key objectives of fast rail are to: support Australia's city and regional vision for a more dispersed population strategy by encouraging growth in the Canberra region; enable Canberra's statement of ambition by encouraging a more compact and connected city; better connect Canberra to Sydney, enabling a glomeration of the two economies and the diversification of Canberra's economy; reinforce Canberra as the centre of the south-eastern New South Wales region; and create a station precinct for all Canberrans by taking the opportunity to regenerate or develop new activity centres.

In 2019, Transport Canberra and City Services commissioned an internal report to identify the opportunities for the Canberra region to take advantage of the benefits of fast rail. The report explored what a 150-minute faster rail and 90-minute high-speed rail connection would mean for Canberra in terms of urban renewal, development and economic growth. Integral to these considerations was the future station, located with associated significant transit-oriented development opportunities, and wider growth across Canberra and the regions. This work helped to inform the ACT Transport Strategy, which was released in August 2020.

Alongside the Chief Minister, I have also been advocating to the New South Wales and federal government ministers for faster rail for Canberra. In May 2023, I wrote to the New South Wales Minister for Regional Transport and Roads, the Hon Jenny

Aitchison, who is with us in Canberra this week discussing regional transport connectivity. I welcome the opportunity to continue collaboration with her and the New South Wales government on our shared priorities in roads and transport portfolios.

My letter requested a commitment to undertaking a review of transport timetabling, which would also present an opportunity to increase services on the Canberra to Sydney line, and the development of an implementation plan, in conjunction with the commonwealth government, to achieve meaningful progress on the project in this term. One of the reasons for that, particularly around the timetabling, is that, with the higher priced airfares that we have seen in the current inflationary environment around the country, and possibly due to some of the reliability issues of the Canberra to Sydney flights experienced by some airlines—particularly Qantas, which makes up most of our flights to Sydney—we are seeing large numbers of people using the Canberra to Sydney rail service. In fact, in some cases it has been booked out, which is fantastic to see, so we actually need more services, but we need faster services in the future as well.

Prior to my meeting with and writing to Minister Aitchison, I also met with the Hon Jo Haylen, who is now the New South Wales Minister for Transport, to discuss the train link between Canberra and Sydney. The ACT government will continue to provide information where we can to assist the New South Wales government, including any land use assumptions, technical and planning analysis, vision and economic strategy, transport connections, rail station opportunities, and regional connectivity.

While the delivery of faster rail between Canberra and Sydney may not be progressing as quickly as many would prefer, there are a number of improvements still being progressed on the existing heavy-rail passenger line. Transport for NSW is in the process of replacing their ageing regional rail fleet with the new CAF Civity regional trains, which will travel across New South Wales, including between Sydney and Canberra. These trains are going to be great for passengers. They will provide them with a more comfortable experience when travelling by rail between Canberra and Sydney. They will also be the first regional rail fleet in Australia that is diesel-electric hybrid, which will allow the fleet to run on overhead power when operating on electrified sections of the train network, reducing carbon emissions.

Separately, the ACT government has also been considering future potential upgrades to the Canberra Railway Station, as identified in the draft East Lake Place Plan and the Inner South district strategy. The draft East Lake Place Plan envisaged a new multimodal transport hub with a relocated Canberra Railway Station at the centre of the proposal. That is reflected in the recently released Inner South district strategy, which included a short-term initiative for the ACT government to collaborate with the New South Wales government, Queanbeyan-Palerang Regional Council and other key stakeholders in planning around the Canberra Railway Station as a key element of the strategic investigation corridor from the Parliamentary Zone to Fyshwick.

The Inner South district strategy also acknowledges that, over the long term, consideration will need to be given to the opportunities for faster and higher speed rail.

These future upgrades will improve the customer experience for Canberrans travelling between Canberra and Sydney in the shorter term while we work towards progress on faster rail between Canberra and Sydney in the medium and long term. We will continue to advocate for faster rail and high-speed rail. I commend the motion to the Assembly.

**MS CLAY** (Ginninderra) (3.10): It is fantastic to hear how much we all love the train. It is probably no surprise. It is really good to hear that we have tripartisan support for this. I really appreciate the transport minister's really detailed update on all the plans and ideas we have. This is certainly a once-in-a-generation opportunity, as he has laid out. We have a perfect situation right now, with all three governments who need to be involved in this project saying that they strongly support this project, and organisations like Infrastructure Australia are giving us the backing that this is a high priority project. We have this moment now to move ahead. We never know how long these moments will last.

It is fantastic to see what happens when you give people really excellent choices. We are seeing that with light rail. Light rail is comfortable, it is fast, it is low carbon and it is really pleasant to use. People who have never caught public transport before are jumping on light rail in their droves. We know that happens with the train, too. It will happen even more if we similarly make it more frequent and quicker so that it is a really competitive option. It is a better option than driving to Sydney. It is a much better option than flying to Sydney.

We are at a point in time when people are really thinking about the financial cost of travel, as well as the climate cost—the impact on our environment. There are so many pushes that make this the perfect time to move ahead. I am really happy to hear how strongly we all support this. It is fantastic to hear that everyone is going to write to their federal counterparts, that the ACT government will continue to advocate strongly, and that we will advocate strongly and quickly to make sure that we can bring this project ahead as quickly as we can, noting that we have this perfect moment in time right now and we never know how long we will have it for.

I am really looking forward to further updates next year, particularly the update of the letters and the responses that we receive. I am very pleased that it looks like this motion will pass.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Economy—credit rating**

**MS LEE** (Kurrajong—Leader of the Opposition) (3.13): I move:

That this Assembly:

(1) notes:

- (a) on 7 September 2023, Standard & Poor's (S&P) Global downgraded the Territory's credit rating from AAA to AA+;

- (b) S&P Global found that “Rising expenses and large infrastructure program are delaying fiscal recovery” and “The downgrade reflects the Territory’s slower fiscal recovery from the pandemic than we expected”;
  - (c) the Chief Minister confirmed during annual reports hearings last week that interest rates on new borrowings will be higher due to the rating downgrade; and
  - (d) the 2023-24 Budget forecast total Labor-Greens Government borrowings at \$17.4 billion in the 2026-27 financial year, and interest costs of \$614 million per annum, and these figures will likely be higher as a result of the rating downgrade;
- (2) further notes:
- (a) the rating downgrade is the result of more than a decade of persistent fiscal mismanagement by the Chief Minister and the Labor-Greens Government; and
  - (b) maintaining a AAA credit rating ensures favourable borrowing costs and enables access to the broadest possible investor base for government borrowings; and
- (3) calls on the ACT Labor-Greens Government to include the credit rating as an accountability measure in the Fiscal Strategy and Outlook of the 2024-25 Budget.

In the 2013-14 *Budget outlook*, the ACT government had a clear objective to maintain a AAA credit rating. By the 2015-16 budget, this objective was removed. Instead, the Treasurer said the government would “strive to maintain a AAA credit rating in the long term while recognising that the current and planned level of investment will lead to an expansion of the territory’s balance sheet in the short to medium term”. This year, Mr Barr and Mr Rattenbury lost the ACT’s AAA credit rating for the first time in two decades.

When asked about the downgrade, Mr Barr admitted that the territory had been on negative watch for several years. In dismissing the impact of the downgrade, he said that the effect of the downgrade on the ACT economy would “likely be either zero or one or two basis points difference, which will mean very little in the context overall”. Since 2014, the government have been congratulating themselves on how important it is that the ACT maintained the AAA credit rating. In 2014, Mr Barr was asked why maintaining a AAA credit rating was important for the ACT economy, and he said:

A strong credit rating is an important measure that provides investors with confidence that Canberra is a good place in which to invest. It signals strong financial management, it signals a strong economy and it signals strong budgetary performance.

He also said:

All of these are important foundations for investors and for business.

That is the glowing endorsement Mr Barr gave himself when the ACT managed to retain the AAA credit rating.

In 2017, Mr Barr, during debate on a motion, said:

... having the highest possible credit rating reduces our borrowing costs by between five and 10 basis points.

When I asked him during question time in September this year about how the downgrade will impact ACT taxpayers and interest costs associated with the downgrade, he said:

The advice I have is that it would be negligible, given most semi-governments in the Southern Hemisphere and, indeed, most in the world are AA+ rated. The best advice is that it might be one or two basis points.

On one hand, maintaining a AAA credit rating is a crucial role of government. On the other hand, it makes no difference. Mr Barr must think that Canberrans live in some fantasy land where they believe everything he says, or, more importantly, they forget what he has said in the past. Obviously, it seems that, according to Labor and the Greens, a government's credit rating is important only when you maintain the AAA credit rating, not when you lose it.

Trying to ask a simple question about transparency and accountability of Mr Barr on this credit rating downgrade and how it will affect the cost of new borrowings has been nothing short of maddening. The answers we get are full of gaslighting, deflection and spin—the usual tired old lines from Mr Barr to deflect on the truly appalling track record when it comes to managing the ACT's finances during his time as Treasurer.

During annual reports hearings last week, government officials indicated that interest rate increases could be much more severe than one to two basis points. The government's own budget papers reveal that Mr Barr plans to borrow an additional \$2.245 billion this financial year alone, and it was confirmed in hearings that he had already borrowed \$1.25 billion of that at an interest rate of 5.3 per cent for a 10-year term.

The 2023-24 budget estimates 4.45 per cent for borrowings. That is outlined in the 2023-24 *Budget outlook*. The rate that the ACT government received when they borrowed \$1.25 billion is 85 basis points more than the Treasury forecast in June. It is not clear how much of this increase is due to the credit rating downgrade handed to the ACT in September. However, an increase of 85 basis points is 85 times worse for Canberrans—the very Canberrans that will have to foot the interest bill that this Barr-Rattenbury government have accumulated, the very Canberrans that are currently paying more than \$1 million a day in interest repayments alone, the very Canberrans that are facing a cost-of-living crisis. And the Labor-Greens government continue to make their lives even worse.

What we can tell from the budget papers is that this government's total borrowings will grow to more than \$17.4 billion by 2026-27 and that interest repayments alone will be up to \$614 million per annum. That is over \$1.6 million a day. That is over \$1.6 million a day on interest repayments alone that Canberrans are footing during a cost-of-living crisis. Of course, this is a government that has had no impetus to limit

borrowings through the forward estimates, despite being on negative watch for several years. In fact, between last year's budget and this year's budget, the government added a further \$2 billion to the ACT's total borrowings.

Let me be clear about what this motion is about, because we know what Mr Barr's usual gaslighting and deflection lines will be. I am sure that Mr Barr will wax lyrical about what he apparently knows the Canberra Liberals will do or will not do, but my motion is very clear: it is about making sure that the Canberra community is afforded the respect of full transparency and accountability when it comes to the true state of the ACT's finances.

Mr Barr likes to talk about "magic pudding economics". In the last sitting week, he said:

There is no magic pudding and the idea that you can tax less and spend more is not sustainable.

But isn't this a government that taxes more and wastes more? This is a government that taxes more and wastes more. It has wasted hundreds of millions of ACT taxpayer dollars on mismanaged infrastructure projects, abandoned projects and dodgy procurements. That is the calibre of financial management by the Labor-Greens government. Borrowing billions of dollars and trying to recoup money through jacking up taxes is not economically reformist; it is just a by-product of a Labor government.

The S&P report, which handed the territory its credit rating downgrade, cited reasons of "rising expenses and a large infrastructure program delaying fiscal recovery". In this term of government alone, and even recently, we have seen some extraordinary examples of rising expenses through mismanagement: \$76 million on an abandoned HR IT project; \$33 million on the Acton Waterfront project, which has blown out; an extra \$800,000 on the Campbell Primary School redevelopment because the preferred tenderer was not what this government wanted; \$800,000 on the rebranding of Canberra Health Services' new uniforms, communication strategy and campaign, because this is a government that has stuffed up the health system so badly that they need to rebrand; and compensation payments that the government will have to pay Calvary, following the government's decision to rip up a contract that had 76 years left to go. How much will the Canberra taxpayer have to foot for that bill? Let's not forget the CIT's "complexity and systems thinker"—contracts worth more than \$8.5 million—which is now being examined by the Integrity Commissioner; and, of course, paying two CEOs over \$350,000 each for 18 months. And the list goes on. Even the transport minister, who in 2017 acknowledged the importance of maintaining a AAA credit rating, pressed ahead with stage 2 of light rail despite the fact that there is no viable business case or any costings, which means more government borrowings for a project that achieves worse outcomes for a lot more money. That is what this government is doing.

