



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**30 NOVEMBER 2023**

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**Thursday, 30 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.

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

**MADAM SPEAKER:** Yesterday in the adjournment debate Ms Cheyne asked me to review the speech made earlier in the debate by Mr Cain. Ms Cheyne indicated that Mr Cain appeared to have said that he had had his son-in-law working in some capacity in his office. She further indicated that, as the Assembly had just yesterday reaffirmed our commitment to the code of conduct, the matter should be looked at.

I have reviewed the uncorrected proof *Hansard* of Mr Cain's speech, where he did indicate that a son-in-law did undertake a short placement as an intern in his office.

As members are aware, the Assembly has a Commissioner for Standards, who is appointed to investigate any possible breaches of the code of conduct. If any member believes that the code has not been abided by, I suggest that members raise any matter with the commissioner.

### **Petition Ministerial response**

The following response to a petition has been lodged:

#### **Parking—public ovals—petition 4-23**

By **Mr Gentleman**, Minister for Planning and Land Management, dated 29 November 2023, in response to a petition lodged by Ms Vassarotti on 29 August 2023, concerning car parking on green open spaces.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 29 August 2023 about petition E-PET-004-23, lodged by Ms Rebecca Vassarotti MLA, regarding a request to stop private car parks on protected public green open spaces. The car park in Lyneham referenced in the petition was subject to legal proceedings in the ACT Civil and Administrative Tribunal (ACAT). ACAT made orders to the effect that the car park cease to operate by the end of the school term of 2023. I note that the ACT is transitioning to a new outcomes based planning system, and that the matters raised in the petition were done so in the context of the old planning system.

With regard to the application by Canberra Grammar School for “approval to formalise a car park”, this Development Application (DA 202240826) was refused by the ACT Planning and Land Authority (the Authority) on 16 March 2023. Please see [here](#) for more information.

Please find below my response to the specific points raised in the petition, in the order in which they were raised:

1. The Authority exists as an independent statutory authority separate to government and is subject to the *Planning and Development Act 2007* (the Act) and its associated regulations and instruments, including the Territory Plan. Applications for development are thoroughly considered and assessed in accordance with this legislation. While the legislation does allow the Minister for Planning and Land Management to make directions regarding development applications under Division 7.3.5, this power is used only in exceptional circumstances. On this basis, the ACT Government executive does not support intervening, or otherwise, in the development application assessment process.

The Authority takes action in regard to breaches of the legislation. This power is delegated to Access Canberra as the regulatory agency. Access Canberra is guided by its Accountability Commitment which seeks to ensure that its resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest, thereby strengthening its capacity to take action where the community, workers and the environment are most at risk.

2. Applications for development of car parks ancillary to playing fields or recreational areas on public land are thoroughly considered under the current planning and development legislation.

However, certain developments are exempted from the requirement for development approval, provided the development meets the exemption criteria as outlined under the *Planning and Development Regulation 2008* (the Regulation) which was in force at the time of the petition. It is noted that exemption criteria are generally clear and/or quantifiable provisions to establish compliance without the need for subjective assessment. If a development is exempt from the requirement for development approval, then the works can progress to the building stage without a further assessment of the development. Car parks ancillary to playing fields on public land can be considered as an ancillary sporting structure pursuant to Section 1.90 Public works (2)(a) of the Regulation.

An ancillary sporting structure means a structure that is designed, or can be used, in relation to playing organised sport. Under the Territory Plan, a structure can include a driveway or car park. According to Section 1.90 Public works (2)(f) of the Regulation, installation, or maintenance of an ancillary sporting structure on or beside a playing field may be exempt from requiring a Development Approval.

3. If a car park is found to be in breach of the legislation (e.g. “unauthorised”), the Act provides for a range of enforcement options designed to bring the area back into compliance. This may include an order by the Authority that the entity responsible for the breach remediate the land in question.
4. Transport Impact Assessment (TIA) processes already exist in the ACT and the existing TCCS TIA Guidelines already provide the thresholds and criteria for when a TIA is required to be undertaken for a proposed development. The TIA Guidelines provide practitioners and stakeholders involved in land-use and transport planning a reference document for managing transport impact and development generated traffic demands, including parking requirements and guidance on the alignment of the TIA with other existing territory policies and planning.

The TIA guidelines assist development to identify sustainable transport strategies to meet any excess traffic demands that cannot be met by onsite car parks, thus ensuring that development is well-connected to existing public transport networks and includes proper consideration of convenient access options to bus stops, or light rail stations. The guidelines also seek to manage travel demand associated with development by examining opportunities for infrastructure improvements to promote active travel, such as pedestrian walkways, cycling connections, bike racks, and pedestrian-friendly crossings.

TCCS managed open spaces are vital components of the ACT’s urban and natural landscapes. The distribution of parks and open spaces contribute to the recreational and social needs of the community and are essential for community wellbeing and recreational activities. These spaces integrate with and support the active travel network across Canberra allowing walking and cycling as a means of transport through a network of shared paths.

Many TCCS managed open spaces are protected by zoning that designate them for specific purposes. When a car park ancillary to an area zoned PRZ1 – Urban Open Space, and a development application is received, TCCS considers if the submitted documentation provide substantive evidence to support the car park as being an ancillary use and whether the proposed development application is supported or not and provides this advice to the Authority for consideration as part of the development assessment.

The ACT Government is committed to sustainable transport strategies including active travel. The government recently consulted with the community about a Draft Design Guide as part of its Active Travel Plan. The Active Travel Plan is designed to enable more people to take up active travel. That means making it safer, more accessible, convenient, and enjoyable to choose walking, cycling or micro mobility – whether for commuting, exercising, or socialising.

Key priorities outlined in the plan include providing safer infrastructure, a more connected network, better end of trip facilities and diverse enabling programs to encourage people to use active travel and public transport more often.

The plan also identifies practical actions to make active travel more visible and convenient, like delivering pop-up cycleways and walking improvements, protected bike lanes, an expansion of shared e-scooter and similar hire schemes, bike parking and repair stations.

5. The ACT Government is committed to the transparency and integrity of planning and development legislation and related decisions. Legislation is in place to ensure that administrative conduct is held to a high standard, and a number of organisations ensure the accountability of the ACT Government and the ACT Public Service. These include:
  - The ACT Ombudsman
  - The ACT Integrity Commission
  - The ACT Civil and Administrative Tribunal
  - The Legislative Assembly itself;
  - Legislative reporting requirements; and
  - Legislative Assembly committees and inquiries.
6. It is considered that the current regulatory requirements are appropriate in requiring a TIA and relevant considerations.

A TIA is required when a development is likely to generate significant additional traffic or place a significant demand on parking. A TIA will form part of the information submitted with a development application to the Authority.

Once lodged with the Authority, the Development Application and supporting documentation is then publicly notified for a minimum of 15 working days and referred to entities, such as TCCS as noted above. During the assessment process, the Authority will consider the application, any representations received and also advice from relevant entities in accordance with the legislative requirements. In making a decision on the Development Application, the Authority must consider, amongst other things, whether the proposal will cause an adverse impact on the surrounding area. The development application requirement for a TIA is considered on a case-by-case basis and this includes developments for school expansions. Development types vary and may be of a nature that does not contribute to matters such as traffic impacts. The Authority will consider the type of development on submission of the Development Application and whether the proposal is likely to increase traffic impacts.

Certain developments are exempted from the requirement for development approval, provided the development meets the exemption criteria as outlined above. A development that is exempt from the requirement for development approval is unlikely to have a significant traffic impact by itself. A TIA is therefore not required for developments that are exempt from the requirement for development approval.

A school expansion that generates significant additional traffic is unlikely to be exempt from the requirement for development approval but will require a development application and development approval that will involve submission and consideration of a TIA.

#### New Planning System

The ACT Government has undertaken a comprehensive reform of planning and development legislation. The territory now has a new Planning Act. The new Act is the legal foundation for the new planning system. It shifts the focus to good planning and development outcomes.

New developments will have to consider their surrounding communities. They will need to look at the impacts developments could have on matters like:

- Wellbeing;
- Health;
- Recreation; and
- the environment.

They must still also meet the set requirements in the Territory Plan, new design guides and supporting materials. So, while the ACT is moving towards an outcome-based system, we will still maintain mandatory rules and criteria will still be maintained. This is to provide assurance to the community that rules and measures exist in the system.

Recent population projections show that Canberra needs 100,000 new homes by 2050. This once-in-a-generation reform will allow for this growth while leading to better outcomes for people. This will enable Canberrans to live close to shops, transport, parks, and services, and will also balance the protection of the natural environment and strengthening our local communities.

Canberra's urban open spaces are popular places to relax, exercise, play and connect with nature. The ACT Government is responsible for managing and maintaining over 6,800 hectares of public urban open space and adjoining facilities. This includes urban parks, sportsgrounds, public cemeteries, dog parks, play spaces, skateparks, outdoor exercise equipment, street and park furniture, paths, and green infrastructure such as trees, shrubs and grasses.

Community consultation was undertaken this year to seek feedback on the draft Urban Open Space Land Management Plan to help shape the future management and use of Canberra's public open spaces and ensure the plan reflects the needs of a growing and diverse community. The draft plan sets out the ACT Government's vision for sustainable urban open spaces that enrich the lives of our community, improve the amenity of our urban environment, and provide a range of social, cultural, environmental, and economic benefits. Community feedback will be used to finalise the Urban Open Space Land Management Plan, guiding the continuous improvement and shared management of our public open spaces for all Canberrans.

I trust that the information in this letter is helpful and provides advice on the issues raised in the petition.



## **Motion to take note of petition**

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

That the response so lodged be noted.

**MS CLAY** (Ginninderra) (10.03): I want to speak briefly on the petition about the car park on open places. This petition was sponsored by Minister Vassarotti, and it was bringing up a really important issue raised by many members of the community in Lyneham and the Lyneham Community Association.

I spoke about this in hearings recently, because it was a series of decisions that probably were not being taken in the way the process is meant to be taken. First, the car park was built by Brindabella Christian College without an approval. Then, when the community lodged a controlled activity order seeking redress, the government did not make a decision about that in time and refused it because the statutory time line expired. The community group, when they got this refusal for lack of decision, took that to ACAT. ACAT has made a decision suggesting that, yes, that car park was not approved and should not have been built and suggesting some next steps.

It is a really good example of community empowerment and community action. I am really happy that we have preserved the ability for the community to lodge controlled activity orders. It is a type of citizen enforcement and there are not many avenues for that in our planning system, so it is fantastic that we have kept that.

I am really pleased and grateful to the community for doing so much work on this issue for protecting their area. I know a lot of them are very concerned about losing that open green space. They are really concerned about the ability of their children to walk and ride to school across this car park, with cars pulling in and out. I am also really conscious of the fact that many of them feel a bit let down about the way this decision has unfolded. I understand there are some next steps still unfolding, so we are looking to seeing how this process will unfold.

We in the Greens would love to encourage everyone, if there is an issue, to please run a petition. We are always happy to help you work out what your avenues are. There are lots of sources of help, and it is good to see this petition go up. I am really pleased that Minister Vassarotti sponsored this one and brought it forward.

Question resolved in the affirmative.

## **Leave of absence**

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

That leave of absence be granted to Mr Milligan for this sitting day due to personal reasons.

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

That leave of absence be granted to Mr Braddock for this sitting day due to personal reasons.

## **Housing ACT—Growing and Renewing Public Housing Program**

### **Ministerial statement**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.06): Today I am updating the Assembly on the Growing and Renewing Public Housing Program and the redesigned tenant relocation decision process. As you know, the Growing and Renewing Public Housing Program started in 2019. The goal of the program is to add 400 new public housing properties to the Housing ACT portfolio and to redevelop 700 existing Housing ACT properties for another 1,000.

It is a major part of the ACT government's commitment to improving and expanding public housing. Public housing gives people in our community who are experiencing disadvantage or vulnerability a chance at a good and happy life. This cost-of-living crisis has reminded us all that not much stands between any of us and needing a hand up. Everyone deserves that chance. Having a secure home is essential to this. Building even more public housing so that we can offer homes to those on the waitlist, and improving the public housing our current tenants live in, is the purpose of the Growing and Renewing Public Housing Program.

In August I gave an update in this place on how the government was responding to the Ombudsman's report into the implementation of mandatory relocations under the Growing and Renewing Public Housing Program. Housing ACT paused mandatory relocations while we took stock of the program and worked with tenants and community organisations on how to move forward. More than 580 homes have been built or bought, and another 600 are in the construction pipeline.

The government is now well placed to deliver the program's targets by 2027. As a result, we are able to change the approach. The government has decided that relocations as part of the Growing and Renewing Public Housing Program will now be voluntary. Instead of selling properties and redeveloping sites that would enable the highest number of new public housing homes to be built, Housing ACT will use only vacant stock. Housing ACT's existing acquisitions program will be used to ensure that the targets are still met. Under the new process, tenants will be given detailed information about why they are being asked to consider moving, and for those who voluntarily choose to relocate, more assistance will be provided to relocate to the right home.

Even if a relocation is voluntary, we understand that moving home can be stressful. So, if a tenant decides to move, Housing ACT will do everything possible to minimise the stress for tenants by following a trauma-informed and inclusive process which ensures that a relocation is a positive outcome for them. All impacted tenants have been contacted by phone and letter to let them know they are no longer required to move under the Growing and Renewing Public Housing Program.

It is important that I remind members that required relocations will always be necessary in managing the public housing portfolio, particularly in cases where

properties are no longer safe to live in. So, while relocations as part of the Growing and Renewing Public Housing Program will be voluntary only, mandatory relocations will continue in other circumstances. That is why the work that Housing ACT has done with tenants and the sector to rethink the way we make decisions about relocations and to support tenants through the process is so important.

I thank the representatives from the Tenants' Consultative Group and the community sector, including ACTCOSS, ADACAS, ACT Shelter, Canberra Community Law, the Human Rights Commission and others, for helping us to find a better way to handle relocations and communicate with impacted tenants.

Madam Speaker, the bottom line is that this government will continue to invest in and build public housing—more public housing for those on the waitlist and public housing that better meets the needs of current tenants.

I present the following paper:

Growing and Renewing Public Housing Program—Future Directions—  
Ministerial statement, 30 November 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Climate change—public health—update Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.10): I rise today to update the Assembly on the government's response to the Assembly resolution on climate change impacts on health. Australians are already experiencing the impacts of climate change on health and wellbeing. Warmer temperatures have increased the frequency of extreme weather events, such as heatwaves, bushfires, floods and droughts. Catastrophic events, such as the 2019-20 Black Summer bushfires and the 2022 eastern Australia floods, highlight the growing impact climate change is likely to have on people's health and lives.

In addition to extreme weather, climate change is impacting the lives of Australians by disrupting the environmental and human systems that play an important role in maintaining health. Climate change affects health outcomes through its impact on physical health, mental health, productivity and workforce conditions, housing, infrastructure and population displacement. In the ACT and our region, global warming is expected to drive higher maximum temperatures, more frequent heatwave events and a steady increase in mean temperature. It is also expected to increase variable and extreme rainfall patterns and more frequent and severe drought.

Increased frequency of fire weather and the number of severe fire danger days in spring and summer is expected to drive more frequent and severe bushfires. These

changes are expected to have consequential impacts for the ACT. This will mean an increased pressure on health care, emergency response and recovery services, and damage and disruption to key infrastructure. It is also likely to mean we will experience greater financial instability, lost productivity, and reduced thermal comfort across the built environment. To meet the challenges of delivering a high quality, low carbon and climate resilient health system, we need both adaptation and mitigation actions to build on and strengthen our response.

Opportunities across all activities, functions and components of the health system must be sought to enable the delivery of safe and high quality health care through an environmentally sustainable and climate resilient ACT health system. This approach requires collaboration, commitment and engagement across our complex health system, recognising the interface across commonwealth, jurisdictional and local governments, as well as with non-government organisations and the private sector.

Keeping people and communities healthy has multiple benefits. Reducing the need for hospital-based and high intensity health care will decrease healthcare generated emissions, and reducing the susceptibility of our community to climate-related impacts will assist with adaptation.

The ACT government is continuing to work closely with the Australian government and state and territory colleagues on the development of the national health and climate strategy, which I anticipate will be released very soon. Earlier this year, I hosted a roundtable, in partnership with the Hon Ged Kearney MP, Assistant Minister for Health and Aged Care, to discuss the challenges of climate change for health and to contribute to the development of the national strategy. While state and territory governments have made significant progress on emissions reduction and health system adaptation, the national strategy will identify where the commonwealth can provide a coordinated, common, collaborative approach across Australia, through the sharing and adoption of best practice approaches and reducing duplication of effort.

Locally, we will develop an action plan that aligns with the national strategy where possible. It will include actions to both decarbonise the ACT health system and build resilience to respond to and recover from climate shocks and stressors. The action plan will bring together existing efforts and activities, with opportunities for strengthening or adapting these in response to the changing environment, as well as new opportunities. The national strategy will be key to informing and validating the ACT's approach to managing the local health and wellbeing impacts of climate change, going forward.

The ACT government is a nation leader in climate change legislation and policy. Alongside ambitious climate mitigation policies to reduce greenhouse gas emissions in the ACT, the government has a strong climate adaptation agenda through the ACT Climate Change Adaptation Strategy 2016-2020. As members know, the ACT Climate Change Strategy 2019-2025 sets out a pathway to reduce emissions by 50 to 60 per cent from 1990 levels by 2025 and to achieve net zero by 2045. Importantly, the strategy also commits to a net zero emissions ACT government health sector by 2040.

The ACT government has already made a significant investment in climate change adaptation, mitigation and resilience initiatives that provide a sound foundation to move forward on policy planning and to improve sustainability within the health system. The Canberra Hospital Master Plan 2021-2040, which guides the future growth and development of the campus, maps the campus's transition to net zero emissions by 2040 and provides opportunities to reach and exceed canopy cover targets, for water management, and to reduce environmental impacts to surrounding areas.

This includes more than \$600 million for the expansion of Canberra Hospital, making it the first acute services building in Australia to run on 100 per cent renewable electricity, via all-electric heat pumps, when it opens next year. We are also investing more than a billion dollars in a new north-side hospital, which will be all-electric and built to high environmental standards.

Additionally, Canberra Health Services is developing a sustainability strategy. This will involve a review of its approach to environmental sustainability, procurement, waste, transport, climate adaptation and clinical care, and prioritisation of sustainability initiatives that reduce emissions without compromising patient care.

The ACT government will promote collaboration across relevant sectors and disciplines in the ACT, with a view to preparing for and addressing challenges such as emerging and changing infectious diseases, increased crossover of animal diseases into humans, antimicrobial resistance and environmental threats to human health, including the spread of disease-carrying mosquitoes, under the One Health framework.

We are also undertaking specific work to ensure health sector readiness to respond to extreme weather and air quality impacts over spring and summer 2023-24. Our aim is to make these arrangements efficient, effective and sustainable in the face of predicted increases in frequency and severity of extreme weather events. This work focuses on preparedness and response to heatwaves, prolonged poor air quality from bushfire smoke, extreme pollen levels and the risk of epidemic thunderstorm asthma.

Over the first half of 2023 the ACT government has consulted broadly with key stakeholders to collect information on current activity and to build networks to contribute to building a climate resilient health sector and community and a sustainable healthcare system. This has provided value across several areas, including collecting information on current activity, establishing networks to support future activity in this space, and participating in forums and relevant network meetings to build knowledge and understanding.

For example, the ACT is a member of the Global Green and Healthy Hospitals network, an international community of more than 1,450 members in 70 countries representing hospitals, healthcare facilities, health systems and health organisations working to achieve significant improvements in sustainability while promoting environmental health in their communities. Being part of this network means the ACT has access to a variety of experiences to inform our work, progressing towards a zero emissions health sector by 2040.

Monitoring the impact of climate change, including the resilience of health systems, has been acknowledged as an important activity by the Australian government during consultation on the national strategy. There are a range of data sources that can provide information about climate impact and resilience. This includes a range of stakeholders with potential sources of data across not only health services but also intersectoral partners, including ambulance and emergency services, the Bureau of Meteorology, CSIRO, academic partners, animal health partners, and water and environment agencies. Importantly, the national strategy will provide guidance to support consistent data monitoring, given the interconnectedness of health systems.

The ACT government has already commenced work on identifying existing activities and new opportunities to support and strengthen our progress towards a climate resilient health system. The 2023-24 budget included an initial investment of \$360,000 to strengthen our understanding of the health specific risks and impacts of climate change in the ACT. This funding will also support the development of the ACT's action plan.

One of the key components for ensuring that we are resilient to the changing environment will be focusing on preventive health. I expect to release the Healthy Canberra: ACT Preventive Health Action Plan 2023-2025 in coming weeks, and I thank everyone who has engaged in its development. The action plan aims to reduce the prevalence of chronic disease and make it easier for people to have healthy behaviours at all stages of life, including by engaging in physical activity and eating a healthy diet.

The Healthy Canberra plan recognises that many of the root causes of chronic disease, and some of the most effective strategies to prevent it, sit outside the health sector. During consultation for the next action plan, the team heard about the importance of taking action to address the impacts of climate change and environmental issues on health, including from extreme temperatures and poor air quality.

Strong climate action will have co-benefits for health outcomes, patient safety, the health budget and climate emissions. I thank members for the opportunity to provide this update and look forward to further updating the Assembly in due course about our ongoing work to build a climate resilient health system in the ACT.

I present the following papers:

Climate change impacts on health—Assembly resolution of 20 October 2022—  
Government response—

Response, dated November 2023.

Ministerial statement, 30 November 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Canberra Hospital—Maternal and Fetal Medicine Unit accreditation and specialist medical training accreditation—update**

### **Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.20): I rise to provide the Assembly with an update on the ACT government's work to improve training and education in health care and to respond to Assembly resolutions of 29 March and 31 August 2023 regarding specialist medical training accreditation.

In February 2023 Canberra Health Services endorsed the first organisation-wide clinical learning and teaching strategy and launched that strategy earlier this year. The Canberra Health Services Clinical Learning and Teaching Strategy 2023-2027 contains a range of important work to restructure the organisation, with the vision of creating an inclusive learning and teaching environment.

The first strategic commitment is to strengthen governance and processes to prioritise learning and teaching. This includes initiatives to centralise, communicate, monitor and report on learning and teaching risks for medical speciality accreditation bodies; provide opportunities to advance point of care supervision and teaching skills; and synchronise learning and teaching with specific strategic workforce plans.

This focus on clinical learning and teaching is part of the ACT government's commitment to supporting our health workers now and into the future. Through the ACT Health Workforce Strategy 2023-2032, the ACT government has set out a plan for a territory-wide approach to building a sustainable health workforce over the medium and long term. It prioritises a culture of respect, learning and development, innovation and inclusiveness. These priorities will help us deliver on our collective ambition to be the most capable health workforce in Australia.

While considerable work has been underway across the ACT health system to strengthen clinical learning and teaching, the Assembly has had a focus on specific training areas. I will therefore provide an update on the training programs in these speciality areas, in response to the Assembly resolutions.

Considerable support has been provided to the Fetal Medicine Unit at the Canberra Hospital, which has recently recruited a staff specialist and two senior sonographers. The staff specialist commenced in October 2023 in the position of lead clinician for the Maternal Fetal Medicine Service. This position will provide leadership, clinical and operational support to ensure that Canberra Health Services is working within a sustainable and responsive operating model. The two sonographers commenced in July 2023 and will provide leadership, training, education and operational management in the unit. I can also advise the Assembly that two Fetal Medicine Unit medical specialists have returned to Canberra Health Services in a part-time capacity.

These arrangements, along with the continuation of the visiting medical officers, will support the ongoing delivery of clinical services and ensure quality fetal medicine

services for women in the ACT and surrounding areas. It is expected that the Fetal Medicine Unit will apply for training reaccreditation in 2024.

On 26 October 2023 I tabled the Canberra Hospital workforce plan provided to the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, or RANZCOG. Canberra Health Services has continued to work with RANZCOG through this six-month provisional training accreditation period.

A divisional clinical director, experienced in medical staff support, has been appointed to focus on the junior medical workforce in obstetrics and gynaecology, including in the Fetal Medicine Unit. This position will focus on workloads, training and education and pastoral support. The unit has undertaken additional recruitment and has engaged the services of several locums to supplement the workforce and provide a better balanced workload and more capacity to access training opportunities and leave for existing trainees.

CHS has recently undertaken several successful recruitment initiatives. These new staff members, who are due to start between now and early next year, include additional obstetrics and gynaecology consultants, more first year trainees, unaccredited registrars and senior registrars. This recruitment also included an additional personal assistant for all obstetrics and gynaecology consultants, to help reduce their administrative workload.

As of the start of the November 2023, RANZCOG had not yet flagged any concerns with the latest report Canberra Health Services had provided to it. I am assured by Canberra Health Services that the review into training accreditation has not impacted on the safety and quality of patient care, thanks to the ongoing hard work of our obstetrics and gynaecology team.

Canberra Health Services is also actively working on improving wellbeing within the unit. The RANZCOG respectful workplaces workshop sessions will continue in December, which was one of the recommendations from the college. Canberra Health Services has received the progress report template from RANZCOG and it is due, along with any supporting evidence, on 11 December 2023.

Following the visit of the Canberra Region Medical Education Council, or CRMEC, in May 2023 to the plastic surgery unit, Canberra Health Services has commenced work to improve the junior medical officer experience. Improvements in the plastic surgery unit include increased learning and development opportunities in the unit and providing all supervisors with structured supervisor training in speaking up for safety. The conditions CRMEC has set for Canberra Health Services have a scheduled reporting time line. Once the improvements have been satisfactorily completed, Canberra Hospital will seek reaccreditation for the junior medical officer group for plastic surgery. I can advise that discussions with CRMEC are ongoing, to ensure that Canberra Hospital can seek reaccreditation at the appropriate time.

I can also advise the Assembly that the Royal Australasian College of Physicians has indicated that community paediatrics in Canberra Health Services are currently accredited for training. This service includes the Child at Risk Health Unit. In



September 2023 Canberra Health Services submitted the paperwork required for accreditation for the RACP Paediatric and Child Health Division for Advanced Training and Chapter of Community Health. Canberra Health Services has been granted full accreditation for five years for one full-time equivalent position, meaning, in practice, two community child health advanced trainees each year undertaking six-month placements.

