DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

DAILY HANSARD

Edited proof transcript

2 November 2023

This is an **EDITED PROOF TRANSCRIPT** of proceedings that is subject to further checking. Members' suggested corrections for the official *Weekly Hansard* should be lodged in writing with the Hansard office no later than **Friday, 17 November 2023**.

Thursday, 2 November 2023

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MADAM SPEAKER (Ms Burch) (10.01): Members:

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

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

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

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

Leave of absence

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

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

Petitions

The following petitions were lodged for presentation:

Trees—Scullin tree hollows—petition 22-23

By **Ms Clay**, *from 576 residents*:

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:
>
> 1. On Friday 24 August 2023, a Notice of Decision was posted by the ACT Government for DA 202240865. This provided notification of development approval for a new community housing development on the corner of Frewin Place and Ross Smith Crescent, Scullin.
>
> 2. The purpose of this petition is not to oppose the development of community housing on this site.
>
> 3. The community opposes the plans to clear mature native eucalypt habitat trees, full of hollows recently used for nesting by native birds including eastern rosellas and gang gang cockatoos. These trees are numbered as S6, S8 and C7 on the development site plan.

4. The Arboricultural Impact Assessment Report recommends removal of the above trees on the basis of a "low value" rating (pages 15-17.) This value rating appears to not take into account the ecological and conservation value of the multiple active hollows in these trees.

5. Tree hollows are widely recognised as having high conservation value due to their role in providing habitat for native species. A shortage of natural hollows limits the number and density of bats, arboreal mammals and breeding birds. In 2019, the ACT Minister for the Environment and Heritage added the loss of tree hollows to the List of Key Threatening Processes (NI2019-822), following advice from the Scientific Committee. This decision fails to act on ACT Environments' recommendations for retaining mature native trees and dead trees.

6. Members of the Scullin community alerted the ACT Government through development consultation submissions that these trees contain active hollows and are currently used by several species of native birds. It appears that these have not been considered by the Conservator. The Development Notice contains notes by the Conservator that "The trees to be removed are either not Regulated or are of poor quality (S6, S8) or are weed species (S16, S17, S 19, S20, S21 and S22) and the Tree Protection Unit would not oppose their removal. Tree C7 is a street tree, and its removal will be determined by Urban Trees Division." There is no acknowledgement of the conservation value of trees S6, S8 and C7 due to their extensive hollows.

7. The ACT Urban Forest Strategy 2021-2045 has a vision for "a resilient and sustainable forest and to achieve this we must first protect the forest that we have". Its primary objective is to "Protect the urban forest". Its planned outcomes include the protection of trees on unleased public land and leased land and that 'Mature and remnant trees, including cultural and heritage trees are conserved effectively and respectfully.' The approval to remove these habitat trees contradicts the vision, objective, and planned outcomes of the ACT Government Urban Forest Strategy.

8. This situation is a case study in a broader issue occurring across the ACT and Australia where Government planning processes are at odds with Government biodiversity goals and do not provide adequate protection to native flora and fauna.

Your petitioners, therefore, request the Assembly to call upon the ACT Government to:

Protect the three Scullin habitat trees approved for removal and take the following actions to amend the development application approval process so that native trees with habitat hollows can only be removed in exceptional circumstances:

1. Review the development application review processes for 202240865 / s144B Block 20, Section 43, Scullin to identify the development application process points that allowed hollow-bearing trees to be approved for removal. Release the findings in full to the Assembly once it is complete.

2. Withdraw the approval to remove these habitat trees and require updated development plans that ensure the survival and ongoing health of trees S6 and S8. These plans should include plans to prevent root damage during construction.

3. Discontinue the TCCS plans to remove the street tree noted as C7.

4. Add a requirement for all Tree Assessment Reports conducted in the ACT from now on to include estimates of the number and size of hollows in native trees recommended for removal.

5. Create a reference guide for consultants undertaking tree assessments. This guide should replace third-party references, set criteria for whether a tree should be retained, and only allow native trees with hollows to be removed in exceptional circumstances

6. Review and improve the Tree Protection Unit decision-making process that led to Conservator approval of the removal of native trees without taking into account multiple community submissions that reported active hollows in these trees.

7. Update development approval policies and processes to ensure that:
   a/ reports submitted by the development proponent are subject to greater scrutiny and not taken at face value;
   b/ community reports of active hollows are taken into account when native trees are recommended for removal; and
   c/ on-site inspection must be undertaken prior to granting development approval in order to verify claims made in the application process

Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Planning, Transport and City Services.

Trees—Scullin tree hollows—petition 28-23

By **Ms Clay**, *from 28 residents:*

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the Scullin Community Group and local residents are working to urgently stop the removal of a number of native trees with hollows on a development site slated for Frewin Place, Scullin. The purpose of this campaign is not to oppose the development of community housing on this site. We oppose the approvals to clear mature native eucalypt habitat trees, full of hollows recently used for nesting by native birds including eastern rosellas and gang gang cockatoos.

Your petitioners, therefore, request the Assembly to call upon the ACT Government to do two things:

1. Withdraw the approval to remove the three Scullin habitat trees, and
2. Amend the development approval process so that native trees with active habitat hollows cannot be approved for removal and other hollows in Canberra are protected too.

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

Motion to take note of petitions

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

> That the petitions so lodged be noted.

MS CLAY (Ginninderra) (10.03): I would like to speak to the petition to save Scullin's habitat trees. I was really happy to sponsor this petition and see it come forward. It has been assembled by Adele Sinclair and members of the Scullin community, and it has received over 600 signatures.

We have a really active community in Scullin. The Scullin Community Group, started by Rachel, Sue, and a small group of motivated residents in 2019, has grown and flourished, and it has built so much. We are having street parties, and there are community-led events, from singing to soccer. The shops there are really lively. They are a great example of a local refresh. We have the vegan café Sweet Bones. I think it is World Vegan Day. We have Change Yoga & Wellness, Another Chance op shop, Sue's Kitchen and Bold Hair. There is a bulk-billing GP and there is a new noodle bar about to open, Muku Ramen.

There are fantastic local plantings and gardens there, all put in by the local community. I have been out there on plantings with Adele and other residents, and it is really good fun. There is yarn bombing around the shops, and I am yet to go to the Scullin shops without meeting a really fantastic dog. They have the friendliest dogs in Canberra.

This petition from a small area has a lot of signatures and it comes with enormous community backing. This is an area that demonstrates a really strong sense of community and engagement in what goes on in the suburb. It shows the kind of change that supports local suburbs and supports and connects our growing community.

The petition is about a DA approval that would have cleared mature native eucalypts. These are hollow-bearing nest trees. Gang-gangs use these particular trees. I have a picture of a gang-gang in one of these trees. Losing tree hollows like this is one of the key threatening processes identified by our Minister for the Environment, and protecting them is one of the outcomes in our Urban Forest Strategy.

The really good news is that, on this site, since this petition, we have discovered that the development can go ahead without removing the trees. Scullin has received notice that the three habitat trees will be retained and that the original decision was an error. It is fantastic to see local community action leading to such a positive result and leading to a solid ACT government review. It is also good to see that, of course, here in Canberra, we have room for people who need a home and we have room for gang-gangs. This is how Canberra needs to develop.

The petition also makes some helpful suggestions about how government can change processes to get better outcomes on other sites across Canberra, and make sure that we are not approving the removal of mature native trees—this type of habitat tree—when it is possible to retain them. I look forward to seeing the government response to those other suggestions.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.05): I want to make a couple of reflections on these petitions. I note that this is one example of seeing how the system can work really well. Often we reflect on some of the issues and problems. This is an example of seeing great community engagement and supporting government processes.

While there will be a formal response to the petitions, and particularly the issues regarding the trees, I want to reflect on some of the steps that were taken. We saw in this case the office of the Conservator of Flora and Fauna undertake a site visit to look at these habitat trees. While there was not any identification that these were being used for breeding, they are good foraging habitats.

That triggered some discussions. Having looked at the development application and noting that two of the three trees were of concern, those trees were not removed. There was then a discussion within the directorate with the applicant to talk about and clarify the outcome for the third tree. There was an agreement reached by the developer to make additional amendments to the design of the proposal to enable the retention of the third tree in question, which is really commendable.

This is a really good example of what can be achieved when the community, developers and the ACT government work together to find that balance between our ongoing need for a range of housing opportunities, while reflecting on the important environmental needs of our native flora and fauna within the ACT.

I know that the office of the Conservator of Flora and Fauna is continuing to work closely with the tree protection unit within the Transport Canberra and City Services Directorate to identify opportunities to apply the latest ecological knowledge when undertaking tree assessments. This work will further strengthen consideration of the impact of hollows and other key habitat elements, and will work in tandem with our new planning guidelines, particularly around biodiversity.

We hope we will see more of these examples of development working with, not against, nature.

Question resolved in the affirmative.

Children and young people—Next Steps for Our Kids 2022-2030

Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.08): I rise today to table the summary of the Next Steps for Our Kids 2022-30 first four-year action plan. This is the first action plan under Next Steps for Our Kids, the ACT government strategy for strengthening families and keeping children and young people safe. The full and extremely comprehensive action plan will be available on the Community Services Directorate website. The summary I am tabling today outlines the shape of the first phase of reform efforts guided by the strategy.

Reform of the child protection system and related child and family service systems is an ongoing, iterative process. As new evidence emerges and our understanding of best practice evolves, so too must our system. As a system that has the crucial responsibility of preventing child abuse and neglect, we must ensure our reform efforts are deliberate, considered and sound.

In February 2015 my colleague Minister Gentleman, then Minister for Children and Young People, officially launched A Step Up for Our Kids. A step up shifted the way the ACT delivered out-of-home-care services and took the first steps to align our care and protection system to deliver a more integrated service response. It introduced therapeutic trauma-informed care, strengthened services for high-risk families, and increased focus on accountability and good governance. It also created a continuum of care system response, meaning that services could be stepped up and down, based on the level of need and complexity of the families being supported.

Next Steps is the successor to A Step Up. As the name implies, Next Steps continues the journey to better align our service system with the aim of preventing children and young people from coming into contact with statutory child protection systems. Where families must come into contact with the statutory system, Next Steps also puts our focus on ensuring that system is restorative, culturally informed, informed by the voices of children and young people, and supported by carers who have confidence and trust in the system.

The first four-year action plan, which I am now tabling, outlines how Next Steps will improve the lives of children, families and carers over the next four years.

Our biggest challenge continues to be addressing the over-representation of Aboriginal and Torres Strait Islander children in the child and youth protection system. At the end of December 2022, 30 per cent of children and young people living in out-of-home care on long-term orders were Aboriginal and Torres Strait Islander. This number continues to be much too high, and we need to do better.

That is why, in developing Next Steps, the government drew on the findings from Our Booris, Our Way, embedding our response to this pivotal Aboriginal-led review of our system as the first of six domains under the strategy. This action plan draws directly from the Our Booris, Our Way recommendations. It advances the government's commitment to fully embedding the Aboriginal and Torres Strait Islander child placement principle in legislation, policy and practice.

The action plan also includes measures to support the development of Aboriginal community-controlled organisations, such as Yerrabi Yurwang, with a view towards transitioning responsibilities for case management of Aboriginal and Torres Strait Islander children and young people to these organisations. This will be an important step to empower the Aboriginal and Torres Strait Islander community to make decisions about their own children and young people. More broadly, Next Steps embeds our commitment to a continued and stronger focus on early family support for children and young people.

This action plan acknowledges what we have heard from stakeholders and those with lived experience of the system. We have heard that we need better family finding and

reunification services. We have heard that we need services that can respond to the increased behavioural complexity of children in care and can reduce the gaps in education and other life outcomes for care leavers. We have heard that, when it is not safe for children to return home, we need family arrangements that increase stability and maintain family connections for children and young people.

We have listened closely, and we are acting on what we have heard. In this action plan, the government is continuing its commitment to work to improve family finding, ensuring that, where a child cannot remain safely at home, all possible kinship options are explored as early as possible. We are committed to developing a trauma recovery response for young people aged 13 and over, and we are committed to engagement and consultation with children and young people in ways that enhance and benefit their care experience.

We have, of course, been engaging with the community throughout the development and early implementation of Next Steps, and that includes the development of this first action plan. This includes the deep and committed engagement of what we have called our "critical sector friends" group, a group of leaders from organisations that work directly with children and families and who have been and will be instrumental in achieving the ambition of Next Steps and its first action plan.

The critical sector friends group has now been succeeded by a child and family reform ministerial advisory council. The council, which includes representatives of organisations, academics and people with lived experience, now takes up the role of supporting and overseeing the implementation of the Next Steps reforms. I want to thank all members of the critical sector friends group for their commitment, expertise and ideas, which informed this action plan.