All these projects are, of course, overseen by the Chief Minister and Treasurer. Tallied up, they make a damning list of projects that contribute to significant rising costs, and yet, somehow, Mr Barr continues his existence of denial and deflection. So it is hardly surprising that S&P have confirmed what the Canberra Liberals have been saying across this term of government and what other economists have been saying:

the ACT's budget is spiralling in a mixture of debt, interest and rising expenses. It is becoming crystal clear that Mr Barr has no plan and no idea how to address it.

This is why I am calling on this government to reinstate an accountability indicator that provides transparency and openness to the Canberra community about the territory's credit rating. Canberrans have every right to know and deserve to know that any government that serves them will be fiscally responsible with their money and will strive to have the highest possible credit rating to encourage confidence and economic activity—an objective that aims to ensure that ACT taxpayers' funds are used appropriately and that the government respects and acknowledges what Canberra taxpayers are going through, right now especially.

Let's not forget that in New South Wales it is an objective that has actually been legislated and is in place to signal the fiscal outcomes that the jurisdiction wants to strive for through its budgets. If the ACT government continues to borrow and spend the money that it has been spending, then it will be the ACT's most vulnerable that will be affected.

As Mr Barr himself put it in his inaugural speech:

Running a surplus operating budget provides intergenerational equity. It means that each generation of the ACT community pays for the government services they are receiving. A surplus budget is vital to maintaining the territory's AAA credit rating.

Mr Barr has been in this place for a long time, but it is clear that, at least when he first came into this place, he had some of those standards. These standards seem to have slipped away a long time ago.

I commend my motion to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (3.26): I move:

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

- “(b) all subnational jurisdictions in Australia now currently hold AA+ except for Western Australia (AAA) and Victoria (AA);
- (c) S&P has confirmed the ACT's economic fundamentals remain very strong, underpinned by high gross state product (GSP) per capita, household consumption, and public demand;
- (d) S&P have affirmed the ACT Government 'A-1+' short-term rating and the outlook on the long-term rating is stable;
- (e) like the other states and territories, the ACT Government supported households and businesses through the pandemic and then invested heavily in our community's economic and social recovery, with the cumulative cost to the Territory Budget of pandemic support measures reaching \$660 million by 2023-24;
- (f) the ACT's rapid economic growth, robust jobs market and consistent population growth, has meant the ACT is one of the strongest performing economies in Australia; and



- (g) the ACT's economic outlook remains positive, as confirmed by S&P, which stated that "Higher revenue from new tax initiatives, payroll tax receipts, and goods-and-services tax (GST) grants will contribute to modest operating surpluses from fiscal 2025. Our forecasts, such as GST, are more optimistic than those of ACT, which is conservative in budgeting, in our view";
- (2) further notes:
  - (a) as the ACT population continues to grow rapidly, the Government has made a deliberate decision to deliver the necessary infrastructure program to boost productivity, reduce congestion, and support the community through projects such as the expansion of the Canberra Hospital, a new northside hospital, new community health centres, building more housing, new schools and TAFE facilities and public transport investment;
  - (b) investments in the Canberra community as the pandemic recovery and population growth continues is essential now, not delayed to make short-term improvements to the balance sheet;
  - (c) the ACT Government publishes the fiscal strategy and principles of good fiscal management in every Budget;
  - (d) the ACT Government has a transparent, clearly stated long term fiscal strategy to progressively improve the operating cash position and fully fund our superannuation liability, supporting intergenerational equity in our community; and
  - (e) the Government's fiscal strategy is underpinned by taxation reform providing a more stable revenue base compared to other jurisdictions, an approach supported by S&P's assessment of the ACT's credit rating; and
- (3) calls on:
  - (a) the ACT Government to continue to responsibly manage the ACT Budget, maintaining the necessary flexibility for countercyclical fiscal policy response and investing in the infrastructure needs of the fastest growing jurisdiction in Australia; and
  - (b) the Liberal Opposition to advise the Canberra community what services, programs and projects they would cut, or what additional revenue measures they would introduce, to attempt to return to a AAA credit rating on a faster timeframe."

The amendment I have moved sets out the context for the current fiscal situation in the territory, the nation and globally. It notes a range of factors that contribute to the territory's current fiscal situation, and it calls upon the government to responsibly manage the budget to maintain the necessary flexibility for counter-cyclical fiscal policy and to continue to invest in the infrastructure needs of what is the fastest growing economy in Australia, and one of the fastest growing jurisdictions by population in our nation.

It also calls on the Leader of the Opposition to advise the Canberra community what services, programs and projects she would seek to cut or what additional revenue

measures she would introduce if she believes a return to a AAA credit rating is required in a faster time frame, as she certainly insinuated in her comments in moving the motion.

Every state and territory government in Australia has faced a once-in-a-century economic shock which demanded a significant and essential increase in fiscal support to communities. This, of course, has had a flow-on implication for credit ratings across the commonwealth and, indeed, across the world. There are only two subnational governments in Australia that have a different credit rating from the ACT. One, the beneficiary of a massive mining boom and a GST sweetheart deal, Western Australia, has a AAA credit rating; and the other, Victoria, has a AA credit rating.

I think it is useful to refer to the entity that Ms Lee quoted several times during her speech, Standard & Poor's. They made the observation that, in relation to the ACT's credit rating, "a AA+ credit rating is still extremely high", and "there has been increasing pressure on governments to support households who are doing it tough as well as to ramp up infrastructure spending across all states".

This situation that we face in the ACT is the same as the other states and territories, and, indeed, most subnational governments. The cumulative cost, for example, to the territory budget of the pandemic support measures reached around \$660 million. Beyond these pandemic-specific costs, the government has invested heavily in cost-of-living support, housing and public health support measures. These have all impacted on the budget.

Despite all of these challenges, our economic resilience has been demonstrated: the fastest growing economy in the nation in the last year, the fastest growing over the last decade, with 33 years of consecutive economic growth. Standard & Poor's, in their credit rating, once again confirmed that the ACT's economic fundamentals remain very strong, underpinned by high growth state product per capita that grew by another 2.4 per cent in the last financial year, and high levels of household consumption and public demand. They pointed out that our liquidity remains exceptional. We have no issues accessing capital, as the last ACT government bond-raising exercise demonstrated. Standard & Poor's have affirmed our short-term rating. Our long-term rating is stable.

In proposing a new accountability indicator, Ms Lee makes it clear that she would seek to prioritise cutting infrastructure spending and reducing cost-of-living support over providing these necessary investments at this time to support the economic circumstances that we now face. Since the last election, the community has been waiting to hear an alternative economic and fiscal strategy from the Canberra Liberals. A little more has been revealed in today's motion, regarding a new accountability indicator to cover the audit-and-then-cut agenda of the Canberra Liberals.

As we get closer to voting day, Ms Lee is required to demonstrate or put forward some alternative economic or fiscal strategy. The first step was to call for an independent commission of audit, and the second will be, if she has the opportunity to do that, to then use the findings of the audit to begin a program of cutting expenditure. It is a strategy that we have seen before. Some of the most conservative Liberal Party

leaders around the nation this century have undertaken such an approach. Campbell Newman, in Queensland, called for an independent audit. He then used it to cut 14,000 public service jobs.

Canberrans, of course, would be familiar with the independent audit called by Tony Abbott a little under a decade ago, which resulted in 7,000 public sector job cuts here in Canberra alone—a result, I am sure, that was celebrated within the conservative ranks of the Canberra Liberals. This obsession—almost a fetish, you would call it, Mr Deputy Speaker—with debt and deficit is really something to marvel at after what occurred during the pandemic and the level of debt incurred at a national level by the Liberal Party.

Governments around the world have demonstrated that jobs could be saved and livelihoods could be protected through borrowings for infrastructure and for essential economic support during a once-in-a-century economic crisis. We were right to do so here in the ACT, just as every other state and territory did and, indeed, the commonwealth did. That is what the government balance sheet is there for—to provide counter-cyclical investment when there is a downturn, and then, as the economy recovers, to gradually unwind that economic stimulus to safeguard the economy as private investment and consumption lift.

Our population continues to grow. The government will continue to invest in infrastructure to support that population growth. The expansion of Canberra Hospital, a new north-side hospital and new community health centres, more housing, new schools and TAFE facilities, public transport investment: these are all essential projects that support our city's population growth and support higher skill levels and incomes over the coming decade.

The opposition leader's motion today raises the inevitable question for Canberrans: what do the Canberra Liberals want to cut? If given a chance, will it be ACT public sector jobs? Will they seek to leave those Canberra families and households without an income? Will it be some sort of freeze on public sector wage increases? Will it be a decision not to proceed with the new North Canberra Hospital?

The ACT community know very clearly where we stand. They also know that our economic outlook remains positive, confirmed by Standard & Poor's, who said:

Higher revenue from new tax initiatives, payroll tax receipts, and goods-and-services tax (GST) grants will contribute to modest operating surpluses from fiscal 2025. Our forecasts, such as GST, are more optimistic than those of ACT, which is conservative in budgeting, in our view.

The government's choice, and the decision we have taken, is to invest in essential infrastructure now and over the rest of this decade, but we are implementing a clear, long-term fiscal strategy to improve the operating cash position and to seek to fully fund the territory's superannuation liability. This supports intergenerational equity in our community.

This long-term fiscal strategy is underpinned by taxation reform that contributes to a more stable revenue base. This approach is again supported by Standard & Poor's,

who “view the ACT’s financial management as a positive factor” and say that “the territory has a professional and independent public service and prudent debt management.”

The institutional framework within which all Australian states and territories operate supports this, and Standard & Poor’s consider this framework to be one of the strongest and most predictable for subnational governments globally. They say that it “promotes a robust management culture and high levels of financial disclosure and transparency”. They recognise and welcome our phasing out of narrowly based transaction taxes, such as conveyance duties, in favour of broad-based land taxes. These reforms help to mitigate budgetary volatility. They point out:

The territory has a credible plan to gradually eliminate its unfunded superannuation liability using ongoing appropriations and investment earnings into its superannuation provision account.

That is the fiscal strategy endorsed by Standard & Poor’s: invest in infrastructure to meet the growing needs of our community and continue the progress towards fully funding the superannuation liability—which, once fully funded, inside about a decade from now, will give future territory governments a significant capacity. It frees up, at the moment, around half a billion dollars of cash annually to either fund future infrastructure or devote a proportion of that to significant debt repayment each year.

It is the territory government’s intention to continue our infrastructure investment program. That is financed through the operating cash surpluses, strategic market borrowings, commonwealth government contributions and asset sales—asset sales principally being land. We also generate revenue from some of our borrowings and infrastructure investments, particularly in the public trading enterprise sector of the territory economy that forms part of the total territory balance sheet. This is the way that infrastructure has been funded in the past and it remains a prudent way to fund future infrastructure and to provide intergenerational equity.

For an asset that has a century or more of duration—for example, the Cotter Dam expansion—it is only fair and reasonable that the cost of that asset, which will provide water and revenue for generations to come, be shared across multiple generations by way of borrowing, rather than expecting this current generation to pay in full, up-front, in cash. I make similar observations about long-term assets like hospitals, housing, schools, TAFE facilities and public transport infrastructure. These are all projects that have multigenerational benefits, so it is entirely reasonable that there be multigenerational contributions towards them.

The Liberal Party’s alternative, and the direction of Ms Lee’s narrative in that motion and in questions in annual reports hearings, was to invest much less in infrastructure. That is fairly clear. By calling for an independent commission of audit, she is now well down the path of Campbell Newman, Tony Abbott and other former Liberal premiers or prime ministers. It is the same old game out of the same old conservative playbook—nothing new to see here. Today she has determined, in revealing a new bit of information about her economic and fiscal strategy, that the credit rating is more important than a hospital, public transport investment, more housing or, indeed, any of the many infrastructure projects.

*Ms Lee interjecting—*

**MR BARR:** The interjections indicate that I have really hit a raw nerve here, because it is true. The form is there; the history is there. It is in the DNA of the Liberal Party: “If you don’t stand for smaller government, what do you stand for? If you’re not going to cut, what is your reason for being in government?” That is the question that most conservative members of the Liberal Party are obviously asking at your annual general meeting or, indeed, in your preselections.

Apparently, it is all about fighting a woke agenda, big government and all of that which saw former Senator Seselja hop across the border. That is the basis of the Liberal Party’s economic philosophy. That is what we are going to see again. That is what the Canberra community is very familiar with.