Canberra Hospital is also working with North Canberra Hospital to lift the provisional accreditation status placed on the Obstetrics and Gynaecology Unit in May 2022 at what was then Calvary Public Hospital Bruce. This provisional accreditation status was placed on the unit by RANZCOG due to limited education opportunities and supervision of trainees at the time. In March 2023 and August 2023, progress reports were provided to RANZCOG outlining work undertaken to meet recommendations made by the college. This includes more training and education opportunities being created, clinical supervision guidelines enforced and more wellbeing supports put in place. North Canberra Hospital is currently waiting for further feedback from the college.

I can advise the Assembly that the Paediatric Surgery Unit at Canberra Hospital was visited in March 2022 by the Board of Paediatric Surgery, resulting in Canberra Health Services losing accreditation at that time. The Board of Paediatric Surgery recommended that Canberra Health Services recruit a unit director; integrate a new consultant position within paediatric surgery; re-engage with a more structured training program; improve clinical governance; deliver a mechanism for the discussion of variation in clinical practice; and allocate non-clinical time to allow the surgical supervisor to fulfil their responsibilities. CHS received this notification from the Board of Paediatric Surgery during the time the Paediatric Surgery Unit was transitioning from the Division of Women, Youth and Children to the Division of Surgery. I can advise that Canberra Health Services acted on these findings and addressed them as a priority.

In December 2022, the Division of Surgery at Canberra Health Services provided a progress report to the board which detailed the actions taken to address each recommendation. I can advise that there were no implications during the time paediatric surgery training accreditation was suspended. Paediatric surgery had no change in staffing levels as there was no trainee available to be allocated to the Paediatric Surgery Unit at the time.

The Board of Paediatric Surgery returned to the Canberra Hospital in May 2023, and I am pleased to advise the Assembly that it awarded the Canberra Health Services Paediatric Surgery Unit training accreditation for a full five years. This was an excellent outcome, reflecting the work Canberra Health Services had completed. Following the visit in May of this year, the final report from the board stated:

The Executive and Paediatric Surgeons have responded in a positive fashion to the concerns of the committee and deserve recognition for their considerable efforts.

The loss of training accreditation is a matter that is taken very seriously. However, this is a clear example of Canberra Health Services taking decisive action when a problem has been identified.

A review of the Canberra Hospital cardiology training program conducted by the RACP in July 2023 highlighted the need for further consultants, especially in electrophysiology training. Since this review, Canberra Health Services has employed a permanent electrophysiologist at 0.5 full-time equivalent and enlisted the services of a visiting medical officer to perform these procedures two days per month. In January 2024 Canberra Health Services will welcome an electrophysiologist specialist who brings a wealth of experience in managing patients who require complex pacemakers.

The Canberra Hospital Cardiology Department has initiated a new recruitment campaign with a specific focus on hiring additional electrophysiology specialists. A highly qualified specialist has already visited the Cardiology Department and Canberra Health Services is optimistic about their interest in the position. The Cardiology Department remains an accredited site for cardiology training for 36 months of training time, which is the maximum allowable. The accreditation status is conditional, pending a progress report in six months and a further site visit in 12 months.

CHS remains committed to strengthening its approach to training for all levels of medical officers, including those on recognised training programs that occur within the Canberra Hospital. Accreditation visits are routine for hospitals throughout Australia. The feedback gained from both trainees and colleges during accreditation visits is important in supporting a continuous cycle of improvement. While not all accreditation feedback is positive, it is vital that trainees are able to voice their concerns about the training they receive and to provide the opportunity for Canberra Health Services to improve.

Noting the number of training programs across Canberra Health Services, a director of clinical training is being established, which is a new specialist medical officer role. The new Director of Clinical Training will work with specialties on the development and implementation of contemporary medical workforce clinical training at Canberra Health Services. As part of this, the Director of Clinical Training will establish a central register of reports and recommendations from all accrediting colleges. This will provide greater organisational visibility of upcoming accreditation visits, reports and the work underway within specialty departments to address recommendations. Recruitment to this position is currently underway.

Health ministers from all state and territory governments and the commonwealth have continued to discuss current challenges in the accreditation of training sites. Progress has been made in setting a direction with AHPRA and the Medical Board of Australia about expectations of the Australian Medical Council and individual specialty colleges regarding the accreditation of training sites. At their meeting on 1 September 2023, health ministers noted that a collaboration framework between the Australian Medical Council, colleges and all jurisdictions is being developed to ensure that accreditation decisions are properly consulted and communicated with jurisdictions. This will help to ensure ongoing safety, quality and equity of access to services for patients.

At the 10 November meeting, health ministers received the National Health Practitioner Ombudsman's review into specialist medical colleges training site accreditation processes and supported the recommendations of the review. The

National Health Practitioner Ombudsman's review found five priority areas for improvement: enhancing accountability and transparency in accreditation standards; ensuring fairness and transparency in accreditation processes and assessments; clarifying and strengthening monitoring processes for accredited training sites; developing an appropriate framework for assessing and managing concerns about accredited training sites and managing non-compliance with the accreditation standards, including processes for making adverse changes to a training site's accreditation status, such as placing conditions on, suspending or withdrawing accreditation; and, finally, ensuring that grievances about accreditation processes and decisions are managed fairly and transparently.

The report's findings will inform ongoing work by the Health Workforce Taskforce and the Australian Medical Council to improve accreditation processes nationally. Ministers will continue to be briefed on progress, with an update on the work to improve training and accreditation processes due to be provided by June 2024.

While the ACT government progresses work on strengthening learning and teaching locally and advocates nationally for effective training and accreditation processes, we are also ensuring that further supports and development opportunities are available to our workforce. In the 2023 budget we made an investment of more than \$8.5 million into better support for junior medical officers, which includes moving to a centralised training and oversight support function, delivered in partnership with specialties.

As part of this initiative, Canberra Health Services received funding for a clinical medical wellness officer. This position will be responsible for the development and implementation of contemporary healthcare wellbeing initiatives for medical officers across all sites of the organisation. Recruitment to this position is underway, and the successful candidate is expected to commence in 2024.

Canberra Health Services is also progressing the implementation of the CHS Research Strategy 2021-2025, which provides more opportunities for health workers to engage in professional development. We heard from the health workforce that they wanted more opportunities for professional development and to grow a research culture across the ACT health system, and that is what we are delivering.

The CHS Research Strategy includes several initiatives aimed at supporting early career researchers and their professional development, through the launch of the Canberra Health Services clinician researcher mentorship program to support early and mid-career clinician researchers; provision of and linkage to research, education and training programs, informed by the needs analysis; practical research navigation and individual support provided by the Office of Research and Education; linking early career researchers with academic, industry and community partners, local clinician researchers and networking events; and support for staff to engage in research activities such as fellowship schemes, local small grants and research professional development. These initiatives complement the ACT Centre for Health and Medical Research, Synergy Nursing and Midwifery Research Centre, as well as Office of the Chief Allied Health Officer supports available to early career researchers.

In October 2022 I announced more than \$8 million in a Wellbeing and Recovery Fund to co-design wellbeing and recovery initiatives with the health workforce over

four years. As a result, Canberra Health Services has established a Wellbeing Peer Support Officer Network, with 50 team members trained, including five medical officers. Canberra Health Services has rolled out the Health Roundtable Wellbeing Index application, with more than 660 team members now using the app, including 35 senior medical and 45 junior medical officers. CHS is also in the process of procurement for the Public Health Systemwide Leading for Wellbeing training module, which is anticipated to be delivered in the first half of 2024.

The ACT government will continue to invest in supporting and developing the health workforce across the ACT's public health services. CHS has remained diligent in addressing the requirements to maintain and continuously improve specialist medical training accreditation; and remains committed to working with colleges to ensure that trainees have a high quality experience. The government is also continuing to work across jurisdictions to address the challenges in training accreditation processes to support the training and experience of our future medical leaders and the health of our community. I am sure this matter will continue to be of interest to the Assembly, just as it is to health ministers around the country, and I appreciate the opportunity to provide this update.

I present the following papers:

Specialist medical training—Assembly resolutions of 29 March (Maternal and Fetal Medicine Unit) and 31 August 2023 (Specialist medical training accreditation)—Government response—Ministerial statement, 30 November 2023.

I move:

That the Assembly take note of the paper.

**MS CASTLEY (Yerrabi) (10.37):** I briefly want to reply to the minister's statement. It will not be long by any standards; it is just to cover off a few issues. I have been asking the minister questions about the Fetal Medicine Unit since 2022, purely because we have had so many reports of issues, with staff leaving and other concerns in the unit. Once again, the minister is standing here today telling us that something is happening, but no matter what spin the minister puts on this, the fact is that doctors, patients and nurses have had to wait far too long to see improvements in this area. It was August 2022 that the accreditation was suspended. August 2022!

When I initially asked the minister about the accreditation of the plastic surgery training—whether it had been revoked—she did not know. She had to take it on notice, and there was a bit of a drama getting that information out of Canberra Health Services. The CHS response came back to me, purely quibbling about the difference between plastics losing its accreditation or whether accreditation had been revoked. Then we got two intern doctors. They had to be reallocated. This response from CHS was splitting hairs. At the end of the day, the Canberra Region Medical Education Council did revoke the Plastic and Reconstructive Surgery Unit's training term because of workforce concerns. Now we hear today that we have to seek to be reaccredited at the appropriate time.

In January this year we had an open letter from cardiologists summarising their concerns that in the last 12 months the availability of cardiology services at the Canberra Hospital had deteriorated to standards far below the national and international guidelines. Uninsured patients are suffering poor health care, with significant potential for avoidable adverse outcomes, plus considerable emotional distress, as a result of the inability to obtain adequate hospital-based cardiac services. These problems are largely the result of poor managerial decisions made by senior members of ACT Health Directorate or Canberra Health Services. That is in the cardiologists' letter. I hear that things are actually getting worse.

We still cannot get waitlists out, although because of DHR I believe that we are expecting a report to be tabled this afternoon. We do not know how that is going to look yet, how that information has been compiled. I heard the minister say something about junior doctors getting some help, but let us not forget that these junior doctors had to sue the ACT government for alleged unpaid, unrostered overtime, and the minister was happy about that.

Obstetrics and gynaecology have been on provisional accreditation since June 2023, but we have heard about code yellows, which are internal disasters. Nurses and midwives have left. In 2010 there was a damning report into the Obstetrics and Gynaecology Unit. In 2014 they were put on provisional accreditation. In June 2023 they were also put on provisional accreditation. The government has proven incapable of fixing these problems. They are always ambitious and always working, but why does it have to get to this point, where many units are in trouble with accreditation, for this government to take action?

How many nurses have had to leave because they cannot stand the stress? How many nurses have taken early retirement because they just cannot stand it anymore? This is not good enough. It should not take this long for the minister to take action and give us 13 pages of the great work that they are apparently doing, when we know that nurses and doctors are still struggling. These units have been in crisis for far too long. Our doctors and nurses, our frontline workers, have been working under incredible pressure because this government has to be dragged kicking and screaming to fix the issues that it has known about for many years.

The minister calls these known issues. This is why, next year, we need a change of government—so that we can build an environment for our junior doctors and medical workforce so that they feel supported. The Canberra Liberals will care for our health workforce and the health needs of all Canberrans. The fact is that under this Labor-Greens government there has not been lasting change, but there have been many failures.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.41), in reply: Ms Castley referred to the legal action being taken by junior medical officers. I want to clarify that this is a class action that is being taken by junior medical officers around the country. As far as I am aware, only one respondent to that class action, a junior medical officer, has chosen to countersue Calvary Health Care—the organisation that Ms Castley stands up and defends every day in this place.

Question resolved in the affirmative.

## **Climate change—minister’s annual report**

### **Ministerial statement**

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.42): I am pleased to table the 2022-23 minister’s annual report under section 15 of the Climate Change and Greenhouse Gas Reduction Act 2010. As required by that legislation, the report sets out the following three things: the actions taken in 2022-23 by the responsible minister under the act; the effectiveness of government actions taken to reduce greenhouse gas emissions; and, finally, a cost-benefit analysis of government policies and programs implemented to meet the climate change targets in the act.

The ACT is a leader on climate change action. We are recognised nationally and internationally for our climate leadership, and 2022-23 was yet another good year in our climate leadership journey. For the fourth year in a row, the ACT was powered by 100 per cent renewable electricity, supplied by 12 large feed-in tariff supported projects. The 12th supported project, the Berrybank 2 wind farm in Victoria, started generating in this reporting period. We will continue to maintain our 100 per cent renewable electricity supply into the future.

In 2022-23 we brought our emissions down to 47 per cent below 1990 levels. Our biggest challenge at this point is to reduce emissions from transport and gas, which together account for around 87 per cent of the ACT’s remaining emissions. In 2022-23, we made significant progress in a range of areas, and I would like to briefly mention a few key achievements that show the diversity of our climate response measures.

We continued our leadership in promoting the uptake of zero emissions vehicles. We launched the ACT’s Zero Emissions Vehicles Strategy 2022-2030 in July 2022, setting an ambitious target for 80 per cent to 90 per cent of new light vehicle sales in the ACT to be zero emissions vehicles in 2030 and plans to phase-out light internal combustion engine vehicles from 2035. Incentives are provided to boost the uptake of zero emissions vehicles, including free registration, stamp duty exemptions and zero interest loans.

The ACT currently has the highest uptake of zero emissions vehicles in Australia per capita, which will help develop the second-hand market over time. We continue to roll out additional public electric vehicle chargers across the territory. We have installed a total of almost 400 electric vehicle chargers at ACT government sites, with around 100 more to be installed in the remainder of 2023.

We also made good progress in our work to reduce emissions from gas. We released our position paper, *Powering Canberra: Our pathway to electrification*, in August 2022, recognising that the pathway to decarbonisation in the ACT would be through electrification. This provides clear direction to the community that electrification offers the more efficient and effective option for achieving zero emissions. We are working to develop the integrated energy plan, which will set the policy and regulatory settings required to achieve the transition off fossil fuel gas. Adopting a coordinated and staged approach will maintain a secure, affordable and reliable energy supply and a fair and equitable transition for our community, industry and business.

We successfully passed the Climate Change and Greenhouse Gas Reduction (Natural Gas Transition) Amendment Bill 2022 in June 2023. The bill sought agreement to introduce a regulation to prevent future gas connections in the ACT. We continue to encourage all new developments to be electric. This is being done through the provision of information and guidance material to proponents of new developments, as well as updated communications materials and information on government websites.

The electrifying of government buildings measure, to replace ageing ACT government gas assets at end of life, will help to deliver net zero government operations by 2040 and was progressed as a part of the 2022-23 ACT budget. In the 2023-24 budget we have committed \$70 million to electrify government owned and operated buildings. This supports a centralised approach to funding the electrification of gas assets.

A new minimum standard for ceiling insulation in rental properties was introduced in April 2023, requiring all rental properties in the ACT, including public and community housing, to have a minimum level of ceiling insulation. This is an important achievement and one that will make a real and lasting difference to many renters. This will help people to keep their homes warm in winter, cool in summer and save on energy bills. We have continued providing financial incentives and support through different programs to improve energy efficiency and sustainability in social and public housing, for low income home owners, and in the lowest performing rental properties.

I will now turn to the effectiveness of government actions, as required by the act. The ACT Greenhouse Gas Inventory measures the impact of our actions. It shows that, in 2022-23, the ACT emitted 1,622 kilo-tonnes of carbon dioxide equivalent. This was 47 per cent lower than our 1990 baseline level of emissions. Per capita emissions were 3.5 tonnes of CO<sub>2</sub> equivalent in 2022-23, representing a 68 per cent reduction from 1989-90 levels. Emissions from the ACT government's own operations were 65,978 tonnes of carbon dioxide equivalent.

As required by the act, and reflecting community interest, I now turn to the cost-of-living impact statement in the report. The Energy Efficiency Improvement Scheme, the Small and Medium Feed-in Tariff Scheme and the Large-Scale Feed-in Tariff Scheme have impacts on the cost of living through their effects on electricity prices. Together, these schemes contributed approximately \$292 to the annual electricity bill of an average ACT household in 2022-23, which is around 20 per cent less than ACT government scheme pass-through costs in 2021-22.

The government recognises that the cost of climate change measures can have a disproportionate impact on low income households. Specific government policies and programs are in place to help vulnerable households facing financial hardship and to address the cost of climate change measures on lower income households. These include providing financial incentives and support through different programs to improve energy efficiency and sustainability in social and public housing, for low income home owners and in the lowest performing rental properties.

The annual report showcases significant achievements made by the ACT government and the ACT community in tackling climate change in 2022-23. It also demonstrates

our commitment to transparency and accountability for the work we do to reduce emissions in a cost-effective manner. In 2022-23 we brought our emissions down to 47 per cent below 1990 levels. We should all be proud of these achievements, but we must be ready to work even harder to do our share to address this global problem.

The report I am tabling shows that the ACT continues to be a leader in responding to climate change. It is an exciting time for Canberra as we take steps to electrify our city, transition away from the use of fossil fuel gas by 2045 and accelerate the uptake of zero emissions vehicles. I look forward to future reports setting out how our community is successfully making the transition to a zero emissions city. I commend the 2022-23 minister's annual report under the Climate Change and Greenhouse Gas Reduction Act 2010 to the Assembly.

I present the following papers:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's Annual Report 2022-23—

Report, undated.

Ministerial statement, 30 November 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Leave of absence**

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

That leave of absence be granted for all Members from 1 December 2023 to 5 February 2024.

## **Standing committees—membership**

**MS CLAY** (Ginninderra) (10.50): Pursuant to standing order 223, I move:

That:

- (1) Miss Nuttall be appointed to the Standing Committee on Economy and Gender and Economic Equality;
- (2) Miss Nuttall be appointed to the Standing Committee on Education and Community Inclusion;
- (3) Ms Clay be appointed to the Standing Committee on Health and Community Wellbeing; and
- (4) Mr Braddock be appointed to the Select Committee on the Voluntary Assisted Dying Bill 2023.

Question resolved in the affirmative.



## **Domestic Violence Agencies (Information Sharing) Amendment Bill 2023**

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

Title read by Clerk.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.53): I move:

That this bill be agreed to in principle.

This bill amends the Domestic Violence Agencies Act 1986 to introduce an information-sharing scheme to help the ACT government respond to domestic and family violence. Before I begin, I would like to acknowledge the many victim-survivors of domestic and family violence in our community. I thank the victim-survivors who contributed to the development of the bill, and I acknowledge all victim-survivors, whether you have come forward to tell your story or you feel that you cannot. We do this work to make a real and positive change in our community so that all victim-survivors can heal and feel heard and so that we can prevent further tragedies in the future.

These reforms will reduce harms to victim-survivors by allowing services to better communicate with each other and to build a comprehensive, consistent understanding of domestic and family violence risk. This is a key pillar of the ACT government's work to develop a more integrated service system response to domestic and family violence to help people to get the support that they need sooner. This is because when agencies can communicate with each other, they can work together to help victim-survivors find and maintain safety.

It is often the case that different individuals and agencies hold small pieces of information about a person's experience of violence or abuse. But it is only when these pieces of information are brought together that a full picture of the circumstances and domestic and family violence risk is built. This full picture can indicate a higher risk of domestic and family violence than one piece of information does by itself. By allowing prescribed agencies to build this full picture, the bill will assist agencies to establish and assess a person's risk of domestic and family violence in context, appropriately and effectively. This will contribute to a more effective service systems response. This is vital to ensure that victim-survivors can be supported by the service system in a proactive and trauma-informed way. At its heart, this scheme promotes the safety and protection and right to life of victim-survivors of domestic and family violence.

Domestic and family violence continues to be a pervasive evil in our society, with one in four women experiencing intimate partner violence from the age of 15. Across Australia, one in three women have experienced gender based violence in their

lifetime and every 10 days a woman is killed by an intimate partner. These numbers are not just statistics; they represent the experiences and stories of victim-survivors across our community who have been let down by the systems that should have been protecting them.

In 2016 our community was rocked by the tragic death of Bradyn Dillon. Coroner Hunter's inquest into Bradyn's death gave insight into a fragmented service response system. In her findings, Coroner Hunter specifically highlighted the need for better information-sharing practices across agencies. Coroner Hunter's inquest into the death of Bradyn Dillon, as well as numerous other inquiries and reviews, have all identified that the ACT's response to domestic and family violence has been impeded by the lack of information sharing. This bill continues this government's work to improve our service systems' response to ensure that a tragedy like that of Bradyn Dillon never happens again.

In 2020 the ACT government began trialling the Family Violence Safety Action Pilot at Victim Support ACT. This pilot brought together a range of government and non-government agencies to respond to the needs of victim-survivors and their children in complex and high-risk cases of domestic and family violence. The pilot tested the collection and sharing of information between agencies. This approach better supported victim-survivors and their children, while holding persons using violence to account. An evaluation of the pilot released in 2021 identified that information sharing and cross-agency collaboration makes a big difference in protecting victim-survivors and their families. It also identified that more action is needed to overcome the conservative culture around information sharing that has influenced service responses to domestic and family violence in the ACT over time.

The bill is one part of the toolkit that will help us to achieve this long-term goal, but it is not the end of the story. The bill is a piece of enabling legislation which will be supported by a ministerial protocol, a risk assessment and management framework and practice guides designed to support those on the ground to know when and how to deal with information in a safe and prudent way. The bill's development has been informed by the experiences of the Family Violence Safety Action Pilot, the views of community and government stakeholders and reviews of comparable schemes in Australia to support agencies to work in ways that prioritise the safety of victim-survivors.

I will now speak briefly to the core components of the bill. The bill is informed by four key principles. Firstly, the protection and safety of victim-survivors must be prioritised as far as possible in every dealing with information under this bill. This ensures that victim-survivors remain at the heart of our responses and their right to live and thrive in safety is centred. Secondly, entities must seek and obtain consent from the victim-survivor before disclosing information, unless limited exceptions apply which align with the broader safety purposes underlying the bill. This requirement for consent promotes the agency, autonomy and dignity of victim-survivors and acknowledges concerns about the sharing of private information about victim-survivors. At all times, where safe and practicable, information-sharing entities should be engaging with, and be guided by, the victim-survivor, who is most often best placed to know what they need to be able to stay safe.

Thirdly, information that is dealt with under this bill must only be dealt with for a protection purpose and by those who can support the provision of a protection purpose to establish, assess, prevent, reduce and manage a risk of domestic and family violence. Fourthly, the bill must support the upskilling of agencies in identifying and managing domestic and family violence risk.

The bill identifies several agencies as information-sharing entities. In the initial phase, the information-sharing entities that are listed are government agencies. They include agencies which provide services both inside and outside of the criminal justice system, reflecting the fact that, more often than not, domestic and family violence will not be reported to police.

As the Minister for the Prevention of Domestic and Family Violence, I will have the ability to prescribe other agencies as entities subject to the scheme. This will allow some of our specialist service community partners to become part of the information-sharing scheme. The bill also creates the position of an information-sharing coordinator. The information-sharing coordinator will provide oversight and guidance to agencies using the scheme and will have a role to play in fostering a collaborative and strong information-sharing culture in the ACT.

This bill is complex, and ensuring that we get it right is critical. The bill will be independently reviewed, following two years of operation. This is similar to other schemes across Australia. This will enable us to continue learning and to make changes to ensure that the framework we have built supports responses to evolving forms of domestic and family violence now and into the future.

In closing, I would like to acknowledge and thank all of the stakeholders that gave their time and considered thought to inform the development of this bill. It is clear that there is strong community support for information sharing related to domestic and family violence risk and achieving better outcomes for victim-survivors. The feedback and recommendations we received from stakeholders throughout the development of this bill have been and will continue to be critical to the bill and its implementation documents.

I would like to acknowledge the hardworking frontline workers who, every day, support people and families impacted by domestic and family violence. Your determination, dedication and compassion for victim-survivors does not go unnoticed. We hope this bill will support you to undertake your vital work, providing much-needed assistance to victim-survivors and their families. We will work with you throughout 2024 to ensure that the implementation documents are fit for purpose, prior to the commencement of the legislation.

Finally, and most importantly, I would like to again acknowledge and recognise the bravery of victims and victim-survivors who have experienced domestic and family violence. Your courage to speak out and to share your experiences has helped us to understand how the system can be improved. These insights have informed this bill and will help people in the months and years to come. I commend this bill to the Assembly.

Debate (on motion by **Mrs Kikkert**) adjourned to the next sitting.

## Property Developers Bill 2023

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

Title read by Clerk.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (11.04): I move:

That this bill be agreed to in principle.

I am pleased to present the Property Developers Bill 2023 to the Assembly. This bill delivers on one of the major commitments in the Parliamentary and Governing Agreement that was agreed to at the beginning of this Assembly: to deliver an Australia-first licensing scheme for property developers, including the creation of a “fit and proper person” test and a rigorously enforced penalty scheme.

In the wake of growing evidence about defective apartment buildings and the harms that they cause, and continued national media reports on these issues, the ACT government is leading the way in responding to these issues by making sure property developers are held to account. This will help build public trust and confidence in the market as accountability drives better building practices and oversight.

This bill will provide greater accountability for property developers within the building and construction industry by providing a statutory framework for a property developer licensing scheme and a supporting regulatory scheme that will define the roles and responsibilities of residential property developers and bring them into the statutory chain of accountability alongside other licensed professionals and trades. The scheme that this bill establishes will add further transparency and accountability measures to the building and construction industry and builds on reforms I progressed earlier this year introducing a registration scheme for professional engineers.

Accountability matters. It is important to acknowledge that all building professionals, including property developers, must adhere to existing laws and regulatory environments. The licensing and regulatory scheme established by this bill will provide the government with the additional tools needed to reduce the societal impacts that defective buildings cause.

If I may use an analogy: when a person walks into a supermarket and buys an apple, there are consumer protections and market information to make sure that consumers buying the apple get what they pay for. As regular consumers of apples, customers know what a rotten apple looks and tastes like. They know that, if a particular shop consistently sells apples that look nice but are rotten, they will choose to buy their apples elsewhere. They also know that the shopkeeper must have accurate scales and they cannot advertise one price in the aisle and charge a different price at the checkout. In contrast, when buying a property, particularly off the plan, an enormous amount of trust is required on the part of consumers in the product they are purchasing from developers. Just last week, the ABC’s 7:30 interviewed a single mother, Ms Bethany Evans, who said, “I have bought a promise—not a property, a promise.”