I was pleased to attend the first meeting of the Child and Family Reform Ministerial Advisory Council in September. This is an exceptional group of people with professional expertise and lived and living experience of the child protection system. Importantly, 30 per cent of council members are Aboriginal and Torres Strait Islander. Their insights and contributions will be invaluable as we continue to address the over-representation of Aboriginal and Torres Strait Islander children and young people.

Crucially, there are also two young care leavers on the council, and the government has listened closely to children and young people. Put simply, children and young people have told us that they want to feel loved, cared for and valued. They want to know that they matter, and they want to remain connected to the people who are important to them. As a government, and as a community, we owe children and young people support for these basic needs. Through all of the complexity of our systems and the details of reform, this is what lies at the heart of Next Steps.

We have also heard from families who have been involved with the care system, including Aboriginal and Torres Strait Islander families. They have told us that their families need to feel safe to ask for help, and that services need to work in partnership. People want to hear their rights up-front and be listened to and taken seriously. Our service system will continue to seek to create stronger partnerships where people are respected and their dignity is upheld so that they can own the decisions they make for their children.

Specifically, Aboriginal and Torres Strait Islander families told us they need to lead the response for their families. The Our Booris, Our Way final report states that the Aboriginal and Torres Strait Islander community "must exercise our self-determination, culture and our knowledge of the needs of our children to protect and prepare them for the world". Ensuring we respect this knowledge and the right to self-determination has been a key consideration in the development of Next Steps and the action plan, and it must continue to be a focus throughout implementation.

We heard from carers who said they needed more help—help to understand the system, help to access supports and services, and help when things get tough. Moreover, they want this help in a way that suits them. Carers have also told us that, when they ask for help, they want people to understand that this is because they want to make things better for the kids in their care. Asking for help should not be seen as a sign that carers are not coping or make them feel that their capacity or commitment will be questioned.

The action plan includes a commitment to a continued focus on the inclusion of children, parents and carers in decision-making. We will deliver a balance between universally accessible services and providing earlier, targeted support. The government will work towards providing greater placement stability, continued therapeutic assessment and access to evidence-based diversionary programs.

The steps that the government will take under this action plan will continue to ensure that our child and youth protection system is person-centred, building on our work to embed a responsive and integrated service system for children and young people and their families and carers.

Next Steps identifies six key domains. Under each domain the strategy includes two or three flagship initiatives. These are major pieces of work, and many are already underway. The action plan reflects this existing implementation work and forecasts our future ambitions under the strategy.

I would like to take this opportunity to thank our child and youth protection workers, who work every day to ensure that children and young people in the ACT are safe and connected. I also want to thank our partner agencies across the child, youth and family services system for their work supporting children and young people, their families and carers. Again, I thank all those who have contributed and continue to contribute to this major reform effort.

This action plan represents an ambitious agenda. We have the building blocks in place and have articulated a clear pathway forward. The government's priority is to build a community in which all children and young people are—and feel—safe, loved and cared for, and where they are supported by appropriate services.

I know this ambition is shared across the Assembly, and I thank members for their interest in this critical work. I present the following papers:

Next Steps for Our Kids—

Action Plan 1: Summary—FY 2022-2026, undated.

2022-2030—First 4 Year Action Plan—Ministerial statement, 2 November 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Disability Justice Strategy—annual report 2023
Ministerial statement

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.17): I thank members for the opportunity to present a statement on the annual progress of the Disability Justice Strategy. I would like to thank my colleagues the Minister for Disability and the Minister for Corrections and Police and Emergency Services for their ongoing commitment to the Disability Justice Strategy. This is the fourth annual progress report of the 10-year Disability Justice Strategy.

The strategy was launched in August 2019 with the aim of achieving equal access and inclusion for people with disability in the justice system. Our vision is for the ACT to be a place where everyone is given the opportunity to reach their full potential. Removing barriers for people with disability in accessing justice is key to achieving that vision.

From national and international research, we know that people with disability face a range of barriers to accessing justice, leading to worse outcomes for both victims and accused people with disability. We know people with disability experience higher rates of violence. We know that the rate of disability is higher among those who are incarcerated.

The Disability Justice Strategy aims to ensure people with disability have equal access to justice, that people with disability are safe and respected and that the ACT has a disability-responsive justice system. An accessible and inclusive justice system is a justice system for all.

Throughout the past 12 months, the ACT government and many of our non-government partners have worked tirelessly towards the goals of the Disability Justice Strategy. Disability liaison officers and the community of practice have proven crucial to much of the success of the first action plan. The disability liaison officers, funded under the Disability Justice Strategy, work collaboratively to ensure that the justice system becomes more accessible for all.

We know that people with disability experience a higher rate of crime and violence. To increase support, we have funded Victim Support ACT and the Domestic Violence Crisis Service to embed disability liaison and inclusion roles. These positions are providing targeted support to people with disability who have been victims of crime and family violence.

Disability liaison officers work towards achieving organisational and systemic change. They educate and guide their colleagues to identify and better respond to the needs of

people with disability. By reviewing policies and procedures and by translating critical resources into accessible formats, these officers are increasing disability awareness within their agencies.

The identification of disability and the need for reasonable adjustments has proven critical to intervention. Screening and identification tools have been developed and implemented across a range of justice agencies. These tools are designed to increase awareness of people's unique needs and help agencies to take steps to provide adjustments that ensure each person can access programs and services.

Both ACT Policing and Bimberi Youth Justice Centre have successfully embedded screening and identification tools. These tools, which are used during the intake and induction processes at the city watch house and Bimberi, help to identify potential disability or the reasonable adjustment needs of people entering these facilities. This knowledge supports staff at the city watch house and Bimberi Youth Justice Centre to improve the experiences of people with disability within those settings.

Something that I am very encouraged by—as I am sure the Minister for Corrections is—is the development of the ACT Corrective Services Disability Framework. The framework, which was developed in collaboration with a range of stakeholders, aims to provide a best practice guide for ACT Corrective Services staff when working with people with disability.

I would like to acknowledge the hard work of ACT Corrective Services in progressing their disability action and inclusion plan, and consulting on and developing their disability framework. The impacts of this work, which will continue to roll out over the coming years, will result in ACT Corrective Services having staff, systems and processes that better understand and take a strength-based approach to working with people with disability to increase accessibility and address barriers being experienced.

This is only a small glimpse of the important work that has occurred over the past year. The recent handing down of the final report of the disability royal commission reminds us of the need to address the many barriers and inequities that are impacting unfairly and negatively on people with disability. Recommendations of the royal commission will be considered during the development of the second action plan, as we further our commitment to equal access to justice for people with disability.

As we progress towards this second action plan, we are continually working with people with disability, their families, carers and people in the justice system to ensure their voices are reflected in the future work of the Disability Justice Strategy.

I encourage everyone to have a look at the fourth annual progress report of the Disability Justice Strategy. The report will be published on the Community Services Directorate website. I thank all those who are committed to the goals of the Disability Justice Strategy. An accessible and inclusive justice system is a justice system for all. I present the following papers:

> Disability Justice Strategy—
>
> Fourth Annual Progress Report—Community Services Directorate and Justice and Community Safety Directorate, dated November 2023.

Fourth Annual Report—Ministerial statement, 2 November 2023.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Legislative Assembly—Assembly business notice No 1
Withdrawal

MADAM SPEAKER: I inform the Assembly that Mrs Kikkert, in accordance with standing order 111, has advised the Clerk that she has withdrawn her Assembly business notice No 1.

MRS KIKKERT (Ginninderra) (10.24), by leave: I wish to advise the Assembly that I have withdrawn my Assembly business notice from the notice paper. I have withdrawn my motion this morning because, thankfully, it is no longer required. I am extremely happy about that.

Mr Tian-Jarrah "TJ" Denniss died of suicide in Silverwater Correctional Complex in New South Wales after having been transferred from the territory's prison two years earlier. Naturally, this tragic loss has left his family and friends devastated. It has also impacted on the caring and dedicated professionals who formed his medical team here. They advised that, because of Mr Denniss's mental health issues and history of suicide attempts, it would be better for him to serve his sentence in a secure mental health facility instead of in prison. That advice was not followed, either here in Canberra or in New South Wales.

The grief of losing Mr Denniss has therefore been intermixed with important and unanswered questions about exactly what happened and what should have happened. Because he died in custody, a coronial inquest in New South Wales is required, but the story of his tragic death clearly began here in the ACT and, until yesterday, family and advocates had no assurance that the inquest interstate would have the authority to consider matters here. In fact, the ACT government had told media that "any inquiry would be the responsibility of authorities in New South Wales". Other inquests involving ACT residents who died in New South Wales prisons have clearly stated that factors here were "out of bounds" for consideration.

I am pleased to report that yesterday I received written confirmation from the New South Wales Coroners Court that it and the ACT Coroner's Court have concluded "that these issues will need to be considered in related coronial processes". Issues relevant to the manner and cause of Mr Denniss's death and public safety that arise in the ACT will be separately considered by our Coroner's Court, and the ACT Coroner will, upon request, assist his New South Wales counterpart in the inquest there. This is an excellent outcome that has brought some relief to Mr Denniss's family and loved ones.

My motivation in moving a motion this morning was simply to amplify the pleading voices of Mr Denniss's family, and to bring those voices into this place of decision-making. I wish to honour my commitment this morning by quoting a statement from the family that was prepared by a close friend and advocate:

> TJ's death in custody has had a profound impact on his family, friends and community. The family will continue to fight for justice for TJ and want answers as to why TJ—who suffered serious mental illness—was locked down for 311 days and why he was not receiving the mental health care he needed. They want answers as to why he was taunted by some corrections officers, and they believe the hangman drawing was a factor in his death in custody.

I conclude by expressing my sincere condolences to Mr Denniss's family and all who loved and valued him. I am deeply sorry for your loss. I hope that this development will help to bring much-needed comfort and a pathway towards peace and justice.

Education and Community Inclusion—Standing Committee
Statement on behalf of Chair

MS LAWDER (Brindabella) (10.28), by leave: In the absence of the chair and deputy chair, and pursuant to standing order 246A, I would like to advise the Assembly that, on 17 October 2023, the Standing Committee on Education and Community Inclusion resolved to self-refer an inquiry into loneliness and social isolation in the ACT.

The committee's terms of reference include: the prevalence of loneliness and isolation in the ACT community; experiences of loneliness and social isolation among residents of the ACT, including but not limited to seniors, young people, people with a disability, parents, carers, LGBTIQA+ people, and recently arrived migrants and refugees; the personal and social costs associated with loneliness and social isolation in the ACT, including the impact of loneliness and social isolation on mental and physical health; opportunities for the ACT government to support organisations and individuals to address loneliness and social isolation and improve social connectedness in the ACT community; and opportunities for the ACT government to integrate improving social connectedness into other areas of policymaking

Governments around the world are increasingly recognising the impact that loneliness and social isolation have on people's mental and physical health. The COVID lockdowns in 2020 and 2021 brought the effects of loneliness and social isolation into wider public consideration.

My colleagues and I are calling for submissions to this new inquiry. The committee would like to hear from a wide range of ACT residents about their personal experiences of loneliness and social isolation, as well as their ideas for how we can tackle these issues in the ACT.

To facilitate our public hearings, submissions close on Friday, 23 February 2024. The committee looks forward to engaging with the people of the ACT. I encourage members of this place to promote this inquiry.

Sexual, Family and Personal Violence Legislation Amendment Bill 2023

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

Title read by Clerk.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.31): I move:

> That this bill be agreed to in principle.

I am pleased to present the Sexual, Family and Personal Violence Legislation Amendment Bill to the Assembly today. The bill continues the government's work to strengthen our response to, and the prevention of, sexual, family and personal violence in the ACT community.

Sexual, family and personal violence are among the most serious crimes in Australia and continue to present challenges to our justice system. These crimes are often linked and have intergenerational impacts. The impacts of this violence on victim-survivors are profound, particularly when they are exposed at an early age, as many are. The impacts on the sense of safety and wellbeing of the community are similarly acute.

A survey by the Australian Bureau of Statistics found that one in five women and one in 16 men have experienced sexual violence. In this same period one in four women experienced violence by an intimate partner or family member compared to one in eight men. A study by the Australian Institute of Criminology found that, on average, a woman is killed by an intimate partner every 10 days. Similarly, 34 per cent of sexual assault victims recorded by police in Australia between 2014 and 2019 were family and domestic related.

Australia-wide, research has found that one in six women and one in nine men witnessed parental violence before the age of 15. The same study found that more than two-fifths of all sexual assaults recorded against children aged zero to 14—around 3,100—were perpetrated by a family member.