Today Ms Lee has once again confirmed that she prioritises a credit rating over health services or over investment in education, housing or infrastructure that will support our fast-growing population and our fast-growing economy. The choice next year will be very clear: the same old, tired conservative Liberals with the same conservative economic agenda. I commend my amendment to the Assembly. *(Time expired.)*

**MR COCKS** (Murrumbidgee) (3.41): We see the same old, tired Chief Minister who has been running the same old, tired scare campaign and falsehoods for well over a decade. This is the same old Treasurer who has removed his commitment to a surplus. This is the same old, tired Chief Minister who has betrayed people across Canberra when it comes to economic and financial responsibility. This is the same old, tired Chief Minister who has no ability to run anything except a line. This is the same old, tired Chief Minister who has nothing but the same old, tired lines, the same old fear campaigns and the same old references to politicians federally who are no longer in the parliament.

This is a Chief Minister who is still showing that maybe he does not have a magic pudding, as he likes to put it. Perhaps it would be more apt to describe it as a dance with four steps: redirect, pivot, spin and blame. Meanwhile, he has neglected to mention anything to do with the \$1.6 million a day that this jurisdiction, the ACT, has to spend on debt repayments. I repeat: \$1.6 million a day, every day. That means, in my area, in Woden, you could buy three median units every day. That is the cost of the debt burden that this Chief Minister and this Treasurer is leaving.

He will hand on the burden of a multibillion-dollar debt to the next generation and, to take his words at face value, to generations after that, because he has things that he wants to spend money on and he is perfectly happy to leave that debt to future generations, rather than being responsible and paying for it himself. He has abandoned any sense of economic responsibility, and all he can do is blame other people.

This is a Chief Minister who, any time something is going right, will take credit. He is very happy to take credit. For any indicator that looks, in the smallest margin, as if it is going well, he is happy to stand up and take credit. However, as soon as he does not like what it shows, it is the federal government’s fault; it is the federal Liberals’ fault;

it is the conservatives' fault—the big, bad conservatives. This is a Chief Minister who has brought out every tired old line for every election he has ever stood in.

He thinks Canberrans should be afraid of the conservatives. I will say again what I have said before: if being conservative means standing up for better health services in Canberra, you can call me conservative. If it means standing up for economic and financial responsibility that means we do not hand billions of dollars in debt to future generations, go for it; call me conservative. If being conservative means making sure we are building for the future, if it means making sure we are delivering on promises to the community, if it means not throwing millions and billions of dollars away, call me conservative.

It is about time that this Chief Minister stood up, delivered on promises that he has made, delivered on economic responsibility, ceased his dance and got on with the job so that we can have a better future in Canberra.

**MR CAIN** (Ginninderra) (3.45): Listening to the Chief Minister, I thought I was at an archery competition, as there were so many long bows being drawn that were totally irrelevant to what Ms Lee is calling for. Perhaps it is about something else that is in the news, with the possibility of two more Senate seats coming up. Was he practising his preselection speech? Is that what was going on here? It was such high-sounding language. It reminded me a bit of Shakespeare, full of sound and fury, signifying nothing—and nothing of relevance regarding what Ms Lee is calling for.

Let me read part of the motion, because I am not quite sure that the Chief Minister read what is being called for. It states:

... calls on the ACT Labor-Greens Government to include the credit rating as an accountability measure in the Fiscal Strategy and Outlook of the 2024-25 Budget.

That is what is being called for here. Ms Lee and Mr Cocks have touched on some of the things that point to Mr Barr's hypocrisy and to him being out of touch and complacent. He did not explain why we are in such a mess in the ACT economy, if he is such a wonderful Treasurer. Why are we in the mess that we are in? How about explaining that, Treasurer?

How about explaining why we have a minister who, with responsibility for nearly \$80 million going on an abandoned project, still holds the title of minister? Can he explain that? How about explaining why we have new borrowings next year of nearly \$2½ billion? Can he explain that? Mr Barr is really missing the point of a very sensible "calls on" here: for an accountability indicator so that the community can keep track of something else that points to sound economic management. I suspect that, even if this was in place, we still would not get sound economic management out of this government.

They really are tired, out of touch and complacent, and it is time for them to leave. It is time for them to get out of government in Canberra. That is what we are working on. An Elizabeth Lee-led Canberra Liberals government will not give useless signals to

the community and drive us further and further into debt. We will be committed to sound economic management. That is certainly something that the Liberal brand has demonstrated over many years.

**MS CLAY** (Ginninderra) (3.48): There is a lot of emotion in here. I thought I might try something different and just talk about the economics of it. I thank Ms Lee for bringing on this motion. It is on a really familiar topic; we have covered it quite a lot in hearings, sittings and estimates. This motion asks to include our credit rating as a new accountability measure. It comes in the context that the ACT has a Standard & Poor's rating of AA+. Our rating matches that of the New South Wales, Queensland and South Australian governments. Our rating is higher than that of the Victorian, Tasmanian or NT governments.

The only state government in the country with a better rating is Western Australia's, and that is because they make a lot of revenue from mining. Royalties from mining in Western Australia were equivalent to 25 per cent of their state revenue in 2022-23. That mining revenue was equivalent to almost \$4,000 per resident in Western Australia. If we had that kind of capital windfall in the ACT, we would have an extra \$1.8 billion, so it is significant to note that we have maintained a good credit rating without that mining revenue in the ACT.

Until recently, the ACT was one of only two state or territory governments that held a AAA credit rating. The other six governments chose to invest more in their infrastructure than in their credit rating. They chose to back their people. We were an outlier. The ACT government's rating has now changed from AAA to AA+. That puts us in line with New South Wales, Queensland and South Australia, and it still sees us with a higher credit rating than Victoria, Tasmania and the Northern Territory.

What is the impact of this change? It is pretty limited. The ACT has excellent credit. We can borrow money to build what we need, whenever we choose. This rating change has not affected our ability to raise the capital we need. The Treasurer explained last week that there might be an impact on our interest rates. He put that in the possible value of the order of hundreds of thousands of dollars. That is not very much. From a budget of \$7.5 billion, it is very minor and it should not be affecting the decisions we make as a government.

The rating change may not even have an impact on interest rates. The Treasurer noted that AAA-rated jurisdictions might pay higher interest than AA+ jurisdictions because a lot of factors play into how the lender determines interest rates. That credit rating is not the only factor, and any impact it has is pretty minor. It is more important that our government can access credit, which it can, and that our government chooses to do so for useful things that meet the needs of our current and future population. Our future population is going to be big. Between 2016 and 2021 we grew faster than any other state, territory or capital city in Australia. We cannot afford to not invest in the improvements we need for our city.

How should we invest? Canberra is developing fast and has an increasing population. We need to build what we need and we need to provide the services that we need. We need schools, public transport and well-maintained parks and green spaces. We need

services for our expanding population. Our needs are growing as our population grows. Our tax base is also growing as that population grows.

If we do not look after our people in economic terms, if we do not invest in them, we are selling our future short. Most of us have seen what happens when a city grows too fast and does not build the infrastructure or provide the services to go with that. Frankly, I think the ACT has already fallen behind on some of these. Light rail is rolling out too slowly to address climate change or our rapidly growing congestion. The Belconnen town centre has 600 children under the age of 10 but no school. They are just two examples of where we should be investing more now to provide the services we need. I do not want to see our government invest less in these core services because they are measuring some KPI that every smart economic commentator has said is insignificant.

We have heard a bit about debt. What do we really need to know about debt? What is actually important? We hear a lot about debt from the opposition, and it comes up a lot in this context of our credit ratings. The ACT's net debt, as a proportion of gross state product, is around the middle of the range when compared to other state and territory governments. We have incurred this debt against assets, not recurrent costs. We are very comfortably meeting our repayments.

Government debt is accounted very differently to how the average person might understand it. I will note that the ACT government can invest in what most people would understand to be an asset but it still accrues net debt, and that is because of the unique accounting standards that only governments use. Most Australians understand that kind of debt—the debt that you get when you invest in an asset. This is something that most Australians get. Most home owners have realised that it is a good investment to borrow money to buy a house. The house increases in value, you can live in it and you save on rent.

Businesses operate in the same way. You raise money, either by selling shares or by borrowing money, in order to set up your business. By investing in that business you are able to make money and pay off the debt or make a return to your shareholders. I have been a company director, I have set up companies, I have been a financial manager and I have run shareholder rounds. That is how it works. I think most of us understand that that is how it works.

The key decision that most people make is not whether to borrow or not. They are not thinking about whether to remain debt-free forever and never own a house and never build a business, for instance. The key decision with debt is whether you can borrow and whether what you are borrowing for is a good investment. Is it something that you need?

Let's look at some of the reasons that we have incurred our debt. There is our superannuation liability. Our Treasurer has explained this many times. When the ACT secured self-government in 1989, we agreed with the commonwealth government that permanent ACT government employees would access the Commonwealth Superannuation Scheme benefits. The CSS was closed to new members in 1990, but we continue to pay CSS liabilities. In the next decade, our CSS liabilities are likely to



end. That will provide significant savings to the ACT budget. Our budget will improve without us having to take any decisions on that.

There are other ways that we have incurred that debt. There were the Mr Fluffy loose-fill asbestos remediation costs. That was around \$267 million in money that we could not recoup. That was just the cost of the scheme to the territory after all the properties were transacted. We spent a lot of money, and that was money that we needed to spend.

There was our COVID-19 health response funding. That was around \$1.6 billion in addressing the pandemic. Again, that was money we had to spend. It was our COVID response spending, including the ACT government's business support during COVID-19. That was around \$741 million.

We also invested in light rail stage 1—around \$601 million on construction and operations payments to date. That is an asset. It is a really valuable one. It will recoup its costs in saved time from reduced congestion, from land value uplift, from fare revenue and from other economic benefits, and it is providing a service that Canberra desperately needs.

All of these decisions were made with conscious thought to meet a real need: public transport, a pandemic, honouring our superannuation commitments and removing a lethal substance from our urban environment. They are sound decisions.

It is also worth noting that we have investments. When we hear conversation about government debt, we do not often hear about earnings on investments. In 2023-24 the ACT government will generate over half a billion dollars in income from investment revenue, interest and dividend income. That means we are earning more from investments than we are spending on interest repayments on our debt.

We can save money. We should always be talking about where we can save money. Where is the best place to do that? The Greens have put up quite a few suggestions this term. Here are just some of the calls we have made so far. We called to end the horseracing subsidy. We put up budget amendments to block the \$41 million public subsidy to the horseracing industry. That call came in the context of a special industry deal that saw over \$100 million of taxpayers' money spent and pledged to the horseracing industry. We think that is a really good saving for the ACT taxpayer.

The Greens want to invest in people, not just buildings. We support PACER and justice reinvestment, not a prison expansion. We support more spending on artists and art, not just building upgrades and new construction. We want a service-based model for our household food and organics recycling. This is a particularly sensible call, given Labor's four-year delay on a really large, expensive capital FOGO facility. These are all great savings that will also deliver useful services for Canberrans.

We have called for a few new taxes, including a vacancy tax and regulation or tax on short-term rentals. We have called for sustainability, rather than expensive and endless growth. We have called for city limits, rather than sprawl, and we have amended our planning laws to help this. We know that the average infill home costs the ACT government around \$6,000, compared to \$60,000 for greenfield development homes.

It is \$6,000 for infill to make a new home versus \$60,000 for a greenfield home. It is a really good call for the environment, but it is also a really good call for the economy.

The Greens are making sure our climate transition is a just one. ACT landlords must meet our insulation requirements for all rental properties, and new homes must meet seven-star energy efficiency building standards. Public housing will receive energy efficiency upgrades, insulation and all-electric appliances. We have called for e-bikes, electric motorbikes and scooters to be added, as these cut emissions and benefit those who do not own a home and cannot afford an electric car. We are managing the transition off fossil fuel gas so that it does not harm those who can least afford to pay. We have called for better buses and better active transport. All of these will all save money for Canberrans who are struggling at the moment. As well as saving people time stuck in traffic by reducing congestion, they will also help the climate.

We have called on the federal government to forgive the \$98 million historic public housing debt. We have also looked at other efficiencies. We have looked at these because they are really good services, good outcomes for Canberrans, but they also save money. The Drug and Alcohol Court is a really good example. It has reduced reoffending and it has been estimated to save \$14 million in avoided prison time. That new court has diverted so many people from prison that it has actually saved more money than its entire operating expenses. These are great ways to save money.

If we have good ways to save money and we know that we have good investments and we know that we have manageable debt, what should we be measuring instead of our credit rating? I think we should measure the things that matter to us, and I do not think that is the AAA credit rating. We should be setting KPIs that match up with our priorities. That is the best way to make sure that we are continuing to deliver on those priorities.