Through the publication of a licensed property developer register and requiring a property developer to be licensed at key points in the property development process, this bill will remove the murkiness and lack of transparency about who is behind a development and their performance history. Where a residential property development is occurring, a licensed developer will be required to lodge an application for development approval and an application for building approval or enter into an off-the-plan contract. The purchaser will be able to be much more informed about the residential property developer and their ability to deliver their end of the bargain, their promise, their metaphorically shiny red apple, unbruised and in a fit state. This will allow the homebuyer to quickly and easily find out who is behind their development and the previous projects they have been involved in.

As I have just touched on the requirement to hold a licence to undertake certain steps in the property development process, it is important that I also note that the bill provides a regulation-making power to exclude certain people from these requirements. I want to make it clear that the government's intention is to capture those people who undertake property development as a regular commercial enterprise. The government does not consider people developing their own residence or a one-off dual occupancy on a block that they own as a property developer. Importantly, recent changes announced through the planning system to support one-off additional dwellings on large blocks on RZ1 residential zones will not be captured and will not be required to hold a property developer licence. However, once this becomes a regular activity and is undertaken multiple times, a licence may be required. I look forward to working with stakeholders on the detail of these regulations in the implementation phase of this work, prior to the bill commencing.

This bill also provides for additional protections for those purchasing off the plan, making sure property developers deliver on their promise by including a suitability assessment—also known as a fit and proper person test—as part of their property developer licence application. This suitability assessment, undertaken during the application process, extends to key persons and associated entities of the licensed entity. Through this process and the use of a sophisticated ratings assessment process, we will be able to see and assess the key individuals behind a property development company and their relationships with related companies that may influence their work. This will allow us to take a broad view of influence and make sure that the right people are trusted with the responsibility of developing future homes for Canberra.

Recognising that there is an inherent power and knowledge imbalance between a homebuyer and a property developer, this bill focuses on residential property development, rather than the entire property development industry. Any power imbalance should place accountability on the stronger party to act ethically so that they do not take advantage of their position. Far too often we have seen developers act poorly, failing to meet their obligations to their consumer and their contractors. This bill rebalances the power dynamic by imposing a licence and assessment process, using rating tools, disclosure requirements and enforcement and compliance measures. The combination of these will support consumer protections and improve knowledge and transparencies.

Buildings are inherently complex undertakings and, unfortunately, defects do happen. However, they happen too often and too often the parties responsible do not willingly fix

these problems. Research conducted by Hazel Easthope and her colleagues at the University of New South Wales looked at new apartment buildings in Sydney and found that over half of these had at least one type of building defect and nearly a third had at least three types of defects. This would not be acceptable in any other industry, like the car or computer industry, and it is clearly unacceptable in the residential property industry.

This bill seeks to minimise those defects and encourage property developers and their builders to fix potential problems proactively before anyone moves into their new home. The ACT government will have additional robust compliance and enforcement powers to support proactive auditing during construction, seeking to identify problems at the earliest possible time and making sure they are remedied quickly. By extending the application of statutory warranties for property developers as well as builders, the bill makes sure that all key parties responsible for development are held accountable. If a defect occurs and an order is required to be given, it will be given to both the developer and the builder and they will both be responsible for ensuring that the defect is resolved.

In addition, the bill provides more protections for consumers by reversing the burden of proof for defects in the first two years of occupation. This means that, rather than new owners having to prove a defect, it is the responsibility of the property developer and their builder to prove that it is not a defect. This simple change in favour of consumers establishes a clear obligation on the property developer and their builder to remedy the defect or compensate the owners quickly and acts as a disincentive to litigation. While adding property developers to the chain of accountability, the bill still allows them and their principal builders to seek civil remedies against other responsible parties. It does not make them solely responsible for poor workmanship, processes or products, but it does reinforce that ultimately the entity in charge does have a responsibility to make sure the people they have engaged do their job well.

While this bill has strong enforcement powers, it is my sincere hope that these will only be required to be used sparingly and that the signals set by this bill will lead to improved practices. We are seeking behaviour change across the industry. One way of achieving this is by adding property developers at the top of the chain of accountabilities, where they have the power of influence and control of those further down the chain.

The recent case of the mass recall of vehicle airbags makes for a good analogy. Vehicle manufacturers installed airbags in their vehicles that were manufactured by another company. When these airbags were found to be potentially faulty, vehicle owners did not need to deal with the airbag company; they dealt with the car manufacturing company. The car manufacturer proactively recalled the cars they had produced and fixed them, free of charge to the consumer. Consumers were looked after by the company, who organised the design and the manufacture of their vehicle. This sort of proactive response is the type of behaviour we seek for the property development industry in the ACT. It seems likely that the vehicle manufacturers would have engaged with the airbag company behind the scenes to seek compensation, but this did not affect consumers.

A final element of the bill that I would like to touch on in detail today is the potential liability for company directors. I note that this element of the bill is the most

contentious for industry. I believe we have achieved a balanced outcome that will deliver accountability while not disincentivising investment activity for the ACT. The bill is structured so that liability is first directed against the licensed corporate entity. Director liability will only arise when the company is wound up, in administration or deregistered. There will be no avenue for personal liability if the company remains operational and meets its obligation to customers and any regulatory orders. This is a direct disincentive to phoenixing activity.

The bill also includes further potential limitation of personal liabilities for directors if the company has obtained a latent defect insurance policy for the benefit of owners. This supports an outcome where owners are protected as the beneficiaries of the insurance policy, while investment in the ACT is not disincentivised, compared to other jurisdictions, due to personal liability for directors. This bill will improve the quality of building and construction practice in the ACT. It avoids unnecessary regulation, regulatory duplication burden and cost, and complements existing regulatory settings we have in place.

In developing the bill, consideration has also been given to approaches regulating property developers in other jurisdictions. The bill aligns with the New South Wales government's Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020; thus minimising concerns of property developers working across the border. The bill takes a deliberately broad approach to definitions, inclusions and the scope of regulatory powers and will be supported by regulations and disallowable and notifiable instruments. This will allow the government to respond to changes in policy in the development environment and swiftly close any loopholes that people may seek to use to avoid being subject to the scheme. The scheme will be administered by a property developer registrar. The bill establishes a framework for the registrar's power, including powers to direct licensees to do certain things—for example, through rectification orders to impose conditions on licences or to suspend or cancel licences.

I note that the introduction of this bill today is the culmination of a focused period of work, where the ACT government has extensively engaged with key industry and community stakeholders to discuss and refine the policy approach and legislative framework. This included public consultation on our public discussion paper in the early part of this year. We have engaged with industry to ensure that the scheme is workable, proportionate and balanced. I thank those individuals and organisations for their involvement.

In closing, I would also like to acknowledge the work of the building reform team at EPSDD—particularly James Burnett and Anthony Burton—in developing this complex piece of reform. This is part of an ongoing and forward program of work that EPSDD has underway. Having recently established a registration scheme for professional engineers, EPSDD will continue to work across the building regulatory systems, including reviews of existing regulatory provisions for licensed professionals, such as builders and architects, and also looking at what might be appropriate to add as new trades to the construction occupations licensing framework. I look forward to continuing the work with industry and community representatives on future reforms so that we tackle these important issues in a way that supports a high-performing industry that delivers great outcomes for consumers.

I would also like to acknowledge the author of the 2018 *Building confidence* report, Ms Bronwyn Weir, for her assistance and her ongoing work with EPSDD, and the drafting team at the Parliamentary Counsel's Office, in developing this landmark piece of legislation.

This bill will hold property developers to account for the matters over which they have influence or control. It will shape improved behaviour and support a robust, efficient and professional building and construction industry. The government will keep this law under review to ensure that there are no unintended consequences and that outcomes are being achieved. I commend the bill to the Assembly.

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

## **Planning, Transport and City Services—Standing Committee Reference**

**MS LAWDER** (Brindabella) (11.21), by leave: I move:

That, notwithstanding the provisions of standing order 174, this Assembly refer the Property Developers Bill 2023 to the Standing Committee on Planning, Transport and City Services for inquiry and report by the last sitting day in March 2024.

I am happy to speak to the motion circulated in my name today that calls for the Assembly to refer the proposed developer regulations to the Standing Committee on Planning, Transport, and City Services for a full inquiry, and to report back to the Assembly by the last sitting day in March 2024.

We all know that developer regulation is a necessary and important tool to promote consumer confidence and to improve transparency and accountability in the ACT building and construction sector. We wholeheartedly support this and have listened to community sentiment on this matter for a number of years, in fact.

Better building standards are essential to ensure a strong future for the building and construction sector in the ACT. The better the building standards, the better the buildings, the better the quality of life and the better the investment for hardworking Canberrans in the industry and those who purchase those properties.

We believe that building standards in the ACT, in some cases, have not been meeting community standards. You only need to read the comments section of any local news story about any local development to see what Canberrans think about developers because of the issues experienced by some Canberra property purchasers.

We have heard of issues such as developers self-certifying developments and engaging contractors who may perform faulty construction practices. These issues can require assessment and amendment to restore consumer confidence in the ACT's building and construction sector. It is one of those matters where one or two bad apples give the whole industry, the whole sector, a bad name. We must fix this. We must protect the rights of consumers, people purchasing a property. For most of them, it is probably the biggest single investment they will make in their life.



We must also consider other factors. We know, for example, that the ACT is in the midst of a housing affordability crisis. Some stakeholders have raised concerns that anything that poses a risk to decreasing supply and deterring investment will have serious ramifications for the ACT. We must balance these things, protecting consumers and protecting the sector as a whole. While the issues I have just talked about urgently need to be fixed, the way in which we do it must consider the impact that the proposed regulations will have on the ACT economy and housing market. Again, I stress that it is a fine balance.

Industry bodies have already expressed their concern that small- and medium-sized local developers will not be prepared to take the risk of personal liability; nor will larger interstate or international investors want to even bother. They warn that it risks stifling investment in the ACT property market and exacerbating the housing affordability crisis. We are aware of a number of developers that have already said they will consider halting future residential development projects in Canberra due to the proposed measures.

It is also worth noting that, from what we have heard from stakeholders, the legislation appears to exempt the largest property developer in the ACT, the ACT government, from the proposed licensing scheme and empowers the minister to exempt other entities. All of a sudden, it could become one rule for one and one rule for the others.

The sentiment behind this legislation is correct. The sentiment is correct, but we must make sure that the implementation issues are adequately considered, which is why an immediate and thorough investigation by the PTCS committee is required, to determine the efficacy of these measures. An extensive assessment of the policy is necessary. We need engagement with anyone who has an interest in this matter, to understand the policy on investment in the ACT, to understand whether there is any impact, positive or negative, on our housing affordability crisis and our cost-of-living crisis. This regulation is too important to get wrong, which is why we must have a thorough committee inquiry. I commend the motion circulated in my name to the Assembly.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.26): I move:

Omit “inquiry”, substitute “consideration of inquiry and, should the Committee decide to inquire,”.

It is not normal practice in this place to direct committees to do inquiries, but we can ask them to consider an inquiry.

**MS LEE** (Kurrajong—Leader of the Opposition) (11.26): I support Ms Lawder’s motion. We will be voting against Mr Gentleman’s amendment. The motion is an important one. It is important because we know that there has been a lot of concern raised by various stakeholders about this issue. As Ms Lawder herself outlined, everyone is in agreement about making sure that we have standards in place; that we

have a robust system of regulation, especially in relation to developers. I think we have all been aware of the enormous negative impacts that have terribly affected many Canberrans who have faced serious issues arising from defects that they have found. But it is important that we do this in the right way.

When this proposal was raised, a concern was made public by the sector, including from the Property Council of the ACT, who have called for “an urgent rethink” of legislation. Shane Martin, who is the Executive Director of the Property Council in the ACT, has said that the legislation needs to undergo more consultation, which is why it is important that Ms Lawder’s motion is passed today. The Property Council ACT’s media release goes on to say:

There is a way of achieving the lifting of building quality without deterring the construction of homes.

I think that that is a very valid concern. Mr Martin also states:

The consultation period with industry only started in August this year, and what has been presented does not align with any other jurisdiction in Australia. We are urging for this legislation to not be introduced on Thursday—

a bit late for that—

and for the government to come back to the table and consult on ways of improving building quality without making it harder for Canberrans to have a roof over their head.

That is a genuine concern that I think we would all share: to ensure that we do not make things harder for Canberrans to access a home.

The Chief Executive of the Master Builders Association ACT, Michael Hopkins, has also expressed his concern that this legislation, in its unamended form, will “only encourage purchasers to pursue costly litigation against builders and developers when building defects arise”. That is another very valid and genuine concern that the property sector has raised about the fact that this legislation has not, perhaps, had the thorough consultation that it deserves. It is a complex area.

Today, as if the concerns that we had heard from stakeholders and industry were not enough, I was alarmed to hear the minister’s tabling speech. I assume she is not doing this on purpose, but it is alarming that she is now starting to compare this very complex issue—we are talking about defects in building and construction—to a rotten apple. I am not sure why she is trying to draw that comparison. If she is, on purpose, trying to downplay the complexity of the issues that we are dealing with—

**Ms Cheyne:** A point of order, Mr Deputy Speaker.

**MR DEPUTY SPEAKER:** A point of order, Ms Cheyne?

**Ms Cheyne:** It is on relevance. This is really leading to a debate about the bill, rather than about whether it should be referred to a committee or not.

**MS LEE:** To that point of order, Mr Deputy Speaker, the point I am trying to make is that it goes to show the uncertainty that is contained in the minister's own explanation as to why it deserves a thorough investigation, an inquiry by a committee.

**MR DEPUTY SPEAKER:** Thank you, Ms Lee. There is no point of order, Ms Cheyne. I am of the belief that Ms Lee is speaking to the core of this motion. Thank you, Ms Lee.

**MS LEE:** Thank you, Mr Deputy Speaker. The comparison that the minister has made in the tabling of the legislation sounds alarm bells. This is a very complex issue. Industry and stakeholders have called for further consultation. That is why Ms Lawder's motion is very relevant today. It seems that it will get up, albeit with Mr Gentleman's amendment, and that is the right thing for this Assembly to do. It is important for something as complex as this—which, as Mr Martin has indicated, does not align with any other jurisdiction in Australia—to undergo a thorough public hearing. We certainly hope that the Standing Committee on Planning, Transport and City Services will take that into consideration. Thank you very much.

**MR DEPUTY SPEAKER:** The question is that Mr Gentleman's amendment to Ms Lawder's motion be agreed to. I note, members, that, if passed, Mr Gentleman's motion would render the motion grammatically incorrect. But I am not the grammar police. I think we all understand what it is that Mr Gentleman's amendment is trying to achieve.

**MS CLAY (Ginninderra) (11.33):** I am the chair of the Standing Committee on Planning, Transport and City Services, but I am not speaking on behalf of that committee. I am simply speaking as a member in here and as somebody who understands the committee process and has served on quite a few of them now. I am really proud of the fact that we have a parliamentary committee process. At the moment, in its current configuration, there is a member of the Canberra Liberals, a member of ACT Labor and a member of the Greens on every single committee—or, in the words of my daughter, there are three colours on every committee.

I think it is really good if we trust that independent branch of scrutiny to do its job. This bill was always going to be referred to that committee. This bill will continue to be referred to that committee. That committee will do its job, as committees always do, and will consider whether or not to inquire. I am quite pleased to support Mr Gentleman's amendment. That just makes it clear that what we are doing is, in actual fact, writing down the process that is already in place, which is to send this bill to the parliamentary committee that would already have a look at it and let that independent parliamentary committee do its job.

**MR CAIN (Ginninderra) (11.33):** I note that, as Ms Clay has mentioned, the bill will be referred to the planning committee, but obviously the intent of this motion from Ms Lawder is to emphasise the importance to this Assembly that the committee undertake an inquiry. That is obviously the point of the motion. As shadow planning minister, I certainly would urge the planning committee to undertake an inquiry. We need to make sure that we get the balance right. I believe a full committee inquiry will assist the government to get the balance right.

We applaud consumer protection—home owner protection in this case. We do not want to have the unintended consequences, though, of discouraging investment in our residential housing market. We have a housing affordability crisis. We need to be very, very cautious about discouraging investment in housing in the ACT. We need to get the balance right. We do not want unintended consequences affecting the small- and medium-sized local Canberra developers. We do not want to discourage them from playing a really important part in good planning outcomes in the ACT.

I urge all members in the Assembly to support the motion and to urge the planning committee to undertake a full inquiry, to let all of the affected stakeholders be part of a public consultation on this bill. It is a very important piece of legislation. I think the community deserves to see that played out in public, and all the important Canberra-based stakeholders deserve to have their say.

**MS LAWDER** (Brindabella) (11.35): I will speak to the amendment and close debate. I note that Mr Gentleman's amendment is pretty much standing order 174(a), so it is a superfluous amendment. The point of the motion in the first place was, notwithstanding the provisions of standing order 174, to make sure that the PTCS committee conduct an inquiry and report back to the Assembly, and not leave it under the provisions of 174(a), which says that they will consider what they are going to do with it.

I have heard from many consumers, many residents—and I am sure everyone else in this place has as well—heartbreaking stories of problems with construction, with dwellings and the lack of redress that they feel they have with regard to defects. We must address that. I think we are all agreed on that. We must address it, but does this bill cover everything that is required? Has everyone had the opportunity to have their say? I am not convinced that that is the case. I am not sure that it gets the balance right.

I note that a member of the Greens just said that we must trust the independent branch of scrutiny, referring to the standing committee. That is an interesting point and one that earlier this week the Greens did not agree with, when the chair of a committee came into this place to request an extension to the reporting dates agreed to by the committee. Mr Gentleman contradicted that and took out one of those pieces of legislation. At that point, the Greens agreed that it was the minister's right to tell the committees what to do.

Yet here we are today, on another matter relating to committees, and the Greens do not believe that that is the case. They are saying one thing one day and another thing another day. There is not a lot of consistency there. Nevertheless, I commend my motion to the Assembly. We will not be supporting Mr Gentleman's superfluous and unnecessary amendment, which, in effect, reverts to standing order 174(a). I hope that everyone in this place agrees that we must help consumers with their right of redress regarding defects. But what we must do is make sure that there is a thorough investigation by the standing committee.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Noes 6

Joy Burch	Marisa Paterson	Peter Cain
Tara Cheyne	Michael Pettersson	Leanne Castley
Jo Clay	Shane Rattenbury	Ed Cocks
Emma Davidson	Chris Steel	Elizabeth Kikkert
Mick Gentleman	Rachel Stephen-Smith	Nicole Lawder
Jo Clay	Chris Steel	Mark Parton
Laura Nuttall	Rebecca Vassarotti	
Suzanne Orr		

Question resolved in the affirmative.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Justice and Community Safety Legislation Amendment Bill 2023 (No 2)**

Debate resumed from 21 September 2023, on motion by **Ms Cheyne**, on behalf of **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.43): This is an omnibus bill, aiming to amend several pieces of legislation across the Attorney-General's portfolio. It amends 17 acts and one regulation. This bill, in the opinion of the Canberra Liberals, makes uncontroversial, minor and technical amendments to acts identified by administrators across ACT government agencies and stakeholder groups to improve the operation of various pieces of legislation.

I will touch briefly on the amendments and their impact. There is an amendment to the ACAT Act 2008 to assist in the digitisation of the tribunal, as requested by ACAT. There are amendments to the Administration and Probate Act, the Trustee Act, the Family Provision Act and the Wills Act to create a single, centralised wills register for the ACT and to implement recommendations from a national harmonisation report.

The bill amends the Associations Incorporation Act to revise the obligation for incorporated associations to lodge their annual financial returns each year with the registrar-general. After the amendment has passed, the legislation will only require lodgement to be provided when requested by the registrar-general, removing a layer of bureaucracy in a fairly low risk environment.

There are amendments to the Casino Control Act to align their financial reporting periods with the Iris Group. The Discrimination Act will be amended to clarify the intended operation of exemptions for religious bodies; namely, that a religious body whose sole or main purpose is commercial cannot rely on exemptions.

The Freedom of Information Act is to be amended to clarify what documents in respect of which legal professional privileges claimed must be provided to the ombudsman for consideration as part of a review. There are amendments to the Human Rights Commission Act to enable the commission to have more flexibility in managing the complaints process when dealing with vulnerable members of our community.

The Legal Profession Act is amended to remove the requirement for approved forms to be notifiable instruments. There are amendments to the Supreme Court Act to clarify the operation of provisions that govern the declaration of vexatious litigants. I will just mention, in final detail, that the Unit Titles (Management) Act is to be amended to enable owners corporations to operate with a bit more certainty and less risk.

I know that there are consequential amendments to be made to several other pieces of legislation. As I said, the Canberra Liberals will be supporting this omnibus bill. I want to thank the Attorney for the briefing provided by his officials on 7 November. This bill will be supported by the Canberra Liberals.

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (11.46): I rise to speak in support of this great bill. It is an omnibus bill that provides a variety of small but no less important changes. I welcome its introduction and greatly appreciate the engagement that has been sought with the relevant directorates and authorities to bring about its completion. Its amendments ensure that the spirit and intention of our public institutions match their evolving practice.

As Minister for Human Rights, I welcome the amendments to the Human Rights Commission Act 2005. The amendments enable the commission to have more flexibility in managing the complaints process for vulnerable people, recognising that different approaches may be needed where a vulnerable person may be at risk, where it may be difficult to engage with them directly or where intervention by another statutory authority may be warranted.

I also welcome the changes to the Discrimination Act that clarify that discrimination exceptions for practices of religious bodies do not apply in relation to religious bodies whose sole or main purpose is commercial.

What I am most excited about—if I can use that term—as Minister for Business and Better Regulation, is the removal of the need for incorporated associations to lodge their annual returns with the registrar-general after the end of every financial year. Incorporated associations are still required to complete their annual financial returns and to have them reviewed or audited. They are just no longer required to lodge them with Access Canberra unless asked.

This appropriately balances removing a regulatory burden with the risk. That is why there is included a mitigation measure that will enable Access Canberra to investigate where there is any evidence to suggest that an incorporated association is not properly adhering to legislation in relation to financial statements. This is yet another example of how we are improving our regulatory approach. I wholeheartedly commend this bill to the Assembly.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.48): As has been outlined, this omnibus bill makes amendments across 20 pieces of legislation that sit primarily within my portfolio as Attorney-General. The amendments are of a minor, technical or non-controversial nature and improve the quality of the territory's laws. I am pleased to say they are also human rights compatible.

The bill includes amendments across five key areas, which are modernising wills and estates law; clarifying the operation of tenancy laws; amending strata laws to support owners corporations in unit title complexes to operate more effectively; supporting the Human Rights Commission and the ACT Ombudsmen to exercise their statutory functions more effectively; and supporting administrative efficiency, reducing regulatory burden and simplifying the process.

I will touch briefly on a few of the areas. To modernise wills and estates laws, the changes to the Wills Act 1968 will support the creation of a single centralised wills register for the ACT. This will be managed by the Public Trustee and Guardian. Specifically, the bill will enable the transfer of information about wills currently held by the Supreme Court to the Public Trustee and Guardian for inclusion in the centralised wills register. Although these amendments may limit the right to privacy due to the sharing of personal and private information, this is considered reasonable and proportionate in the circumstances because there is no less restrictive way that wills held by the Supreme Court may be entered into the centralised wills register.

In addition to changes to the Wills Act, the bill will also make several other amendments to the territory's wills and estates legislation. Firstly, the bill will amend the Administration and Probate Act 1929 to modernise the definition of personal chattels, simplify the rules governing the issuing of a public notice of intention to distribute a deceased estate, and insert a new rule clarifying how an estate is to be distributed when a person decides to forfeit or disclaim their share of an inheritance.

Secondly, the bill will clarify the rules in the Family Provision Act 1969 around when a grandchild may make a claim in relation to the estate of a deceased grandparent. These changes will modernise the ACT's succession laws to provide better outcomes. The amendments will also help to create a system that is easier to understand and navigate. This is especially important, as the people who engage with legal issues about inheritance are typically also experiencing grief or stress at the same time.

The bill will also make changes to our tenancy legislation to provide greater clarity on their operation and interpretation. There are two minor changes I would like to highlight today. The first is a change to the standard residential tenancy terms contained in schedule 1 of the Residential Tenancies Act 1997. The standard terms form the basis for all tenancy agreements in the ACT. As part of these terms, the lessor and the tenant must give each other an address for the service of notices. However, as currently drafted, there is no differentiation between termination notices and notices for general communication. This is significant because the law requires termination notices to be served in a particular way. In short, termination notices must be served personally or by post, and, if not served in this way, the termination notice

may be considered defective. To provide greater clarity, the bill will amend the standard terms to require tenants and landlords to specify an address for the service of general communication notices and for termination notices.

In separating the two kinds of information that can be communicated, the intention is to put the tenant and landlord on notice that notices to vacate are of a particular importance. This will help the parties to understand that termination notices must be served on the tenant in a particular way to be valid, but it still allows flexibility in the method used for the service of other kinds of notices, such as arrears notices or notice of a routine inspection.

The second change to tenancy legislation made by the bill is to clarify the rule around how rent increases may be calculated in periodic tenancies. Section 5A of the Residential Tenancies Regulation 1998 contains the formula for calculating rent increases. The formula is linked to the increase in the consumer price index for rents in Canberra over the period since rent was last increased in the tenancy or since the tenancy started. However, as currently drafted, the rule is not clear as to whether the relevant date for determining the increase is the date the landlord issues the rent increase notice to the tenant or the date it takes effect, which, under the law, must be at least eight weeks after it is issued.

The bill redrafts the formula so that it is clearer that the relevant time period ends when the rent increase notice is issued and not when it takes effect. This allows landlords to rely on the consumer price index data at the time they issue the notice to the tenant. The bill also makes other changes to the formula so that it uses terminology that is easier to understand, making it more accessible to the reader. The ACT's rent increase laws are nation-leading and it is important to make them as easy to use as possible.

To improve the quality of territory laws, the bill contains a number of amendments that will simplify processes for government agencies or organisations complying with regulatory requirements under ACT laws. For example, the bill will provide that approved forms used the ACT Civil and Administrative Tribunal and by the ACT Law Society or ACT Bar Association do not need to be notifiable instruments. The current requirements are administratively burdensome and make it harder for these agencies to update forms as required. The publication of approved forms directly on agency websites is also more accessible and convenient for the public, rather than notifying documents on the legislation registrar.