In 2019-20 more than 2,000 applications for protection orders were made in the ACT Magistrates Court. The number of applications increases each year. These statistics are distressing and unacceptable.

The Sexual, Family and Personal Violence Legislation Amendment Bill being introduced today responds to these issues and implements a range of reforms recommended by key justice stakeholders. The bill introduces amendments that reflect the severity of these offences and behaviour and the harm caused to victim-survivors. The bill supports victim-survivors and the community to feel safe participating in a more trauma-informed justice system. It also supports victim-survivors to navigate legal processes, allowing them to engage more fully in the justice system.

Specifically, the bill amends ACT laws to legislate for a neutral presumption of bail to apply to offences in the Crimes Act 1900 and abolishes the offence of aiding and abetting a breach of a family violence order for protected persons.

The bill assists in streamlining protection order proceedings and better supporting parties to applications by allowing decisions of a registrar to be reviewed by a

magistrate in the first instance in respect of orders made pursuant to the Family Violence Act 2016 and Personal Violence Act 2016. It allows the court to hear and determine temporary amendments to interim and final family violence orders and, if required, on an ex-parte basis where special or exceptional circumstances apply. It removes the obligation that the court must have a preliminary conference on an application in respect of family violence or personal violence orders.

It clarifies for how long general interim family violence orders may be in force. It allows a family violence order or personal violence order of a protected person to continue to apply for the life of the original order, even after the protected person turns 18 years old. It provides that a contravention of a protection order as an offence triggers conversion of an interim family violence order into a special interim family violence order. It allows a family violence order matter to be listed for the hearing of an application for an interim order where there has been a change in circumstances.

It explicitly requires the court to take all reasonable steps to ensure that a protected person is provided with a copy of court-initiated orders, and corrects an unintended impact on the ability of the prosecution to elect to have certain offences determined summarily in the Magistrates Court, following amendments to section 374 of the Crimes Act 1900, introduced by the Family Violence Legislation Amendment Act 2022.

This bill is a significant bill and a detailed human rights analysis against the Human Rights Act 2004 is included in the explanatory statement. While the bill engages and limits some human rights under the Human Rights Act 2004, these limitations are proportionate and justified in the circumstances because they are the least restrictive means available to achieve the purpose of protecting victims of sexual, personal and family violence and the community. The stakeholder consultation that led to this bill provides strong justification for these limitations.

I will now explain these amendments in more detail. Firstly, the bill provides that the presumption of bail does not apply to a person charged with an offence contrary to the following sections of the Crimes Act 1900: section 53, relating to sexual assault in the third degree; section 62, relating to incest and similar offences; section 64, relating to using a child for production of child exploitation material; and section 66, relating to grooming and depraving young children.

Schedule 1 of the Bail Act already includes a brief list of offences of a highly serious and/or sexual nature where there is a neutral presumption of bail—meaning the presumption for bail has been removed. The amendment proposed in the bill addresses a stakeholder recommendation that further sexual offences should be added to this list to improve the safety of victim-survivors.

The amendment does not create a presumption against bail but creates a neutral presumption. It also does not seek to curb existing discretion held by the decision-maker in making bail determinations. The neutral presumption will, however, indicate to the decision-maker the increased risk associated with these offences, particularly for children, and will ensure that these offences are afforded the same consideration as other serious sexual offences which also have a neutral presumption. This will ensure increased safety for victim-survivors and consistent treatment of similar offences.

The bill implements a range of amendments to the Family Violence Act 2016 and the Personal Violence Act 2016 to streamline proceedings, increase the protection of victim-survivors and ensure parties can navigate the legal process more safely. The bill seeks to aid victim-survivors to navigate legal processes so that they can obtain protection more efficiently and in a safer manner. Amendments that will achieve this include removing the need for a preliminary conference, creating an obligation for the court to provide a protected person with a copy of a protection order, and providing for review of a decision of a registrar by a magistrate.

A significant amendment that was strongly supported by stakeholders is that the court will be able to hear and determine an application for temporary amendments to a family violence order on an ex-parte basis. Allowing the court to make a provisional amendment to a family violence order will ensure applicants have a much more efficient and safe process to obtain an amendment in special and exceptional circumstances where there may be high risk and urgency.

Similarly, the bill will also allow the court to list a family violence order matter for an interim hearing where there is a change in circumstances. This means that applicants who were initially unaware of the option of seeking an interim order may seek an interim order during proceedings to ensure their protection from escalation in violence. These two amendments will enable the court to respond more effectively to the evolving and dynamic nature of family violence.

Other amendments will clarify and change the scope of the protection able to be afforded to a victim-survivor. Providing that a breach of a protection order converts a general interim order into a special interim order will provide protection to applicants for the duration of criminal proceedings related to the application for a protection order. This also means that, where a conviction is made, the court can hear and determine the application for the protection order immediately.

Clarifying the length of interim protection orders will ensure that, where a final protection order cannot be served, an applicant or protected person still has the protection of an interim order for the length of the final order, had the respondent been present at court or the order enforceable against the respondent. Clarifying that a protection order continues to apply once a protected person turns 18 will ensure that young people have certainty of continued protection from violence once they become adults.

The final important amendment in this space is abolishing the offence of aiding and abetting a breach of a family violence order for protected persons. It is currently an offence to breach a family violence order and it is also an offence for a person to aid or abet a breach of a family violence order. This means that if an applicant or protected person under a family violence order enables a respondent to breach a family violence order, they could be charged with a criminal offence. The amendment in this bill will abolish this offence, which is contained in section 43(2) of the Family Violence Act and section 45 of the Criminal Code 2002.

The nature of family violence is dynamic and cyclical, and family members or partners whose relationship is characterised by family violence often reconcile. Many applicants or protected persons may not fully understand their obligations under a family violence order, how to discontinue proceedings or have an order revoked upon

reconciliation. A perpetrator of family violence may also use the threat of the protected person or applicant being charged with aiding and abetting a breach to control the victim and stop subsequent reports of violence. This amendment highlights that responsibility for complying with a family violence order rests with the respondent, rather than the victim-survivor.

Sexual, family and personal violence are among the most significant challenges to our justice system and the wellbeing of our community. The supports and responses that we provide to victim-survivors in our justice system must keep evolving, be trauma-informed and be robust and sensitive enough to address the severe impacts of this behaviour. As mentioned, victim-survivors too often feel that their needs are not met by the current system. It is intended that this bill will improve the justice system so that the ACT can respond to the needs of victim-survivors in meaningful ways.

I wish to take this opportunity to thank the stakeholders consulted for their contributions to the development of this bill. These reforms indicate how seriously the government views violent behaviour and our commitment to listening to and protecting vulnerable members of the community.

I commend the bill to the Assembly.

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

Government Procurement Amendment Bill 2023

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

Title read by Clerk.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (10.44): I move:

> That this bill be agreed to in principle.

I am pleased to rise today to introduce the Government Procurement Amendment Bill 2023, which delivers the next stage of reform under our government's Procurement Reform Program.

Each year, the ACT government spends close to $1.5 billion on procurements that support the delivery of quality public services, infrastructure, economic growth and community wellbeing. To support this, the government's procurement framework must always be robust, well-defined and fit for purpose. It must also provide the right guidance to all those who undertake procurements across the ACT government. Today's bill will further strengthen the procurement ecosystem in the ACT by implementing significant reforms to the Government Procurement Act 2001, the Government Procurement Regulation 2007 and associated legislative instruments.

These reforms ensure that the legislative framework remains contemporary, is relevant to modern procurement practices, supports the efficient and effective financial

management of resources in accordance with the Financial Management Act 1996 and enshrines important procurement values that are important to our community.

The bill forms an important part of the government's Procurement Reform Program which was established in February 2022 to ensure that the procurement framework delivers efficient, effective and accountable business outcomes and meets the policy objectives of government and strengthens procurement practice across the ACT public service.

The reform program identified three focus areas: transparent, evidence based procurement decisions which are conducted with probity and can withstand scrutiny; support for our workforce, 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 streamlining of our legislative framework, policies, processes and templates to ensure that they are efficient and can facilitate timely procurement outcomes.

In effecting the streamlining of our legislative framework, the government has undertaken a holistic review of the Government Procurement Act and regulation. This has identified potential inconsistencies that can be out of step with regulation in other areas of government and not reflective of appropriate accountability and decision-making in procurement. These issues create the potential for confusion or inconsistent interpretation, delays in application and the ongoing need for advice to interpret basic concepts, including the definition of procurement.

The Government Procurement Amendment Bill 2023 aims to provide clarity and address inconsistencies to ensure that the act and regulation are contemporary, draw upon best practice and are fit for purpose.

As I have foreshadowed in the Assembly, this bill also enacts and supports recommendations that require legislative change from the 2023 *ACT Auditor-General's performance audit report—Activities of the Government Procurement Board*.

Consultation across government and with businesses has significantly informed the bill which clarifies important procurement concepts for public servants undertaking procurement and supports suppliers seeking opportunities with the ACT government. Notably, the definition of procurement has been clarified and enhanced to ensure that the act and regulation apply to procurement undertaken by third parties on behalf of a territory entity.

The bill also contains important amendments to the principle of value for money, which ensures it remains enshrined in our legislative framework and strengthens this position by identifying value for money as the best outcome that maximises the overall benefit to the territory. This is supported by improvements to our quotation and tender requirements, reflecting that these have been holistically unchanged since 2007.

The amendments require written quotations for lower value procurement, to help with making more transparent procurement decisions. These changes reflect that the current oral quotations and the dollar thresholds are not in step with current practices across other Australian jurisdictions nor with our international trade arrangements.

Furthermore, the Government Procurement (Charter of Procurement Values) Direction 2020 is not expressly reflected under the provisions set by the regulation.

The amendments also increase monetary thresholds for open tenders, from the current $200,000, to $500,000 for goods and services and to $1 million for construction related procurements. This is in direct response to feedback from businesses, including small and medium enterprises which noted the costs and resources associated with tendering for relatively low-value work. It reduces the burden on suppliers, allowing them to respond to more opportunities to work with the ACT government.

Importantly, the amendments incorporate key aspects of the procurement values and current procurement policies to ensure that ACT government buyers are supporting the ACT government's objectives when seeking quotations. The new requirements will allow ACT government buyers to seek an exemption from the quotation requirements, specifically to approach suppliers from three key segments: certified Aboriginal and Torres Strait Islander entities; entities based in the ACT or surrounding region; and small to medium businesses.

Concerns about probity in procurement undermine public trust and increase the risk of the territory's exposure to reputational damage or financial loss. A new section in the act has been included to ensure that all procurements are conducted in accordance with the ACT government's probity principles. For the purposes of these new amendments, probity will be defined as undertaking behaviour that is ethical and ensuring the procurement is undertaken with integrity, uprightness and honesty.

The amendments in this bill also clarify the role of the Government Procurement Board: the board's purpose, function, obligations and composition.

As I outlined to the Assembly in my most recent ministerial statement, the government will use this legislation to implement a range of recommendations from the Auditor-General, including the appointment of non-public employee members to the committee as a majority of members of the board and ensuring that the chair of the board is a non-public employee member.

These amendments ensure that matters referred to the board for advice will be reflective of not only the monetary value of that procurement but also its risk. The amendments expressly provide for procurements to be referred to the board during the planning and sourcing phases of the procurement lifecycle.

The bill strengthens the board's functions and governance with an appropriate process for escalation when the board considers that unmitigated risks are not being adequately addressed.

The board's role and obligations will be clarified in enhanced terms of reference in subordinate legislation and supported by forthcoming instruments which will set the board's strategic directions, support the compliance of any whole of government procurement practices and provide the appropriate authorising environment for the board in meeting its objectives. The bill also establishes an annual reporting requirement on the performance of the board. These provisions will allow the board to operate with optimal efficiency and effectiveness, and appropriate power and authority, while ensuring that territory entities are clear on their accountabilities.

The combination of amendments to primary legislation and subordinate legislative instruments creates a more robust and accountable procurement framework for the territory. The bill is an important deliverable in the broader reform work to deliver transparent, supported and streamlined outcomes for the ACT government and the community.

The ACT government is committed to a modern, contemporary and fit-for-purpose procurement framework that ensures all our procurements are conducted at the highest standard, reflect the values of our community and provide better support for both government and business. The bill today represents one of the biggest steps taken so far in the government's Procurement Reform Program.

I commend the bill to the Assembly.

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

Revenue Legislation Amendment Bill 2023

Debate resumed from 20 September 2023, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR CAIN (Ginninderra) (10.53): The Canberra Liberals will be supporting the Revenue Legislation Amendment Bill 2023.