We should be looking at our wellbeing indicators. We have those. We have set them. It is really, really hard to see how they are shaping our budget decisions, but those are the KPIs that we need. We need to make sure we are applying a gender lens to our budget. We have the women's statement at the back end of the budget. Again, it is hard to see how that is shaping budget decisions, but any KPI in that area would be a great way to change our accountability indicators.

We in the Greens often run things through two other filters: climate and housing, given the climate crisis and the housing crisis. Again, accountability indicators in these areas are really smart indicators. A climate filter will tell us that we need a faster rollout of light rail, we need more buses, we need more bus drivers and we need fewer road duplications. A housing filter will tell us that we need much, much more public housing.

Any of these principles and any of these KPIs would be a much better way to guide our decisions, not whether or not to maintain a AAA credit rating that every other government in the country, except for one, has abandoned. Every other government in the country has decided to invest, instead of maintaining that AAA credit rating. Let's measure the things that matter.

There are a lot of different ways to manage money. I think it is no different for an individual household or for a business or for a government. There are so many

different ways. I really welcome Ms Lee's interest, but the Greens do not support this current approach. We are happy to support the Treasurer's amendment. That is a much more positive direction for us to move in.

**MS LEE** (Kurrajong—Leader of the Opposition) (4.02): I thank all members for their contribution to this debate. Once again, we saw what we have now come to expect in contributions from Mr Barr on debates like this. His contribution was full of deflection and gaslighting. Not once did we see Mr Barr take any responsibility for the financial position that the ACT is in, despite the fact that he has had his hands on the purse strings for a decade. Not once have we seen Mr Barr take responsibility for the hurt that many Canberra families are facing.

He really was clutching at straws when, not only once but at least twice—if not three times—much of what he had to say was comparing me to Campbell Newman and Tony Abbott. That is really clutching at straws. He had nothing more of substance to say when he repeatedly compared me to Campbell Newman and Tony Abbott. It is extraordinary, the lengths that Mr Barr will go to to compare me to Campbell Newman and Tony Abbott.

**Mr Barr:** You are all members of the same political party.

**MS LEE:** Would you like to continue the debate? I am more than happy to. What else would you like to say?

**MR DEPUTY SPEAKER:** Ms Lee, if you could just ignore Mr Barr and continue, that would be worthwhile.

**MS LEE:** Whilst Mr Barr was going on about how Mr Newman and Mr Abbott talked about financial auditing, what he conveniently left out was that the last time an independent financial audit was commissioned in the ACT was by the Labor government in which he became a minister. He conveniently forgot that fact.

Mr Barr likes to spruik the infrastructure projects, but when was the last time that this government actually met its own infrastructure spending target? He loves to spruik the big infrastructure projects, but how many issues have we seen with dodgy procurements and cost blowouts, and infrastructure projects that are now the subject of Integrity Commission scrutiny? He can go on and spruik infrastructure projects as much as he likes, but when was the last time that the government was able to actually meet its own infrastructure spending targets?

Let's not forget that in the middle of the pandemic Mr Barr brought out a budget that was going to supercharge the economy with infrastructure. It was a clever sleight of hand. He said, "Look. This is the biggest spend on infrastructure," and it was just across five years, as opposed to four. Let us not forget that.

Let's leave aside the pure fantasy and hypotheticals based on nothing more than what he has made up in his own head about, apparently, what he knows the Canberra Liberals are going to do. Frankly, that is just a very amateur and pathetic attempt at a scare campaign. Canberrans will not be fooled. They will not be fooled. They are

hurting, and they are still reeling from when this Labor-Greens government said that we were wrong when we said the rates would go up. We were wrong, apparently. This is a government that has engineered much of the hurt that Canberrans are feeling right now.

Mr Barr went on to talk about the apparent multigenerational projects that are going to have multigenerational benefits. What about the multigenerational debt that he leaves behind? Long after he has left this place, what about the debt that our children and our children's children will be paying? What about the multigenerational debt that is going to burden our children and their children?

I think Ms Clay made it very clear where the Greens stand on this. She said, "Hey. Let's measure the budget on things that matter." Clearly, the credit rating means nothing to the Greens when it comes to measurement.

When you have a look at the motion that I have moved, there are many ways that we measure the performance of the ACT's finances. Did I once mention that the credit rating is the one and only measure of it? No, but it is an important factor. Let's not forget that what I am calling for is not radical. It is so important that, in fact, it was included as an accountability measure until 2014. All of a sudden, in 2015, it got taken out by the Treasurer.

The fact that Mr Barr cannot even agree to include the credit rating in the budget papers says so much about where this government is at. What are they hiding? What are they trying to hide and what are they continuing to hide? This is not radical. It is a measure that will be made public. All I am calling on this government to do is to include that as an accountability measure in the budget so that all Canberrans have full transparency about where the finances are at. Have a look at the wording. My motion says:

... calls on the ACT Labor-Greens government to include the credit rating as an accountability measure in the Fiscal Strategy and Outlook of the 2024-25 Budget.

What is Mr Barr so scared of?

The fact that Mr Barr's contributions in this debate, if not pure fantasy, made-up stuff, consisted literally of comparing me to Campbell Newman and Tony Abbott speaks volumes. It speaks volumes about what Mr Barr's conduct is going to be like in the lead-up to the ACT election. The fact that it is all gaslighting, all deflection, all insults comparing me to Mr Campbell Newman—

**MR DEPUTY SPEAKER:** Ms Lee, resume your seat.

**Mr Barr:** A point of order, Mr Deputy Speaker. I may be mistaken by what the term "gaslighting" means, but it is highly defamatory to accuse someone of gaslighting, according to what I understand to be the accepted meaning of that term. I would ask that either you, Deputy Speaker, or the Speaker consider what is the meaning of "gaslighting" and provide a ruling to the Assembly on whether it is an appropriate parliamentary term.

**MR DEPUTY SPEAKER:** I will discuss that with the Speaker, and I am sure she will come up with a ruling. Ms Lee, you have 2½ minutes remaining.

**MS LEE:** Thank you, Mr Deputy Speaker. The fact that the main thrust of Mr Barr's contribution was to compare me to Campbell Newman and Tony Abbott—middle-aged white men in my party—speaks volumes about the lack of substance that Mr Barr had to contribute today in the debate.

Canberrans will see this. Canberrans will not be fooled. They are hurting. It is clear, especially after the debate today, that not only do Labor and the Greens not get it but they simply do not care. They do not care, but I do. We do. We will always respect the Canberra community and their hard-earned taxpayer dollars. The Canberra Liberals will not be supporting Mr Barr's amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Noes 7

Yvette Berry	Marisa Paterson
Joy Burch	Michael Pettersson
Tara Cheyne	Shane Rattenbury
Jo Clay	Chris Steel
Emma Davidson	Rachel Stephen-Smith
Mick Gentleman	Rebecca Vassarotti
Suzanne Orr	

Peter Cain
Leanne Castley
Ed Cocks
Elizabeth Kikkert
Elizabeth Lee
James Milligan
Mark Parton

Question resolved in the affirmative.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## Papers

### Motion to take note of papers

Motion (by **Madam Speaker**) agreed to:

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

## Human Rights (Complaints) Legislation Amendment Bill 2023

Debate resumed from 20 September 2023, on motion by **Ms Cheyne**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (4.15): It will be fairly obvious to members that I will be seeking leave to move amendments that have not been through the scrutiny process.

I am happy to speak to my amendments. I anticipate that the chamber will be generous, as it usually is, to such a request. I will speak to the amendments en masse. The amendments do one very simple thing, and that is to introduce into the minister's bill some provisions for a review pathway from the Human Rights Commission for the management of human rights complaints and a pathway through to ACAT; otherwise, complainants must move to the Supreme Court to have their human rights dispute resolved.

As members would be aware, petition 32-21, sponsored by Dr Paterson, ended up with 518 petitioners calling on the ACT government to create a dispute resolution pathway through the Human Rights Commission and through the tribunal, ACAT, to help resolve complaints made under the Human Rights Act. The petition was tabled in November 2021. There was a full committee inquiry by the Standing Committee on Justice and Community Safety—the members being me, as chair; Dr Paterson, as deputy chair; and Mr Braddock, as a committee member. The committee produced a report in June last year, recommending as follows:

The Committee recommends that the ACT Government support and enact the terms of the petition to create a system that mirrors the current approach with respect to discrimination complaints.

The heart of the petition, sponsored by Dr Paterson, is to enable a complaint about any breach of the Human Rights Act 2004 to be made to the Human Rights Commission for confidential conciliation and, if conciliation is unsuccessful, to enable a complaint about a breach of the Human Rights Act 2004 to be made to the ACT Civil and Administrative Tribunal for resolution. This will transform the Human Rights Act 2004 from being a largely theoretical document to one which members of our community can use to ensure that their human rights are protected.

This petition was brought to this Assembly's attention by Dr Paterson, and the government responded towards the end of November last year with an agreement in principle. We see in the current Human Rights (Complaints) Legislation Amendment Bill, from the Minister for Human Rights, an acceptance of part of that recommendation. It is the purpose of my amendments to fulfil this recommendation and the wishes of all those petitioners to petition 32-21. As the minister is aware, during public hearings there was some reluctance to consider taking this petition on in full. The government response did agree in principle, and we have a part response, as we see and are debating now.

I do want to emphasise that the reason I have decided to bring in this extra step is that, at its heart, the petition sought to prevent applicants needing to go to the Supreme Court to resolve their human rights complaint. What is so special about the Supreme Court that we should try and create some other mechanism for resolving complaints? I think the answer is fairly obvious, but I would like to read from some of the submissions to the committee on this very point. Firstly, Australian Lawyers for Human Rights said:

There are significant cost barriers associated with this type of legal action and, for most people, bringing a legal complaint to the Supreme Court can be an extremely intimidating, complex and inaccessible process.

This is from the ACT Law Society:

Complaints are not always resolved at reconciliations, and the costs and delay involved in commencing a proceeding in the Supreme Court are significant barriers for many complainants, particularly vulnerable people who are from low socio-economic backgrounds, culturally or linguistically diverse or in detention centres.

This is from Canberra Community Lawyers:

We have long advocated for the inclusion of an accessible complaints mechanism in the Human Rights Act 2004 to ensure that the ACT is a human rights jurisdiction in practice as in name.

And this is from Civil Liberties Australia:

The Supreme Court is beyond the financial reach of most human rights complainants. It not designed for quick and efficient decision-making and is not able to mandate compensation.

What we see here is an effort by the government to take a very, very small step that really does not address any of these concerns raised by submissions to the hearing.

The whole point is to create a pathway in between the Human Rights Commission process and the Supreme Court, through ACAT, which is meant to be applicant-friendly in terms of procedure and process, and an applicant-friendly mechanism. Otherwise, we see a real risk that, if a complaint is not really getting resolved in the Human Rights Commission, the complainant might say, "The Supreme Court is next. I think I have to concede some of the important issues that I think are at play here." That is the risk that is raised by this reluctance of the government to include an ACAT review pathway.

We will of course be getting to some requests on my part to make sure that this is actually something that is real in substance and can be debated. I look forward to the Assembly's cooperation with that.

**MR RATTENBURY** (Kurrajong) (4.22): The Greens welcome this legislation. I want to make a few remarks today and reflect on the fact that Mr Braddock was also keen to speak on this but is unable to be here today for personal reasons.

The Human Rights Act is one of the very significant pieces of legislation in the ACT and plays a powerful role in shaping the way policy is put together in this territory. The dialogue model, which is how a lot of the Human Rights Act operates, has a daily influence on the way government is conducted in this territory. I see that very much in the role I have as a minister. In the shaping of legislation and in debates that go on in the public service about how matters can be addressed, the Human Rights Act is constantly part of the consideration. As a foundational document in the territory, it is incredibly powerful and does play a very important role in the day-to-day shaping of policy in this jurisdiction.

Having said that, being able to make complaints about general human rights violations is also a significant step in supporting people to exercise their human rights and to make sure that, where they think that government policy is not taken into account or where decisions have not considered their human rights, people have an ability to seek to enforce the provisions of the act.

As Mr Cain has highlighted, there has been a range of advocacy from the community around ensuring that people have better pathways to exercise and enforce those rights under the Human Rights Act. The catchcry has been “No rights without remedy”, and I think it is a very useful summary of the powerful points that people have made about the need to consider better mechanisms, because, as Mr Cain has noted, right now the only formal pathway under the Human Rights Act is to go to the Supreme Court. That can be an effective way to do things, but, as has been noted in the discussion already, it is an expensive pathway and one that some people find quite intimidating.