Also, the bill will remove the requirement for incorporated associations to lodge annual returns, as enthusiastically noted by Minister Cheyne. Currently, incorporated associations are required to have an independent third party check their annual returns and to lodge a copy of their annual return with the registrar-general within six months of the end of the financial year. The lodgement requirement imposes an administration burden and costs on associations, as well as on Access Canberra, in a low-risk regulatory environment. The bill will thus remove the requirement for annual returns to be lodged with the registrar-general, as a red tape reduction measure both for associations and for Access Canberra.



Importantly, associations will still be required to complete their annual financial returns and have them reviewed or audited. As a safeguard, the bill will require that incorporated associations must lodge their financial return with the registrar-general within two weeks if they are requested to do so, with an offence attached for a failure to comply with the request.

The amendments in the bill being debated today were identified following open consultation and recommendations from key stakeholders, including ACT government directorates and agencies, community advocates and the legal profession. I would like to take this opportunity to thank all those who take the time to bring amendments such as these to the government's attention. Active engagement by our community with the territory's laws is incredibly valuable and ensures that the legislation remains fit for purpose for Canberrans, both for today and into the future. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 11.57 am to 2 pm.**

## **Ministerial arrangements**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (2.01): The Chief Minister will be absent from question time today. I will be taking questions within his portfolio areas.

## **Questions without notice**

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

**MS LEE:** My question is to the Special Minister of State. Minister, the CIT CEO, Ms Leanne Cover, who has been stood down on paid leave for almost 18 months, was granted a 3.5 per cent pay rise in July, bringing her total remuneration package to \$373,061 per annum.

On 24 November, the commonwealth Remuneration Tribunal made a determination to revoke compensation if secretaries are found to have breached the APS Code of Conduct or are under investigation by the National Anti-Corruption Commission.

Minister, will you write to the ACT Remuneration Tribunal to consider a similar determination to avoid a situation that we currently find ourselves in, where ACT taxpayers are funding two CEOs?

**MR STEEL:** I thank the member for her question. As she well knows, the employment of the CEO is a matter for the CIT board. It is not appropriate for me as minister to intervene in an employment matter of an independent territory authority, when it has a governing board that is responsible for employment matters. The Remuneration Tribunal makes decisions independent of government, and, under the Remuneration Tribunal Act 1995, when the tribunal makes a determination, it cannot be rejected or changed by the government.

**MS LEE:** Minister, was there any discussion or consideration by you as the responsible minister as to whether a pay rise for a CEO who has been stood down, and is under an Integrity Commission inquiry, is an appropriate use of ACT taxpayer dollars?

**MR STEEL:** I refer the member to the answer to the last question.

**MS LAWDER:** Minister, have you received a copy of the Integrity Commissioner's interim report on their investigation into Ms Cover and the CIT?

**MR STEEL:** Yes.

### **Calvary Hospital—acquisition**

**MS CASTLEY:** My question is to the Minister for Health. Minister, I refer to your answer to my question of 13 September about why you listed special legislation to acquire Calvary on the spring 2022 legislative program, in which you said:

... as it looked like we were potentially going to reach agreement with Calvary that we would be able to transition the land without having to legislate, I wrote to the Chief Minister ... requesting that that legislation be removed from the legislative forward agenda because the negotiations with Calvary actually looked like they were going to reach agreement.

Minister, given that four separate documents—including two under your signature—say these negotiations were not successful, how could your explanation to the Assembly possibly be true?

**MS STEPHEN-SMITH:** Until I received Mr Bowles's response to my September letter in late November 2022, I actually did think that we would be able to reach agreement. I thought that Calvary understood just how serious the ACT government was in that, when we were going to invest a billion dollars in a new northside hospital, we wanted that hospital to be clearly owned by ACT taxpayers and that we considered that it was bottom line for us that the ACT government would have control of the current public hospital site—the site that was then Calvary Public Hospital Bruce, the whole area inside the ring road that had been the subject of discussion for many, many months. We thought Calvary understood that a modern services agreement was also a bottom line for us and that that modern services agreement, as is explained in the letter to Mr Bowles, from an ACT government perspective—for probity reasons, and in line with the expectations of the community today in 2023, as opposed to in the 1970s—would be that a modern services contract would not extend for more than 25 years.

I thought these were reasonable propositions to put to Calvary. We were going to acquire the land from them, at an appropriate agreed compensational price; we were going to build an entire new hospital; and we were going to ask them to run it for us for 25 years! That seemed to me to be a pretty good offer that Calvary might be able to agree to. So I was surprised when Mr Bowles's response in November was a flat "No, the board will not agree to 25 years."

**MS CASTLEY:** Minister, when asking the Chief Minister to remove this special legislation from the spring program, why did you write that, "it would not be appropriate to include this bill in the program at this time"?

**MS STEPHEN-SMITH:** I was just looking at that letter as it was on the top of a pile of papers I was looking at earlier today. I think, from memory, that it says, "while the negotiations are continuing." It was a clear indication that negotiations were continuing, and as I have just said in my first response to Ms Castley, I actually thought we might be able to negotiate this through—to come to an agreement with Calvary for them to run a substantial public hospital for 25 years. That is a pretty good offer!

To put it in terms that Mr Parton would understand, Calvary sought to call our bluff in that 28 November letter! We told them we were serious and we showed them we were serious: that we were going to act in the best interests of Canberrans to build a billion-dollar hospital on land owned by Canberrans, a hospital that will be owned by Canberrans, and that will be part of a more efficient and effective health system. We had hoped to achieve that through a modern services agreement with Calvary. They said they would not do that. So we acted in the best interests of Canberrans, and we will stand by that decision every step of the way.

**MR CAIN:** Minister, how was it appropriate for this special legislation to be put on the spring program a month before the expiry of the exclusive negotiation period with Calvary, given you could have continued to negotiate with them?

**MS STEPHEN-SMITH:** I am really actually struggling to understand Mr Cain's question. Ms Castley's question was about why I wrote to the Chief Minister to take it off the spring program. The way that the legislation program works is—and this is public knowledge—that cabinet had given authority for the drafting of legislation. Calvary was told about that in April. The reason we had asked and been given authority for the drafting of legislation—and, again, this is clear in the briefing that I received and in my comments on those briefs—was that we thought that any legislative response was likely to be complex and we wanted to understand what our options were. Sometimes it is one thing to make a policy decision, and it is another thing to understand how that could or would be given effect through legislation. In order to get those drafting resources, and not understanding where the first round of the negotiation was going to land—

**Mr Cain:** Why didn't you continue negotiations?

**MS STEPHEN-SMITH:** There were two phases in this negotiation, Mr Cain. If you had actually looked at any of the documents you would understand that! The legislation was put on the spring program because that is the way it works. It then had

to be formally removed from the spring program. That is what that letter was about, formally removing it from the spring program because negotiations were ongoing.

### **Calvary Hospital—acquisition**

**MS CASTLEY:** My question is to the Minister for Health. I refer the minister to my question on 13 September, which asked why, rather than waiting until the outcome of negotiations with Calvary, you asked your department “to commence drafting”—special legislation—“now, not wait and see.” In response, you tabled a meeting paper containing various options for acquisition, saying:

At that stage ... whether or not we could use the Lands Acquisition Act was part of the question and the reason that I wanted the work done, to understand exactly what the mechanism would be.

Given that on the same day you instructed your department to commence drafting special legislation “now”, you also signed a letter asking that special legislation be put on the spring legislative program, how can your statement to the Assembly about considering the Lands Acquisition Act at that point possibly be true?

**MS STEPHEN-SMITH:** As minister, my obligation is to understand what the options are that are available to me to give effect to policy decisions that have been taken and that may be taken, and that includes options around legislating. We knew that, even if we used the Lands Acquisition Act, we would probably still have to legislate in some way, shape or form. That is why my letter to Calvary in April explicitly talks about drafting of legislation. The question was what that legislation would look like.

If we ultimately did have to introduce that legislation, Calvary had been clear with us that any legislative response would not be supported by them. Initially we had said, “They are potentially going to have difficulty getting the Vatican to agree to alienate this land through a transition to the ACT government.” The fact that they had to get that agreement has been made clear by Patrick McArdle, representing the archdiocese, in his evidence to the Senate committee. Although that was denied by Calvary, that was very clear from Dr McArdle’s evidence.

So the initial question was: “If that is going to be a challenge”—as it was in 2010—“we may need to legislate, and we may be able to do that effectively with the agreement of Calvary. Or, if we cannot get agreement, we may need to legislate without Calvary agreeing.” Calvary was very clear that they would not agree and support legislation, and we needed to understand what our options would be if it came to that.

**MS CASTLEY:** Minister, isn’t your suggestion that you were considering an option other than special legislation just plain wrong and your suggestion to the contrary a diversion?

**MS STEPHEN-SMITH:** No.

**MRS KIKKERT:** Minister, wasn’t it always your intention to use special legislation to acquire land at Calvary, if not through negotiation then by expropriation?

**MS STEPHEN-SMITH:** I did not really understand Mrs Kikkert’s question where she said, “if not through negotiation then by expropriation”. Mrs Kikkert’s question did not make any sense, but I can assure her that the ACT government and officials in the ACT government negotiated in good faith with Calvary to seek the transfer of that land inside the ring road. We were always clear that we wanted enough land to build a new hospital building and for future expansion space. We were negotiating for Calvary to run that hospital under a modern services agreement for 25 years—25 years of a modern services agreement to run a much bigger public hospital than the one that they already ran. We thought that was a reasonable offer for them to consider, but they completely and utterly rejected that offer, with no offer of compromise on the 25 years.

### **Access Canberra—website**

**MR PETTERSSON:** My question is to the Minister for Business and Better Regulation. Minister, Access Canberra has a new website. Why did this occur and what has changed?

**MS CHEYNE:** I thank Mr Pettersson for the question.

*Opposition members interjecting—*

**MS CHEYNE:** Actually, it is quite serious, because the Access Canberra website is one of the ACT government’s most visited, with more than 6½ million views and eight million digital transactions completed each year. Significant improvements have been made to support users’ experience on the new website, including a complete overhaul of the search functionality. All website content has been rewritten in plain English, at grade 7 level, to improve accessibility, readability and searching. To ensure a better customer experience, content has been rewritten and pages have been reduced significantly, by about 90 per cent.

The new website was developed by professional content designers to ensure best practice web content. It launched on 31 October and was designed and developed based on research, insights and testing. Accessibility was a key consideration in the development of the new website. The new website provides clear and simple information and easy access to a range of digital services. The new website is giving back time and making it easier to engage with the ACT government.

The Liberals might mock this line of questioning, but they have asked about websites and content on websites before. If they really think this is silly, they are contradicting themselves—

**Ms Lee:** I’m not mocking the website!

**MS CHEYNE:** particularly Ms Lee.

Could I say just how much I want to thank the hardworking staff at Access Canberra and across the ACT government who have worked tirelessly over a number of years to make this new website happen and for ensuring that the transition was smooth and

seamless for users and that it sets a new standard. It has been an extraordinary undertaking, and the proof is in the pudding.

**MR PETTERSSON:** Minister, who was consulted on the design and functionality of the website?

**MS CHEYNE:** I thank Mr Pettersson for the supplementary question. Key community stakeholders and partners were provided with the opportunity to view the new website, prior to the launch, and to provide valuable feedback which was then incorporated into the design. Accessibility was a key consideration in the development of the new website. It has been designed and developed to meet legislated web accessibility standards. It also has been tested with both the Canberra Blind Society and the Centre for Inclusive Design. User groups, including older Canberrans, had the opportunity to share their preferences and experiences to inform the design and navigation of the site.

**MS ORR:** Minister, what has the feedback been on the new website?

**MS CHEYNE:** Given the quality of the questions that we have had from the Liberals already today—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members! To the response, Ms Cheyne.

**Ms Lawder:** Madam Speaker: imputations and inferences.

**MADAM SPEAKER:** I will not go to that. To the question without any side comments across the room.

**MS CHEYNE:** Thank you, Madam Speaker. Sorry. I just couldn't resist, because, honestly!

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MS CHEYNE:** Thank you, Madam Speaker. Feedback so far has been overwhelmingly positive, particularly about the improved search functionality of the website. As noted previously, extensive testing has occurred, and changes were made to the developed design, structure and content in response to user feedback prior to the new website launching at the end of October.

Access Canberra welcomes any feedback from the community, including the opposition, and further refinements and improvements will continue to be made to the website in the months to come. Feedback can be provided in a range of ways, but perhaps the simplest is via the feedback function at the bottom of each page on the new website, where users are able to provide their suggestions about how that page could be improved.

**Government—procurement**

**MR CAIN:** My question is to the Special Minister of State. The Auditor-General said that there is “a lack of expertise, a lack of practice, an unawareness and in some cases even a naivety” in Procurement ACT. I have heard the same view from various small to medium sized local businesses, many of whom feel that despite offering more competitive tenders, directorates continuously prioritise larger consultancy firms.

Minister, why does your government appear to inhibit small and medium sized local businesses in the ACT?

**MR STEEL:** We do not. In fact, the procurement reform program that is underway has been informed by a substantial body of work that has been undertaken based on the feedback from businesses through the Better Regulation Taskforce to make sure that it is easier for suppliers—particularly small and medium sized businesses—to engage with government. It is one of the reasons why I introduced the Government Procurement Amendment Bill to the Assembly earlier in the year, which is currently being considered, no doubt, by the opposition, to make sure it is easier to engage with businesses. The new rules in there will make it easier to do so. We will continue to work with businesses on those opportunities to streamline our procurement processes but also to make sure that they remain robust and transparent at the same time. There is a balance to be struck. We understand that.

In relation to the support that we provide to government agencies that undertake procurements through Procurement ACT, we are, through the Procurement Reform Program, developing our capability framework and accreditation system to make sure that each of the procuring entities has the support that they need, based on the level of capability that they have, which will be accredited under the program. That is being rolled out, and I have been providing updates to the Assembly on a regular basis. I know Mr Cain was not there when I gave my last ministerial statement updating the Assembly on the government procurement program. In fact, I do not think he was there for the update before that, but those are available for him to read in the *Hansard*.

**MR CAIN:** Minister, is the Auditor-General wrong when he says that Procurement ACT, under your leadership has a lack of expertise and practice, unawareness and naivety?

**MR STEEL:** I think the comments from the Auditor-General referred to a range of different procuring entities, not Procurement ACT specifically. Procurement ACT does have significant capability in procurements. Procurement ACT is developing, through its capability framework, a tailored model which will support procuring entities based on the level of capability that they have. So, if entities do not have as much capability as some of the larger agencies that are undertaking larger and particularly more highly complex procurements, then they will provide that tailored advice to the relevant entity as required.

**Mr Cain:** Madam Speaker, a point of order. The question is a simple one: is the Auditor-General wrong? Would the minister answer that question?

**MADAM SPEAKER:** I am not going to—and you know that I cannot—direct the minister’s answer.

**DR PATERSON:** Minister, can you outline some of the important changes that will be coming through with the Government Procurement Amendment Bill?

**MR STEEL:** I want to particularly acknowledge the work that has been done through the better regulation taskforce to make sure that we promote, through the different levels of procurement, small and medium sized enterprises. That is a particular reform of the government procurement bill. I am certainly keen to see that part debated in the Assembly. I am happy to offer members a briefing on it before we get underway with the detail stage of the debate. It informs part of a broader suite of reforms, both policy and legislative, that we are undertaking today. While we are making it easier for suppliers to engage with us, we also want to make sure that the suppliers that we engage with have ethical practices. That is why I am so pleased that today we have also strengthened the ethical treatment of workers evaluation to have a particular focus on modern slavery.

### **ACT Policing—staffing**

**MS ORR:** My question is to the Minister for Police and Emergency Services. Minister, can you provide an update to the Assembly on ACT Policing numbers?

**MR GENTLEMAN:** I thank Ms Orr for her interest in policing numbers and the safety of people in the territory. As of 8 November, ACT Policing’s average FTE equals 1,176 employees, of which we have 725 sworn officers on the beat. Contrary to the erroneous statements made by the opposition, these figures represent a 20 per cent increase in ACT Policing’s average full-time equivalent staffing numbers over the last five years. These numbers highlight how the ACT Policing workforce is consistently growing, and these numbers negate the false claims made by the fearmongers opposite who continue to denigrate the territory. I should point out that these numbers do not yet include the government’s record funding commitment made in the last budget to put a further 126 officers on the street over the next five years. That will represent a further 17 per cent increase over five years of sworn officers on the street.

The opposition well knows it is quite misleading to compare ACT police numbers to other jurisdictions as other Australian jurisdictions tend to have a much wider geographical area to cover, and the ACT, of course, is predominantly metropolitan—

**Ms Lee:** Madam Speaker, on a point of order: Mr Gentleman referred to the opposition misleading and I ask you to rule on whether that is unparliamentary.

**MADAM SPEAKER:** Mr Gentleman, would you reflect on your use of language. If you did say somebody was misleading, that is through a substantive motion.

**MR GENTLEMAN:** I said it is “quite misleading”, Madam Speaker.

*Members interjecting—*



**MADAM SPEAKER:** Members! Mr Gentleman.

**MR GENTLEMAN:** Thank you, Madam Speaker. When we talk about the geographical area—

**Ms Lee:** Sorry—was there a ruling or not?

**MADAM SPEAKER:** There is no point of order, Ms Lee.

**MR GENTLEMAN:** for example, contrary to some of the recent fearmongering—according to Google, the Belconnen Police Station is exactly 6.6 kilometres away from the Kippax shops and a police car could easily deploy to the Kippax shops in a matter of minutes. (*Time expired.*)

**MS ORR:** Minister, can you provide an update on ACT Policing recruitment numbers for the past two years?

**MR GENTLEMAN:** I am very pleased to convey that ACT Policing plays a very active role in recruiting and training police officers to serve the community. In the 2022-23 financial year, 93 new recruits graduated and joined ACT Policing, and, so far this financial year, we had 25 new recruits graduate and join ACT Policing in July and a further 21 new recruits graduate and join ACT Policing in September. We are anticipating a further 37 recruits to join between now and the end of the financial year. Together, this represents 176 newly graduated police officers having joined or are expected to join the ranks of police in the course of the current and previous financial years. I should also add that I have had the pleasure of attending a number of ACT Policing graduation ceremonies, and I am thrilled to welcome these fine individuals to ACT Policing.

I want to convey without hesitation that Canberrans can rest assured, knowing that ACT police are working tirelessly in our community and have among their ranks a group of wonderful Canberrans who are serving the ACT with pride and distinction.

**MADAM SPEAKER:** I am going to go to Dr Paterson, but I am also coming back to my ruling and say I will review the *Hansard* and come back. I remind people to be careful with the language they use so that they do not find themselves needing to withdraw words in the debate.

**DR PATERSON:** Thank you, Madam Speaker. Minister, could you outline the training regime for ACT Policing recruits?

**MR GENTLEMAN:** I thank Dr Paterson for her interest in police training. During the initial training, recruits live on the site of the AFP College in Barton for 24 weeks, although local candidates now have the option to remain at home and travel to the college each day. From Monday to Friday, they train in a squad of up to 30 recruits. They do physical training three times a week and also complete some assignments out of hours. Recruits go through extensive training involved in the use of force, the use of firearms and other accoutrements, and driver training. They also study criminal law thoroughly and receive training on de-escalation, conflict resolution, brief of evidence

preparation and interview techniques. After the recruits finish their training, they will be allocated to one of our five police stations.

The first few weeks with ACT Policing sees them complete a two-week local policies and procedures program, and that program covers ACT Policing systems, including the use of police radios, dispatch protocols and operational applications. New officers are also certified in the provision of random breath-testing procedures and other road policing procedures. When they complete the six months probation, a complete work in the first year is done. When this is assessed as complete, officers qualify for a Diploma of Policing.

I should note that is just the beginning of an ACT police officer's training. In short, learning and development is a career-long journey for our police officers. I am very proud to say that we give our police officers the best training, and that is why ACT Policing includes some of the finest police officers in the country. Canberrans should be very proud of their police force, as I certainly am.

### **Government—human resources and information management system**

**MR CAIN:** My question is to the Special Minister of State. Minister, as you are aware, the disastrous human resources and information management system project has cost ACT taxpayers close to \$78 million and counting. Minister, what is the total cost to ACT taxpayers of decommissioning the HRIMS project?

**MR STEEL:** I think I will refer Mr Cain to the answer that I provided to him on notice, which is finding its way to him.

**MR CAIN:** Minister, can you confirm that HRIMS has finally been decommissioned?

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

**MRS KIKKERT:** Minister, what will be the total cost of the life cycle of the HRIMS project, including the process of its decommissioning?

**MR STEEL:** I, again, refer the member to the answer that I have provided on notice. Of course, through that program we have a new learning management system, which will continue to deliver learning across ACT government as part of that program, so it is not the entire program that will be decommissioned.

### **Housing ACT—developments**

**MS LAWDER:** My question is for the Minister for Housing. The cost-of-living inquiry was told in April this year that there were about 100 properties that were vacant and awaiting redevelopment, there were about 700 dwellings in the pipeline and that there were also nearly 100 demolitions scheduled before the end of this calendar year. The minister was asked specifically about public housing opposite Wanniasa shops that was knocked down and fenced off. Directorate officials said during that hearing that nine houses would be completed in early 2024 on that site; all of this with a backdrop of thousands of people waiting for public housing, while

hundreds of properties are empty for years. Minister, has construction started on this block in Wanniasa, and the block in Chisholm that was also talked about during the cost of living inquiry?

**MS BERRY:** I will take that question on notice.

**MS LAWDER:** Minister, will the project be completed in Wanniasa in early 2024 as advised to the committee earlier this year?

**MS BERRY:** I will take that question on notice.

**MR PARTON:** Minister, how many properties are currently vacant, awaiting development and awaiting demolition?

**MS BERRY:** I will need to take that question on notice too. As Mr Parton will know, those figures change quite regularly and I just do not have today's figures. I will get the closest that I have to today and provide it, if I can before the end of today, or on notice.

### **Active travel—car-free day**

**MR PARTON:** My question is to the Minister for Emissions Reduction. Minister, earlier in the year you very clearly stated that you were planning to run a car-free day in Canberra in the spring. This was despite advice from EPSDD that “there was significant risk of further compounding negative community sentiment” by hosting such an event. At the time—as per your laugh here in chamber—you dismissed the advice and declared that your car-free day would occur in the spring. Spring is over, and the postponed Sustainable Travel Street Party in Braddon that was planned for the weekend would certainly not have been a car-free day, if it had gone ahead. Minister, why did you back away from the steadfast commitment of a car-free day?

**MR RATTENBURY:** I did develop a wry smile as Mr Parton asked his question, because he has been such an excellent proponent of that “negative community sentiment”. His distortion of what the ACT government was trying to achieve in drawing the community's attention to alternative travel options involved, for example, being in Tuggeranong and telling people that they would not be able to drive to Civic. These sorts of falsehoods that were being propagated by Mr Parton—

*Members interjecting—*

**MR RATTENBURY:** He has been very passionate about this. That sort of falsehood did create issues around how we thought about how to talk to the community about this. The government set out to organise the Sustainable Travel Street Party, an event where we were going to expose the community to a range of alternative travel options. It was scheduled for last weekend but, unfortunately, due to the forecast of extremely poor weather, a decision was taken last week to postpone that event until early in 2024. The event will proceed. We were very pleased with the engagement from the community around that event. The range of stallholders, community organisations and alternative travel providers who were keen to be involved was very positive. I am sure that, when this event goes ahead early in 2024, it will be very successful.

**MR PARTON:** Minister, is the Sustainable Travel Street Party relevant to the people of Tuggeranong, outer Gungahlin and West Belconnen? If so, why was it planned for Braddon?

**MR RATTENBURY:** It absolutely is. It is relevant to every person in every suburb in the ACT. It seeks to provide people with information about the range of travel options that are available to them. Right across this city, a large number of car journeys are less than five kilometres. If you live in Condor, that might be to the local shops. There are all sorts of examples where people take quite short journeys that could be taken another way—through the use of electric bikes, electric scooters and a range of options. That is why it is relevant to everybody across the city.

The reason it was to be held in Braddon was to seek to coincide with a range of other activities. Of course, being the centre of a vast city—a city that is quite spread out—you try to make it as central as possible for everybody to get to. It is simply a matter of convenience.

**MR COCKS:** Minister, will you run your car-free day between now and the election?

**MR RATTENBURY:** As indicated, the Sustainable Travel Street Party will take place early in 2024.

### **Planning—infill target**

**MS CLAY:** My question is to the Minister for Planning and Land Management. Minister, in a recent answer you revealed that the only suburbs counted as greenfield for the purposes of our 70-30 infill target were Strathnairn, Whitlam, Taylor, Denman Prospect and Jacka. Throsby is a greenfield suburb, which expands the current urban footprint, but it was counted as within our urban footprint. It clearly isn't, on the map. Can you tell me why the suburb of Throsby, on the city's fringe, was classified as within the urban footprint in 2018?

**MR GENTLEMAN:** I thank Ms Clay for the question. The government remains committed to the growth of our city in a sustainable way. This is evident in the 70-30 target for urban infill that we have in the Planning Strategy from 2018. That strategy allows the government to manage urban sprawl while still providing a range of housing choices to the community. I can say that the suburbs of Throsby, Coombs and Wright are identified as land within the existing urban footprint and would fall into the category of infill within the Planning Strategy.

**MS CLAY:** Minister, why were the greenfield sections of Wright and Coombs, which are directly across the road from the greenfield suburb of Denman Prospect, counted as within the urban footprint?

**MR GENTLEMAN:** These suburbs are shown in a grey colour as urban areas on the growth map in the Planning Strategy. The ACT Planning Strategy does not have a map that shows the existing urban footprint. However, the glossary defines “urban footprint” as the geographic extent of the existing urban area. The Planning Strategy policy plan shows urban areas in grey.

**MR CAIN:** Minister, is it not true that you have effectively been redefining key definitions since the 2018 commitment, to give the appearance of meeting that 70-30 target?

**MR GENTLEMAN:** No.

*Members interjecting—*

**MADAM SPEAKER:** Members!

### **Drugs—pill testing**

**MISS NUTTALL:** My question is for the Minister for Health. Minister, on 25 November, Spilt Milk made history and became the 2nd music festival to accommodate onsite pill testing here in the ACT. The *Festivals pill testing policy* outlines important advice for event organisers to prioritise harm minimisation at large events. The recommendations in the policy serve as a general framework and event organisers are not obligated to follow them. Minister, what is the ACT government doing to make onsite pill testing a necessary requirement for music festivals in Canberra?