There is an interesting interplay between tax policy, commercial priorities and cultural practices. It is one of the battles of the ages, really! Sound tax policy can sometimes conflict with changing commercial arrangements, some of which seek to avoid the implications of that tax policy. But there are also circumstances where community members adjust how they deal with different parts of the community from a commercial point of view, not necessarily driven by an avoidance motivation but to just express their own way of doing business. It is important to keep an eye on the world of commerce, so to speak—and obviously every tax office does this—to ensure that the tax policy is actually re-examined in the light of changing practices, to make sure it is appropriate to impose a burden upon certain arrangements, and also to ensure, for the sake of that sound tax policy, that we are not missing out on revenue that should otherwise be collected.

The purpose of this bill is to tighten and future-proof the provisions of the legislation governing landholder duty, regarding entities that become exempt from paying that tax. The bill will aim to transfer existing provisions for exemptions to landholder duty tax, except for transfers to beneficiaries of a trust and for the purposes of securing finance.

Landholder duty is triggered where a relevant acquisition is made. This is covered when a person or entity acquires a significant interest—greater than 50 per cent of the distribution of the property of the entity—when aggregated associated persons acquire a significant interest, when persons or entities acquiring interest in the landholder act in concert, acquisitions in aggregate amount to a significant interest, or under circumstances of a further interest beyond a significant interest.

The bill will also, as part of strengthening landholder duty exemptions, base the exemptions, included in chapter 3 of the Duties Act, on real case studies as opposed to proposing a hypothetical test.

Particularly on this very complex tax legislation, I thank ministerial staff for the briefing I received on 25 October, including from my old boss, the Commissioner for ACT Revenue.

The bill also touches on some other paths of our revenue regime to bring in a refreshed definition of land to clarify duty liability when an acquisition occurs under an agreement, combined acquisitions under arrangements and uncompleted agreements.

The bill also makes what are called minor and technical amendments to the Rates Act, but they are quite significant in their outcome in that, when a Crown lease is surrendered and regranted for a fresh term, the previous unapproved values can be recognised for the purpose of calculating the average unimproved value for the purposes of rates and other calculations.

Finally, the bill will update the name of the fire and emergency services levy to the police, fire and emergency services levy. That is something that was discussed during our estimates and budget debate.

The Canberra Liberals will be supporting the Revenue Legislation Amendment Bill.

MR RATTENBURY (Kurrajong) (10.57): On behalf of the Greens, I rise in support of this amendment bill. It will help make the tax system fairer and simpler. In particular, I commend the Treasurer on strengthening land or duty provisions. This will ensure that the way land changes hands is taxed in a way that takes into account actual transactions. Currently, when land changes hands, it is taxed in a way which measures its projected value. These changes will tax on the basis of actual sale price.

I can also commend changes which make the ACT a more friendly jurisdiction for alternative finance, such as arrangements where land might be sold to a bank or other financial institution and then leased to an individual. Notably, this means that those wishing to make use of Islamic-compliant finance avoid the current situation where they may face being taxed twice. This is obviously complicated and unfair. This is a step forward in recognising the obvious fact that we are an international and multicultural jurisdiction.

The Greens always seek to support measures which make the collection of tax fairer. I believe these measures also reduce unnecessary bureaucracy and assist with ensuring we have more money to spend delivering for the people of the ACT.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.58), in reply: I thank members for their support of the legislation. It is not often that you get unanimous agreement on a piece of revenue legislation. It is also not often that there would be unexpected humour at the commencement of a speech on revenue, so I thank Mr Cain on two grounds this morning. And I thank Minister Rattenbury for the support of the Greens party.

In the introduction to the bill, I have already spoken around what it does. It is a small but important improvement to the territory's revenue legislation. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Supreme Court Amendment Bill 2023

Debate resumed from 10 May 2023, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR CAIN (Ginninderra) (10.59): The Canberra Liberals will be supporting this bill, which makes a significant change to the Supreme Court Act 1933 in introducing a new right to appeal a conviction or a finding of guilt on the basis of fresh and compelling evidence.

Currently, once a person has exhausted all complaint and appeal avenues for their conviction, they are unable to appeal their conviction, even when fresh and compelling evidence emerges. This bill will implement a right to appeal that will improve access to justice applying to perceived instances of wrongful convictions or substantial miscarriages of justice.

The bill allows the court to grant leave to a person to bring an appeal against any conviction or finding of guilt where the following two conditions are satisfied: there is fresh and compelling evidence in relation to the offence, and it is in interests of justice for the order to be made.

The same process applies following an appeal being granted for a conviction, where the court can then rule, setting aside the conviction or finding of guilt, and either order a verdict or a trial of guilt to be entered or a retrial. The test that is used to determine allowing an appeal for a conviction follows the same process as granting leave to appeal, except for the requirement that there has been a "substantial miscarriage of justice". This is used to prevent vexatious or invalid appeals. This right will be effective six months following the date of passage of this bill to provide ample time for appropriate considerations and adjustments of court processes to be made.

The initial government discussion report, titled *Wrongful conviction: Reforms to the right to appeal and right to compensation*, was released for community consultation on the YourSay and JACS websites. This was followed by the government's listening report and the publication of an exposure draft in January this year. A review of the submissions is contained in that listening report.

I want to again thank the Attorney-General for the briefing I received in late August from his officials. The Canberra Liberals will be supporting this legislation.

DR PATERSON (Murrumbidgee) (11.02): I rise to speak in support of this bill. The bill will amend the Supreme Court Act 1933 to introduce a new right of appeal of a conviction or a finding of guilt based on fresh and compelling evidence. The test for allowing an appeal is the same test for granting leave to appeal, except for the requirement that there has been a substantial miscarriage of justice. This higher threshold will help prevent difficult, unduly complex and untenable appeals, and is consistent with the approaches in South Australia, Tasmania and Victoria.

The new right of appeal will apply retrospectively and there is no limit to the number of appeals allowed under the new right. Furthermore, the new right of appeal will engage rights under the Charter of Rights for Victims of Crime in the Victims of Crime Act 1994, and victims' rights will apply equally to the new right of appeal, as they do in other criminal proceedings.

This bill is the outcome of extensive consultation, so I am very happy to speak in support of this bill today.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.03), in reply: I thank members for their support of the bill. As has been noted, the Supreme Court Amendment Bill 2023 makes an important change to the ACT's legal landscape. It is not a law that I expect to be utilised regularly, but it is necessary that it does exist.

The key purpose of the bill is to provide a new right of appeal to people who have been found guilty or convicted of crimes in the ACT in circumstances where fresh and compelling evidence comes to light. Usually, a convicted person who has exhausted their appeals and wants their case revisited would have to apply to the executive through an unwieldy process. We now have a clear judicial mechanism for that process.

At the principal level, this change goes to a foundational principle of our justice system—that is, that we do not want innocent people incarcerated. Many of the principles and systems enshrined in the Australian legal system, inherited from the legal system of the United Kingdom, exist to protect the innocent from being unjustly punished and from being deprived of their liberty.

This bill has been a long time in development. I thank the officials who have worked on it, as well as the advocates that have campaigned for it. It also implements a policy and election commitment that my party took to the last election.

We have heard a diverse range of views from stakeholders throughout the development and debate of this bill. I thank everybody who contributed to the discussion, debate and deliberation. As a result of this deliberative process, we have before us a bill that will strengthen the ACT's justice system. This is a bill that rationalises and formalises what has been a discretionary subjective process requiring decisions of the executive branch of government. For those who have fresh and compelling evidence to suggest they are wrongfully convicted, they should not have to rely on the minister of the day or on building a media or community interest in their case.

The bill proposes a simple pathway to this right of appeal which strikes a balance between the different interests at play in an appeal's context. The simplicity will mean that it is as available as possible to people where fresh and compelling evidence arises to support a claim of wrongful conviction and it is in the interests of justice for an appeal to be heard. The simplicity also means it will not unreasonably interfere with the rights of victims and their families.

A key element of the bill that has required a lot of thinking about is establishing the thresholds for appeals and ensuring they are appropriate. I believe we have found the right balance in the bill. Despite the best of practice and intention, we know that systems can fail. We know that people get things wrong. We even know that developments in scientific evidence can change our understanding of the facts. This new right to appeal law acknowledges that fact and that we need a system to right obvious wrongs which does not rely entirely upon discretionary powers to do so. If we are aware of people who have fresh and compelling evidence that their convictions are unsafe, it undermines our confidence in the rationality of the system if they do not have a fair and predictable pathway to an appeal.

It is also important to consider the needs of the wider community, including victims and their families. The public's confidence in the system is eroded by endless appeals on technicalities. Victims and their families especially have an interest in being able to put the past behind them and move forward with their lives. It is in that context that the bill strikes a balance. There will not be an open slather of people trying to escape justice on technicalities. The principle of finality is only abrogated where there are good and rational reasons to do so.

The effect of this bill is that, once passed, the court may, on application by a convicted person, grant leave for the convicted person to bring an appeal against their conviction or finding of guilt if satisfied that: (a) there is fresh and compelling evidence in relation to the offence that should be considered in an appeal; and (b) it is in the interests of justice for the order to be made.

Fresh evidence is evidence that has not been tendered in the proceeding in which the convicted person was convicted or found guilty of the offence or any appeal against the conviction or finding of guilt. Further, it is evidence that could not, in the course of an exercise of reasonable diligence, have been tendered in those proceedings.

We have examples of exactly this kind of evidence: for example, new DNA evidence that was unavailable during the trial or original appeal; new scientific understandings relevant to certain evidence that might enable it to be seen in a different light and create reasonable doubt; and new physical evidence whose existence was not known and could not have been known during the trial or original appeal. This is evidence where it is simply unfair to deny a hearing opportunity to the convicted person, because there is no fault. Each party put their case at its highest with the evidence available at the time, and the court convicted based on that evidence.

Consideration was given to granting an appeal on the grounds of new evidence—evidence not previously tendered, even if they could have tendered it earlier. This would have opened the door to appeals from those who knowingly or negligently sat on evidence that they should have introduced. This would have allowed a pathway to

appeal for those who made the strategic decision not to adduce evidence for whatever reason. In balancing the different interests at play when introducing a new right of appeal, the threshold of fresh evidence strikes the right balance.

The government also considered whether the right of appeal should only apply to the most serious crimes or to a broader range. In this regard, the bill takes a broad approach in making the new right of appeal available. This approach best upholds our human rights ideals and it acknowledges the reality that a conviction is a very serious matter. Even if it did not result in imprisonment, for example, it might have significant consequences for a person's employment prospects.

The threshold also requires the appeal to be in the interests of justice. Even with fresh and compelling evidence, it might still be the case that allowing an appeal is not in the interests of justice. One consideration may be that fresh evidence is probative but that the prospects of it outweighing the other evidence led at trial are simply remote or fanciful. The requirement that an appeal is in the interests of justice again ensures this new right of appeal strikes the right balance with reference to the interests of all parties and the justice system as a whole.

In conclusion, this new law ensures that a person who has been convicted or found guilty of an offence will have the opportunity to seek leave to appeal it, even if they have exhausted other avenues of appeal. It supports the right to the liberty and security of a person, the right to a fair trial, and rights in criminal proceedings, and will help make our justice system fairer. Passing this bill will ensure that the public can be confident of a higher degree of rationality and fairness in our justice system. 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.

Children and Young People Amendment Bill 2023

Debate resumed from 29 August 2023, on motion by **Ms Stephen-Smith**:

> That this bill be agreed to in principle.

MRS KIKKERT (Ginninderra) (11.11): I and the Canberra Liberals will support this bill. Changes included in the bill aim to recalibrate the Children and Young People Act by rebalancing its current emphasis on statutory child protection, redirecting greater attention towards supporting families at an earlier stage. I have spent many years asking questions about early intervention and prevention and encouraging this transition, so it is good to see an attempt written into legislation. What remains to be seen is just how much change actually occurs.

In my briefing on this bill I noted that many of the changes included in the bill already exist in the current act in some form. Officials confirmed that, for example, child

welfare officers can already refer families to early support services, but they clarified that it just is not happening. This bill is expected to help force improvement. There is a parallel with new section 360(4), which requires the director-general to attempt to identify whether a child is Aboriginal or Torres Strait Islander as soon as practicable. This is already government policy, but it just is not happening. According to the latest *The Family Matters Report*, in fact, the current practice for identifying Aboriginal and Torres Strait Islander children in the ACT is "extremely poor". Hopefully, putting a mandate into law will see improvement in this area.

In preparing to respond to this bill, I reached out to multiple stakeholders to seek their input. I received several different responses, all of which had a single element in common—distrust that this government is capable of actual reform. One stakeholder wrote that Canberra's foster carers have a genuine concern about the government "often not adhering to the act in any case".