The government has agreed in principle—and the Greens certainly support this—to improving the accessibility of the Human Rights Act and the mechanisms by which people can seek those enforcement options. As we think about what those next steps look like, the step that is contained in this legislation is a really valuable step. The Human Rights Commission’s ability to conciliate matters and to use their capacity, their knowledge, their influence and their experience to get agencies, particularly, to the table to hear very clearly the matter being put forward by a complainant is really effective.

We have seen that in the way that the Human Rights Commission have been given a number of additional responsibilities over time to use those powerful strengths that they have to conciliate matters, to negotiate matters. We have seen them have additional responsibilities given to them, including under things like the Retirement Villages Act and various others. The capabilities of the commission are well recognised in assisting complainants to get better outcomes. The mechanism contained in this legislation reflects that. It reflects the fact that having the HRC involved tips the scales in favour of complainants. It recognises the power imbalance. Bringing the HRC to the table helps to level the playing field and ensure that complainants can have a better opportunity to enforce their rights. We certainly support that, and we welcome this legislation that brings that to the table.

The issue that then sits there is the next step that is being brought forward, which is to have a role for the Administrative and Civil Tribunal, or ACAT, as it is commonly known. That is not contained in this legislation—and we will come to that in a little bit. As the Attorney-General, with portfolio responsibility for ACAT, I am very conscious of the work that needs to be done to prepare the tribunal to be able to receive these sorts of matters. There are a range of legal considerations in thinking about how the jurisdiction of the Supreme Court and the jurisdiction of ACAT are sufficiently delineated so that there is clarity on where a complainant should go. There are issues of resourcing for ACAT. I think these are matters that require further work.

I and the Greens today are accepting the proposition that we want to bring this first step forward now, rather than delay it, while we do the work on those other steps. I think what this first step will do is give us a better understanding of how many



complaints come forward and the level of resourcing that is required to empower ACAT to take these questions on. It will allow time to develop some of those intellectual underpinnings of how a model will be put together. I think this is the correct path for now.

But what I would say is that, certainly in my role as the Attorney-General—and the Greens have a very strong interest in this—we will continue to work with the Minister for Human Rights to ensure that the next step is developed and that this is not left on the table for some extended period of time but gets moved forward in a way that is timely, meets that government agreement in principle and says, “The government accepts that this is a pathway we want to go down; we just need to develop the next step in more detail.” So we will continue to pursue this, and I will work closely with the Minister for Human Rights to carry this forward.

Given that the JACS committee is currently, as we have discussed today, inquiring into the right to a healthy environment, I think this issue will get further discussed in that place, because adding a new right brings into focus how people enforce that right, how they bring it to bear and what the opportunities are for people to ensure that that new right is well reflected in ACT law, in ACT government practice and in agency decisions. So I suspect there will be further consideration of it in that matter.

That is the Greens position on today’s legislation. As Mr Cain has alluded to in his remarks, he intends to move amendments today. These amendments have not been through the scrutiny committee. I should stress, for the chamber’s benefit, that the Greens do not intend to grant Mr Cain leave to move his amendments today. I want to reflect on why. We are dealing with the Human Rights Act. As I have already referred to in my remarks, it is a significant piece of legislation for the territory—so much so that a very large chunk of our legislative processes have been designed around ensuring our adherence to it in a multifaceted way.

We describe bills which impact on human rights as being significant bills. The Assembly requires that the government present human rights compatibility statements. As the Attorney-General, I am responsible for signing those before a bill comes before this Assembly. The scrutiny committee reviews legislation with a specific view to compatibility with human rights. The parties of government need to take these processes seriously. In this case, the Canberra Liberals simply have not. Mr Cain’s amendments missed the deadline for being considered by the scrutiny committee, a committee that he himself is a member of, I should add—

**Dr Paterson:** And chairs.

**MR RATTENBURY:** Indeed—and chairs. And his explanatory statement rather absurdly suggested that there are no human rights implications from his amendments to a bill to amend the Human Rights Act.

This legislation brought forward by Minister Cheyne was introduced into the Assembly on 20 September. Mr Cain has, in his remarks today, outlined the lengthy process before that that anticipated this legislation coming forward. So this has not been a surprise. Yet, despite that lengthy time line, the amendments did not go to the scrutiny committee on time.

Mr Cain has failed in the minimum amount of work that I would expect when dealing with legislation that impacts human rights. It did not even need to be particularly sophisticated and structured, as far as I am concerned, but he needed to at least try and support his argument by doing the work properly. If someone who is styling themselves as the shadow Attorney-General cannot do this, even for amendments to the Human Rights Act, then what does that tell you?

If Mr Cain and the Canberra Liberals want to be taken seriously as an aspiring party of government, they need to put the work in. They need to prove that they understand how the parliamentary processes work and why they exist. As things are, I am left forced to presume that this is intended as a political stunt, rather than a genuine attempt to improve our laws. The nature of the explanatory statement, I think, underlines that point.

This is an unusual position for us to take. Normally, the Greens would be comfortable debating the substance of any amendments put to the chamber. But, in the absence of any recognition of real human rights impacts and without being organised enough and allowing the time for review by the scrutiny committee, I do not think it is appropriate that this Assembly spend time on these matters today. So we do not intend to grant leave.

Having said that, I do look forward to voting in support of this bill. As I have outlined in my remarks, whilst we are very keen to see the next step take place, we think this first step is a good one. We will be watching it very closely and we will continue to do the work to prepare the next stage of this process that will open up the possibility for people, where they are unable to seek resolution through the conciliation process of the Human Rights Commission, to then be able to take their matters to ACAT if they wish to.

**DR PATERSON** (Murrumbidgee) (4.32): I will just speak very briefly on this. This is a great story of a petition coming to the chamber. It is literally two years to the day since the petition was tabled and we will hopefully see the legislation pass this afternoon.

I would like to thank the petitioners, Mr Chris Stanford and Civil Liberties Australia, for all their incredible advocacy work on this issue. I would also like to thank people that contributed to the committee inquiry—an inquiry and committee of which I was a member. I would also like to thank the minister, Minister Cheyne, for all her amazing work on this bill and for prioritising this. For too long we have had this amazing Human Rights Act and acknowledgement that we are a human rights jurisdiction but also the inaccessibility to pursue a complaint, leading to the Supreme Court being the only option there. I think this change today to have the Human Rights Commission be able to hear complaints will have a dramatic impact in our jurisdiction.

**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) (4.34), in reply: Madam Speaker, I am pleased to close the debate today. As you have heard, the bill will establish a new pathway for community members to make complaints to the ACT Human Rights Commission about breaches of human rights obligations by public authorities. The bill will also make positive, practical amendments to the Human Rights Act to expand the role of the Legislative Assembly scrutiny committee to have

a clear role in considering the human rights impacts of delegated legislation; to specify the proper respondent to human rights proceedings in the Supreme Court; to require notice to be given to the Human Rights Commission in all Supreme Court matters involving application of the act; and to remove gendered language, in line with modern legislative drafting practice.

Article 2 of the International Covenant on Civil and Political Rights requires state parties to ensure that any person whose rights or freedoms are violated has an effective remedy. The Australian Human Rights Commission has described this right to an effective remedy as an essential component of human rights under the ICCPR and other human rights instruments. The Human Rights Act currently has two avenues giving effect to this important principle. The first is the standalone cause of action for a breach of human rights obligations by a public authority, which allows matters to be brought to the Supreme Court without needing any other course of action. The second is the ability for a person to rely on their human rights in other legal proceedings, which is an indirect right to raise human rights concerns.

The new complaints mechanism introduced by this bill will expand the avenues available for seeking redress for a breach of human rights by creating an accessible process for such complaints to be made to the ACT Human Rights Commission. The new pathway does respond to concerns raised by the community that the Supreme Court is not an accessible jurisdiction and, for many matters, is not the most suitable forum for raising and resolving concerns. The bill will generally require complainants to attempt to work through their complaint with the relevant public authority before escalating it to the Human Rights Commission. If the person does not receive a response to the complaint within 45 calendar days or receives a response that they consider to be inadequate, they can then make a complaint to the Human Rights Commission.

As it does for other types of complaints, the commission will be able to offer confidential conciliation to attempt to resolve the complaint. The types of outcomes or remedies that can result from conciliations at the Human Rights Commission include apologies, changes in policies and procedures, and staff training. In circumstances where a complaint cannot be successfully conciliated, the commission will issue a final report to close the complaint. The commission will be able to make recommendations to the public authority about any actions they should take to ensure that their acts and decisions are compatible with human rights.

Recommendations made by the commission must state the reasonable time within which the recommended action should be taken. Section 85 of the Human Rights Commission Act requires entities to tell the commission in writing about the action that is being taken in relation to a recommendation. In this way, entities are accountable for considering recommendations made by the commission and for taking action. We anticipate that the new complaints pathway will have benefits for the culture of human rights in the ACT government, enabling issues raised by community members to be addressed and to influence changes to policies, procedures and practices that may have a wider impact on the community.

Community members who make a human rights complaint to the commission will not be fundamentally precluded from initiating a proceeding in the Supreme Court if

resolution cannot be reached through conciliation. The bill amends section 40C of the Human Rights Act to make it clear that the human rights discretion to permit the commencement of proceedings after the current one-year limitation period has expired includes circumstances where a person has made a complaint to the Human Rights Commission about the act and it is unreasonable in the circumstances for the time limit to apply to the proceeding. This amendment is intended to address circumstances where a person has sought, in good faith, to resolve their concerns by first making a complaint to the commission and the limitation period for commencing Supreme Court proceedings has expired due to their good-faith participation in the process.

I look forward to working across government, the Human Rights Commission and the community to monitor the implementation of this new complaints mechanism and to consider a further stage of reform to enact the proposal to establish a pathway to ACAT. While we support, to a degree, the intent of what Mr Cain is trying to achieve through his proposed amendments, they are, frankly, premature. It is not a reluctance, as Mr Cain has insinuated; it is a consideration of reality. We have been clear, in the government response and since, that we agreed in principle to an ACAT pathway. However, we determined that it would be optimal for this mechanism to be introduced once the complaints mechanism in the Human Rights Commission has been operational for a period of time.

This will allow the ACT government time to work through, with relevant bodies, the consideration of the interaction of this pathway with existing administrative law review functions of ACAT and the Supreme Court jurisdiction for human rights matters, the scope of remedies that would be available to litigants, and implementation planning. Critically, without the data on how many complaints are coming to the Human Rights Commission, it is not possible for government to commence the work on the potential number and complexity of matters likely to be commenced in ACAT, and what the resourcing implications for ACAT would then be in managing this new case load and developing human rights jurisprudence.

We have been clear that we expect this work to be undertaken in the next term of government, and it is my firm expectation that it will occur in the first half of that term. It is one of the reasons I am so keen to see this bill passed today. The sooner the mechanism can begin in the Human Rights Commission, the sooner we will have a body of data which will allow us to consider the resourcing of ACAT and how it could work, in addition to the resourcing for the Human Rights Commission, which of course will also be required.

As Mr Cain's proposed amendments directly mirror the pathway to ACAT provided for in the Discrimination Act, there are some nuances that have not been fully considered and that add a level of incoherence. For example, pursuant to these amendments, complaints going to ACAT would be able to obtain monetary compensation, which is a remedy not available for proceedings for a breach of human rights in the Supreme Court, which is the higher level jurisdiction.

It is also not clear how the Human Rights Commission's recommendation power in relation to human rights complaints would interact with the ACAT pathway, as it is likely to create circumstances where respondents would have obligations to report

back to the commission on actions it has taken in relation to the recommendations, but then the complainant could also ask for the matter to be referred to ACAT, where other remedies could be awarded against the respondent. It is not clear how it is intended that the resourcing implications flagged repeatedly by government, in its response to the committee report, would be dealt with, noting the obvious impact it would have on the traffic through the tribunal. Mr Cain's speech just now shed no light on any of this.

Finally, as Minister Rattenbury has done, I note that, despite having more than two months since the bill was introduced and being aware of our approach to this for more than a year, Mr Cain's amendments are undermined by the fact that they were only circulated yesterday, have not been through scrutiny and do not have a Human Rights Act compatibility statement—which, I agree with Minister Rattenbury, is astonishing. This is despite Mr Cain having been chair of that committee for three years and lecturing this chamber earlier today about it.

To quote Mr Cocks earlier—and this is verbatim, but I will replace “the government” with “Mr Cain”—perhaps Mr Cain should have got on with this work a little bit earlier, and it would have been entirely appropriate for Mr Cain to prioritise this earlier in the term. It is quite extraordinary that, on the same day that Mr Cain lectures on process, he cannot follow one that he is abundantly familiar with. It speaks to arrogant contumacy and sheer disdain for multiple key processes in this place, based on what suits Mr Cain at the time. It weakens every statement that Ms Lee, Ms Lawder and Mr Cain have made in this place about proper process this year.