**MS STEPHEN-SMITH:** I thank Miss Nuttall for the question. I appreciate getting the question today. The ACT government is not currently intending to make onsite pill testing a requirement for musical festivals. We know from the history just last year that there were substantial challenges with delivering onsite pill testing at festivals; Pill Testing Australia was unable to get affordable insurance for that undertaking. It would not be reasonable—the insurance market being the fickle beast that it is—for the ACT government to insert a requirement for musical festivals to include pill testing or drug checking where there is an unknown and unpredictable cost associated with that. Indeed, while I hope this is not the case, it is possible in the future that insurance will be impossible to get.

So it is not our intention to make it mandatory to have pill testing or drug checking available at music festivals. But we certainly do welcome the fact that the service was able to go ahead at Spilt Milk. Obviously that is the third time that we have had pill testing at a music festival in the ACT. From all reports, it sounds like it was very, very welcome. Of course, it sat alongside the extended hours at CanTEST, our fixed site drug checking service, as well. This is a really positive harm minimisation measure for our community.

**MISS NUTTALL:** Minister, what is the ACT government doing to avoid a situation such as the one that arose last year when the Groovin the Moo onsite pill testing was unable to happen because the insurer backed out?

**MS STEPHEN-SMITH:** I thank Miss Nuttall for the supplementary question. There is actually a limited amount that the ACT government can do in that circumstance. We are not in a position to provide insurance or support for insurers in those circumstances. Obviously, we do have the *Festivals pill testing policy*, which Miss Nuttall referred to in her first question, which creates a highly supportive environment. I also note the Queensland Labor government has indicated that it is now going to

support festival based pill testing, and I have encouraged health ministers around the country to look at the evidence from our now-three examples of where we have had festival based pill testing, because the more governments want to do it, and the more it is shown to be an appropriate service, the more likely it is that insurers will actually be willing to take this on.

So those are the things we can do. We can create a supportive environment. We can provide the evidence, including the evidence from fixed site pill testing that demonstrates that this is not a risk for insurers such that it should be uninsurable. We can encourage our colleagues around the country to do the same, to build up that evidence base in Australia.

**MR PARTON:** Minister, is there a genuine fear that this sort of insurance will, at some stage, no longer be available? What is that fear based on?

**MS STEPHEN-SMITH:** That is based on experience from last year, Mr Parton, where that insurance was effectively unavailable for this particular service, and it was only at the very last minute that it became really clear that Pill Testing Australia was not going to be able to secure that insurance. That is why it is so important that we continue to demonstrate the effectiveness of this harm reduction service, both in a fixed site way and in a festival setting, so that insurers can better understand the product and so they can appropriately respond to it with an affordable insurance scheme. That will then see more festival promoters actually being willing and able to have pill testing and drug checking at their festivals.

### **Roads—safety**

**DR PATERSON:** My question is to the Minister for Transport and City Services. Minister, one of the actions of the ACT Road Safety Action Plan 2020-2023 is to review the ACT's road transport penalties framework. How is the ACT government tracking in delivering this action?

**MR STEEL:** I thank Dr Paterson for her question and her commitment to road safety in the ACT. I am very pleased to advise the Assembly that the ACT government has been making very good progress in relation to our review of the ACT's road transport penalties framework. The Assembly passed the government's first tranche of reforms earlier this year, through the Road Safety Legislation Amendment Bill 2022, which targeted dangerous driving behaviours such as high-range speeding, hooning and street racing. I was very pleased to hear, including at a recent roundtable that the Attorney-General hosted on dangerous driving in the ACT, that ACT Policing has been effectively using the new powers and has swiftly removed more than 150 dangerous drivers from ACT roads by issuing immediate licence suspensions.

Yesterday, I introduced the government's second tranche of reforms through the Road Safety Legislation Amendment Bill 2023. That targets unsafe drink and drug driving behaviours on ACT roads.

**DR PATERSON:** Minister, how will the newly introduced Road Safety Legislation Amendment Bill help to improve road safety in Canberra?

**MR STEEL:** I thank Dr Paterson for her supplementary. The new bill introduces swifter, stronger and fairer reforms that will make our roads safer for everyone. The amendments will enhance penalties, particularly for deterring drink and drug driving behaviours, implement a new infringements scheme for first-time low-range drink drivers, introduce a new combined drink and drug driving offence, and introduce cocaine as a prescribed drug that ACT Policing can screen for in roadside testing.

The implementation of an infringements scheme will see first-time low-range drink drivers, for levels 1 and 2, receive an immediate \$800 fine and six months loss of licence. The amendments proposed in the bill send a very strong message to the community that, if you drink and drive or if you take drugs and drive, you can receive an immediate licence suspension. This makes our community safer by immediately removing impaired drivers from our roads.

**MR PETTERSSON:** Minister, what other actions is the ACT government taking to improve road safety in Canberra?

**MR STEEL:** I thank the member for his question. Legislative reforms are only ever part of the overall picture. The ACT government is committed to ongoing education, behaviour-change programs and safety initiatives to keep our local roads safe. The ACT government has been developing our next action plan under the Road Safety Strategy which will be for 2024 and 2025. I am looking forward to releasing it soon. It will incorporate actions from the National Road Safety Action Plan for states and territories, which we signed up to in December last year.

Last week, I launched the new learner driver first-aid program, which will provide more flexible options for learner drivers to enhance their skills and credit their mandatory supervised driving hours. That can be undertaken with a range of different organisations, but particularly through St John it is a free program. Work has been underway to develop a new program which will focus on behaviour change and is targeted at at-risk youth, with the aim of reducing dangerous driving behaviours. Over the summer holiday period, the ACT government will also be rolling out community education and awareness campaigns focused on dangerous driving behaviours like drink and drug driving.

Last year, we had a very bad year on our roads, with 18 deaths. This year, we have had three deaths on our roads—three lives too many. I want to urge all Canberrans over this Christmas holiday period to stay safe on our roads, particularly when travelling on roads like the Hume Highway, the Federal Highway, the Barton Highway and the Kings Highway. Make sure that you drive so that others survive.

**Ms Berry:** Madam Speaker, I ask that all further questions be placed on the notice paper.

## **Legislative Assembly—unparliamentary language Ruling by Speaker**

**MADAM SPEAKER:** Before I go to any matters arising, I will go back to Ms Lee's point of order and the comments made by Mr Gentleman. I have again looked through the unparliamentary language and the Speaker's ruling effective from this month.

There are almost two pages of my colleague former Speaker Berry asking people to withdraw; so, Mr Gentleman, I ask you to withdraw the comments that were misleading.

**MR GENTLEMAN:** Thank you, Madam Speaker. I withdraw.

**MADAM SPEAKER:** Thank you.

### **Supplementary answer to question without notice North Canberra Hospital—workplace culture**

**MS STEPHEN-SMITH:** Yesterday, Ms Castley and Mrs Kikkert asked me a series of questions in relation to participation rates at North Canberra Hospital in the most recent culture survey, during which Ms Castley claimed that only 26 per cent of nurses and midwives at North Canberra Hospital participated in CHS's recently closed culture survey. Ms Castley and Mrs Kikkert inquired why there was such a low participation rate and whether the nurses and midwives choosing not to participate indicated disengagement under ACT government administration.

I can provide some further information to the Assembly that largely confirms what I said yesterday. There is one caveat. I indicate, as I did yesterday, that results from the CHS workplace culture survey for 2023 are not yet finalised and BPA Analytics are currently finalising their reports.

We have identified the dashboard from which Ms Castley drew her information, and it has a clear disclaimer at the top saying that those results may differ from final reports because they have not been through final quality processes. In this context, however, I can advise that the area described as Nursing and Midwifery that Ms Castley was referring to is actually a division within North Canberra Hospital. It does represent the results from the nursing and midwifery profession across North Canberra Hospital. My office has been advised by North Canberra Hospital that the Nursing and Midwifery division is made up of medical practitioners, nurses, wards people and various administration roles.

This is the same mistake that Ms Castley made in relation to a previous CHS culture survey when she portrayed the results from the Nursing and Midwifery and Patient Support Services division as relating to the organisation-wide nursing and midwifery workforce. When BPA's results come through, I expect they will be broken down by profession for the individuals who choose to identify their profession in the demographic questions, as is usually done.

Having provided this context and caveat, I can provide some further information about NCH participation in the 2023 survey relative to participation in the September 2022 culture survey undertaken at Calvary Public Hospital, Bruce. In 2022, 441 CPHB's staff participated in the survey. In 2023, 668 NCH staff participated in the survey. This is a 51 per cent increase in the raw numbers of people participating. Overall, the end-of-survey numbers that I have indicate that the participation rate at North Canberra Hospital this year was 38 per cent.

The Calvary Public Hospital September 2022 culture survey results—obviously, September 2022 was before the introduction of DHR and before the Calvary Hospital



fire—were provided to members of the Culture Reform Oversight Group in March 2023. I am obviously not going to table or release the results of this survey without consulting with Calvary, but I would be happy to brief Ms Castley in confidence so that she can have a better understanding of the context of the questions she is asking before the results of the most recent survey are finalised.

## **Answer to question on notice**

### **Question 1397**

**DR PATERSON:** I am requesting an explanation concerning an unanswered question, question 1397, from Minister Rattenbury. It is six weeks overdue. I asked yesterday. I also asked the Clerk's office before question time and they have not received anything yet, so I am requesting an explanation.

**MR RATTENBURY:** I have signed off that question on notice and submitted it to the departmental liaison officer, so my advice is that it has been provided.

## **Multiculturalism—anti-racism**

**MS ORR (Yerrabi) (2.54):** It is not from question time, but, in response to Mr Braddock's motion on members undertaking anti-racism training, I have been informed by all my Labor caucus colleagues that they have either previously completed training that would qualify under the motion or they have undertaken the Human Rights online module.

## **Papers**

**Madam Speaker** presented the following papers:

Auditor-General Act, pursuant to subsection 17(4)—Auditor-General's Report No 9/2023—2022-23 Financial Audits – Overview, dated 29 November 2023.

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a Review of a critical incident by the ACT Inspector of Correctional Services—An Alleged Sexual Assault of a Detained Person at the Alexander Maconochie Centre, dated November 2023

**Mr Gentleman** presented the following papers:

ACT Historic Housing Debt—Assembly resolutions of 2 June 2022 and 19 October 2022—Government response.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports—2022-23—

Chief Minister, Treasury and Economic Development Directorate (3 Volumes)—Corrigendum, dated November 2023.

Community Services Directorate—Corrigendum, dated November 2023.

Major Projects Canberra—Corrigendum to Independent Limited Assurance Report 2022-23, dated 26 September 2023.

Auditor-General Act, pursuant to section 21—Auditor-General’s Report No 6/2023—Implementation of the ACT Aboriginal and Torres Strait Islander Agreement—Government response, dated November 2023, together with a statement.

Australian Health Practitioner Regulation Agency and the National Boards, reporting on the National Registration and Accreditation Scheme—Annual report 2022-23, dated November 2023.

Bulk billing general practice services—Access—Assembly resolution of 29 June 2023—Government response, dated 30 November 2023.

Bushfire preparedness—Assembly resolution of 1 November 2023—Government Update, dated November 2023.

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3), Schedule 4—Professional Standards Councils—Annual reports—2022-2023, undated.

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 12(5)—ACT Greenhouse Gas Inventory—2022-23, dated 30 September 2023.

Culturally and Linguistically Diverse (CALD) Data Collection—Assembly resolution of 4 August 2022—Government response, dated November 2023.

Environment, Climate Change and Biodiversity—Standing Committee—Report 8—Inquiry into the waste management of absorbent hygiene products—Government response, undated.

Government Procurement (Ethical Treatment of Workers Evaluation) Direction 2023 (No 2)—Notifiable Instrument NI2023-728, dated 27 November 2023.

Gungahlin—Economic Development—Assembly resolution of 6 June 2023—Government response, dated November 2023.

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Annual Report 2022-23, dated 22 September 2023.

Information Privacy Act, pursuant to section 54(3)—Australian Government—Office of the Australian Information Commissioner—Memorandum of Understanding with the Australian Capital Territory for the provision of privacy services—Annual report 2022-23, dated 31 August 2023.

Integrity Commission Act, pursuant to section 303—Report of the Independent Statutory Review of the ACT’s Integrity Commission Act 2018, dated 27 October 2023.

National Health Funding Body—Annual report—2022-23, dated 22 September 2023.

National Health Practitioner Ombudsman and National Health Privacy Commissioner—2022-23, September 2023.

Short-term rental accommodation in the ACT—Assembly resolution of 30 March 2023—Government response, dated November 2023.

Public Health Act, pursuant to subsection 123(3)—ACT Chief Health Officer’s Report—COVID-19 Public Health Emergency, dated 14 November 2023.

Public Interest Disclosure Act—Report of the Review of the Public Interest Disclosure Act 2012 (ACT), dated 27 October 2023.

Remuneration Tribunal Act, pursuant to section 10—Determinations, together with statements for:

ACT Civil and Administrative Tribunal—Determination 13 of 2023, dated 22 November 2023.

ACT Magistrates Court Judicial Positions—Determination 12 of 2023, dated 22 November 2023.

ACT Supreme Court Judicial Positions—Determination 11 of 2023, dated 22 November 2023.

Director of Public Prosecutions—Determination 17 of 2023, dated 22 November 2023.

Full-time Statutory Office Holder—Chief Executive Officer, ACT Integrity Commission—Determination 15 of 2023, dated 22 November 2023.

Part-time Public Office Holders—Determination 18 of 2023, dated 22 November 2023.

Part-time Statutory Office Holder—Integrity Commissioner—Determination 14 of 2023, dated 22 November 2023.

Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 16 of 2023, dated 22 November 2023.

Urban tree canopy coverage—Assembly resolution of 31 March 2021—Government response—Urban Tree Canopy Coverage Report—Annual Update, dated November 2023.

Waste Management and Resource Recovery Act, pursuant to subsection 64U(2)—ACT Container Deposit Scheme—Annual statutory report 2022-23, undated.

## **Government—procurement**

**MR CAIN** (Ginninderra) (2.54): I move:

That this Assembly:

(1) notes:

- (a) it is essential that the process of awarding public funds through procurement to consultants, contractors and third parties is transparent and accessible;
- (b) the ACT Government continues to underperform on management of shared services, major projects and digital transformation; and
- (c) in June 2023, it was reported that the ACT Government has wasted over \$77.6 million on the delivery of a since-abandoned Human Resources Information System, which only came to light through media reporting;

(2) further notes:

- (a) the ACT Auditor-General has published numerous reports in the 10th Assembly alone on ACT Government procurement;
- (b) the ACT Auditor-General summarised the deficiencies present in the ACT's procurement management as “a lack of expertise, lack of practice, unawareness, in some cases even naivety”;
- (c) the status and progression of government procurement programs is disparate and inconsistently presented, as evidenced by the ACT Auditor-General's reports; and

- (d) ACT Government procurement has lacked an aligned database, or single source of information, which collates and presents the details of procurement and tender data for public scrutiny; and
- (3) calls on the ACT Government to:
  - (a) prioritise transparent, efficient and effective expenditure of public monies;
  - (b) seek industry and public consultation to improve the tracking and progression of tenders and contracts awarded by each individual agency, through a cross-agency, aligned database, which holds data on procurement separated by projects or packages across the whole-of-government; and
  - (c) report back to the Assembly by 30 June 2024 to provide an update on (3)(a) and (3)(b).

I rise to speak on the motion. I reflect on something I offered the planning minister yesterday. Christmas time is a time of giving, so I felt very charitable yesterday and feel the same today. Yesterday I offered the planning minister an improved RZ1 infill policy. I almost thought he accepted it. I might check the *Hansard* to see if he actually did.

Today I offer the Special Minister of State a gift: an opportunity to improve transparency and oversight of procurement in the ACT. My motion calls on the government to investigate a whole-of-government approach to collating and presenting procurement and tender data and developing a cross-agency aligned database which holds data on tenders and contracts awarded by each individual agency and sorts procurement by projects or packages across the whole of the government.

The ACT spends approximately \$1.5 billion in procurement each year, relying heavily on the outsourcing of contractors, suppliers and consultants to achieve social, infrastructural and public good. This represents approximately a fifth of total public expenditure. Utilising the private sphere as a resource, if harnessed correctly, can generate massive productivity and efficiency to complement the work of our public servants. However, in the two decades under a Labor-Greens government, shared services, digitisation and procurement have failed on multiple fronts. These failures have made the state of procurement a hotbed for mismanagement and deficiency, and there are even allegations of corruption being looked at by the Integrity Commissioner.

In New South Wales, procurement policy has undergone significant reform over the past 15 years to accommodate the digital tendering format preferred by businesses and service providers, the significant influx of provider options and the changing expectations of taxpayers. The Labor-Greens government has laggardly followed this reform agenda in the ACT with the adoption of Tenders ACT and expanding the scope of online data capture. However, the ACT government is well behind on centralised management of shared services and digital transformation.

Having a comprehensive ICT database, collated from the perforated line of each agency's databases and information, would support more aligned, efficient and

transparent service delivery. Currently, the Special Minister of State does not have oversight of procurement costs, values, management and compliance across all the separate agencies. This should be reviewed. This is despite the fact that there is the Procurement Reform Program, a universal charter of procurement values, and an ACT tenders website and database.

The lack of data and information in a procurement pipeline has a material detriment upon practices, as the Special Minister of State has no oversight over total cross-agency spending of the public service according to categories of sellers, services and contracts. It would include measures capturing which companies are being awarded contracts, who is tendering for contracts, projects and time lines, approved expenditure for each project, priorities and suppliers across each agency's panels. That is what this motion is calling for.

ACT taxpayers have the right to know where and how their money is being spent and that it is being done to ensure best value for money. A procurement database that acts as a whole-of-government repository and reporting mechanism and a single-point transparency measure could positively contribute to the reform required to make the ACT procurement and tender policy settings more transparent, more practical, more uniform and more accessible.

This pipeline of information will support better practice and use of taxpayers' money by the agencies and Tenders ACT and, ultimately, the Special Minister of State and the ACT government. The community would benefit. I know the Special Minister of State will see this as an opportunity to just talk about the wonderful reform they are undertaking. However, it begs the question: why did we get to such a sad state as the Auditor-General has pointed out?

The minister has overseen the most egregious abuse of taxpayers' money by the ACT government since the beginning of self-government. Almost \$78 million, and counting, was wasted on a digital human resource and payroll system—a project involving high-value contracts to 47 suppliers, consultants and contractors. The hiring saga speaks to the very heart of integrity and this government's abuse of the public good.

Astonishingly, even this afternoon, in question time, the minister could not confirm that the HRIMs project had been decommissioned. Arguably, we are still spending money on this abandoned project. The ACT government must still upgrade, with more than \$17 million allocated, the pre-existing and outdated CHRIS. It is staggering that the minister can still claim the title of minister, in light of the revelations brought about by media reporting, not reporting from the government.

Already, we have had six reports in the Assembly from the Auditor-General detailing the immense failings of this government, citing lack of expertise and practice, unawareness and, in some cases, naivety. I look forward to the Auditor-General's upcoming report, as well as a plethora of reports on the HRIMs system and the procurement activity of the Public Trustee and Guardian, and the plethora of reports by the Integrity Commissioner evaluating allegations of corruption and malpractice in procurement. There have been failures of the principles of good governance. The Integrity Commissioner is looking at these, as well as an undeclared and significant conflict of interest.

While the Procurement Reform Program is underway and will seek to implement some of the Auditor-General's recommendations made in this Assembly to legislate enhanced efficiency and value for money, unfortunately the Special Minister of State evades enhancing transparency. Further, the Government Procurement Amendment Bill 2023 is not the silver bullet he thinks it is. We cannot tinker around the edges of the legislation and hope procurement will improve. We need a drastic overhaul, and that is what my motion is calling for.

What we need is a contemporary government, under Elizabeth Lee's leadership, to provide the most cutting-edge practices and digitisation agenda. While I understand that this reform may not be something that the popular vote will be attracted to, getting procurement right is vitally important to protect our fiscal and municipal health for future generations. How can we expect to tackle new and emerging issues faced in our contemporary world under a government burdened by hundreds of millions of dollars of wasted money in dodgy contracts and mismanagement? The incompetency of this government—lacking focus, complacent, out-of-touch and tired to its core—is not what Canberrans deserve.

I emphasise to the Assembly and to the public that an Elizabeth Lee-led Canberra Liberals government will address the disastrous situation that procurement has become under a minister whose resignation is long overdue. An Elizabeth Lee-led Canberra Liberals government will cut the waste and mismanagement of Labor and the Greens and will promote efficiency and transparency, which is what my motion is calling for in the procurement environment. I commend the motion circulated in my name to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.03): I begin by thanking Mr Cain for bringing forward this motion, because it does provide a great opportunity to outline our government's extensive work around transparency and quality in our procurement efforts, as already underway in the Procurement Reform Program.

Indeed, the Procurement Reform Program is driving comprehensive reform across the ACT government. I have been proud to lead the program to ensure that our procurement framework is robust, contemporary and transparent. Despite what Mr Cain may like to assert, it is a combination of important work that our government has initiated to consider how we can modernise our procurement framework to support local businesses to receive government work and support our procurement workforce that is driving this reform.

The reform program was established in 2022. It followed an independent review that our government established into Procurement ACT, and extensive consultation with the Better Regulation Taskforce and local industry. This included gathering valuable information through surveys of all of our registered suppliers using Tenders ACT, and an industry workshop to draw insights from suppliers on their procurement and contracting experiences.

The Procurement Reform Program is underpinned by progressing three focus areas. The first one of those is transparent, evidence-based procurement decisions which are conducted with probity and can withstand scrutiny. Support for our local workforce,

local industries and businesses is another one, through clear roles and the delivery of consistent, accurate, timely, practical and customer-focused services through all phases of the procurement life cycle. We are streamlining our legislative framework, policies, processes and templates to ensure that they are efficient and can facilitate timely procurement outcomes.

Since its establishment, the program has delivered a significant amount of reform, including the new accreditation framework that evaluates the procurement capabilities of a territory entity to ensure that it receives the right support in undertaking a procurement. The accreditation includes a robust evaluation process that is supported by an independent governance body to review each territory entity's capacity and capability to manage its procurements. It is aligned with the scale, scope and risk of a procurement to ensure that high-risk and high-value procurements are provided with additional centralised support.

Over recent months, Procurement ACT has piloted the assessment process of the accreditation program. The successful delivery of the pilot has informed the next stages of implementation and identified individual business units being accredited as part of a rolling program through to April 2024. Supporting the accreditation program is a tiered services delivery model which is currently in transition and will be delivered by April 2024. The new model ensures that the right support for each procurement is provided, based on the level of accreditation and the scale, scope and risk of the procurement. The services and relevant key performance indicators are currently being tested as part of the staged implementation process.

We have developed a procurement capability strategy, which is facilitating learning and training opportunities for procurement officers across the public service. Procurement ACT has developed and is testing the requisite training and tools to support capability uplift for our procurement workforce. I am happy to say that many of these new training modules will be released progressively from the end of this calendar year through to April next year.

We launched a procurement unique identifier earlier this year, which has started to provide enhanced data capture and analytic capabilities across the life of procurement, from planning through to contract closure. The unique identifier is captured on both the ACT government's contracts register and the notifiable invoices register to provide greater transparency of the ACT government's expenditure against our contracts.

Mr Cain's motion draws out this need, and the need for ICT improvements to support procurement. I welcome his support for existing ACT government policy. There is work already underway to consider how we can better track procurements, through the unique identifier I mentioned, and to have better ICT support for procurements. Data is constantly being collated to capture what is on the various systems and tools used by government to inform the procurement process. This will help to strengthen the central visibility of procurement over time. It is a key, important step in that direction.

In the longer term, the ACT government continues to progress important ICT infrastructure to support procurement. The system will be designed to support

procurements through all stages of the procurement life cycle. Procurement ACT is working with the relevant areas of government to develop the final technical design elements of such an approach to market, to test the capacity and capability of vendors to deliver a solution that provides interoperability with other systems that interact with procurement.

Mr Cain talked about the comments of the Auditor-General. I take this opportunity to say this: the government welcomes the insight and scrutiny that the Auditor-General provides to government. The reason we have an Auditor-General is to undertake performance audits of government, identify how we can improve and provide advice on changes that can be made. We welcome that. We have been working steadily to make sure that, through the Procurement Reform Program, we are responding to his recommendations.

Mr Cain has drawn out particular comments that the Auditor-General has made about expertise and skills. We are progressing the training needed. We have funded internal probity advisers to support better decision-making. We are providing skills to all public servants who undertake procurements, and we are improving our guidance to them as they undertake procurements. We have agreed to the Auditor-General's recommendations about how we can improve the Government Procurement Board, and we have done extensive work to ensure that every public servant who undertakes a procurement is aware of their roles and responsibilities.

We have also, of course, introduced legislation to the Assembly that will provide the most substantial update to the Procurement Act since it was first enacted. Each of these steps is working to respond to the feedback of the Auditor-General and the recommendations that he has provided to improve our procurement framework.

The government is committed to a robust, strong and transparent procurement system. We are also committed to ongoing improvements to that system. I would like to draw the Assembly's attention to the ACT government's Tenders ACT platform and the ACT government's contracts and notifiable invoices registers, which collectively provide the public with extensive data on current and closed opportunities and the resulting notifiable contracts, amendments and invoices. We are looking forward to building on those platforms with further ICT enhancements.

The ACT government intends to further enhance the information provided on those registers by prescribing additional fields through the proposed bill, the Government Procurement Amendment Bill 2023, which was introduced in November. I welcome the opportunity to debate the legislation when it comes up. I hope we get support from Mr Cain on that one. I refer members to the bill, which outlines the reform that the government is undertaking to enable the Auditor-General's recommendations. It is an important opportunity for further reform, as part of that continuous improvement approach.

The government do not shy away from the scrutiny of our efforts in this space. As I remarked earlier, we welcome the Auditor-General's input. We are progressing his recommendations through the Procurement Reform Program, as well as progressing the work of the Better Regulation Taskforce and the work that we have done through our own independently commissioned reviews as well. We will continue to make



changes to enhance our procurement program, going forward. I particularly want to acknowledge the work that we have done, circulated in papers today, to address modern slavery through our procurement with the new and updated Ethical Treatment of Workers Evaluation.