Another stakeholder and Indigenous community leader raised concerns that existing child welfare policies are currently not followed in many cases, and that the government is resistant to systemic change. A third stakeholder noted that commitments to reform in the child protection space have been promised over many years by Labor and Labor-Greens governments but have never fully been implemented or, in some cases, even tried.

I raise these concerns not to oppose this legislation but to put the current government on notice that many people in the community have a healthy dose of scepticism, based on years of experience, that the reforms intended in this bill and in what I understand will be a more substantial one to follow next year will eventuate. It will take careful hands-on leadership from the minister for real improvements to occur.

This bill also writes into law the Aboriginal and Torres Strait Islander Child Placement Principle. This is a recommendation from the Our Booris, Our Way review that should have happened and easily could have been implemented much sooner. This government has failed to fully implement the vast majority of the Our Booris, Our Way recommendations, further fuelling cynicism amongst stakeholders that it is committed to best practice when it comes to family and child policy.

I express hope that we will see the remaining recommendations fully implemented with some urgency. I note here, too, that an Indigenous stakeholder expressed her hope that the Aboriginal and Torres Strait Islander Child Placement Principle would enhance child protection practices across the board for all families in the territory. "If we get it right for Aboriginal and Torres Strait Islander children," she said, "we get it right for all children." I wholeheartedly agree.

I asked about this in a briefing that I had on this bill. Officials assured me that, whilst the bill does not make this linkage explicit, they too hope that the general principles of prevention, partnership, placement, participation and connection will influence all child welfare practice, going forward. That is a nice hope, but we will need to see evidence of this in practice.

It may be necessary to explicitly mandate the universal application of these principles, going forward. Whilst it is also not explicitly mentioned in the bill, I was pleased to

learn during my briefing that the ACT is purchasing an evidence-based risk assessment tool from New South Wales to remove some of the bias in assessing reports and to help to sift situations that need a service-based response from those that genuinely require a statutory response. Stakeholders, likewise, welcome this much-needed development.

As more and more families are, hopefully, referred to family supports before situations reach crisis and result in significant harm, there will need to be a significant shift in funding for support services. I was told during my briefing that adequate family supports are not yet in place but that the contracts that will be signed next year will begin to address this gap. It is essential that this happens. It cannot be allowed to happen too slowly or nothing will ever get better.

As I said as part of an appropriations debate during the last Assembly, it can be difficult to shift funding to early intervention at the very beginning of reform; therefore, the money saved by averting crisis begins to be available. But, as multiple studies show, savings do eventually result. It is much easier to strengthen families earlier than it is to deal with the terrible outcomes of failing to do so.

Finally, whilst one of the aims of these proposed changes is to make it easier to support families who fall outside the statutory child protection system, we still have the issue of informal kinship carers. A significant number of families in Canberra are currently raising grandchildren, nieces, nephews, cousins or other family members without any legal recognition of their situation.

When I asked during my briefing if the contents of this bill will make it easier for these families to access much-needed supports, I was told that there are "limited options". I assert that this needs to change. It is both foolish and costly to knowingly allow a family in an informal kinship care arrangement to fall apart so badly that some or all of the children have to be taken into the statutory child protection system. This is a matter that absolutely must be addressed in upcoming amendments to the act, if necessary.

I commend this bill to the Assembly. Like many stakeholders and community members, I will keep my eye on its implementation and actual outcomes. Our united hope is for much-needed improvements. Thank you.

MS CLAY (Ginninderra) (11.19): I rise to speak to the Children and Young People Amendment Bill 2023, on behalf of my colleague Johnathan Davis, the ACT Greens spokesperson for young people. The ACT Greens are pleased to support the passage of this bill today. The Children and Young People Amendment Bill 2023 is a significant bill to enhance the ACT government's protection of children, young people, cultural identity and family connection, and to prevent and identify issues as early as possible.

The ACT Greens believe in children's and young people's right to a healthy, safe and sustainable environment to live and thrive in. They have the right to live free of physical and emotional abuse, neglect, exploitation and discrimination. The ACT government and all governments have a responsibility to protect these rights and to enable ongoing family, culture and community connection and identity in safe ways.

The improvements to our child and youth protection system enabled by this bill will be critical to identifying risks and issues early and delivering better supports and services. As Minister Stephen-Smith said in her statement on the Next Steps for Our Kids plan this morning, reforming the child protection system and associated services is an ongoing, iterative process. Our system must evolve to reflect new, emerging evidence and our improved understanding of best practice.

A key pillar of the reforms delivered through this bill will better address the over-representation of Aboriginal and Torres Strait Islander children, young people and families in the child protection system. Aboriginal and Torres Strait Islander children and young people represent almost one in three people living in out of home care in the ACT.

The bill will ensure that when decisions are made about Aboriginal and Torres Strait Islander children and young people, the Aboriginal and Torres Strait Islander Child Placement Principle of prevention, partnership, placement, participation and connection will be followed. These principles were established in 1984, after years of activism by Aboriginal and Torres Strait Islander people to address the disproportionate rate of their children being adopted by, or placed in out of home care with, non-Indigenous carers. The principles acknowledge that culture underpins, and is integral to, the safety and wellbeing of Aboriginal and Torres Strait Islander children.

The amendment bill will ensure that whenever it is possible and safe to do so, Aboriginal and Torres Strait Islander children and young people are placed with family or within the Aboriginal community. This will safeguard the best interests of those children and young people by maintaining connection to family, community, culture and country and by ensuring the participation of Aboriginal and Torres Strait Islander people in decisions about their children's care and protection.

The importance of these reforms cannot be understated, particularly after the failed referendum on an Aboriginal and Torres Strait Islander Voice to parliament. In Senate estimates last week, Greens Senator Dorinda Cox, a Yamatji–Noongar woman from Western Australia, implored the federal government to prioritise reducing Aboriginal deaths in custody after a 16-year-old boy took his own life in youth detention within an adult prison. This is heartbreaking and it is unacceptable.

All governments must do better, including actively working towards truth-telling, treaty and reconciliation. I hope and expect that these amendments today will enable us to better support Aboriginal and Torres Strait Islander children, young people and their families when they are engaged or at risk of engaging with the child protection system.

The bill also reforms a number of definitions to reflect an improved understanding and use of terms, including significant harm, abuse and neglect. Updated definitions will support services to move away from a system that focuses on the need for a high legal standard of proof and towards a system that assesses risk and the need for proactive support.

We know that there is more work to do. This bill is the first tranche of reforms that are needed to fully modernise our child protection system to provide the best care and the

best support for the people, families and communities that need them. We look forward to engaging in the next round of reforms next year and working to support better outcomes for every child and every young person in the ACT.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.23), in reply: I am pleased to close the debate on the Children and Young People Amendment Bill 2023. Today we take an important step in reforming child, youth and family services in the ACT to ensure that we strengthen families and keep children and young people safe and connected.

The reform is focused on early support for children and young people and their families to facilitate positive life outcomes and ensure long-term wellbeing in our community. These legislative reforms respond to current challenges in the service system, are informed by research insights, and prioritise the safety, welfare and wellbeing of children and young people.

I want to acknowledge the Our Booris, Our Way Implementation Oversight Committee, which has worked closely with the government to monitor and drive these much-needed changes and to ensure that we are working actively to address the over-representation of Aboriginal and Torres Strait Islander children and young people in the statutory child protection system.

The bill includes an important change in language from wellbeing, care and protection to safety, welfare and wellbeing. This change emphasises the importance of safety as a key priority in child protection and promotes a proactive, preventive approach to addressing child maltreatment. It is also intended to focus the work of child protection on the holistic wellbeing of children and young people. Reducing the number of Aboriginal and Torres Strait Islander children and young people interacting with the statutory child protection and youth justice systems is a key priority for this government.

The bill delivers on our commitment to embed into legislation the Aboriginal and Torres Strait Islander Child Placement Principle as part of comprehensive system change needed to address over-representation. By recognising culture and connection as sources of strength and protection for Aboriginal and Torres Strait Islander children, the bill affirms the essential role played by family, extended family, kinship networks and the community in the upbringing and welfare of Aboriginal and Torres Strait Islander children.

To further improve the implementation of the Child Placement Principle, the bill introduces two new principles to be applied when administering the act. The first recognises that Aboriginal and Torres Strait Islander people should participate in the care and protection of their children and young people with as much self-determination as possible. The second recognises the ACT government's role to protect and promote an Aboriginal and Torres Strait Islander child's cultural identity. We will continue to work with the Aboriginal and Torres Strait Islander community to support self-determination and embed a culturally safe practice in the work of our child and new protection systems, in line with the recommendations of the Our Booris, Our Way review.

The bill amends the concept of "risk of abuse and neglect" to "risk of significant harm", which encompasses a wider spectrum of potential harm. This change acknowledges that a child's safety, welfare and wellbeing can be compromised in various ways. Significant harm may include, but is not limited to, harm arising from physical, psychological or emotional abuse; the neglect of a child; or the result of family violence, sexual abuse or exploitation. In addition, risk of significant harm includes circumstances where harm has not yet occurred but is likely to occur if no action is taken to protect the child.

A singular act, omission or circumstance may meet the threshold for significant harm. Alternatively it may arise from a combination or accumulation of acts, omissions or circumstances. This change brings the ACT into line with other jurisdictions, including New South Wales, and reflects the complex, evolving and context-dependent nature of assessing child maltreatment.

The bill also broadens the scope of significant harm beyond the existing concepts of abuse and neglect. Abuse and neglect are categories of harm that focus on the actions and inactions of adults, involving either the infliction of harm or the failure to act in preventing harm. The existing legislation does not account for the nuances of different types of harm and the complex ways in which different harms interact and affect children and young people. The significant harm threshold introduced in this bill balances the actions of adults, the risk environment and the experiences of children and recognises the accumulation of harm.

This bill introduces several important provisions to enhance identification and response to child maltreatment. Firstly, it incorporates a new provision that considers cumulative harm experienced by a child or young person, as I have just talked about. Secondly, it expands the definition of sexual abuse to include grooming and sexual exploitation. This broader definition reflects a more progressive and responsive policy approach to addressing child sexual abuse. This aligns with the government's commitments to improve systemic responses to child sexual abuse and to fully implement the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

The bill also aligns the definition of family violence with the definition in the Family Violence Act 2016 to ensure consistent and comprehensive coverage in addressing family violence concerns related to child protection. In addition, the bill revises the definition of neglect to avoid unhelpful stigmatisation and to create an environment where families are more likely to seek and receive the help and support they need to ensure the wellbeing of their children.

The government is committed to providing support for families early, before a child or young person is at risk of harm. This requires a new way to understand, assess and respond to risk, if needed. Currently, the balance of probabilities test is used to determine whether there is a significant risk of the child or young person being abused or neglected. This test sets a high standard of proof for the evidence needed during an early assessment phase of child protection work, at a time when not all facts or evidence may be known. This does not support helping people who need proactive early support. The bill removes the balance of probabilities test at this stage and places it with an assessment of risk of harm. This allows for proactive support for

children and families to provide avenues for further investigation where not enough is known in an initial assessment.

The bill also simplifies and streamlines the process for assessing the safety, welfare and wellbeing of children and young people. Originally, the legislation was designed to afford the director-general the utmost discretion and flexibility in the assessment process. However, over time, previous amendments to the legislation introduced more prescriptive provisions, making the assessment process increasingly complex. This bill simplifies the two-tiered structure of a child concern report and child protection report into a unified assessment process.

In addition, a new and important provision has been introduced which stipulates that the director-general must, as soon as practicable, attempt to identify whether a child or young person is Aboriginal or Torres Strait Islander. While Child and Youth Protection is already committed to this practice, as Mrs Kikkert has acknowledged, this provision acknowledges the importance of a child's connections to family, culture and community. It also recognises that early identification is a critical component for the full implementation of all five elements of the Child Placement Principle.

The inclusion of the best interests principle into legislation recognises that children involved with child protection, like all children, have a right to grow up safe from harm, to have a real connection with their parents and family members, to be connected to their culture and to have their wishes and perspectives heard and considered in any decision related to their lives. In child protection, the best interests principle is the paramount consideration in decision-making. This bill ensures that protecting children and young people from harm is central to any assessment of the child's best interests.

The bill outlines that the decision-maker must also consider a range of factors relevant to the child or young person when determining their best interests. This includes recognising that, for an Aboriginal or Torres Strait Islander child or young person, connection to family, community, culture and country, and the participation of their family in decision-making about their care arrangements, is in their best interests.

Finally, the bill also amends the functions and responsibilities of the ACT Children and Young People Death Review Committee, expanding its scope to include the 18-to-24-year age group and a review of serious injuries.