Due to the need to consider these matters further, the particular complexities created by the proposed amendments, and notwithstanding the befuddled way that they have come about—which is now nothing short of risible, given Mr Cain's, Ms Lawder's and Mr Cocks's comments earlier today—the government will not be supporting them, and we will support Minister Rattenbury in not granting leave.

I thank all of the stakeholders who have contributed to the design of this important reform for their commitment to ensuring that all members of our community have access to the rights enshrined in the Human Rights Act—in particular, Chris Stamford and the late Sophie Trevitt.

Next year we will celebrate the 20th anniversary of the passage of the ACT Human Rights Act, Australia's first human rights statute. I look forward to commemorating this important anniversary with the commencement of this new complaints mechanism.

In closing, I warmly thank the team in JACS, which has worked so hard on bringing on this mechanism in a way which is functional and has support across government. Mr Cain said, unbelievably, that without ACAT this is only a small step. It is not. The Human Rights Commission's own annual report, which Mr Cain was inquiring into just the other day but somehow now is wilfully ignorant of, states:

The Commission's ability to receive and conciliate complaints is a landmark improvement to the human rights framework in the ACT.

Madam Speaker, that is not a small step. It will be a big change, particularly for government, and it is the right thing to do.

We were reflecting in annual reports hearings on just how much legislation has been introduced in the human rights portfolio in the past few weeks. I properly counted, and it is six bills in five sitting weeks. It is remarkable, in and of itself, but what sits behind that is months—and, in this case, years—of detailed work and iterative, careful consideration of work that will make a meaningful difference to people's lives, and this is one of them. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 15, by leave, taken together and agreed to.

**MR CAIN** (Ginninderra) (4.46): I seek leave to move amendments to this bill that have not been considered by the scrutiny committee.

Leave not granted.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

### **Statements by members** **Multiculturalism—anti-racism**

**MR RATTENBURY** (Kurrajong) (4.47): As colleagues may recall, earlier this year, on 23 March 2023, my colleague Mr Braddock moved a motion that was passed by the Assembly, following the United Nations International Day for the Elimination of Racial Discrimination. Part of section 4 of the resolution called on all members to denounce racism and undertake anti-racism training by the last sitting day of 2023.

On behalf of the ACT Greens, I am happy today to affirm that all ACT Greens members, firstly, completely denounce racism and commit to fighting racism in all its forms, as you might anticipate. We believe that everyone has the right to live without fear of racial violence, abuse and discrimination. Racial trauma is an everyday reality for so many people and, with the rise of far-right extremism and white supremacy in Australia, it is particularly important that we take such a stance.

More specifically, today I seek to report also that all Greens members of the Assembly have undertaken at least one or more of the following anti-racism training opportunities: cultural intelligence workshops, cultural inclusion workshops, anti-racism and progressive politics, racism bystander training, and anti-racism e-learning. I now present a letter that reflects and reports on that, in response to the motion passed earlier this year. I present the following paper:

Racial discrimination elimination—Assembly resolution of 23 March 2023—  
Response, Copy of statement by Shane Rattenbury MLA, ACT Greens Member  
for Kurrajong, dated 28 November 2023.

### **Valedictory**

**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) (4.49): I will use this 90-second statement to start my valedictory. As I reflect on another year that has gone by, I am proud of the work that we have achieved across my portfolios in 2023. I am grateful for the support that has allowed us to have such a productive and effective year, and I am proud of the changes and improvements that we have made to people's lives.

As Minister for Police and Emergency Services, I have supported an increase in police power to prevent reckless driving, providing the tools and the powers necessary to save lives every day. The biggest ever investment in police has come in the last year. Whether in the form of more officers employed or a new state-of-the-art centre to prevent reckless driving, these investments save lives.

I have also overseen the arrival of the future of firefighting: Australia's first fully electric fire truck. That is one of the many ways we are investing in the future sustainability of our emergency services. For this work, I would like to thank the Chief Police Officer, Neil Gaughan, and the Policing team. I also thank Wayne Phillips and the ESA team, and Richard Glenn and the JACS team for their excellent work.

As Minister for Corrections, I am very pleased to be able to tell you, Madam Speaker, that the Alexander Maconochie Centre is now smoke-free. The transition to a smoke-free prison is something we undertook with community advice in a measured way. Developments, particularly improved support for AMC staff and increases to the number of employees, have all contributed to improving our justice system and the way correctional services are delivered. (*Time expired.*)

### **Multicultural affairs—Ahmadiyya Muslim community peace symposium**

**MRS KIKKERT** (Ginninderra) (4.50): It was truly an honour to stand before the peace symposium organised by the Ahmadiyya women from the Ahmadiyya Muslim community. In a world often filled with chaos and division, events like these serve as beacons of hope and unity. The Ahmadiyya Muslim community, with its rich tradition of promoting peace and understanding, has consistently demonstrated the transformative power of dialogue. As we gathered last week from different faiths, it was a testament to our shared commitment to building bridges and fostering harmony.

The role of women in promoting peace cannot be overstated. Women are often the unsung heroes and the peacemakers within families, communities and societies. The Ahmadiyya women's peace symposium recognises and celebrates this pivotal role, acknowledging that true peace emanates from the collective efforts of both men and women. In a world facing numerous challenges, from social injustices to global

conflicts, the need for unity and understanding has never been more critical. The Ahmadiyya Muslim community has consistently championed the values of compassion, tolerance and respect for all. The Ahmadiyya women, through initiatives like this symposium, inspire those in attendance to look beyond their differences and work towards a world where diversity is celebrated and understanding is the common language in empowering women.

Thank you, Ahmadiyya women, for reminding us to be ambassadors of peace in our homes, communities and workplaces. We need to be reminded of this ripple effect of positive change and, thus, contributing to the world. (*Time expired.*)

### **ACT Training Awards 2023—honours**

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (4.52): I want to stand to acknowledge Emma Brown, a proud Ngemba woman, who I was very pleased to award the Aboriginal and Torres Strait Islander Student of the Year award to at the Australian Training Awards held in Hobart earlier this month. Emma is an outstanding person to have won this award. She joined the Indigenous Apprenticeship Program in the Australian public service and has a permanent position as a customer service officer at the Civil Aviation Authority. Part of her motivation for studying VET was to give back to the community and be a role model by demonstrating that people can achieve anything if they give it a try.

I also want to acknowledge runners-up at the awards. ACT Vocational Student of the Year Marija Rathouski completed a Certificate IV in Mental Health to support people through practical strategies with compassion, empathy and understanding. I also want to acknowledge an Education Directorate employee: runner-up Trainee of the Year, Cyrus Wren, who works as a career and transitions project support officer. He has been working within the VET sector for years, while simultaneously undertaking a VET pathway. His new job allows him to support other students in vocational education and training, which is fantastic. We want more people to join the VET sector.

### **Environmental activism—Rising Tide**

**MS DAVIDSON** (Murrumbidgee) (4.53): Madam Speaker, today I want to say thank you to William, Jonathan, Bryce, Thomas, Paul, Sophia, Luke, Andrew, Sol, Anne, Barbara, Joshua, Andrew, Gabrielle, Adrienne, Freya, Anna, Peter, Nicola, Anthelia, Natalya, Joanne, Chantal, Jenny, Rose, Teigue, Thomas, John, Trevor, Roisin, Bowen, Kathleen, Christopher, Valerie, David, Marie, Maggie, Justice, Terence, Nathan, Sunny, Ruby, John, Ross, Jessica, David, Zephyr, Pamela, Jenna, Carina, Deanna, Zachary, Nicola, Jonathan, Breeanna, Dianne, Brett, Stephanie, Zaida, John, Peter, Paul, Mina, Mary-Jayne, Elizabeth, Lincoln, Kerryn, Peter, Kate, Kathleen, Joseph, Jack, Paul, Jacinta, Inika, Ian, Helen, Sarah, Gemma, Fiona, Claire, Janette, Bronwyn, John, Brett, Anne, Anjali, Jessica, Linda, Catheryn, Tom, Isaac and Jimmy.

These people were among the 100 arrested on Sunday at the people's blockade at the largest coal port in Newcastle. Thank you to all my friends at Rising Tide. We need a just transition away from coal and gas and we need it now.



## **Human Rights (Complaints) Legislation Amendment Bill 2023**

**MR CAIN** (Ginninderra) (4.54): I want to speak briefly about the deplorable decision to not grant leave to my amendments earlier. Minister Cheyne said that the government are delaying the pathway to ACAT because of resourcing issues and that they needed to consider that. It was very clear during the committee inquiry into the petition that resourcing was not seen to be a significant burden—

**Ms Cheyne:** Point of order—

**MADAM SPEAKER:** Point of order.

**Ms Cheyne:** I believe that Mr Cain—

**MR CAIN:** Stop the clock, please.

**Ms Cheyne:** is reflecting on a decision of the Assembly—

**MADAM SPEAKER:** Stop the clock, please.

**Ms Cheyne:** and that is not allowed under the standing orders.

**MADAM SPEAKER:** Let me ponder that for a moment. I will stop the clock on this occasion because I am pondering a point of order. Thank you. There is no point of order, because standing order 52 refers to a vote. If there had been a vote on it, that would have been a different matter.

**Ms Cheyne:** Is a vote on the voices not counted as a vote?

**MADAM SPEAKER:** Ms Cheyne, are you going to challenge me? Thank you, Mr Cain.

**MR CAIN:** Very sensible ruling—

**MADAM SPEAKER:** There is no need for commentary about what I say, Mr Cain, or you will be called up.

**MR CAIN:** I apologise. Resourcing was touched on in the report, as Minister Cheyne would know if she had read it. It was seen as not being a significant burden to the progression of human rights complaints being dealt with by the Human Rights Commission or ACAT. The scrutiny committee did speak briefly about her bill and pointed out a minor and uncontentious issue to do with perhaps making sure that the protection of privacy and reputation would be provided. I am sure ACAT would be able to deal with that very adequately. The reasons for delay are really very manufactured. There is certainly no reason why this bill could not have included the ACAT pathway. The Canberra Liberals will be considering in the future any request for leave to move amendments not subject to scrutiny committee comments.

*Discussion concluded.*

## **Adjournment**

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

That the Assembly do now adjourn.

## **Valedictory**

**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) (4.57): I will continue my valedictory. For the AMC work, I would like to thank Ray Johnson, Bruno Aloisi and ACT Corrective Services for their first-class efforts.

As Minister for Planning and Land Management, there has been a large focus on bushfire recovery this year. The fire management unit in PCS have continued their great work. We have revamped and improved our disaster management plan, to help Canberrans stay safe during natural disasters. The disaster-ready fund means that we are investing locally in disaster mitigation and resilience.

The forestry team in EPSDD have done a great job in managing our forests and have progressed important improvement works. This is a crucial aspect of land management in the ACT and not as widely known as some other functions. I am very grateful for their ongoing commitment and their work on these improvements. Our volunteer and visitor experience team has been working with volunteers and helping visitors, which has been especially valuable, given the disruption to the visitors centre. Although I have named just a few teams specifically, I am continually impressed by the dedication, commitment and service that the whole Parks and Conservation Service displays.

I would also like to acknowledge the continuing work on the new Territory Plan, which has helped to further the design and growth of our territory. A modern planning system is crucial to the continuation of sustainable, affordable and livable housing that is accessible to all and accommodates the fast growth of Canberra while protecting what makes Canberra such a wonderful and desirable place to live. Our community consultation across this year has ensured that everyone's opinion gets to shape the development of Canberra. We are grateful to all those who have taken the time to make submissions.

I would also like to take this chance to specifically mention the city plan team in EPSDD, who have progressed a lot of policy work, in collaboration across government. Their work launched the same day as the new planning system, which received a lot of attention. It is a very important piece of work to guide the development of the city specifically. I want to take the time to acknowledge the statutory planning team, who have done that work as well. I further acknowledge the gateway team, within statutory planning, who are the face of planning in the ACT and will no doubt continue to provide the same level of excellent service as the new planning system takes off.

As the Minister for Industrial Relations and Workplace Safety, we have led reforms on WHS regulations and codes of practice. The passing of the Workplace Legislation Amendment Act in 2023 has increased protections for a variety of workers on a variety of issues, including sexual assault notifications, implementing a number of Boland review recommendations and increasing support, including presumptive PTSD cover for emergency services workers.