I am committed to seeing our Procurement Reform Program through and ensuring that we, as a government, continue to deliver on the objectives that we have set out. Because of the extensive work that the government is already progressing in this space, particularly around ICT enhancements and any opportunities that the reform program has already outlined, we are delivering on many of the items that Mr Cain has outlined in his motion. They are not reflected entirely in his motion. Therefore, I move the amendment to his motion circulated in my name:

Omit all text after “That this Assembly” and substitute:

“(1) notes that:

- (a) the expenditure of public funds through procurements must always pursue value for money and support public confidence in our procurement processes;
- (b) the ACT Government commenced a procurement reform program in June 2022 that progresses three focus areas that will support:
  - (i) transparent, evidence-based procurement decisions which are conducted with probity and can withstand scrutiny;
  - (ii) the public service, local industries and businesses through clear roles and the delivery of consistent, accurate, timely, practical and customer-focused services through all phases of the procurement lifecycle; and
  - (iii) streamlining the legislative framework, policies, processes and templates to ensure that they are efficient and can facilitate timely procurement outcomes;
- (c) the procurement reform program was established by the Special Minister of State following an independent review of Procurement ACT and extensive consultation with the better regulation taskforce and industry;
- (d) through the procurement reform program, the ACT Government is progressing a combination of legislative, process and system-based reforms including upgrades to modernise the ICT systems that support procurement;
- (e) the Auditor-General provides regular audit reports into the expenditure of public money through procurements which have recommended improvements to the procurement framework that the ACT Government is progressing through the procurement reform program; and
- (f) the Auditor-General’s insights into the procurement framework are shaping current and future stages of the procurement reform program; and

(2) calls on the ACT Government to:

- (a) continue to deliver on the procurement reform program to ensure the ACT Government has a robust procurement framework; and

- (b) provide an annual progress update to the Assembly for each of the remaining years of the procurement reform program.”.

**MS CLAY** (Ginninderra) (3.12): As Mr Braddock is unwell today, he has asked me to make some remarks on the motion on his behalf. Procurement is a core activity of government. Each year, the ACT government spends approximately \$1.5 billion on goods and services—everything from buying new buses and buying laptops for high schools right through to contracting cleaners for our hospitals. Canberrans rightly expect the government to use resources wisely and fairly and to choose providers from the market that offer the best value for money. A failure to do this can be wasteful and erode public confidence.

Procurements carried out by ACT government agencies have been the focus of seven ACT Audit Office performance audits since 2019. These include the total facilities management procurement in 2019; procurement exemptions and value for money in 2021; the Romeo 5 Court Transport Unit vehicle in 2021; the Campbell Primary School Modernisation Project procurement in 2021; Procurement and contracting activities for the Acton Waterfront Project in 2022; activities of the Procurement Board in 2023; and procurement of the hybrid fire truck in 2023.

Procurement has also been the topic of an Auditor General *Insights* report, as well as an information report on the Emergency Services Agency’s cleaning services procurement. Procurements are also the subject of two Integrity Commission investigations: one into the aforementioned Campbell Primary School Modernisation Project, for which public hearings resume next week; and the CIT consultancy procurement, which we have been talking about quite a bit in here recently.

The Greens are glad that the Procurement Reform Program exists because, based on this record, there are significant issues to address. None of these issues are news to the government and they have been covered at length in the Standing Committee on Public Accounts. Mr Braddock has the following reflections to make on the core themes of procurement that that committee, the PAC, has been looking at. The first is: consider your capabilities. Conducting a procurement can be challenging. It requires knowledge of the territory’s procurement framework, including the procurement thresholds and associated delegations, as well as the territory’s procurement policies, guidelines and templates. It also requires familiarity with agency-specific processes and requirements for planning a procurement, selecting a preferred supplier and managing a contract.

We have observed procurements in which officers appear not to have the right skills and latest knowledge of ACT procurement practices. This has been compounded by officers not knowing about what procurement assistance is available to them. It is a risk that is inherent in being a small jurisdiction where officers may be called upon to undertake a procurement rarely and infrequently. Procurement ACT’s training on procurement provides a good foundation to develop the right skills and capabilities, but they cannot just be a tick-the-box exercise.

The second is: understanding your business need. Identifying and documenting the business need is the foundation of a successful procurement process. The business need is the reference point for a range of activities to be undertaken as part of the

procurement life cycle, including defining the objectives of the procurement, setting out the tender evaluation criteria and any issues to be considered in the contract and in its management. Procurements have come to attention that have had poorly defined business needs and poorly defined requirements. That has led to complications in contract management and complications in management of the procurement.

The third is: take probity seriously. Probity means acting with integrity, fairness and honesty. Concerns about probity in a procurement undermine public trust and increase the risk of the territory's exposure to reputational damage and financial loss, including through legal challenges to procurement processes. Probity helps to ensure that a procurement process can withstand internal and external scrutiny. We have good security here and we have great scrutiny mechanisms. We have the Audit Office, the Integrity Commission, the Standing Committee on Public Accounts and this Assembly, but here we are. Some of that has revealed that we are not taking probity seriously.

The fourth is: be alert to risks. Risk management must be practised for all procurement activities, regardless of value. Risk should be considered from the earliest stages of procurement planning and should be continuously reviewed and updated throughout the procurement life cycle. The level of effort and documentation directed to risk assessment and management should be equal to the scale and risks of that procurement. This is an aspect of procurement that is clearly not being done well, even where it is acknowledged that the risk is high.

The fifth is: work with the Procurement Board. The Government Procurement Board is a uniquely valuable source of procurement advice but, as has been acknowledged, it lacks teeth. Its effectiveness has been compromised by a lack of clarity about what its primary role is and by its insufficiently challenging review of and advice for high-risk procurement proposals. Its efficiency is compromised by a duplication of work for low-risk proposals. This arises from the involvement of multiple entities in the procurement process.

The Auditor General found a number of themes in three case studies that showed the board's review and advice was typically constrained by the proponent's last-minute presentation of the procurement proposal; by the stated urgency surrounding the proposal; and by the lack of express authority vested in the board; and, furthermore, that it was compromised by the apparent predetermination by the delegate of a particular course of action, by proponents' use of loose and inconsistent terminology and by proponents' incomplete disclosure of all pertinent information in a timely manner. As a result, the board's advice has been insufficiently probing and sceptical, frequently unassertive and, at times, equivocal, and it has not been consistently sound.

The sixth is: be clear about roles and responsibilities. Clearly identifying and documenting roles and responsibilities is important for sound procurement governance. It helps to clarify expectations and safeguard the integrity of decisions made during the procurement. A range of officers may be involved in a procurement—from officers responsible for defining the business needs or administering the procurement, through to those involved in evaluating proposals and, subsequently, decision-makers and delegates. External expertise, such as the Government Procurement Board, other directorates or specialist advice, may also have a role to play. There have been procurements where roles and responsibilities

have not been clearly identified and documented, leading to confusion in the conduct of the procurement and uncertainty about the process.

The last point, the seventh, is: be accountable. There is a saying that success has a thousand mothers but failure is an orphan. Failure is not a dirty word. Failure can be a sign of healthy risk-taking behaviour, stretching what is known and possible, and being bold and visionary in approach. We need to give the ACT public service a licence to take calculated risks on the understanding that they will probably fail from time to time. The correct response to this is: consider what you have learned.

What is not acceptable is a failure where no-one is accountable for it. Integrity is a really core ACT public service value. The Integrity Framework states: “We take responsibility and are accountable for our decisions and our actions.” We know that the Public Accounts Committee gets a skewed view on the procurement activities of the ACT government. Mr Braddock has been keen to tell me that it is rare for a work area to come to that committee and to “get a pat on the head and a biscuit”—his words. But the concern is about how real that phrase on accountability is in practice within the ACT public service: “We take responsibility and are accountable for our decisions and our actions.” The Greens would love for someone to demonstrate this in action. The Greens challenged the Head of Service to demonstrate that this is more than a line in a policy document that sits on a website and can be pointed to. We want to see it as a robust living, breathing ethos that embodies the ACT public service and is applied at every level. We want to see it in committee hearings, too.

We will be supporting the government’s amendments, because they do speak to the work that is being done rather than just the problem that has been brought forward by Mr Cain. But we are cautious to ensure that this should not be considered a free pass. There is a lot of work to be done and there is a lot of cultural leadership that is needed to make this happen.

**MR CAIN** (Ginninderra) (3.21): I am not quite sure which way Ms Clay is saying the Greens are going to vote on this amendment. She was pointing out very thoroughly where the government has fallen down in this space of procurement, and I thank her for highlighting that. It will be interesting to see what happens when the vote is called.

The amendment that Minister Steel has moved is to basically wipe out what is a very sensible initiative. My calls-on is for a cross-agency aligned database, which holds data on procurement, separated by projects or packages across the whole of government. With a project like the HRIMS—my goodness, wouldn’t it be delightful to have all of that together in one spot? Maybe it would not have got to the point of realising that \$76 million was going to be wasted. Actually, a centralised database on procurement contracts and tenders on a project might actually help the government realise that this is not going very well.

The database that I am suggesting might have saved the ACT taxpayers tens of millions of dollars, because even this government might have been able to see, “Oh, this is not going to work. This is going wrong.” But it took many, many years and close to \$80 million of expenditure for them to say, “Oh, this is not working.” Maybe this assistance from my motion would have led to them losing only a few tens of millions of dollars instead of nearly \$80 million.

In place of this really sensible idea that does indicate forward thinking, digital thinking and transparency driving at the heart of it and also allowing things to be more easily monitored—that sounds like good government to me—we have a commitment from the minister to continue to deliver on the Procurement Reform Program and is not even game enough to adopt a really sensible measure such as a centralised database. My goodness!

**Mr Steel:** It is already in the program.

**MR CAIN:** Well, why isn't it in your motion?

**Mr Steel:** It is.

**MR CAIN:** You could have put it in as a specific thing. You looked like you are rejecting the idea, Minister Steel.

**MADAM SPEAKER:** Gentlemen, not across the chamber.

**MR CAIN:** Then, of course, there is the other call-on—oh, how ambitious to provide an annual progress update! Minister, they are called annual reports. What initiative from this minister: let us tell the community and this parliament annually what we are doing. What initiative does that display? It is just ridiculous.

Another thing I want to note is the failure to recognise the importance of ICT infrastructure development e-tendering. Why isn't the minister committing to particular things like this? These things make government more efficient. It basically puts government in a better position not to waste tens of millions of dollars, as we have seen happen on more than one occasion, in fact.

I do not think Mr Steel's amendment is worth supporting. I do not know why anyone would support it. My motion is for a smart digital answer to a problem. It would actually help the government waste less money. That is what my motion is calling for. Rejection of my motion is a rejection of good, sensible governance, rejection of a digitised approach to managing contracts and a rejection of showing that they are willing to be accountable for their projects rather than say, "There were so many people doing this that we lost track."

The amendment to my motion should be rejected. I am hopeful the Greens will do so, because their criticism of the government's procurement record shows that they perhaps are willing to think smarter, willing to think about efficiency, willing to think about a digital approach and to be forward thinking and bringing these ideas to the forefront, not buried in a vague and unambitious reform agenda that the minister has committed to informing us of annually, when he already has to. I support my motion.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Noes 6

Joy Burch

Tara Cheyne

Jo Clay

Emma Davidson

Mick Gentleman

Laura Nuttall

Suzanne Orr

Marisa Paterson

Michael Pettersson

Shane Rattenbury

Chris Steel

Rachel Stephen-Smith

Rebecca Vassarotti

Peter Cain

Leanne Castley

Ed Cocks

Elizabeth Kikkert

Elizabeth Lee

Mark Parton

Question resolved in the affirmative.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Justice—sexual assault**

**DR PATERSON** (Murrumbidgee) (3.30): I move:

That this Assembly:

(1) notes that:

- (a) the ACT Government's response to the 2021 Sexual Assault Prevention and Response Steering Committee report stated that the Government will give further consideration to introducing a specialist court for sexual offences in the ACT through close engagement with the ACT courts and tribunals;
- (b) in August 2023, Dr Paterson MLA, together with the Canberra Rape Crisis Centre, the Domestic Violence Crisis Centre, A Gender Agenda, the YWCA, the Aboriginal and Torres Strait Islander Elected Body and Women with Disabilities ACT, wrote an open letter to the Chief Minister, the Deputy Chief Minister and the Attorney-General calling on the ACT Government to explore the implementation of a specialist offences court;
- (c) the Chief Minister, wrote a reply to this open letter, encouraging Dr Paterson MLA to continue working in consultation with the Attorney-General, the Deputy Chief Minister and Minister for Women, to examine the establishment of a specialist court, and to investigate further reforms that could be undertaken to improve outcomes in our legal and support systems;
- (d) on 9 November 2023, the Attorney-General chaired a Sexual Offences Court Roundtable attended by criminal justice stakeholders and victim-survivor advocacy groups;
- (e) at the round table, the Attorney-General resolved to establish an advisory group to consider specialist approaches to sexual assault matters in ACT courts, and identify ways to improve the criminal justice experience for victims of sexual assault;

- (f) on 12 August 2022, the Standing Council of Attorneys-General, of which Minister Rattenbury is a member, endorsed the Work Plan to Strengthen Criminal Justice Responses to Sexual Assault 2022-2027;
  - (g) the work plan identified as one of its three priority areas, a focus on “supporting research and greater collaboration to identify best practices, and to ensure actions are supported by a sound and robust evidence base”;
  - (h) the outcome of this research is the review *Specialist Approaches to Managing Sexual Assault Proceedings*, published in August 2023, undertaken by the Australasian Institute of Judicial Administration, the Commonwealth Attorney-General’s Department, the CQUniversity College of Law and Queensland Centre for Domestic and Family Violence Research; and
  - (i) the review identifies, internationally, three models that may be adopted by courts or lists implementing a specialist approach to managing sexual offence proceedings:
    - (A) the sexual offender re-entry model;
    - (B) the victim-centred problem-solving model; and
    - (C) the specialist criminal sexual offences model; and
- (2) calls on the ACT Government to:
- (a) examine the strengths and limitations of the three models as specified in the published review *Specialist Approaches to Managing Sexual Assault Proceedings*;
  - (b) identify which of the three models are appropriate for the ACT; and
  - (c) report this decision to the Assembly at or before the last sitting week in June 2024.

I seek leave to table *Specialist approaches to managing sexual assault proceedings: an integrative review*, which was published in August 2023 by the Australian Institute of Judicial Administration.

Leave granted.

**DR PATERSON:** I table:

*Specialist Approaches to Managing Sexual Assault Proceedings: an Integrated Review*—Australian Institute of Judicial Administration Inc, dated August 2023.

I rise to speak to the motion to call on the government to implement a specialist approach to sexual assault proceedings. A problem that has troubled me for a long time is the lack of justice for victim-survivors of sexual assault. Whatever that justice pathway looks like, there is a real misconception within the community and the system that justice is only achieved if there is a guilty conviction.

Actions that victim-survivors may take following a sexual assault are many and varied, and most often they do not involve going to police or formalising a complaint, for a variety of complex reasons. However, we need to ensure that victim-survivors, if they do decide to report to police and if the case proceeds to court, will be treated in a way that does not cause them more harm.

We all recognise that there are aspects of pursuing justice through the courts that will be incredibly challenging for victim-survivors, but what we know from research and anecdotally in our ACT community is that there are systemic barriers that need to be addressed to ensure that people are not further disempowered, stigmatised or shamed by the process. We all know well the adage: justice delayed is justice denied.

Data published by the Australian Bureau of Statistics in March 2023 showed that 25 per cent of women in the ACT have experienced sexual violence since the age of 15. In Australia, 87 per cent of women who have experienced violence did not report to police. Each year, the Australian Bureau of Statistics publishes data of crime reported to police in each state and territory. In 2021, this reporting showed that there were 341 victim-survivors of sexual assault who reported to police. This is the highest number of victim-survivors recorded over the 29 years of data collection, and that is an increase of 18 per cent from 2020. In 2021, 90 per cent of those who reported were female.

In December 2021, in the ACT, the report of the Sexual Assault Prevention and Response Steering Committee entitled *Listen. Take action to prevent, believe and heal* was released. The report, known as the SAPR report, addressed ways in which the legal framework does not work well for survivors or does not appropriately hold perpetrators to account. The report identified the need for reform to improve the support our community and government agencies give to survivors of sexual assault, including recourse to effective justice responses. In its response to the SAPR report, the ACT government stated that it would give further consideration to introducing a specialist court for sexual offences in the ACT.

In October 2022, the Lehrmann trial commenced in the Supreme Court of the ACT. Ultimately, this resulted in a mistrial and decisions were made not to progress to a second trial. However, this process cast our ACT jurisdiction onto the national stage and highlighted systemic issues in our system, which I would suggest are not unique to the ACT.

In December 2022, the ACT government established a board of inquiry into the criminal justice system in the ACT. This inquiry, now rather infamously known as the Sofronoff inquiry, was established to examine the conduct of justice agencies in the handling of the Lehrmann case. The report of the Sofronoff inquiry was released in July this year and it contained important recommendations for the Office of the Director of Public Prosecutions and ACT Policing concerning the handling of evidence, governance and documentation. However, it did not speak to the broader systemic change. For me and survivor advocates, this was not sufficient. We cannot walk away from the last couple of years and not see systemic change.

Much of the focus in addressing sexual violence is on police responses and how we encourage people to feel safe enough to report. But, once victim-survivors are in the system and become part of the criminal process, we need to do a lot better in ensuring that they are not further harmed as a result.

In August this year, I co-signed an open letter to the Chief Minister, the Deputy-Chief Minister and the Attorney-General, with the ACT's leading community sector organisations. These included the Canberra Rape Crisis Centre, the Domestic



Violence Crisis Centre, A Gender Agenda, the YWCA, the Aboriginal and Torres Strait Islander Elected Body, Women with Disabilities ACT, Toora Women and Meridian. The letter called on the ACT government to explore the implementation of a sexual offences court, highlighting the barriers to seeking justice that exist in our current system. The response from the Chief Minister was positive, encouraging me to continue this work in consultation with the Attorney-General in order to explore reform.

The Attorney-General established a roundtable this month to explore the idea of the sexual offences court, which I was very grateful to be part of. At that roundtable, the Attorney-General resolved to establish an advisory group to consider specialist approaches to sexual assault matters in the ACT courts and identify ways to improve the criminal justice experience for victims of sexual assault.

The motion which I am presenting today aims to formalise, through the Assembly, a pathway to systemic reform. Specialist court approaches have been implemented throughout the world for various crimes, in order to respond to community and political unease with perceived and entrenched challenges dealing with certain crimes and reducing offending rates.

Specialist court approaches address shared and justifiable expectations of a responsive and cost-effective criminal justice system. Specialist court approaches also demonstrate a shift in our understanding that there is more to our responsibility of the criminal justice system than just the technicalities of the law. While the ACT is a leader in what we have achieved through the Evidence (Miscellaneous Provisions) Act, evidence provisions are only a relatively small part of specialist approaches to proceedings.

I very strongly believe that to progress and improve our practice as a jurisdiction, the next steps must be evidence based. I have tabled the report. My motion speaks extensively to the recently published Australian government report entitled *Specialist approaches to managing sexual assault proceedings*. This is the outcome of joint research undertaken by the commonwealth Attorney-General's Department and significant research centres around Australia. The review was commissioned as part of the Standing Council of Attorneys-General work plan to strengthen criminal justice responses to sexual assault. The Attorney-General is a member of the standing council. My motion today is a show of support for that work. This motion calls on the ACT government to extensively review this research and determine a pathway forward for our jurisdiction which includes assessing the strengths and limitations of a specialist court.

The *Specialist approaches to managing sexual assault proceedings* report identifies a range of specific specialist approaches that have been implemented internationally and extensively outlines the lessons learned from these. The report specifically identifies three different models that may be adopted by courts or lists, implementing a specialist approach. These include: a sexual offender re-entry model, a victim-centred problem-solving model, and a specialist criminal sexual offences model.

The first model, the sexual offender re-entry model, is provided in the US in the states of New York and Pennsylvania. The model focuses on offender rehabilitation,

providing an alternative to long-term incarceration and aims to increase offender accountability. So, while the model is not specifically designed to be victim centred, there are some victim-related benefits of this approach, such as expediting cases in order to reduce delays.

The second model pertains to victim-centred problem-solving courts, which are often used in the domain of domestic and family violence and prioritises victim-survivor safety. Problem-solving courts also focus on offender treatment and rehabilitation.

The third model of specialist approaches is a specialist criminal offence list. This model aims to reduce both the risks of re-traumatisation and the systemic barriers of reporting. It focuses on the criminal prosecution of sexual offences and provides training at all levels of legal professionals, as well as measured outcomes for victim-survivors.

In 2019, the evaluation of a pilot of a specialist list for sexual violence in New Zealand found a substantial reduction in the time that these cases reach trial. There was also anecdotal evidence that more guilty pleas were entered into earlier in the associated proceedings.

Appendix 4 of the *Specialist approaches to managing sexual assault proceedings* report clearly outlines the key features of the specialist list in addressing barriers and re-traumatisation. I seek, through this motion, a clear assessment of our courts against these features to determine how we can address systemic issues. Key areas for reform include: addressing delays in proceedings; training for all court personnel—the judiciary, defence lawyers, prosecution and court officials; court supports and communication; witness case management and coordination; improved information; trial and evidence measures; and offender-focused measures.

It is critical that reforms to our courts are evidence based and comprehensive to ensure the best justice outcomes for our community. Through my extensive consultation with stakeholders over the past few months about the idea of specialisation, one thing that is reiterated across the board is that the majority—and some have said to me it is 80 per cent—of cases heard in the Supreme Court are actually sexual offences. You could argue that, by the nature of the proceedings, our court is already a specialist court. However, we do not tick the boxes of many of the other aspects of working within that specialisation, which is the problem, which is why the system presents barriers and traumatises victim-survivors.

I would like to greatly thank the Chief Justice, the ACT Law Society and all the community services that I have worked with closely, and the victim-survivors who are so brave in proceeding to our courts. They deserve to engage in a fair process; one that might not necessarily deliver a guilty verdict, but one where they have held the perpetrator to account, even if the system did not.

**MS LEE** (Kurrajong—Leader of the Opposition) (3.42): This motion relates to reform recommended by the 2021 Sexual Assault Prevention and Response Steering Committee report, which considered the possible roles and functions of a specialist court for dealing with sexual offences in the ACT. I thank Dr Paterson for bringing this motion forward today. I acknowledge the members of the steering committee for

their tireless work and commitment in producing their report. I extend this gratitude to the co-signatories of Dr Paterson's open letter to the government, including the Canberra Rape Crisis Centre, the Domestic Violence Crisis Centre, A Gender Agenda, the YWCA, the Aboriginal and Torres Strait Islander Elected Body, and Women with Disabilities ACT.

I thank all who contributed to the report, whether that be through their personal testimonies, experiences or advocacy. Their strength in sharing and opening dialogue around what are often sensitive and confronting topics is admirable. It is through their courage that we are able to emphasise the importance of implementing the reforms outlined in the report to ensure that victim-survivors are acknowledged, recognised and supported throughout the criminal justice system.

The Canberra Liberals support any and all measures that aim to empower victim-survivors and improve the effectiveness of the ACT legal system in dealing with sexual offences. It remains important, however, to consider, in the context of the government review, all potential implications—perhaps even some unintended consequences—that restructuring the existing court system may have.

The evidence shows us—as Dr Paterson referred to—that nearly 90 per cent of women do not report sexual assault to police and less than 10 per cent of reports of sexual assault result in a conviction. With statistics like this, it is understandable that for some victim-survivors it might seem a hopeless case. I would even argue that, as bad as these statistics are, they might not even paint the full picture. The sad reality is that almost every woman that I know has encountered some kind of sexual misconduct. For every family member, girlfriend, constituent or colleague who has told me about their experiences, there are so many others who have remained silent. This is particularly true amongst the multicultural community, where the victim-blame stigma and cultural shame is even more pervasive.

The enormous challenge of reporting, participating in the investigation and reliving traumatic experiences through the prosecution of sexual offences has always been a feature of our criminal justice system, but the last few years have really put a spotlight on these issues. We must all acknowledge how complex this situation is in weighing up a fundamental right in our democratic legal system of the presumption of innocence whilst ensuring that we do everything to support victim-survivors to tell their truth in a way that does not do them any harm. We must also acknowledge that, outside of the criminal justice pathway, many victim-survivors and their families are left with lifelong trauma that goes well beyond the courtroom.

It is important to acknowledge that law reform alone cannot stamp out sexual assault in our community, but we, as legislators, have a privilege as well as a responsibility to make sure that we do our part, and that is why it is important that the Assembly call on the government to explore these options.

What we need to know is whether the establishment of a specialist sexual assault court will assist in improving outcomes and empower victim-survivors to report or whether it may add an extra layer of judicial bureaucracy to an already difficult and fraught process. We have also heard feedback from the community in relation to whether a dedicated court is the right approach, given the size of the ACT jurisdiction,

and in relation to whether further training would be beneficial for judges who preside over these cases. Whilst, of course, these factors should not necessarily act as a deterrent for introducing a specialist court, it is important to ensure that the considerations and concerns of all stakeholders are taken into account, and that any models for a standalone court that are brought to fruition are adequately resourced and funded.

This motion represents a positive step in the right direction toward implementing the broader recommendations of the report. The Canberra Liberals welcome a review of the options outlined in the motion. It remains crucial, however, to ensure that these changes are not in isolation and that the government continues to consider broader reform across the ACT.

Once again, I thank Dr Paterson for bringing this motion forward today. I acknowledge everyone who contributed to the reforms and recommendations to date, particularly those with lived experiences. Thank you for your courage. You are valued, you are heard and you are seen.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.48): I rise, on behalf of the government, to indicate support for today's motion, which calls for the government to explore the suitability of different sexual assault specialist court models for the ACT. This is a pathway in which work is already occurring. I will go into some of the details. We certainly intend to continue to progress this work. Improvements in the court process in relation to sexual assault crimes will continue the ACT government's work to strengthen our response to, and prevention of, sexual assault and sexual violence in the ACT community.

At the outset, I want to flag my own personal commitment to creating the best possible process for victim-survivors as they progress through the criminal justice system. Balanced with that, in my role as Attorney-General, is the need to be very mindful of ensuring that we maintain important legal principles, such as the presumption of innocence and the rule of law. I am convinced that we can do both of these things: that we can make for a better experience through the court process whilst maintaining those very important key principles that are the cornerstones of our justice system in Australia.