The bill would not have been possible without the contribution of all those who actively engaged in the consultation process. I want to thank everyone who participated. With their voices and ongoing collaboration, we can continue to improve the system responses for vulnerable children, young people and their families in the ACT.

I want to thank the scrutiny committee for its consideration of the bill and its recommendation regarding the original explanatory statement that accompanied the bill. In response to the committee, I have provided a far more detailed explanatory statement that provides greater detail on the human rights implications for the bill, which I table now.

I also want to thank the health and community wellbeing committee, which sought a briefing on the bill to determine whether to undertake an inquiry. That was a useful conversation and has informed greater detail in my closing remarks than might otherwise have been the case.

Finally, I want to thank the dedicated staff in the Community Services Directorate who have driven this important piece of work and who continue to work to deliver positive change in this critically important policy area. I thank colleagues for your support of the bill and look forward to continuing work to ensure that the bill achieves its objectives and improves the lives of vulnerable children, young people and their families and carers. 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.

Biosecurity Bill 2023

Debate resumed from 10 May 2023, on motion by **Ms Vassarotti**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (11.33): I rise to speak on the Biosecurity Bill 2023. We are pleased to indicate that we will be supporting this bill today. The purpose of this bill is to propose a single legislative framework supporting the management of biosecurity risks in the ACT. This objective is consistent with the requirements set out in the ACT government's Biosecurity Strategy 2016-2026. It also aims to keep the ACT's approach to biosecurity in line with national obligations and commitments.

The bill repeals and replaces several pieces of legislation and instruments related to biosecurity. The repealed legislation includes the Animal Diseases Act 2005, the Pest Plants and Animals Act 2005 and the Plant Diseases Act 2002. By repealing these acts, along with numerous related regulations and instruments, the bill aims to address inconsistencies and gaps in biosecurity legislation.

A robust and effective biosecurity framework is essential in order to protect human health, the economy and the environment, in Canberra and throughout the country. Biosecurity threats can range from pest animals and weeds to diseases which affect animals or plants, as well as zoonotic diseases, which spread to humans. Through tourism, agriculture, forestry and fisheries, Australia's environmental assets are worth more than $5 trillion. Strengthening our biosecurity system to protect these sectors is a matter of national security, and that is why we will be supporting the bill today.

Multiple jurisdictions across Australia have updated or are updating their biosecurity legislation, following the passage of the Commonwealth Biosecurity Act 2015 under

the then coalition government. I am pleased that the bipartisan commitment to addressing biosecurity threats will be continued today, here in the territory.

This bill addresses biosecurity threats by aiming to improve the management of pests and disease to reduce their impact. It allows for the declaration of biosecurity emergencies, to hasten the government's response to pest and disease outbreaks. It ensures continued compliance with the national biosecurity requirements expected of all state and territory jurisdictions and it aims to maintain Australia's status as devoid of many pests and diseases, including foot and mouth disease, avian influenza and weeds and pest animals which cause significant destruction elsewhere. The absence of many pests and diseases in Australia not only maintains our international reputation as a biosecure business destination; it also protects our health, industries and ecosystems.

The Biosecurity Bill 2023 is a significant bill. It has been considered in depth by the scrutiny committee. The committee raised questions around the bill's impacts on the rights to privacy and reputation, freedom of movement, liberty and security of person, a fair trial, work, and rights in criminal proceedings. I note the government's response to the scrutiny report, which satisfactorily explained the provisions of the bill and the need for robust powers and enforcement measures in the interests of biosecurity. In closing, I would like to take the opportunity to thank the directorate officials for their work on the bill and the minister's office for organising a briefing back in May.

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) (11.37): I am pleased to see that the government has reached a significant milestone through the Biosecurity Bill 2023. This is a significant legislative reform that covers a broad range of subject matter. I acknowledge the significant work my colleague Minister Vassarotti has put in to get to this point.

Biosecurity is important to get right. It can impact the health and wellbeing of not only people but also our natural environment. Pest plants and animals have the potential to cause devastating impacts on businesses, agriculture and the environment, and it is important that we have the right legislative framework to respond to threats as they emerge.

In my portfolio of planning and land management, the ACT Parks and Conservation Service manages the majority of land in the territory as nature reserves. Invasive species provide a real threat to the health of these natural environments and their ecosystems. The impact of feral horses and pigs on national parks is well known, with trampling from hooves impacting soil, water and plants. This in turn impacts the habitat of our native fauna as well.

This reform is a strong step towards ensuring that we have a current and fit-for-purpose legislative framework that means that we are prepared and able to respond to biosecurity threats as they emerge. I support the move to replace a suite of acts that have become drafted into a single act, allowing members of our community to be a more user-friendly source of authority on these matters.

Finally, I note that the current impact of the varroa mite in our country is a timely reminder of the biosecurity risks that can present themselves in our community.

I acknowledge the devastating impact the mite is having on our bee industry. It is important that we get biosecurity right. I look forward to continuing to work, as part of the government, to keep our environment safe.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (11.39), in reply: I am pleased to be here today to debate the Biosecurity Bill 2023. This bill is an important milestone for the ACT government in modernising our biosecurity legislative framework. When we are looking at bills like this, it is important to acknowledge the traditional custodians of this beautiful piece of land where we come together. We acknowledge the important role of the Ngunnawal people in continuing the connection to country. That does play a role in biosecurity today. Their monitoring of the changes to plants and animals around us is informed by 65,000 years of inhabiting this continent, as the world's oldest continuing living culture.

Australia is lucky to have an enviable biosecurity status. We are fortunate to be free of many pests and diseases which plague other nations. Our enviable biosecurity status is no accident. It is thanks to the significant investment of an integrated national system which helps in preventing, responding to and recovering from biosecurity risks efficiently. However, our biosecurity status remains under threat. Through our contribution to post-border operations, the ACT has an important role to play within the national biosecurity system, but our current legislation is holding us back. It is no longer fit for purpose when it comes to dealing with the range of complexity of the current and emerging biosecurity challenges.

Climate change is affecting the nature of biosecurity risks—for example, by allowing for species to move further south as temperatures increase. Enhanced trade and people movement is contributing to increased biosecurity risks for the community and the environment. As our economy grows and develops, including through the tourism sector and the enhanced opportunities we now have as an international airport, we recognise our responsibility to ensure that we maintain a safe and welcoming operating environment for businesses, the community and visitors.

Animal and plant diseases, pest plants and pest animals have the potential to decimate our industries, our environment and our lifestyles if not carefully managed. We see evidence of the increasing biosecurity risks with the recent incursions of varroa mite in Australia and the longstanding battle to eradicate red imported fire ants in Queensland. Pests such as red imported fire ants can impact our way of life, restricting activities such as barbecues and picnics. They can inflict painful bites on people, pets and livestock, as well as cause extensive damage to ecological and agricultural systems.

The Biosecurity Bill 2023 provides us with a modern, unified legislative framework to meet our current and emerging policy and operational needs, as well as our national obligations and commitments. The new bill will replace three existing biosecurity acts, notably the Animal Diseases Act 2005, the Plant Diseases Act 2002 and the Pest Plants and Animals Act 2005.

This bill excludes biosecurity risks to the human population. These risks will continue to be regulated under the Public Health Act 1997. The bill as drafted is consistent with

the requirements of the ACT government's Biosecurity Strategy 2016-2026 and reflects our regional and geographical context as a landlocked jurisdiction in New South Wales. It also recognises the ACT government's national biosecurity obligations and commitments, including the intergovernmental agreement on biosecurity and related interjurisdictional deeds, which give definition to the ACT's roles, obligations and responsibilities as part of Australia's biosecurity system.

The bill introduces the important concept of a general biosecurity duty. This duty would apply to people who specifically deal with biosecurity matter that could pose a biosecurity risk. The introduction of this general duty recognises that biosecurity is a shared responsibility. This is a concept that has been nationally endorsed and recognised in national and state biosecurity legislation. The general biosecurity duty can take the form of taking steps to prevent pests, disease and weeds from entering our territory; being alert to pests, weeds and signs of disease; reporting anything unusual; and participating, where appropriate, in responding to incursions and biosecurity emergencies.

However, I wish to emphasise that biosecurity matter, or a carrier of biosecurity matter by itself, will not trigger a duty obligation, requirement or response under the provisions of the bill. It will only do so in situations where it is likely that such a matter could pose a biosecurity risk to the environment, the economy or the community.

The bill, importantly, enables improved interoperability with the New South Wales biosecurity system for practical and efficient outcomes at an operational level. In managing our biosecurity risks, we must recognise that we are surrounded by New South Wales. We must be able to work seamlessly with the New South Wales biosecurity system. Being a small jurisdiction, we also rely on the New South Wales government for support and resourcing, including technical analysis, diagnostics and operational resources.

Officials in the Environment, Planning and Sustainable Development Directorate have developed close working relationships with their New South Wales counterparts to ensure that our response capabilities are cohesive, effective and efficient. Enhancing our capability for information and resource sharing will deliver improved biosecurity outcomes for the territory and the region overall. The recent incursion of the varroa mite in New South Wales is a good example of the need to work together. Our local beekeepers have been greatly impacted. Responding to the varroa mite has highlighted the importance of being able to work with New South Wales in a constantly changing situation and to find workable solutions which effectively manage and minimise the occurrence and spread of biosecurity risks.

The bill as drafted recognises the reality that no two biosecurity risk situations are the same. The bill allows for flexibility, proportionality and reasonableness, based on relative biosecurity risks and impacts for each biosecurity event. The bill enables us to appropriately respond to a wide spectrum of plausible biosecurity scenarios. This could range from a whole-of-nation incident through to a small-scale, localised incident which could impact a handful of properties. It does this through provisions which allow for a wide range of response mechanisms appropriate to the level of biosecurity risk and the impacts specific to each biosecurity incident.

The bill gives the minister powers to make emergency and control declarations to prevent, eliminate, minimise or manage certain significant biosecurity risks for a defined time. It also provides for enhanced powers for authorised persons to enable effective and timely risk management efforts that will reduce risk, cost and harm to the community, the environment and the economy.

The bill also strengthens provisions for the current and future biosecurity traceability schemes by including provisions for a registration scheme for managing biosecurity risks associated with certain biosecurity matter or dealings. It also maintains provisions for the national livestock identification system, but we are including these provisions as regulations rather than in the bill itself. This will provide more flexibility in responding to changes in the scheme and with this approach to other jurisdictions.

As noted in the presentation speech, the bill provides for more options for certification, accreditation, authorisation and audits. The bill also introduces a permit system into the ACT. Permits increase flexibility and enable innovation for industry. They allow activities and dealings which would otherwise contravene the legislation to be assessed on a case-by-case basis and to be allowed to be undertaken, subject to specified terms and conditions, where appropriate, to ensure that biosecurity risks are effectively managed.

The bill also allows for the accreditation of third-party schemes, which we anticipate will continue to evolve nationally and will become more commonplace in the future. These administrative and system changes allow for third-party certifiers that receive accreditation to sell certified consignments to interstate markets under national self-certification schemes. An existing example of this sort of arrangement is the Interstate Certification Assurance Scheme. This scheme has operated successfully for over 25 years and has significantly reduced the administrative burden on governments and businesses. Under our current legislative arrangements, we do not have the power to issue biosecurity certificates to meet interstate quarantine requirements. We will no longer have this problem.

The bill also includes significantly higher penalties, alongside powers of access, enforcement and the power to compel information to deal with a biosecurity risk. The bill includes strict liability offences, executive liability offences and alternative penalties such as remediation orders and prohibition orders. These provisions are there to deter parties from contravening the legislation and to stop our territory from becoming a dumping ground for biosecurity matter. This is essential, given the stakes involved in protecting industry, the community and the environment.

All the powers provided for in the bill are subject to stringent accountability and transparency measures to ensure that they are used appropriately for biosecurity risk management. They are also compatible with the Human Rights Act 2004. The government believes that this bill appropriately balances these rights with the need to protect the ACT from biosecurity risks and that the bill's provisions are reasonable and justifiable to achieve the legitimate purpose of the bill.

Since the bill was introduced in May 2023 in cabinet, there has been an administrative government amendment. This amendment seeks to remove the repeal of the Fertilisers (Labelling and Sale) Act 1904 from the bill package. The Australian government was in the process of developing a national code of practice for fertilisers which was to

have provided the basis for legislative changes. The national code is yet to be finalised. I emphasise that this exclusion does not in any way impact the powers of the bill in all the operations of the ACT biosecurity system, as fertiliser provisions relate to agricultural and environment policy issues. I will be tabling a supplementary explanatory statement.