For this work I would like to thank WorkSafe ACT Commissioner Jaquie Agius and the whole team at WorkSafe, including the safety team and the work safety group. Our frameworks for the ongoing review of government procurements and projects guarantee more secure and ongoing jobs for Canberrans, and I am going to be proud to see these implemented. I want to really thank those people.

The new regulatory practices for workers engaged with engineered stone help to protect individuals and keep workers safe. I want to thank the team in the Office of Industrial Relations and Workforce Strategy. Rather than singling out individuals for recognition, I would like to thank all the workers in the public service collectively. Your work, your dedication and your commitment to the principles of public service are to be commended.

I would like to take a moment to acknowledge the passing of Dr Damian West, who served as head of the Office of Industrial Relations and Workforce Strategy. He had immense respect and admiration from all his colleagues. I would like to acknowledge his service.

I want to acknowledge the work of the territory's awesome trade union movement. Your contributions in advising consultations, advisory committees and boards provide this government with the vital firsthand information required to formulate and deliver good labour policies. When the labour movement works together, for the benefit of our society and our community, there is no end to the benefits that can be achieved.

In closing, I would like to recognise the hard work of so many people who have helped to make these efforts possible for 2023 and ongoing. I acknowledge my team, both current and former, starting with my office managers, Tash, Sam and Harley, and the wonderful DLOs who brilliantly support the office every day. Fi, Tash, Kane, Gareth, Louise and Christy, we simply could not do what we do without you. I thank my advisers, Brodie, Butters, Lucas, Abby, Ellen, Amy, Tori, Alicia and Lilly, who turn bright ideas into good policy; and my chiefs, Baz, Kim, Ellen, Jason, Caitlin and Tony, who keep the train on the tracks every day.

I am very proud of my office and the culture that we have. It is akin to being one big family. I am very proud that a number of my former team members have gone on to continue successful careers. The hard work of everyone that has allowed us to make such important changes in 2023 has not gone unnoticed. I am incredibly thankful to everyone for their work and proud of what we have been able to achieve in 2023. I am hopeful of another productive and fruitful year in 2024.

**Women—violence**

**MS CLAY** (Ginninderra) (5.03): Destroy the Joint has been running a project this year entitled “Counting Dead Women Australia”. It is exactly what the title says. It is a running total of every known death due to violence against women in Australia this year. UN Women is currently running 16 days of activism against gender-based violence that runs from 25 November, International Day for the Elimination of Violence Against Women, until 10 December, Human Rights Day.

I would like to take a moment to read out the names of the victims, where their names are known: Lindy Lucena, Dayna Isaac, Wendy Sleeman, Krystle Monks, Janet Guthrie, Anastasia Slaction, Margarette Smetheram, Jacqui Purton, Hannah Pringle, Lisa Fenwick, Erin Mullavey, Elaine Naroldol, Emmerich Lasakar, Lynne Wright, Heather Ball, Tatiana Dokhotaru, Monique Lezsak, Kristy Armstrong, Marija Ivankovic, a 41-year-old woman as yet unnamed, Amira Moughnieh, a 45-year-old woman as yet unnamed, Christine Rakic, a woman in her 30s as yet unnamed, a 47-year-old woman as yet unnamed, Alexandra Vergulis, a 74-year-old woman as yet unnamed, Gypsy Satterley and bystanders Terry Bishop and Jessica Townley, Georgia Lyall, Jean Morle, a 40-year-old woman as yet unnamed, Gail Patterson, Heather Wilkinson, Maree Vermont, Tiffany Woodley, Tayla Cox and her 11-week-old baby girl, Drew Douglas, a woman as yet unnamed, Katherine Safranko, Rebecca Collard, Heather Dean, Krystal Marshall, Thi Thuy Huong Nguyen, Lilie James, Analyn Osias, Alice McShera, Dee Folpp, a 37-year-old woman as yet unnamed, a 44-year-old woman as yet unnamed, a 45-year-old woman as yet unnamed, Julianne Egan, a 39-year-old woman as yet unnamed, Jodie Jewell, and Catiuscia Machado.

**Canberra Racing Club—Canberra Community Chest**

**MR CAIN** (Ginninderra) (5.06): I would like to talk about a delightful initiative of Thoroughbred Park, or the Canberra Racing Club, that was commemorated in two separate events last week. I am referring to the Canberra Community Chest. The Canberra Community Chest is an innovative race where 12 local charities or community groups are allocated a horse in the ultimate race of the day, for a combined \$50,000 contribution to those charities. It is a terrific initiative. I want to speak briefly about the two events that I attended on behalf of the Canberra Liberals.

There were 11 charities selected by an independent committee, which included the Canberra Business Chamber Chair, Mr Archie Tsirimokos; Region Media’s Group Editor Genevieve Jacobs AM; and ClubsACT’s Operations Manager Kate Palmer. They sorted through the very worthy applications from our community, charities and clubs and selected 11 to be assigned a horse for the race. The 12th award was a people’s choice award, where a charity was selected through a public process of election.

It was a delight to go to the launch of this Canberra Community Chest last Thursday at the club, and to attend part of the race day. Unfortunately, I could not stay for the

final race of the day in which the community horses were racing. One of the delightful things about racing is the language. When you hear the race callers, I do not know how they manage to get across so many names and the constantly changing field that is in front of them.

I want to mention the 12 charities that were represented during that race day on Saturday. We had Riding for the Disabled, Pegasus—the well-known Pegasus horse club. There was a random allocation of horses, but I will name the horse attached to each of the charities. The horse for Riding for the Disabled, Pegasus, was Love Tap. Rise Above, a Canberra support organisation, had Super Helpful. West Rugby had Secret Plan. Lifeline Canberra had Cavalier Charles. The Daniela Dwyer Foundation had I've Been Tryin'. Win the Day had Suparazi. The Canberra Hospital Foundation had Pizarro. Roundabout Canberra had Handle the Truth. Good Omen Goodeze Inc had Peace Officer, from New Zealand. Belconnen Magpies Football Club had Rocket Tiger. The last, ACT Volunteer Brigades Association, had Bianco Vilano.

These wonderful community organisations were acknowledged and, by being part of this Canberra Community Chest, they shared in a \$50,000 grant from the takings on the day. What a wonderful idea that is. The winning horse represented the charity Rise Above, originally called the Cancer Support Group, who provide financial assistance and support to cancer patients and their families and carers.

I want to thank particularly the CEO, Darren Pearce, for giving me the invitation and hosting me during the event, and the Thoroughbred Park Chair and Deputy Chair, Liz Clarke and Les Boag, for their generosity and hospitality as well. They are a great bunch of people. You should get out there and see what it is like. They are a terrific bunch of people. Having such a community-focused afternoon and contribution to our charitable activities in Canberra is certainly to be commended.

### **Calvary Public Hospital—acquisition**

**MS CASTLEY** (Yerrabi) (5.11): I rise to detail our concerns about the takeover of Calvary Public Hospital. No 1: negotiations began with a gun to Calvary's head. On the day cabinet agreed to start negotiations, it also gave policy approval for drafting special legislation to terminate Calvary's crown lease and the Calvary network agreement. Calvary was told that that "may be the most straightforward way to give effect to any agreement" for a new north-side hospital to be built on the Calvary campus. But it is clear that this legislation was potentially dual purpose. A meeting paper explicitly stated that compulsory acquisition of the crown lease—

**Mr Steel:** A point of order, Madam Speaker. I ask for your ruling, as Ms Castley is reflecting on a vote of the Assembly where there was a division that occurred in relation to this matter.

**MADAM SPEAKER:** I am going to let her proceed for the time being.

**MS CASTLEY:** Thank you. New hospital land "without the agreement of Calvary" was one of a number of "territory preferred" options.

No 2: Calvary was not told that this legislation would terminate its network agreement, its contract for public hospital services, which had 76 years to run. The health minister has said:

The Calvary Network Agreement was tied to the Crown lease, so it was by definition going to be seized if the Crown lease was seized. So, yes, they were very well aware ...

She said:

It makes no sense that I would have explicitly put it in those words because everybody at that table understood that that was the case ...

But initial discussions were about land for a new north-side hospital, not taking over the existing hospital. To not state that this legislation would cancel the existing agreement was sharp practice and not transparent. Calvary was given no sense of the full threat.

No 3: I have found no record of Calvary being told, prior to the minister sending Calvary her so-called “final offer” letter, that the government wanted a reduced, 25-year services agreement. Was the government again not up-front about the threat Calvary faced? The government has taken this question on notice. Its answer is overdue. The final offer letter also now specifically sought the “land on which all current and future public health services are located”—in other words, Calvary Public Hospital.

No 4: from early on, the government wanted Calvary to agree that a new services agreement would include termination clauses. The Health Directorate says this was “one of those sticking points and we never reached resolution on it”. The minister’s final offer thus required Calvary to agree to a 25-year services agreement which the government wanted to be able to terminate before expiry on unresolved terms. This is hardly fair.

No 5: the health minister listed her special legislation on the spring 2022 legislative program while still in the exclusive negotiating period. When asked why she jumped the gun, she offered this:

I wrote to the Chief Minister ... requesting that the legislation be removed from the legislative forward agenda because the negotiations with Calvary actually looked like they were going to reach agreement.

But this letter was sent after her final offer letter to Calvary, in which she said:

While positive, the negotiations did not achieve a full reconciliation of our differing views ...

A later brief confirms exclusive negotiations with Calvary continued through to the end of July 2022. Negotiations ultimately were not successful. In tabling her letter to the Chief Minister, withheld under FOI and only extracted after questioning, the

health minister downplayed its contents, saying that “there is very little new information in this”. On the contrary, it reveals plenty. It claimed the bill’s removal from the spring program would demonstrate that the government was entering into the next phase of negotiations in good faith. So why was it put on the legislative agenda? She also wrote that it would not be appropriate to include the bill in the program at that time. If it was not appropriate then, it certainly was not when it was put on mid-negotiations. It shows that the minister was not seriously entertaining other options. As for demonstrating good faith, Calvary was not even told about this. She also wrote:

Should the next phase of negotiations with Calvary not reach an agreement that aligns with the Government’s position, I will review the need for the Bill and seek approval to list it for a future sitting period.

That is confirmation that this legislation would be used for compulsory acquisition if Calvary did not acquiesce.

No 6: the minister’s so-called final offer letter did not say it was a final offer; rather, it was couched as a request to continue to negotiate on the government’s terms. Calvary’s reply, while it rejected the 25-year agreement, offered further discussions, but it was used as grounds to break off negotiations.

No 7: while Calvary was being strung along, the minister was pushing for legislation so hard that a senior official wrote that it was intended to introduce or debate this bill during the negotiation period. Asked why she annotated the brief asking her directorate to commence drafting now and not wait on the outcome of negotiations, the minister said:

At that stage we considered that we might be able to use the Lands Acquisition Act ... I wanted the work done, to understand exactly what the mechanism would be.

But that same brief contained the letter asking that special legislation be put on the spring program. This was not a good faith or transparent negotiation, as required by the negotiation protocol. It was bad faith, state-orchestrated expropriation, taken over by hook or by crook.

## **Standing order 52—ruling by Speaker**

**MADAM SPEAKER** (Ms Burch) (5.16): Given the points of order that have been raised, the first thing is that standing order 52 says:

A Member may not reflect adversely upon any vote of the Assembly, except upon a motion ...

My ruling on Mr Cain remains. If we go to *House of Representatives Practice*, on page 517—and I know everyone is going to pick this up tonight and read it—it says:

A Member must not reflect adversely on a vote ... except through a motion ...

But then, at the end of that paragraph, it says:

This rule is not interpreted in such a way as to prevent a reasonable expression of views on a matters of public concern.

Further, the *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory* says:

Ruling on a matter in 1992, the Speaker stated that not only do reflections revive discussion upon questions already decided but that they are also irregular inasmuch as every member could be considered to be included in and bound by a vote agreed to by a majority. She did not believe, however, that the rule should be interpreted in such a way as to prevent a reasonable expression of views on matters of public concern.

Ms Castley has concluded her speech, but I remind members that there is an option if you want to reflect on a vote—a method for you to do that. I think it is also understood that, as a private view, members are allowed to continue to express their frustration at times.

### Valedictory

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.17): It is a time of year when we should be reflecting positively on the votes of the Assembly this year, because this has been the most progressive reformist government, and therefore parliament, in the history of self-government in the ACT. This year, if you reflect, would have to be the most reformist year of self-government that we have had. You only have to look at the legislative program, across all the different portfolios, to see the significance of the legislation that has either been moved in or passed by this House.