I also want to be up-front in saying that, as we work through this process, it may not specifically result in the outcome of establishing a sexual crimes court in the ACT. What I am committed to is making sure that we make the best improvements we can in the system. I maintain an open mind on what those might be. It is a complex and highly nuanced issue, as Ms Lee has just touched on in her remarks. Also, as was reflected in the recent roundtable, stakeholders have a variety of views on this matter and on the best way to improve the process for victims. The view of many stakeholders is that the best approach is to continue to improve and reform a range of options and to think about a number of different pathways and how we might make the most impactful improvements.

It is also the case that many of the practices and systems identified by the review that Dr Paterson tabled today, which are classified as part of the needs or models, are

already implemented in ACT courts. This includes culturally available support via the Victim Support ACT multicultural liaison officer; and victim advocates, which are being trialled through the commonwealth legal assistance pilot. I will come back to that one later. We have case management scheduling and expedition. All sexual offences are triaged and prioritised in the ACT Magistrates Court and the Supreme Court. There are only two other types of offences that are prioritised over sexual offences: murders and matters involving children.

We have specialist prosecutors; we have a witness intermediary scheme; we have a scheme for reviewing prosecutorial decision-making; we have the ability for victims to give pre-recorded evidence; and we have designated facilities for providing evidence remotely and other special measures to give evidence, such as closed courts in certain proceedings, under section 50 of the Evidence (Miscellaneous Provisions) Act. There is also the ability to provide a victim impact statement and alternative sentencing via restorative justice.

That is not to say, in mentioning all of those things that are already underway, that there is not more work to be done in this space. This is a pathway, as I have outlined, that I and Minister Berry and the government as a whole are committed to.

Appearing in a courtroom can be a daunting experience. There is no doubt about that. Attending a courtroom as a victim-survivor of a sexual offence can be a traumatising experience for some people. It is important that we continue the work to address the barriers faced by victim-survivors of sexual assault in seeking justice, and reduce the risk of further traumatisation from participating in the criminal justice system.

The ACT government has already taken steps to introduce law reform that adopts a more victim-centred and trauma-informed approach to sexual offence proceedings, as recommended by the *Listen. Take action to prevent, believe and heal* report, also known as the SAPR report. The ACT government introduced reform to provide that evidence of prior uncharged acts of family violence may be relevant and admissible as context evidence. In the Sexual Assault Reform Legislation Amendment Act 2023, we codified an existing common-law position to encourage normative and practical effects for how police investigate matters and how prosecutors adduce evidence. This type of evidence may overcome false impressions that the incident occurred in isolation, or explain the lack of or delay in complaints. It is crucial in assisting the jury to understand a pattern of behaviour and to place the offence in the context of the complainant's overall allegations about the accused.

The same bill introduced amendments to clarify that in a sexual assault trial the defendant's level of intoxication is irrelevant to any assessment made by the fact finder as to the defendant's recklessness regarding the element of consent. This amendment acknowledges that alcohol and/or drug use is a well-established risk factor for sexual assaults. The newly introduced hybrid subjective/objective test is crucial to address situations involving a self-intoxicated person who may believe, wrongly, that the other person was consenting due to their state of intoxication. It seeks to protect against circumstances where an offender has a distorted or outdated view and belief about sexual consent and appropriate sexual conduct that is inconsistent with the standards expected by our community.

In addition to the two amendments I have described, we have: introduced amendments to ACT laws to provide that the presumption of bail does not apply to additional serious family violence offences; omitted section 80D of the Evidence (Miscellaneous Provisions) Act, which required consideration of the reasonableness of a mistaken belief as to consent; and allowed special interim personal protection orders and workplace protection orders which will operate for longer than 12 months where there are ongoing related criminal proceedings. JACS is also actively considering and progressing work in relation to further recommendations which were agreed to in principle or were noted for further consideration.

Separate to law reform, I have recently committed funding to an additional senior prosecutor to be embedded within ACT Policing's Sexual Assault and Child Abuse Team, or SACAT, at the Winchester Police Centre for a trial over the next seven months. This pilot commences shortly. One of the goals of this pilot is to ensure a seamless and efficient system that will help improve the experience of people who have come forward with complaints of sexual assault. The intent of this is that it will enable people to feel supported in their experience with the ACT justice system and make the process as clear as possible.

Sexual violence is a life-altering experience for victim-survivors and its impacts differ for every person. It is important that victim-survivors are provided with safe environments to seek healing and justice for the harms perpetrated against them. I take very seriously the exploration of alternative approaches to the criminal justice system. Some survivors have needs that are not able to be met through the criminal justice system but which might be able to be provided through alternative processes.

I am really pleased that the ACT remains at the forefront of restorative justice practices, because we know that restorative justice conferences can be therapeutic for participants. In that vein, JACS is progressing work to expand the availability of restorative justice processes for victim-survivors of sexual violence. In the last budget \$100,000 was 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. Procurement activities are underway and I expect the work to come back mid to late next year.

I recently released the evaluation of phase 3 of the restorative justice scheme, which promotes victim empowerment in a non-adversarial justice process and generates understanding, empathy and reparation for victims of crime. Overall, the evaluation findings were very positive, with 100 per cent of persons harmed being satisfied with the conference outcomes immediately following the conference.

The evaluation also recognised that the 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. Importantly, many victim-survivors reported feeling safer as a result of participating in the scheme and said that the conference had been an integral part of their recovery journey and had helped them move on from the violence and its impacts.

The motion touches upon identifying an appropriate specialist approach to managing sexual offence proceedings in the territory. As identified by Dr Paterson, discussions and consultations have already commenced with criminal justice stakeholders and victim-survivor advocacy groups. In early November I hosted a roundtable with these key stakeholders to discuss calls for a sexual offences court. Participants discussed a range of specialist approaches which aim to increase confidence in, and improve the experience of, the criminal justice system for victim-survivors of sexual assault.

Roundtable attendees also heard about the commonwealth funding that will be provided to the territory to pilot specialised and trauma-informed legal services for victims and survivors of sexual violence. This pilot will commence in early 2024 and is aimed at improving the experience of victim-survivors in criminal justice proceedings. The pilot, being progressed through a partnership with the Women's Legal Centre and Victim Support ACT, will provide support to victim-survivors at all stages, including general advice and information, engagement with police, engagement with prosecution, representation at trial, post-sentencing support, referrals and wraparound client support coordination.

I was very pleased to support the bid for the commonwealth funding. I was particularly pleased to see that the ACT was selected as only one of three pilot locations across the country. At the roundtable, which Dr Paterson mentioned she was also at, attendees included the Chief Justice of the Supreme Court, Justice McCallum; Justice Baker; and the Chief Magistrate of the ACT Magistrates Court, Magistrate Walker. I would like to reiterate my thanks to these judicial officers for dedicating their valuable time to the roundtable.

Chief Justice McCallum, in particular, generously shared her experiences of sexual offence trials and processes in the territory. I believe it was beneficial for attendees to hear from these most experienced and qualified officers about the strengths of the current system, as well as ways it could be improved, and also for the judicial officers to hear the perspectives of a range of community representatives.

Some of the key themes discussed during the roundtable included that, while the option of a specialist sexual offences court has not been precluded in the ACT, it may not be the most effective next step for the territory, due to the size of the jurisdiction and concerns that a specialist approach could actually cause further delays. The point is that, at the moment, there can be several sexual offence matters running in the Supreme Court at the same time, and if we were to create a dedicated list then the prospect of a sequential approach could actually slow matters down.

Sexual offence criminal matters are already prioritised in the ACT Supreme Court and Magistrates Court, as I mentioned earlier, which is clearly designed to ensure that they come before the court as soon as possible.

There was acknowledgement that myths and misconceptions about sexual assault need to be dispelled in the judiciary, in juries, in the legal profession and in the broader ACT community. The roundtable discussed the development of new judicial training modules expected to be released in early 2024. We will further consider

issues that were raised by roundtable attendees as part of those training modules. I think there was a clear understanding amongst participants that judicial expertise is particularly important, both for their own knowledge and how they weigh up matters, but also for how they conduct the proceedings and direct juries.

They discussed that care needs to be taken to address the needs of transgender and gender diverse people, people with disabilities, older persons, culturally and linguistically diverse people, and Aboriginal and Torres Strait Islander people who are involved with sexual assault matters in the criminal justice system.

There was a lot of discussion about the need for restorative justice options that may be used parallel to, or as an alternative to, the criminal justice process; that the voices of victim-survivors should be heard in implementing any specialist approaches in the territory; and about the need to balance those other important concepts I referenced earlier, such as the presumption of innocence.

As an outcome of the roundtable, I have a resolve to establish a group that will advise our courts on the further consideration of specialist approaches to sexual assault matters and act as critical friends in assisting the court to improve its practices. This group will comprise key justice stakeholders and victim-survivor advocacy groups, along with ACT courts, tribunal and justice and community safety representatives.

I look forward to the outcome of this work and continuing to support the needs of victim-survivors in meaningful ways in their journey through the criminal justice system. I thank Dr Paterson for moving this motion today. It is an important discussion. It provides an opportunity, at least for me, to both update the Assembly on some work that is underway but also be very clear about this Assembly's commitment to finding a better way to respond to the scourge of sexual violence, both in Australia and in the ACT.

As I said at the start, I am firmly convinced that we can do this better and that we must continue to think about the range of ways we can do that. I did note Ms Lee's observation that the legal system is not the only answer. I know Minister Berry has repeatedly said, in response to the SAPR report, that we need to be thinking across the range of responses available to us and look at how we continue to make improvements in each of those streams of work. That is something that both I and the government as whole are committed to.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors) (4.03): It is good to see Dr Paterson bringing a motion to this place today in support of the ongoing work to reform our justice system to be more responsive to, and supportive of, the needs of victim-survivors of sexual violence.

Those in the community sector who have worked to end violence against women and girls for many years, leading to the SAPR report, *Listen. Take action to prevent, believe and heal*, provided detailed advice about a number of areas where support and



services could be improved. It is a reflection of how seriously this government takes this work that so many of the sub-recommendations relating to law reform have already been implemented, as we heard from the Attorney-General. The specialist sexual assault legal service that Mr Rattenbury talked about clearly demonstrates this government's commitment to action. I also note that the ACT courts triage and prioritise sexual assault matters to reduce delays and recognise the impact that delays can have on the wellbeing of victim-survivors.

I would particularly like to acknowledge the approach that our Attorney-General has taken in responding to the SAPR report, along with his cabinet colleagues, and his ongoing engagement with community sector advocates on this work. I have had reason to work with Minister Rattenbury and his office over many years, including during my time in the community sector and as a women's advocate on these issues. I have found his approach to be respectful of people's experiences, and he has taken a careful and considered approach to the reforms that are needed. We see this careful and considered approach, working closely with community advocates, justice system stakeholders and courts representatives, in Minister Rattenbury's commitment to establish an ongoing advisory group to look into specialist approaches in more detail.

One of the key themes in the Women's Health Matters submission to the SAPR review in 2021 that really stood out to me was that the way in which services respond to people is critically important to the impact on their wellbeing and recovery from trauma. Respectful care, being believed, consistency and continuity of care, and the right to justice, while trying to minimise having to retell or be retraumatised, are some of the key things that women said they needed in the Women's Health Matters research. The victim-survivors who participate in research such as this—and I have heard this firsthand when working on these issues myself—find telling their story and asking for change to be challenging and potentially retraumatising. I very much appreciate the courage of every person who has contributed their story and their views.

There are multiple ways in which services can be improved to better reflect those key changes that the community have said are needed. Because of this, I am thankful that the possibilities for specialist approaches will be worked through with those advocates and experts, and with women and LGBTIQ+ and Aboriginal and Torres Strait Islander members of our community. That is what a person-centred, trauma-informed approach to justice reform should look like: careful, considered and collaborative change, alongside community advocates.

Recognising that we are discussing this issue during the annual 16 days of advocacy campaign to end violence against women, I want to express my gratitude for the ongoing work of the many community services in the ACT who support those who have experienced violence, and those organisations who advocate for improvements. This includes the Canberra Rape Crisis Centre, the Domestic Violence Crisis Service, ANU Counselling, Sexual Health and Family Planning ACT, the ACT Women's Health Service, Forensic and Medical Sexual Assault Care at CHS, Meridian, A Gender Agenda, YWCA Canberra, Women with Disabilities ACT and Women's Health Matters.

Noting that around a third of sexual assaults occur within the context of domestic and family violence, I also particularly want to note the work of Beryl Women.

Beryl Women is Australia's oldest women's refuge, established and run for and by women. I especially want to thank them for their work in ensuring that the support they offer is culturally safe, as well as trauma-informed.

The Greens support this motion and commit to the ongoing work to better support victim-survivors.

**DR PATERSON** (Murrumbidgee) (4.07), in reply: I would like to thank everyone in the chamber today, and those who spoke on the motion. Thank you to the Leader of the Opposition for her considered support and thank you to the Attorney-General for outlining the measures already in place in the ACT and the fact that this is a priority for the ACT government.

There are a couple of minor points that I want to make, further to my speech, regarding the argument around the size of the jurisdiction. So many of the reports that I have received from stakeholders in the legal system suggest that the majority of offences going through the courts are sexual offences. There is no shortage of offence matters coming through the courts. It is not like we are not seeing them, so in terms of the claim that they are a small number of proceedings, that is not the case.

Also, the argument about size is often made around jurisdictions that are actually very large, because you get an issue of postcode injustice. For example, you will see Brisbane courts having specialist courts lists, whereas other courts in regional and remote areas of Queensland do not. You get people accessing court services who do not have access to the same specialisation. We do not experience that here in the ACT. We are lucky to be a city-state jurisdiction, so there is no risk of that postcode injustice. The report that I tabled today presents a broad range of measures to assess our jurisdiction against, so I would hope that the response to this motion addresses all those considerations.

I would also like to acknowledge the Chief Justice and her very personal prioritisation of sexual assault offences in the Supreme Court. As the Attorney-General said, she was very much at pains to say that it is a prioritisation. Murder and child offences go before sexual offences, but it is prioritised. I guess my concern is that we have a really proactive Chief Justice who prioritises this issue now, but it is not set in stone. My concern is that it is based on a person, rather than on a systemic approach. That is why I would like to see a systemic approach taken to our response to this.

The other point that I will make, in closing, is that reports that I have received through many of the stakeholders that we have discussed today are that there are significant delays in sexual assault proceedings in our jurisdiction. One of the really key aspects of the evidence base suggests that a specialisation would see these delays addressed. This was one of the questions that I wanted answered today, to understand the delays.

I think the evidence that we have is critical. We need to really have an evidence-based policy approach to this. If there are significant delays then we need to be doing something about it. Maybe we need more judges and magistrates; I am not sure. This is what I think we need to be assessing. I look forward to the government's response. I thank everyone for working with me today to see this through. Thanks again to all

the dedicated community services and advocates who work in this space on a daily basis and provide such important support to people who are victims of sexual assault.

Question resolved in the affirmative.

## **Papers**

### **Motion to take note of papers**

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

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

### **Chief Health Officer's Report—COVID-19 public health emergency**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (4.12): I rise today to speak to the ACT Chief Health Officer's report on the COVID-19 public health emergency which was tabled as required under section 123 of the Public Health Act. That section requires the Chief Health Officer to prepare a written report to the Minister for Health about a public health emergency declaration. The report must provide particulars of the events giving rise to the emergency and actions taken to deal with the emergency, including public health directions and any other matter considered appropriate by the Chief Health Officer.

Given the length and complexity of the COVID-19 response, the report focuses on the specific public health actions taken by the Chief Health Officer to deal with the emergency, rather than focusing on the broader whole-of-government response to COVID-19. However, the report does highlight some examples of how stakeholders were involved in the COVID-19 response via case studies and general commentary. Some case studies include the Office of the Coordinator-General, whole-of-government engagement, how our teachers, our educators and our schools worked to educate our young people safely and how people in our community were supported in partnership with our very valuable non-government organisations.

I had some mixed feelings while reading through this report. There were countless instances where I vividly recalled the fear, the uncertainty and the anguish that the pandemic brought up in our community and, indeed, nationally and globally. In so many ways these are experiences that will define a generation. However, I was also reminded of the incredible ways that our community pulled together, from our health workforce on the front lines to our teachers, our non-government organisations and all those in the community who served the public and who banded together as neighbours to support one another.

For that time, we were all Canberrans. I know that others will feel the same—that this was a time when our community felt as close, in some ways as it ever had, despite the fact that we were physically distanced, when we were collectively going through those incredibly difficult periods together. It will always remain a point of pride to me

that Canberrans were so community minded. We had some of the highest testing rates and public health order compliance in the country and, of course, Canberrans turned out in droves to get vaccinated. They understood the importance of keeping the most vulnerable in our community safe.

In public policy, there are not many opportunities afforded to us to take a proper retrospective look at one of the biggest events in our public policy history. I think I have reflected before that it was a great privilege to be the Minister for Health during this period, to serve our community but also to be supported by such an incredible team across the entire ACT public service, across the community and, indeed, in my office.

I imagine that members may also have had an uncomfortable sense of déjà vu when they heard the news reports in the last week about the World Health Organization looking into large clusters of unusually severe respiratory illness and undiagnosed pneumonia amongst children in China. While it was indeed a privilege to be health minister during the first global pandemic of the 21st century, it is not a privilege that I would like to repeat. So I would encourage everyone—as I did in my many, many reports to the Assembly during the pandemic—to remember to maintain your COVID-smart behaviours that are also smart behaviours in relation to any infectious disease: wash your hands, cover your mouth when you sneeze or cough and stay home when you are unwell. I commend the Chief Health Officer’s report to the Assembly.

### **Climate change—minister’s annual report**

**MS CLAY** (Ginninderra) (4.17): I wanted to make a few remarks about the Minister’s annual report under the Climate Change and Greenhouse Gas Reduction Act 2010 and the ACT Greenhouse Gas Inventory, which were tabled earlier today. It is pertinent to have a chat about this. COP28 is on right at the moment. It is a bit of a good news and bad news situation. We have a lot to be really pleased about here in the ACT. We have legislated climate change reduction targets—that is fantastic. We have declared a climate emergency. We have 100 per cent renewable electricity. We are phasing out fossil fuel gas and we are phasing in EVs. We have done a whole lot of building and planning reform of the kind that we know we need to do to make sure that we can reduce the impact of our built environment and also adapt to the changes that are already locked in.

We have brought in new rental standards for insulation to make sure that everybody can live in a habitable environment. We are still tracking pretty well. Our emissions are 47 per cent below 1990 levels. I do not know how many people in here who are across the data in this area, but it is actually interesting. This progressive government set a baseline at 1990. A lot of other governments have chosen a much later year to set their baseline against. They are looking at 2005. The later you set your baseline, the higher they were. Setting your baseline at 1990 levels means that the ACT already took on a tougher job to start with, which is fantastic.

We are actually progressing well and we are meeting our targets, but there are areas where we still have a lot of work to do, and I get concerned when I do not see enough

clear policy direction that is taking us forward. We are still only really looking at our tracked emissions, and the Commissioner for Sustainability and the Environment has pointed this out. She has explained that the things that we consume in the ACT, because we are quite a wealthy city, are 16 times higher in emissions than the things that we are measuring at the moment, and that is something that we need to move on at some point. To put it in terms that might be easy for people to compare: here in Canberra on consumption emissions we are probably looking at 16 tonnes to 18 tonnes per person. If you look at a country like Bhutan, they are about two tonnes. So we are still living with a much bigger footprint than a lot of other people in the world.

Even within our tracked emissions, some of these are going down and they are progressing really, really well. Our fossil fuel gas has dropped in the last year, and that is a really big chunk of our inventory—it is 22 per cent of our inventory and one-fifth of our tracked emissions; so that progress is going really well—and we have a full pathway to electrification, which gives me a lot of joy. But some of our emissions are actually increasing, even in that tracked area.

Transport is a problem. Transport is now back up to 64.6 per cent of our tracked emissions. It has risen. It has bounced back from COVID and it has gone up, and we have no clear policy to reduce this. We are switching to EVs, but we still have a lot of cars. People are buying more petrol and diesel cars and they have multiple cars per household. I am not surprised, because we have not really given them any good choices. We do not have better buses. Light Rail is fantastic and people love it but it is coming very, very slowly, especially to us out in Belconnen. Frankly, it is rolling out very, very slowly. Also, active travel is still really, really hard for a lot of people.

Aviation emissions have also bounced back since COVID. Again, I am not sure how much people understand this. Here in the ACT, we only take responsibility in our inventory for the landing and taxi emissions. So, when a Canberran jumps on a plane, we sort of take responsibility for the emissions until they cross the border and then we say it is no longer Canberrans. That is actually fine. That is completely consistent with the way global inventories are maintained. But, for individuals and for freight, it actually means that the aviation emissions are much higher. We do not have any clear policy to really encourage reduction at all. So there is nothing on the books at the moment that will see those moving in a different direction.

Waste emissions are another one that really worry me. The waste from landfill now represents one-quarter of our tracked emissions, and it has risen. That is just the methane coming directly from our landfill. That does not even touch all of the embedded emissions that went into the material to make it in the first place. We have seen delays on FOGO. I understand why, but there are other options. We do not have any chance at the moment on the current policy route to make any change to those until 2026 at the very earliest. I think we need to be taking a hard look at these numbers and working out what it is we need to do to make them move in the right direction next year.

Question resolved in the affirmative.

## **Statements by members**

### **Christmas greetings**

**MR CAIN** (Ginninderra) (4.22): I wish members of the Assembly, their families and their friends a very wonderful and safe Christmas, particularly with travel. I pass on my good wishes to all of you and to your staff as well, especially, Madam Speaker, to you and the OLA staff, who support us so well in this place. I wish you and the OLA staff, their families and friends the very best during the Christmas period and safe travels as well.

I extend my good wishes to our ACT public servants, who work very hard in very challenging times. I wish the best to them, their families and friends, and of course to our wonderful community in the ACT. I hope they enjoy a wonderful Christmas time with family and friends.

### **Light rail—Auckland stop work order**

**MR PARTON** (Brindabella) (4.23): I rise to put on the record today a report from the news outlet RNZ in New Zealand. I want to put it on the record because I think it is exceptionally important to people in this chamber and to Canberrans. The New Zealand National Party went to the election in New Zealand promising to cease light rail in Auckland and Wellington. It gave massive swings to them in Auckland. RNZ reports today that a stop-work notice has been issued today on the multibillion-dollar Auckland tram project. Andrew McGill is quoted in the story. He is Auckland's equivalent of Ryan Hemsley. He is talking in this quote about modern buses. He says:

It's high frequency, high capacity buses on bus lanes, limited stops, connecting people in a trip that's a lot faster than cars...We should do a lot more of that because that delivers real benefits for a much lower cost and it means that we're not waiting decades for funding to be unlocked to deliver these massive projects.

I also note that there was no appearance of a business case for either project in New Zealand.

### **Arts—MusicACT Music Awards 2023**

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (4.24): Today is Ausmusic T-Shirt Day. I am obviously not wearing an Ausmusic T-shirt yet, but I will later today. I take this opportunity to congratulate all the finalists for MusicACT MAMAs, which will be held early next week.

Artist of the Year nominees include Apricot Ink—Apricot Ink performed last week at Spilt Milk and has 48,000 monthly listeners—and ARCHIE. Fred Smith has already won plenty of awards this year, including the Canberra Critics Circle Artist of the

Year. There is Jack Biilmann and The Black Tide. Jack announced today that he has had one million Spotify streams, which is amazing. Sesame Girl and also Teen Jesus and the Jean Teasers group had a huge year on the triple j Hottest 100. Teen Jesus and the Jean Teasers have a new album, and on Monday they are supporting the Foo Fighters in Melbourne, which is outstanding.

For Independent Debut of the Year, the finalists are Gia Ransome, Jett Blyton, Jason Myles, Sonic Reducer, The Decideds, Tivien, and Wallabindi. For Best Release of the Year, the finalists are Apricot Ink; ARCHIE; Artist Running Club; Lara Buchanan; SAFIA, which have a new album this year; and st.sinner. And the Industry Legend of the Year finalists are Gutwrench Records, Joel Cabban, Meg Houghton, Nuance Media and Tim Brown.

Of course, the previous MAMAs Artist of the Year— (*Time expired.*)

### **Light rail—Sydney patronage**

**DR PATERSON** (Murrumbidgee) (4.25): I would like to read an article from the *Sydney Morning Herald* entitled “Sydney finally embraces CBD light rail as patronage surges”. It says:

Passengers on Sydney’s \$3 billion CBD and south-east light rail line have more than doubled in a year, a major turnaround from ... patronage during the ... pandemic.

Mathew Hounsell, a researcher at the University of Technology’s transport research centre, said the figures revealed how “massively popular” the light rail line had become because of its frequency and reliability. “If you build something that is easy to understand, convenient and reliable, people will use it,” he said.

### **Christmas greetings**

**MS LAWDER** (Brindabella) (4.26): I rise to wish everyone a very happy and safe Christmas. To everyone who has helped me during the year, thank you so much for all you have done. To anyone who has not helped me, thanks for nothing! To my lovely hardworking staff, past and present, thank you for all that you have done and all that you continue to do. Thanks very much to my volunteers and to my family, who are everything. Thank you so much. Merry Christmas to all.

*Discussion concluded.*

### **Valedictory**

**MS BURCH** (Brindabella) (4.27): Before we move to the adjournment, I will take advantage and, with your indulgence, will make my end-of-year message. I would like to start with thanks to the OLA and OLA staff. All members have recognised their work. From attendants through to the Clerk, and indeed across the office, a big thank you for all your support to me and my office. To the MLAs and their staff, I have said

it before and I will keep saying it: often it is the OLA that holds this place together and make us all look sensible and well-behaved.

My second thank you is to Mel and Emma, who are in my office. I do not know where to start to thank them. Mel started working with me in 2012 and Emma started in 2011, so that is a mighty long time. Emma keeps on reminding me that she started the week before Jon Stanhope resigned. I am sure there was not an influence at all! Nothing for them has been too hard. It is always done with a smile, friendship and utmost professionalism. They have worked across all areas of the OLA. They have seen and heard much, and I simply cannot thank them enough.

To my colleagues across the chamber, as always it has been another interesting year and I wish you some rest over the break. To the good folk of Brindabella, since 2008 you have supported me and it has been a privilege to work and help you where I can.