I would like to thank the scrutiny committee for the examination of the bill and their considered comments on it. Their role in assisting the Assembly to ensure human rights compatibility is an important one. While ensuring that the bill was fit for purpose to deal with current and emerging biosecurity risks, due consideration was given to the Human Rights Act and the ACT *Guide for Framing Offences*. We also looked at provisions in other jurisdictions. As noted, on 14 September 2023 I formally responded to the scrutiny committee with additional information to address their comments around the bill's interaction with the Human Rights Act.

I also want to inform the Assembly that, subject to the bill passing, the government will need to introduce a consequential amendments bill. This will support the Biosecurity Bill by amending non-biosecurity legislation to incorporate necessary changes to the ACT biosecurity system and to ensure that regulatory and transitional arrangements can be progressed in readiness for the commencement of the bill in 2024. I thank all members for their support of the bill. I table the revised explanatory statement, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (11.54): I move amendment No 1 circulated in my name *[see schedule 1 at page wwww]* and table a supplementary explanatory statement to the amendment. I have already covered the detail of why we are moving this amendment. I commend it to the Assembly.

Amendment agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 11.57 am to 2 pm.

Ministerial arrangements

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (2.00): Minister

Cheyne is absent from question time today on ministerial business, so I will endeavour to assist members on Minister Cheyne's portfolios.

Questions without notice

Taxation—general practice clinics

MS LEE: My question is to the Treasurer. Treasurer, I refer to reporting in the *Canberra Times* where the ACT AMA said:

> … GPs were optimistic they would be able to bulk bill concession card holders but that that optimism quickly eroded with the announcement of payroll tax.

Treasurer, why do you insist on only providing GPs with a payroll tax amnesty when they achieve a 65 per cent bulk-billing rate, when ACT's GPs and peak bodies have repeatedly said that it is not viable?

MR BARR: It has been viable. It has been achieved in the ACT in the last few years, over the COVID period, and there is now, as of yesterday, a tripling of the incentive to do so, particularly for children and pensioners. But the government is not expecting GPs to bulk-bill every patient. That is very clear. What the government is saying is: "We will provide you with a tax waiver if you can get back to where you were a few years ago."

MS LEE: Treasurer, how many GPs have told you that it is not possible to achieve the 65 per cent bulk-billing rate?

MR BARR: About four have advised. I guess it depends on how many you would presume peak bodies purport to speak on behalf of. Most GP practices bulk-bill some patients. Some endeavour to bulk-bill nearly all. What we are asking for is that the 56 per cent bulk-billing rate lift back up to 65 per cent, where it was a little while ago. I would have thought, Ms Lee, that you might have supported an increase in bulk-billing.

MS CASTLEY: Treasurer, do you maintain that GPs are only voicing these concerns in the pursuit of profit?

MR BARR: That is what has been put to me—that it is not profitable. That is what has been said, even in the question and in the line of questioning from the opposition. So, yes, profit is clearly a motive here.

Municipal services—customer satisfaction survey

MS LEE: My question is to the Minister for Transport and City Services. Minister, I refer to the better suburbs statement, which was commenced by the previous minister, Meegan Fitzharris. In 2017 the former minister was asked what measures would be in place to hold the government to account if it fails to implement elements of the better suburbs statement. Ms Fitzharris advised that the annual customer satisfaction survey should reflect improvements in the delivery of city services.

The 2022-23 TCCS annual report showed that customer satisfaction has reduced each year in this term of government. Minister, why are Canberrans not satisfied with your plan for better suburbs?

MR STEEL: I thank the member for her question. It is a plan that has been based on community consultation and the better suburbs forum, so we have looked at the recommendations that have been provided by the community, and every budget will consider proposals to address those priorities. We have been providing regular reporting on that. I refer Ms Lee to the better suburbs progress statement that I have tabled in the Assembly now several times, which provides evidence that we are addressing those recommendations.

In relation to customer satisfaction surveys, we do undertake those on a regular basis to understand where we could be doing better. We know that has been impacted recently by significant wet weather that we have been experiencing over several years now, which has impacted on things like mowing. It is one of the reasons why we are investing more in mowing services through the extension of the rapid response mowing team so we can be more responsive to the community, and we will see the benefit of that in the years ahead.

It is why we are investing more in things like strategic road maintenance with a new road maintenance program that we have developed based on evidence. That will be rolled out over the coming years: a 52 per cent increase in funding, up to $153 million over the next four years. We will start to see the benefit of that funding going forward that we have been providing in the budget.

We will continue to invest in things like tree maintenance following an extensive consultation process that we undertook on an urban forest plan, and the development of the Urban Forest Act, which is now in place and will start to be implemented from 1 January next year. It has been supported with a significant investment of well over $20 million in new tree maintenance staff, which will get on top of some of the issues that are being raised in relation to tree maintenance.

MADAM SPEAKER: Are you tabling that, Mr Steel or are you keeping it for the time being?

Mr Steel: I have tabled it twice already, so I will not.

MS LEE: Minister, what consultation has been done since the commencement of the better suburbs statement to ensure you are taking into consideration Canberrans' changing priorities from the last five years?

MR STEEL: On each of the plans that I just mentioned we have undertaken separate consultation. We have done so with the input of evidence and by engaging with the broader community as well. In the development of the living infrastructure plan and the development of an urban forest strategy—we have undertaken consultation on those. Then we have backed that up with funding in the budget.

For the strategic road maintenance program we have taken feedback from a range of different sources and worked with stakeholders like the National Transport Research Organisation to develop a plan that will see more of our roads in better condition over time, with investment that we have also made in the budget to backup that strategic maintenance plan.

Of course, we have been undertaking consultation on our draft Active Travel Plan. This includes a priority to have a better connected and maintained path network, which, again, has been backed up in the budget with an over 40 per cent increase in funding that has taken our funding levels annually up to $8.5 million, which is in stark contrast to what the opposition were saying yesterday.

MS LAWDER: Minister, why do you no longer publish the entire customer satisfaction survey on the TCCS website?

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

Light rail—stage 2B

MR PARTON: Madam Speaker, my question is to the Minister for Transport and City Services. Minister, in the Belconnen busway motion debate yesterday, you said: "What has not been acknowledged by Mr Parton is that an updated feasibility is required in order to understand what the scope of those upgrades could be, what the costs and benefits of those upgrades could be, and indeed to relook at some of the discounted measures which were considered in the original feasibility and indeed looking at new solutions. we need to undertake that first before we can actually deliver the project."

Minister, how could your government then possibly have committed to stage 2B of the tram project when you do not even know what route it will take, the scope of the work, or the benefits of the upgrades?

Opposition members interjecting—

MADAM SPEAKER: Members, members.

MR STEEL: That is precisely what we are doing through the development of the business case for the project, which we have committed to do and to deliver.

Opposition members interjecting—

MADAM SPEAKER: Members!

MR PARTON: Minister why did your government not reconsider some of the previously discounted measures and indeed look at possible new solutions for stage 2B of the tram, as per your statement in the chamber yesterday?

MR STEEL: We have done that. We did that in relation to stage 1 before we embarked on that project, and we determined that light rail was the most appropriate mass transport solution for our city. Buses are not a form of mass transport. The government is getting on with delivering our extension to an existing successful mass transit solution; building on stage 1. We have seen the household travel survey from 2022, that compares the patronage on public transport in that corridor from the previous survey that was undertaken in 2017, and what it shows is there has been over a 50 per cent increase in the number of people taking public transport in Gungahlin directly, we think as a result of light rail stage 1. It is a proven solution and we are

going to get on and deliver it, and we are going to work through government processes to get that done, to ensure it is implemented so that we can maximise the benefits for the community as we deliver that project.

MR HANSON: Minister, is there a threshold cost figure for stage 2B of the tram at which point the project would be considered unviable?

MR STEEL: I thank the member for his question. We are going to go through the development of a business case to understand the benefits and costs of the project and the various options in terms of the delivery of that project to maximise the benefits for the community. That is the purpose of going through the business case development process and now that we are getting to the stage where stage 2A—

Mr Parton: On a point of order, Madam Speaker. It is a yes/no question in terms of is there a threshold cost, and I would ask the Minister to be relevant to whether there is a threshold cost to this project.

MADAM SPEAKER: Mr Hanson—sorry Mr Parton—you may want a yes or no, but the Minister is answering the question.

MR STEEL: Thank you Madam Speaker, I have answered the question.

Health—elective surgery waiting times

MS CASTLEY: My question is to the Minister for Health. Minister, I refer to the case of an individual who wrote to you in August about being on the outpatient waitlist for 997 days, since December 2020, for category 2 bilateral carpal tunnel surgery, affecting her ability to work and being on the waitlist for 533 days since February 2022 for category 3 oral surgery, affecting her ability to eat, and who in April was placed on the waitlist as a category 1 patient for cardiology surgery—all one person. I have also contacted your office twice about this matter. Minister why, 2½ months after this person contacted your office has she still not received anything other than a generic holding response?

MS STEPHEN-SMITH: I will check my tray. It is possible that there is a response with me. As Ms Castley would be aware, I was on leave for some weeks, and I am still catching up on some of that correspondence. It is also possible that that response has not arrived back with me yet, because, as Ms Castley's question has indicated, this individual clearly has a range of matters that would need to be considered.

For the benefit of Ms Castley and the Assembly, what generally happens in relation to these matters where it is an individual—particularly if they have a complex set of needs—is that either my office or, more likely, Canberra Health Services would get directly in touch with that person. That is a more helpful response than me writing something formally in words and sending it off to them by email. What they actually want is action. Unfortunately, we are not always able to—

Mr Parton interjecting—

MS STEPHEN-SMITH: People are on a waitlist and people are treated in order of urgency on that waitlist. So we are not always able to ensure that people are pushed

up a waitlist, for example. But Canberra Health Services is able to provide them with advice about what they should do next about their circumstances. That is actually more useful to them than a formal response from me. But I will check my files and see if I have a response.

MS CASTLEY: Minister, this individual has now been waiting three years for an outpatient appointment to see a specialist. How long will she have to wait to get her operations?

MS STEPHEN-SMITH: I am advised by my office that I do have a draft response to that individual. So I will make sure that I get that off as quickly as I can. Obviously, I cannot in this place comment on individual matters. I am not the person who does the triage and manages the waiting lists. That is done by a range of people in our system with clinical expertise.

Mr Parton: You're the minister. You're overseeing this!

Ms Lee: People are waiting a thousand days!

Mr Parton: Is this acceptable?

MS STEPHEN-SMITH: It would actually be really inappropriate for people to be pushed up a waiting list at the behest of a minister or a shadow minister rather than in relation to their clinical urgency and the comparative needs of other people on that list.

However, to respond to the interjections from the opposition, no, it is not acceptable. That is why there is so much work that is being done to ensure that our outpatient appointments are being more directed to new appointments—and I talked about this last week. Each of the individual specialties has managed their outpatient lists in different ways. Canberra Health Services is trying to deliver a bit more uniformity around that and to require those specialties to shift their focus away from ongoing appointments for people who could be safely cared for in primary care and towards a higher proportion of new patient appointments, precisely for these reasons.

MRS KIKKERT: Minister, can you understand this person's frustration when she says, "It is very disappointing, to say the least, especially when I see images of Rachel Stephen-Smith come up on my Facebook page on holidays in Paris. It makes me really annoyed"?

MS STEPHEN-SMITH: Yes, I can absolutely understand that individual's frustration. I can also understand that people might have those sorts of responses. But I am not entirely convinced that it is helpful for the opposition to comment on the holiday and travel arrangements of members of this place.

Mrs Kikkert: It was not us commenting; it was a quote from her.

Mr Hanson: Your lot never did that with ScoMo, did you? You never did that with ScoMo, did you, Shane? No? I remember that one!

MADAM SPEAKER: Well, I remember asking you to be quiet a number of times, Mr Hanson.

Environment—kangaroo management

MS LAWDER: My question is to the Minister for the Environment. Minister, this year alone, 1,041 adult kangaroos and 362 joeys were killed in the kangaroo cull. A report by Micromex Research, commissioned by your government, about the attitudes and opinions of ACT residents regarding the management of kangaroos includes questions about the reasons for killing kangaroos, including "to prevent starvation of kangaroos during drought". Minister, data from the Bureau of Meteorology shows that over the last 12 months the ACT has had above average rainfall. Minister, why do you continue to use drought to justify the killing of kangaroos and joeys when we have had above average rainfall?

MR GENTLEMAN: Madam Speaker, if I could take take that question. I am responsible for kangaroo management.

Members interjecting—

MADAM SPEAKER: Members! Mr Gentleman, you are taking the call.