Mr Gentleman mentioned the new planning system which was passed this year. Ms Cheyne's voluntary assisted dying legislation has been introduced. In my portfolio, there is a new Urban Forest Act and Circular Economy Act. Today alone, there was the assisted reproductive bill and, indeed, the passage of the No Rights Without Remedy legislation, and there has been so much more this year. It has been a very significant year for this place.

In my portfolio this year, we have been getting on with delivering Labor's election commitments and progressive agenda. In my role as a member for Murrumbidgee, we have been delivering better infrastructure and services to the south side. This year, after three years of negotiation across different governments, we have delivered a new National Skills Agreement for the next five years. We have rolled out 2,500 fee-free training places to remove barriers to students getting the skills that they need to enter the workforce and support our economy at a time when we need them most. We have 3,600 on the way, with a new agreement signed this year for the next three years.

Construction is well underway at CIT Woden. There are around 10 cranes in Woden at the moment, which is showing the most significant transformation that Woden has seen in 50 years. Being light-rail-ready at the transport interchange is part of those works, along with additional green and public spaces. Canberra's light rail system celebrated its 15 millionth passenger this year, which reinforces the need to support mass transit options and build a mass transit spine from Gungahlin to Woden.



Approvals for the stage 2A works were supported by the National Capital Authority and ACTPLA earlier this year. Construction of the depot expansion began. The ACT government invested \$50 million to progress planning work for stage 2B of light rail, which will progress through the planning system, following a comprehensive assessment of environmental and heritage impacts through an environmental impact statement. We are looking forward to engaging with the community next year on that. Following contract negotiations that commenced earlier this year, we are expecting those to be completed soon for stage 2A.

We have delivered our Labor commitment of buying 90 electric buses, bringing our total fleet up to 106 over the next three years. We have signed a contract for MyWay+. We have met major milestones on the Molonglo bridge project, signing a contract, and on the Monaro Highway, with early works beginning this year and the southbound flyover starting next year.

We have led a significant change around active travel. There is a new Active Travel Plan and a new design framework that will change the way that our city looks and that will support safe walking and riding around our city. Stromlo Forest Park has seen significant upgrades. We have made significant reform to laws to tackle dangerous driving in the community, and there is more to come tomorrow.

We have finalised the Circular Economy Strategy, a significant plan to support our environment but also local jobs. We have supported more suburban infrastructure, with works well underway on Brierly Street, the Tuggeranong foreshore, and shops and parks right around Canberra.

So much more has been happening, right across my portfolios, but that work does not happen in a vacuum; it is supported by a team. I want to pay special tribute to Director-General Alison Playford and Deputy Director-General, City Services, Jim Corrigan, who are both retiring from the public service after long service to our community. I thank them. I want to acknowledge the late director-general, Damian West, from CMTEDD, whom we have talked about in this place so much.

I want to thank my staff for their work throughout the year: David Ferguson, my chief of staff; my advisers, James Adams, Tahni Schlimbach-Littlejohn, James Eveille, Teleatha Holohan, Anton Gallacher and Mick Inman; and DLOs Liana Brozic, Kellie Bradley, Kylie Beer, Rachel Grant, Anna Cristoff and Louise Hilder. A big farewell to departing DLOs Lauren Cunningham and Callum Blake, and a big welcome to Andrew Stewart from MPC. And thank you to my ever supportive and longstanding fiancé, Kurt Osborne. It has been a big year, and there is a big year ahead next year.

## **Valedictory**

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (5.23): I rise to briefly reflect on the year that was 2023. It is hard to believe that it is already at its end, but, looking back, it is clear that this has been a year of significant achievement and reform.

This year has been a particularly exciting one in relation to the progress of building reform to deliver on our commitments to improve quality, performance and climate resilience and ensure that the community is prioritised over profit. Our core focus has been on ensuring that building professionals are accountable and consumers are protected. This year we passed legislation to establish a requirement for engineers to be registered. This week we will introduce nation-leading reform that will require developers to be licensed and accountable, and to ensure that they are responsible for defects.

Through 2023 we have led the charge nationally to deliver climate-wise and accessible homes. We will be the first jurisdiction to fully implement changes to the National Construction Code. We have been focused on community safety, from pool fences to medical gases. All this represents an extraordinary body of work.

I want to particularly thank the building team within EPSDD for their relentless work ethic and the huge volume of complex work that they have delivered. James, Anthony, Alison and the whole team, thank you for your professionalism, creativity, advice and support in pursuing work that will make a difference to people's lives.

In the midst of a housing crisis, I would like to thank the many community partners who have taken the journey with us through the co-design and commissioning process for the homelessness sector. While this work is not yet complete, we have progressed significantly. I am particularly pleased that, once again, this year has seen increased investment in the sector, working with some of our most vulnerable community members.

I would like to acknowledge and thank the staff at Housing ACT, who continue to work to improve their engagement with the community and continue to work to meet the needs of a growing number of people struggling to survive in the private rental market.

This year, 2023, has seen the impacts of the dual crises of climate change and biodiversity loss. Very distressingly, I have had to list nine species that are at threat of extinction. But this has also been a year when we have taken significant action to try to reverse the impacts of climate change and habitat loss. Working with community volunteers, we are rolling out our Connecting Nature, Connecting People initiative to protect and restore habitat that is not only important in its own right but also creates urban wildlife corridors. Throughout the year, I have had the privilege of releasing bettongs into parts of the ACT where they have not been for a century, planting the endangered small purple pea and helping with surveying alpine bogs and fens.

We have been undertaking one of the most significant reforms of the heritage system in a decade, with a focus on how we can put decision-making in the hands of our Ngunnawal traditional owners and how heritage values and environmental values can be complementary to, not fighting against, heritage values.

We have committed to cleaner air, with a decision to phase out wood-fire heating, and, through Minister Cheyne's work, we introduced the right to a healthy environment.

I would like to thank EPSDD for its work, and particularly thank Bren for his work in his role of conservator, and Stu and Anne, who have led the heritage reform work.

We have introduced a new planning system. I have been focused on ensuring that this system embeds the need for climate resilience and livable cities, in the face of a changing climate, as well as ensuring that we are prioritising affordable housing in a connected city. I am really pleased that the new planning system has been introduced, with enhanced enforcement and compliance.

It is quite a long list, and no wonder we are a little weary. I would like to take a moment to thank the extraordinary staff in my office. The work we do is complex, challenging and hard. I am in awe of the work you do to solve problems, be creative, maintain good humour and demonstrate a commitment to the values of collaboration and respect.

To my fellow Greens MLAs and staff, this has been an incredibly difficult period, for reasons that everyone is aware of. Thank you for the care and kindness you have shown each other. Bright times are ahead of us, and I am so excited to welcome Laura to our midst.

To my Labor colleagues, I would like to once again thank you for your commitment to shared government and working together to achieve outcomes that the community deserves. To my parliamentary colleagues, thank you for the ongoing commitment to the community we serve. Every day I marvel at the opportunity of being an elected representative of this special community. Thank you for your trust, connections, interest and care. Have a safe, restful and restorative festive break.

## **Valedictory**

**MS LEE** (Kurrajong—Leader of the Opposition) (5.28): It is hard to believe that we are in the final sitting week of the year; that we have only 27 days until Christmas and only 35 days left in 2023. As we lead into an election year, it is always a good time to reflect on what we have learnt over the past year, and indeed, over the past term of the Assembly.

At a time when we are seeing global unrest, with the devastating situation unfolding around the world, we should be thankful that we live in a country such as Australia. Our stable system of government, our beautiful environment and our way of life are the envy of so many in the world, and so it should be.

Like many members in this place, over the last year I have been out meeting and talking with many, many Canberrans. Whether it is at a shopping centre, a community event or just out and about, Canberrans are always happy to stop and have a chat about what is on their mind—and, of course, ready to give us advice on how things can be made better for our city. But this year I have noticed a difference. From most of the people that I talk to, whether they are young people or families, whether they are public servants or work in retail, whether they are small business owners or work in a large company, the common theme that I am hearing is that things are tough.

Canberrans are doing it tough. Australians are doing it tough. Escalating mortgage costs, higher fuel costs and the rising costs of goods and services are really starting to

bite. Many people are, for the very first time, having to cut back on spending, and our local small businesses are feeling the impacts of this. Some businesses are reporting that they are now finding things more difficult than they did during the pandemic. While cost-of-living pressures cause people to cut back on spending, and as we continue to manage the pandemic, businesses once again find themselves facing so many challenges.

I have been out there listening to Canberra's diverse business owners and the community about those challenges. These local businesses are the exporters, the entrepreneurs and the employers of thousands of Canberrans. They form the backbone of our local economy and they need our support. They want government to get out of the way; not tie them down with red tape and regulation but let them do what they do best, which is to service and support their community. We understand business and appreciate their important contribution to our economy and our community. I look forward to keeping up our strong engagement with our businesses in the following year.

Charity organisations also have been reporting that they are seeing people come to them for help who have never sought access to their services before. We are talking about people on incomes, sometimes on full-time incomes, who are having to ask for help for the very first time.

The conversations I have with Canberrans from all walks of life are one of the best parts of my job, and it can be hard to hear how tough things are for people. I want to thank each and every one of them for contacting me and sharing some of their thoughts. Of course, the most important part of each of our jobs is to listen to Canberrans.

Thank you also to the local residents groups and community councils for the work they do. I look forward to continuing to work with them.

On a personal note, it has been a big year for my family. In April we welcomed our beautiful daughter Ava. I am incredibly lucky to have been able to take some time off to spend the first few months at home with her. I thank my colleagues for their support as we adjusted to being a family of four. They say that it takes a village to raise a child, and it has never meant so much as it does now. We are incredibly lucky to have a strong village around us. My wonderful parents and my sisters—the most incredible aunties in the world—and my in-laws, have been incredibly supportive and encouraging. Thank you for all that you do for our family.

To my partner, Nathan, thanks for all the meals that you cook and then let go cold because I am late yet again, coming home from another event. Thank you for the sacrifices that you continue to make so that I can continue to do what I do. Most importantly, thank you for the family and life that we have created together. I could not do this without you.

My beautiful first born, Mia, is the most amazing daughter and big sister, who I love more than words can describe. Whilst life is full of wondrous and funny moments with Mia, I have to make special mention of when, maybe a month ago, she told Andrew Barr she was going to kick him in the arse! Never lose that sense of cheekiness and sass! To Ava, who was born beautiful, I am just fascinated by

everything she takes in and the incredible way that she is growing into a beautiful, strong person. I have no doubt that she will put her own unique stamp on this world. I am so proud to be their mum.

I will close by thanking everyone in this place. I thank all the members and all my Canberra Liberals colleagues. Most importantly, I pay tribute to Nicole Lawder. I thank the Legislative Assembly staff. I thank the amazing team in my office: Bronwyn, Dean, Kelli, Scott, Albert, Alex, Liam, Gabby, Ben—and a special shout-out to Amy, who left us. Happy, happy Christmas. To the people of Kurrajong, thank you for allowing me to continue to serve you.

### **Mrs Dawn Waterhouse OAM—tribute**

**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) (5.33): I want to mark an occasion that is coming up: Dawn Waterhouse's 100th birthday. On Friday evening we gathered to celebrate it and her, a remarkable Canberran. Dawn is a Canberra living legend, a cultural guardian, a cherished member of our community and, very soon, a centenarian.

When we think of Canberra's heritage, one of the first names that comes to mind is Calthorpes' House, where Dawn grew up. Beautifully preserved as a moment in time of a bygone era, it is not just a museum now, under the helm of the Cultural Facilities Corporation, but it continues to breathe as a home, thanks to the repository of memories and stories and the artistic spirit that has thrived within its walls, which Dawn has always so generously shared.

As a bridge to our past, Dawn has ensured that generations of Canberrans understand not just our identity but how we got here. In addition to Dawn's association with countless organisations, Dawn also regularly pays tribute to her husband of 57 years, Doug, and his career. Recently she gave a sold-out speech about his invention of the active ingredient in Aerogard while he was at the CSIRO, back when Canberra was known as the bushfly capital, and, yes, Douglas Waterhouse Drive in Dunlop is named after him.

Dawn is a huge promoter of Wattle Day on 1 September and strongly supports it replacing 26 January as Australia Day. Her affinity with wattle is no surprise, given that she personifies so much of what it represents—optimism, colour, resilience and largesse. Her fondness for, and pride in, Canberra is renowned, but it is because of her spirit, her sense of fun and good humour, her kindness, and her sheer energy, which puts most people to shame, that she has touched and shaped so many lives and influenced the future of all Canberrans for the better. Happy birthday, Dawn.

Question resolved in the affirmative.

**The Assembly adjourned at 5.36 pm.**