It has become a bit of a tradition to reach out to my grandchildren and ask them for something that I can share as Christmas is a time for sharing and a time predominantly for children. This year, I asked them what their favourite movie is and for a line from that movie that they use. I now have five grandchildren: Evie is nine months of age, Loup is three, Fletch is six, Kade is nine and Hunter is 11.

I will start with the youngest, Eve, who is nine months old. Her favourite show is her brother Loup. Everything he does is an amazement. She laughs at anything and everything he does. Even when he falls and cries, she thinks it is a hoot. Loup is a big fan of *Paw Patrol*. His line from that is “Chase is on the case,” but his version as he runs around and dashes off on a mission is “Loup is on the case”. Fletcher is a great fan of the YBS Youngbloods—this is a group on YouTube that go spearfishing off Exmouth in WA—and his line is: “We’ve got fire, baby!” When things are going well, he simply stands and shouts, “We’ve got fire, baby!” Kade is a *Major Payne* fan. Perhaps people know that movie. His line from that is “Fee-fi-fo-fum. What bean stalk did you come down from?” He uses that whenever he thinks somebody disagrees with his opinion. Hunter’s movie is *Cool Runnings*, and his line is, “Do you want to kiss my egg?” I have watched *Cool Runnings* many times, and he seems to say that mostly when he wants to annoy his father.

My final and biggest thank you is to my family, who are my strength and my heart: my husband, Cam, and my sons, Kain, Tom and Lloyd. They have been with me throughout, and for each day I want to thank you. I could not do it without you. There is a collective sigh of relief in my household because they will not have to get up at 5 o’clock to put up corflutes at a certain time next year. I could not do without my family.

Finally, my mantra for 2024 is: I will do all I can for you, my great local community. With that, happy holidays to all.

## **Adjournment**

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

That the Assembly do now adjourn.



**Valedictory**

**MR PARTON** (Brindabella) (4.31): I promise I will be short and sweet. I am pleased that we have survived another year, thanks to my staff. This year that contingent has included the amazing Elyse Heslehurst, who went away to have a baby and has since returned to the office. Elyse is a gun in the housing space, and she, more than me, has been the driving force in getting a lot of the genuine outcomes for so many housing tenants. She is awesome. Thanks to little Phoebe—you should see the Phoebster; she is amazing—and husband Billy for allowing her to come back to us here.

We gathered Matt Clemow from Adelaide this year. He left gainful employment in the city of churches to join us here in Canberra, pretty much because he was a fan of my TikToks. You could be forgiven for believing that this would make him some sort of weirdo, but it turns out he is a regular, hardworking human, and it is a blessing to have him on the team.

My staff this year also included returning team members Rob Lovett and Max Evans, who were just superb—and it still would not surprise me if they come back again at some stage; and the amazing Brooke Curtin, who now finds herself working back up on the hill for Paul Fletcher. These people are paid to make me look good, and they usually do just that, and I thank them for it.

Thanks to the hardworking Liberal team, right up and down the corridor. You people upstairs will never fully understand the constraints of opposition—but, then again, maybe you will! Hopefully, you will get an insight into that later next year!

My thanks to the Speaker for your guidance and your genuine friendship, in the role of Speaker, to me as deputy. Thanks to the staff in all sections of this building, and to those members opposite for keeping it relatively nice.

This is not an easy job, for many reasons. We have certainly, as a parliament, had a pretty rough end of year. I just wanted to say that, amongst all of the rough and tumble of the political theatre on display here, I would hope that we all give thought to the fact that, at the end of the day, we are simply 25 humans, and most humans are flawed in some way. I think we are probably all flawed in some way. Wherever possible, I would hope that we can all be kind to each other. I know that I certainly set out to do that in just about all of my interactions. Be kind to each other and have a merry Christmas. I will see you for the war next year.

**Valedictory**

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.33): The end of year, and this opportunity in the parliament, always offers us a time for reflection. I am not sure I am quite ready for that this year. There is still a lot of work to be done before Christmas, but it is a time when we look back at what has happened this year and the progress we have made in some areas and the challenges we have faced in others. This year some unexpected matters have crossed our paths. We have seen our fair share of those this year. I note Mr Parton's comments. I think it is an excellent reflection for us to pick up

on and a reminder to share our common humanity and to remember to take that moment to be kind where one can.

With that, I simply want to jump onto a few thanks, because this is the one chance where we get to really publicly say it each year, and it is important. I of course want to thank my partner, Louise, who continues to put up with the travails of being the partner of somebody who has a job like I do. I understand the impact that that has on her, and I thank her for her continued support. I thank those other friends in our personal circles—we all have them—the ones that just treat us like “that human” when we go to dinner at their house. They call us up to check in on how we are going and do not ask us about the politics but simply remind us that we have friends out there. I thank those people in my life who continue to play that really important role.

My staff continue to be a team of stars: hardworking, committed, passionate, just decent people. I want to particularly thank each of them this year: Guy, Matt, Anna, Kate, Amy, Kylie, Fiona, Loi, Jack, Jordan and our star volunteer, Melissa, who has been with us for a long time and is a joy to have in our office as well.

I want to acknowledge our Assembly colleagues: the Chief Minister in particular, and my colleagues in the ALP, our partners in government. We keep holding this show together and we achieve much together when we put our minds to it. I look forward to continuing that in 2024, as we step through the many things we still want to get done in this term of government. We have a lot of work left to do. Whilst we will get into election mode next year, I know both of our parties still have a lot of things we want to assist our community with and continue to roll out. I look forward to that continued work.

The directorate liaison officers keep us, as ministers, on track. They keep things moving as they should. I thank them for their professionalism, their good humour and their patience at times. As ministers, one of the great privileges of our role is that we get to work with directorates: agencies full of people who are very good at what they do. They are very passionate about our community. They bring enormous expertise to the table. One of the great joys of being a minister is that you can simply ring people up and ask them to share their expertise with you. It is a real privilege to have that opportunity, and I thank them for their continued work.

I also want to thank the Assembly staff. This place keeps ticking because of their continued efforts, but mostly I enjoy the fact that they are really friendly people. It is always nice to come into the Assembly and chat to the various staff in the building. There is not always necessarily heaps of time to stop for a long chat, but I do enjoy the chats we manage to have.

I conclude by wishing all members a wonderful, restful festive season. This is such an important time of year. We get a chance to stop, ideally catch up with family and friends, take a little bit of time for ourselves and take a little bit of time to perhaps pay back some of those people close to us for our absences during the year. I hope that, in whatever way people choose to do it, they make the most of the season ahead.

I hope that it is going to be a safe period in Australia, across the course of the summer. For me, one of the great tragedies of the modern era is that I grew up as someone who

really loves summer. As we move into a world in which summer becomes much more difficult, it is a bit hard to process that summer is now a season of risk. I hope that this year is a safe one for everybody and that you all come back refreshed in 2024.

## Valedictory

**MR PETTERSSON (Yerrabi) (4.38):** It is the end of another year, and what a year it has been. I want to start by thanking people both inside this building and outside of it. To those inside the building, to all the wonderful staff in the Office of the Legislative Assembly, including attendants, Committee Support, Chamber Support, IT, HR, broadcasting, Hansard, the Library and, of course, the cleaners, who do such an amazing job keeping this beautiful place beautiful: thank you for all your hard work this year.

To the good people of Yerrabi, as always, thank you for your continued support. It means the absolute world to me, and it is the honour of a lifetime to serve you and represent you in this place.

To the wonderful members of ACT Labor, my colleagues and the mighty trade union movement, thank you for your hard work and advocacy this year, like every year. You are truly the true believers and the bedrock of progressive change in our city.

To my wonderful staff, Jasmine, Harry and Aggi, thank you. You each bring joy and laughter into the office each and every day. We have had a lot of fun this year and we got a lot of good things done. We have secured significant reforms, fought for constituents on big and small local issues, landed some government commitments and started the conversation on some interesting new ideas.

Unfortunately, I lost a staff member this year: Connor. Connor joined my office with a passion for design, photography and all things creative, and just a small interest in politics. He has left more passionate and engaged in politics than I ever could have imagined, so much so that he has gone to work in the mighty trade union movement. He is deeply missed, but I know that his talents are being put to very good use.

I always struggle writing end-of-year adjournment speeches, mainly because I have a terrible memory. Trying to compile a list of some of the things that we have done this year is always a stretch for me, so I asked for some help. This year, I have campaigned for and highlighted important issues such as: the needs of neurodivergent Canberrans; the need for an ombudsman to address the power imbalance that exists between retirement village residents and their operators; keeping the AIS in Canberra; action on the long-stalled Gungahlin cinema; a licensing scheme for property developers; treating drug use as a health issue; recognising First Nations Australians in the Constitution through the Voice; upgrades to Yerrabi Pond; better security of payment laws to ensure subbies are paid on time; keeping Fuel Check in the ACT to keep petrol prices down; and holding Fair Work to account and to start cracking down on dodgy contracting and wage theft. I stood up for territory rights against some very bizarre attacks from the Senate and, most recently, I have been talking to my constituents about how they want to make walk-in centres even better.

It has been a busy year in committee-land as well. We covered a wide array of issues: school infrastructure, skateboarding and skate parks, Auslan, modern slavery, the Calvary transition, grants management, and, as my fellow PAC members will assure all members, just a few hearings about procurement!

In closing, I am looking forward to spending some time with loved ones in the coming weeks and getting away for a bit of a holiday before the reality of an election year sets in. I hope that all members have a joyful and restful summer break and a very merry Christmas. To first responders outside of this place who keep us safe and to the workers keeping our city running throughout the festive season, thank you and stay safe. See you next year, Madam Speaker.

### **Youth—work experience**

**MS LAWDER** (Brindabella) (4.42): This week I had a work experience student in my office and he wrote about his experiences. He wrote:

My name is Zach, and I am a student in year 11. This week has been an incredible experience for me as I have had the opportunity to witness firsthand how the Legislative Assembly works, and what goes into the daily life of an MLA and their staff. I have learnt a great deal, from the ins and outs of writing policy briefings to the amount of research and time that goes into them, to the planning of letterboxing.

I had the chance to attend an event at COTA with Nicole, and it was truly inspiring to see how much passion and care she has for her community and constituents. I also had the pleasure of meeting other Liberal MLAs and their staff, and I must say that they have all been incredibly nice, caring and enthusiastic about helping Canberrans, like I have imagined. Tomorrow I will have the opportunity to participate in a mobile office and letterboxing with Nicole, which I am really looking forward to.

I would like to take this opportunity to thank every person who has helped me during my work experience this week, as well as all the Liberal MLAs in our Legislative Assembly for the outstanding work they do in upholding our values and making Canberra the best it can be.

As we look ahead to the election next year, I am hopeful that we will regain the government and that real progress can be made. The Liberals have always been open to different viewpoints, which is something I am truly grateful for. Whether it is someone whose beliefs are completely different from theirs or someone who shares the same beliefs, they always listen and are open. It means a lot and gives a lot of young people hope that the Liberals genuinely stay true to their values and understand everyone, no matter who they are.

On a light-hearted note before my speech ends, I must say that the Greens' offices look exactly as I would imagine.

In closing, I hope that someday soon, in the near future, I will have the honour of sitting in one of those chairs in the chamber or in one of the chambers in the federal parliament, being an elected representative, doing everything I can do to

help my constituents, young and old, and giving them the hope, inspiration and passion that the Liberals have given me this week.

Thank you, Zach, and all the very best for your future.

### **Valedictory**

**MS CLAY** (Ginninderra) (4.44): I have a lot of people to thank. I have written a love poem in seven parts and I am going to speak really fast so I get through it all. First of all, thank you, Belconnen. We have 106,000 fantastic people. I have not met them all, but I have met a fair chunk now. One of the really great advantages of this job is that I do not have an electorate office, so I get to meet people in our local cafes and pubs. Thank you, Bunny Beans, Little Oink, Cafe Stepping Stone, Two Before Ten, 54 Benjamin, Sweet Bones, Riccardo's, SV, The Coffee Scroll, Hungry Brown Cow, Cafe Momo, Latham Shopping Hub, Cesar's Cafe, Cafe Mame, Spence Friendly Grocer, Ruby's at Evatt, Herbert's at Evatt, Rocksalt, Ginninderry Espresso at Charnwood, and Tinker Tailor. A really special thank you goes to the Pot Belly.

I thank my colleagues. We have had a pretty tough month. In particular, this grey hairline is new. We weathered it well and we backed each other, and I am pleased about that. There are also people who work in this building who are not in my party room but I count them as colleagues. It is a joy to work with you and to watch you work for the people of Canberra. I will leave it at that. Some of you are still going through preselection and I do not want to mess with your chances by naming you in a Greens speech!

The staff who work in the Assembly are kind, calm, dedicated and expert, and we are lucky to have them. I really want to thank Chamber Support, who endlessly give us the words every time we ask, and the IT department, who have had such glamorous jobs as showing Ms Clay how to plug it in! Our committee staff are also fantastic. They work to incredibly tight deadlines on really difficult issues with an entertaining mix of people. The planning committee in particular has had an intense workload this year. It is a workload that will shape Canberra for a generation, and you simply cannot phone that in. They do not and never do. Thank you, Adam, James and Lydia, for all of your incredibly hard work, and thank you Miona, who did such a fantastic job and maintained such good morale for herself and her whole team through overtime and intense pressure when we were inquiring into the Planning Bill.

I also thank the Parliamentary Library, who get more than their fair share of work generated from my office. I thank Anna and the whole team from Hansard, who are always so helpful and so lovely to work with.

I thank all the strong women in my life. There are a lot of them. They are all making this world a better place and they are supporting each other to do that. I cannot begin to say how grateful I am. In particular, I thank Kai, Elle, Annie, Toni, Candice, Sam, Jo and Jill.

The Ginninderra Greens are a beautiful crew. We work hard and we have fun, and I am really looking forward to next year. I particularly want to thank Ben, Chris, Alaine, Andrew, Julia, John, Tim and Adele. Our staff are fantastic. Our staff in the

Clay office are a bit of an all-electric, gas-free engine. We churn out a lot of good stuff, and we do that because we have great people. I want to thank Harry, who catches everything his four bosses throw at him, and does it with a smile on his face. I thank our chief of staff, Guy, who is not a doctor but always prescribes exactly the medicine I need. A lot of you know Maverick—he is one! He is a dynamo of ideas and world-changing grit. This week, in the time it took me to make a cup of coffee and tell him we did not have time to write one more press release, he had already done it and emailed it to me, and it got a run, so thanks, Mav.

Aileen has really deep wisdom and life experience and a fundamental affinity for spreadsheets, which is a skillset sadly lacking in the Greens, who like to talk. She is an amazing advocate for Canberra's women and birthing people, for Belconnen and for normal life.

Peter recently joined us, and he brings a really deep expertise and respect for planning. He has proven himself an instant cultural fit by riding his bike, understanding why a freestanding birth centre matters, sharing a deep love of *West Wing* and adding real comedy gold to our coffee cup collection. I have never seen him not smiling.

I thank Steph, who broke our hearts this year. She left to do climate advocacy elsewhere. She waded through the planning review, which ate souls, and she took us through incredibly difficult negotiations. She has a respect that many people need but not many people hold, which is: you cannot fix the climate crisis or the environmental crisis or the housing crisis if you do not do the work on planning. Steph devised a complex colour-coded speech to navigate the four-hour debate that passed the Planning Bill. I really hope we never have to use her system ever again, but it was fantastic. It would, of course, be remiss of me to mention Steph without mentioning her cat Amelia, and so I will: Amelia!

## Valedictory

**MR COCKS** (Murrumbidgee) (4.48): Clearly, it is traditional to acknowledge all who support us at this time of year. I could not start with anyone except my family. I thank my wife and my children, who support me through everything this job brings. I have to make special mention that my daughter has even gone so far as to allow me to drop her off at her school in my car with my face and name emblazoned all over it, just this week, because it rained so much!

Let me thank all those in our community, but especially those who are campaigning so hard on issues like the Molonglo town centre, which I am pleased to be trying to support however I can, and those in the Phillip business district, who I am trying to support as we move into the future and a changing territory.

I want to thank all the other members along the corridor, all the members of this place who dedicate so much hard work, as well as the staff of this place. Without the staff, we would not be able to do what we do.

And I thank all the ordinary members of the Liberal Party who so regularly and consistently support me and my colleagues and hold me to account. I especially mention the Murrumbidgee electorate branch, as well as members from across plenty

of other ACT branches, who help me as I go out and knock on more and more doors, put surveys in people's letterboxes, stand around at shops and make sure we are responding to what the community has asked for.

It is also very traditional to thank those in our offices. I started the year with Raith and Patrick in my office. I could not ask for anyone to do as much for me as those two human beings do. They consistently go above and beyond because they are dedicated to service and to making sure we do the best we can.

I want to make special mention of Suzanne, who is the newest member of my office. I met Suzanne earlier this year when I was door-knocking around my electorate. I knocked on a door in a public housing area and Suzanne greeted me with some scepticism, it is fair to say. She was not convinced that I was there to actually listen to her, but hopefully, by the end of the half hour we spent together at her door, she was convinced. In the time that we spent together, she told me all about what it is like to live on a very limited income and what it is like to live trying to support people through a carer's income. What she demonstrated was that she was the type of human who is not in a challenging situation through any fault of their own. Indeed, she wanted to be able to make a difference, and she demonstrated she is the sort of person who genuinely deserves a chance.

Since Suzanne has joined my office, she has proved everything I thought I saw in that first meeting and more. Suzanne is the sort of person who is committed every day to coming in, making sure we get back to every constituent, making sure I see every constituent's concerns and making sure we are understanding them. She puts in so much work just to make sure the community is heard and that we are doing right by them. I am genuinely and truly appreciative.

I thank all my staff. I thank everyone in this place. Have a very merry Christmas.

### **Valedictory**

**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) (4.53): There have been some extraordinary achievements across my portfolio this year, which are the culmination of years of hard work, engagement and consultation undertaken by exceptionally capable teams with whom I am humbled to work every day.

In my speech this time last year, I was desperately hoping that, finally, the democratic injustice that was the Andrews bill would be overturned. I end this year not only with that injustice gone, finally, but also having introduced the ACT's Voluntary Assisted Dying Bill after extensive consultation. It was the honour of my life.

That is just one part of a suite of human rights reforms this year: passing Discrimination Act reforms and the human rights complaints mechanism, and introducing a right to a healthy environment, amendments to enhance our births, deaths and marriages legislation, and righting the wrongs in our surrogacy laws as they currently stand.

I had the great pleasure of seeing the community-led and hugely embraced National Multicultural Festival delivered for the first time in my period as minister, and am so proud its achievements are nationally recognised. We passed our Multiculturalism Act, with a charter reflecting our values as a city which will be reported against.

Our practical actions to support our community were recognised as we became just the second Australian city to be accredited as an Advanced Welcoming City.

Access Canberra goes from strength to strength, especially in its customer and user-centric culture, whether it is in construction regulation, licensing and registration, service and contact centres, digital solutions, corporate and executive management or the productivity of the EPA, and everything between. There is such a high standard, without exception.

Community events and the screen industry have been real highlights, with the filming of the star-studded *AUSTIN* series here in Canberra and the commissioning of Hoodoo Gurus' music to an orchestra, being performed in a world-first free event with our very own CSO next year.

Many arts organisations received increases to funding. The CFC has new and diverse audiences, the theatre design contract was awarded, and we have rocketed through delivering the arts action plan.

Major changes have occurred and are underway in Ginninderra, some of which I have been advocating for or assisting with for some time: the beautiful new Umbagog Park bridges; the budget commitment to address Lake G's paths; the imminent opening of the Capital Food Market, and an independent fuel retailer in Scullin. Thank you all who care for and enhance our city in presentation and customer-facing roles for making Ginninderra so great.

These achievements are thanks to a fantastic public service so ably supporting our government, which continues its progressive ambition. Thanks to my Labor and cabinet colleagues and your staff, particularly in the CMO and those in the broader Labor and union movement. You guide and drive me. Thank you, Madam Speaker, and all OLA staff for being a constant cheerful source of assistance and saving my bacon more than once.

To my legendary team: Michael; Nick; Naomi; Jemma; Kaarin; Walid; Jonah; Faheem, whom we borrowed briefly; Sam; and Anna. Working with you is a joy and I hope you have great pride in your achievements, but also who you are as people, as colleagues and as a team. Thanks to our outstanding DLOs: Kellie, Morgan, Jen, Rachel, Lauren, Michelle, Anna, Andrew, Cam, Chris, Ella, Louise, Draz and Shauna—not all at once. Throughout the year they have been fantastic.

This year is notable for me personally, and not just because I managed to break my leg again this term. It is the year that I was diagnosed with ADHD and then depression. I do not suddenly consider myself a spokesperson for these conditions, and I especially do not wish to be treated differently. But I am sharing this because I have spent a lifetime masking them—pretty effectively, I felt—but this year I finally



realised self-managing, hiding them and just hoping things would get better was not enough, so I sought help and got it. I am sharing it because I wish I got help sooner, because these are conditions that affect people in any role and because I know that if I have spent a lifetime masking them then others have too. I hope in sharing this, it is another small step forward in speaking about mental health with the same ease that we might speak about a broken bone. I have been on a journey with the medication's common side effects—namely, a dry mouth, excessive sweating and pronounced tremors—which present unique challenges in a job like this, but it is worth it.

I thank my friends who bring so much light to my life. She will not be impressed I am singling her out while my hair looks like this, which is my fault, but I especially pay tribute to my hairdresser Jennie. She is one of a kind and, as someone I spend hours with every four weeks and have done so since well before I was elected, she is so much more than someone who does my hair. To my family, Deb, Bailey and James, thank you for your enduring love which means so much to me.

To the people of Ginninderra. For seven years, I have had the very best job in representing the very best people of the very best place. Thank you for your continued trust in me, and merry Christmas.

Question resolved in the affirmative.

**The Assembly adjourned at 4.59 pm until Tuesday, 6 February 2024 at 10 am.**

## Questions without notice taken on notice

### Government—human resources and information management system

**Mr Steel** (*in reply to a question and a supplementary question by Mr Cain and Mrs Kikkert on Thursday, 30 November 2023*):

The HRIMS project was formally disbanded after the decision to cease the HRIMS Program was made as part of the 2023-24 Budget process.

The decommissioning of the technology system underpinning the HRIMS project requires careful planning and consideration and involves several steps including stakeholder engagement, removing or reusing infrastructure and documenting the decommissioning process and outcomes. With the Learning Management System (LMS) being the only component of HRIMS still in use, the team has undertaken a considered approach to reuse as much of the capability developed as part of the planning and execution of decommissioning activities.

The scheduled decommissioning activities have commenced and include the following:

- a. infrastructure consolidation and data reconciliation for example resource inventory, dependency analysis, service shut down and security control modifications.
- b. commercial renegotiation and/ or closure of the HRIMS related contracts has commenced.

### Housing ACT—developments

**Mr Barr** (*in reply to a question by Ms Lawder on Thursday, 30 November 2023*):

#### Redevelopment near Wanniasa shops

The multi-unit development across from the shops in Wanniasa will consist of 9 Class C adaptable homes (two 3-bedroom and seven 2-bedrooms). The design and construct contract was awarded February 2023 with completion originally forecast for early-2024.

During the building approval design stage, an electrical network capacity issue was identified which required detailed discussions with the utility service provider to determine options. Evoenergy had previously given in-principal approval for the development as part of the Development Application (DA) approvals and did not raise any concerns around network capacity at that time.

Some minor design amendments were required for the development to accommodate a new substation on the block (serving this redevelopment and other blocks in the suburb) and new service easement, requiring a DA amendment which was lodged on 27 November 2023. Following DA amendment approval, Building Approval is anticipated to be submitted early-2024 which would see project completion estimated for mid-2025.

Redevelopment near Chisholm shops

The multi-unit site in Gilmore, near the Chisholm shops, will consist of 10 Class C adaptable homes (nine 2 bedroom and one 3-bedrooms). The contract for demolition, design and construction was awarded in June 2023. Construction is underway with project completion forecast for late-2024.

**Housing ACT—developments**

**Ms Berry** (*in reply to a question by Mr Parton on Thursday, 30 November 2023*):

On 30 November 2023, there were 87 public housing properties vacant and awaiting demolition or development.

**Light rail—stage 2A**

**Mr Steel** (*in reply to a question and a supplementary question by Mr Parton and Mr Cain on Tuesday, 28 November 2023*):

The costs to date for variations related to dealing with unexpected Asbestos Containing Material finds for the Raising London Circuit project are approximately \$7.8 million. Executed variations to the Raising London Circuit Main Works contract are available on the Contracts Register.

The costs to date for variations related to non-contestable utilities for the Raising London Circuit project are approximately \$1.6 million. Executed variations to the Raising London Circuit Main Works contract are available on the Contracts Register.

**Mental health facilities—security**

**Ms Davidson** (*in reply to a question and a supplementary question by Ms Castley on Wednesday, 25 October 2023*):

- 1) When a patient is non contactable or doesn't return from leave to a Mental Health Inpatient Unit, they are considered absent without leave (AWOL).

Over the past twelve months (September 22 – September 23) there have been 18 consumers who have been AWOL from the Adult Mental Health Unit at Canberra Health Services (CHS). This figure excludes those consumers who are inpatients under Section 309.

The number of consumers under a Section 309 across the same period was four. Across the same twelve-month period, there have been nine AWOL consumers from Dhulwa and Gawanggal, all directly related to approved periods of leave.

**Public housing—Lowanna Street**

**Ms Berry** (*in reply to a question by Mr Parton on Wednesday, 29 November 2023*):

- Following consideration through the ACT Civil and Administrative Tribunal (ACAT) hearings in October 2021 and September 2022, the decision was handed down in January 2023.

- Design amendments were required as a result of the ACAT decision which needed to go through entity approval prior to ACT Planning and Land Agency (ACTPLA) releasing the Development Application (DA) stamped plans for the development.
- The DA stamped plans were approved and released by ACTPLA on 17 August 2023.
- Detailed scope of works and tender documents were prepared and released to the market and the tender closes on 16 December 2023.
- It is estimated a preferred tenderer will be selected in the first quarter of 2024, with works on site commencing soon after.
- It is anticipated construction will be completed and homes ready for occupation by late 2025, this is dependant on the outcome of the current tender process and builders' program.
- As the ACT Government is currently in an active tender process, costs cannot be discussed at this time.