MR GENTLEMAN: The kangaroo management plan is a scientifically based plan. It is designed to ensure that we can keep the most vulnerable plants and animals in the ACT from extinction, as well as taking into account the considerations Ms Lawder has raised. It is a difficult but important task that we need to do to ensure that—

Ms Lawder: Point of order, Madam Speaker. The question was about using drought to justify the killing of kangaroos and joeys when we have had above average rainfall.

MADAM SPEAKER: I think the minister is within the scope. It was an early interjection. Continue, Mr Gentleman.

MR GENTLEMAN: Thank you, Madam Speaker. I was going to mention that there are a number of considerations, including those mentioned by Ms Lawder, that we take into account when drafting the management plan. It is a very difficult thing to do for all Canberrans, but it is an important task that we need to take on board to ensure that we can keep from extinction those plants and animals that are near extinction. I stand by that. It is very important—

Ms Lawder: Point of order, Madam Speaker.

MADAM SPEAKER: Ms Lawder.

Ms Lawder: We are not debating the topic. We are asking about the use of drought to justify the killings. The minister has not touched on it.

MADAM SPEAKER: Without paraphrasing the minister, he went through some criteria about what guides the advice and the plan. Minister, you have a few seconds left.

MR GENTLEMAN: Thank you, Madam Speaker. It is taken into account. This is a humane way of dealing with a terrible problem that we have in the ACT. I thank those people who are involved for doing that particular difficult task.

MS LAWDER: Minister, did the survey detail at any point that management of kangaroos includes clubbing joeys to death?

MR GENTLEMAN: Not as far as I am aware.

MR MILLIGAN: Minister, how many kangaroos were not killed by the initial bullet?

MR GENTLEMAN: I would have to take that on notice.

Building—Master Builders Fidelity Fund

DR PATERSON: My question is to the Minister for Sustainable Building and Construction. Minister, constituents in my community regularly raise with me the issue of building quality. As you are aware, the Master Builders Fidelity Fund was established by the government to provide support for residents affected by poor building quality in home construction, with surplus funds going to better training for construction workers in the ACT. You have previously advised the community that the government is reviewing the fidelity fund and that this review would be completed by mid-2023. Can you please update the Assembly on when this review will be complete and made available to the community?

MS VASSAROTTI: I thank Dr Paterson for the question. That is correct; we are undertaking a review of the fidelity fund. In fact, we put out an interim report in March 2023. I was talking with the directorate today, understanding that the final review will be forwarded to my office in the next few weeks.

In terms of what has happened between when the interim report was provided and now, there has been additional consultation on draft recommendations. That has been undertaken with stakeholders, including community stakeholders. In addition, we have been working with actuaries who have finalised a report modelling the financial implications for premiums and claim payouts of a range of potential changes to the insurance settings, given we are looking at that as a particular issue.

Certainly, in the interim report, we have outlined recommendations that look at the key issues around the current application and approval processes for home warranty schemes, including fidelity funds, the insurance settings, including looking at a potential increase in the minimum prescribed amount—which is what the actuary report has looked at—the scope of building matters covered, and the settings in other jurisdictions. It is probably useful to know that this scheme was set up at a time when the insurance industry was under great stress. It means that we have two residential building work schemes in place, and an authorised insurer, QBE, as well as the approved fidelity fund scheme that we are referring to now.

DR PATERSON: Minister, what steps are you taking to address the community's criticism of the fund as lacking in transparency and accountability?

MS VASSAROTTI: I thank Dr Paterson for the question. In relation to the review, it was really useful to engage with the community on issues around transparency. Certainly, some of the draft recommendations look to those. There are some draft recommendations, including proposals to appoint a consumer representative to the fidelity fund. The recommendations also contain issues such as making sure that there is information that is clearly available to the community on things such as complaints and conflict of interest.

MS ORR: Minister, what transparency measures are currently in place about Master Builders' management of the training component of the fund, and is that included in the review?

MS VASSAROTTI: Thank you very much for the question. There is an opportunity for the fidelity fund to be able to transfer funds that are surplus to the operational needs of the fund to the training scheme. As part of the review, there has been investigation of the governance systems that are in place in relation to this process. There have not been any issues identified as part of that review. There is a discussion about whether or not this arrangement that is in place continues to be fit for purpose, when we look at a range of other training skills funds and the like. That is something that I have been discussing with the skills minister. It is not in the scope of this review, but it is something that we are open to having a look at and discussing with the Minister for Skills over the next few months, after we finish this review.

Arts—Funding

MS CLAY: My question is to the Minister for the Arts, who is not here. Based on yesterday's answer, it may be for the Treasurer, so I am going to ask the question and we will see where we land. Treasurer, in November 2022 you announced that you had secured an approximate 10 per cent funding increase for ACT arts organisations. Arts organisations have now been informed that this amount includes indexation for both the 2022-23 and 2023-24 financial years. Given that inflation over that time is approximately 10 per cent, does that mean arts organisation funding did not increase in real terms?

MR BARR: No; I would not believe so, because inflation in the ACT is lower, so it was not 10 per cent over two years.

MS CLAY: How does this funding level match up with your ambition for Canberra to be recognised as Australia's arts capital?

MR BARR: It is a significant boost and it builds on other work that the minister has undertaken.

MR BRADDOCK: Treasurer, will artsACT consider reviewing its decision on indexation?

MR BARR: That is a matter the minister will consider. I presume, if it were the case, it would come as an additional request from the budget. That would need to go through a budget process. It would then be an announcement of government policy,

were I to make it either as Treasurer or as representing the minister in this question time. I will not do that. What I will say is that any increase in funding would need to come through the budget process.

Environment—kangaroo management

MS LAWDER: My question is to the Minister for the Environment. Minister, I quote a CSIRO report analysing data from 2009, 2012 and 2013:

> This study could not identify any upper limit of kangaroo density beyond which vegetation richness, diversity and overall condition declines.

In addition, a retired CSIRO plant biologist said of the report, "Nothing in the document provides compelling evidence that lethal management of a native animal is required for protection of biodiversity." The report also found that three eastern grey kangaroos per hectare had no material effect on ground vegetation.

Minister, why do you continue to ignore the CSIRO report which recommends three kangaroos per hectare rather than one kangaroo per hectare?

MS VASSAROTTI: Thank you, Ms Lawder, for the question. The Kangaroo Management Program, as Minister Gentleman spoke about, is based on rigorous scientific evidence. The kangaroo management plan sits in place and supports the action plans and the work that happens on an annual basis. This plan is, in fact, in the process of being reviewed by an independent scientific reviewer at the moment—

Ms Lee: You don't trust the CSIRO?

MS VASSAROTTI: Sorry?

MADAM SPEAKER: Try and stay focused and don't worry about the interjections.

MS VASSAROTTI: In terms of the management plan, it takes into account a wide range of information—all peer reviewed scientific information—about kangaroo management. As I noted, we have just commenced the process of reviewing the five-year plan. We will be engaging with stakeholders—in terms of engaging with that independent scientific reviewer—to ensure we do have the settings in place that are right. Certainly, things such as the density that we require have been thoroughly investigated. If things have changed and if scientific evidence provides additional information, we will review the plan and change it. We make our decisions on scientific evidence. We are in a situation of an extinction crisis, where, unfortunately, we have to make some really difficult decisions that are confronting in terms of conservation efforts. It is difficult work, but I would hope that people who have the responsibility for the environment actually take into account scientific information and evidence.

MS LAWDER: Minister, why has the earless dragon been added to the critically endangered list if 15 years of killing kangaroos has been so necessary and effective?

MS VASSAROTTI: I am not sure if the member has been paying attention to the fact that we are in the middle of a climate crisis, we are in the middle of an extinction

crisis and we are in the middle of a biodiversity crisis. There are a whole range of activities that we have to do to fight to ensure we are able to pull threatened species back from the brink of extinction. This means we have to make the effort to do a range of activities, and it means we are actually making calls. For some of these species, because of where we are at and because of the decisions we have made previously, we are facing a very difficult challenge. But I think it is beholden on us to be making decisions and doing everything we can to protect our species from extinction and not preferencing one species over another just because of their size or impact on the environment.

MR MILLIGAN: Minister, has killing kangaroos had a negative impact on our reserves, woodlands and grasslands? For example, are they more infested with weeds than ever before?

MS VASSAROTTI: Thank you for the supplementary question. We are managing a range of impacts on our reserves. Certainly, different weather conditions mean that we see different challenges happening in our reserves. I would absolutely recognise the issue around the management of weeds, coming off the back of three years of La Niña, has been very difficult. This is a complementary issue we are facing in our reserves, as well as the issue of ensuring that we have an appropriate density of kangaroos.

I want to be really clear that we want kangaroos on our reserves. They provide a really important ecological function and really do support a healthy ecosystem. The work we are doing around our kangaroo management plan is ensuring that the density of kangaroos in the environment is able to be managed and ensuring the overall health of our ecosystem. This is around taking a whole-of-ecosystems approach rather than preferencing one species over another.

Housing—housing choices

MR CAIN: My question is to the Minister for Planning and Land Management. Minister, from June 2016 through to June 2022, the number of apartment dwellings in the ACT rose by 52 per cent, while the stock of houses grew only four per cent in the same period. I note the most recent community survey on housing preferences found that only two per cent of ACT residents want to live in high-density apartments. Minister, why is your planning strategy inconsistent with the housing preferences of ACT residents?

MR GENTLEMAN: I thank Mr Cain for the question. It is a question posed quite regularly by Mr Cain in regard to housing choice across the territory. We have had many a discussion in this place about providing for the future Canberran population. We have made a decision in the planning strategy that Mr Cain has just quoted, from 2018, to not increase the footprint as much as we have been into greenfield estates. So we are looking at the 70/30 option: most new dwellings occurring within the current footprint and only 30 per cent in greenfields. That brings some planning challenges to make sure we can provide the dwellings that are necessary for population growth within that current footprint. We have seen the take up of higher density dwellings, such as apartments, but we also want to provide that missing middle we have talked about as well, so townhouses and those sorts of opportunities. The recent changes

announced to the Territory Plan give us that opportunity within the RZ1 zone. So, I am very pleased to see we now have that opportunity for blocks of 800 square metres or bigger to have a second dwelling, and that dwelling can be unit titled as well, to provide better opportunities for living into the future.

MR CAIN: Minister, why have you constrained the supply of single blocks for houses when Canberra is in a housing crisis?

MR GENTLEMAN: That is not the case. We put out an indicative land release program each budget, which advises the number of dwellings that are required for the population growth. That is just the government's land release. The private sector plays a very important role in providing dwellings for the future population growth as well. So we take that onboard in our future planning.

MR PARTON: Minister, what do you have to say to the young families in the community who will never be able to afford a house because your government is constraining supply?

MR GENTLEMAN: It is not the case. As I mentioned, if you look at the ILRP, we are not constraining supply; we are providing the dwellings that are required for the future population growth. The Canberra Liberals want to see urban sprawl well into the future. They have told us they will bulldoze Kowen Forest and build out there. It would be incredibly expensive for young couples to build in Kowen Forest, let me tell you. We want to make sure we can provide affordable housing in a way that is sustainable into the future and not put the burden of debt onto future Canberrans.

Planning—land release program

MR CAIN: My question is to the Minister for Planning and Land Management—aka the minister for urban sprawl.

MADAM SPEAKER: Mr Cain, just ask the question. Be straight.

MR CAIN: I withdraw that.

MADAM SPEAKER: Thank you.

MR CAIN: Minister, the ACT budget forecasts population growth of 2.25 per cent in 2023-24 and two per cent across the remainder of the forward estimates, which equates to over 9,000 people per year. The Indicative Land Release Program for 2023-24 commits to releasing 1,883 total residential dwellings this financial year. Even by conservative modelling, this housing growth will only accommodate, based on the government's own occupancy rate, about 4,500 of the 9,000 new residents. Minister, again, why do you refuse to release more land to the market?

MR GENTLEMAN: I thank Mr Cain for the question again. Of course, there is a lot of work that goes behind ensuring that we can provide an Indicative Land Release Program that meets the needs for future population growth. But we do not do it just by ourselves. As I mentioned, the private sector has a lot to do with it as well.

As Mr Cain indicated, the ILRP is 1,883 new homes. Of this, 60 per cent or 1,126 dwellings are programmed to be released in existing urban footprint, as I mentioned from the Planning Strategy—about 40 per cent are programmed to be released in greenfield developments. While the Planning Strategy 2018 aims to deliver that 70 per cent that I talked about, that target includes all residential development, not just ACT government releases, which the ILRP indicates.

As available government-owned land reduces, the government plays an increasing and important role in facilitating development through other mechanisms, such as land facilitation and investment and planning, providing and supporting infrastructure for the work that the private sector does as well.

More broadly, over the next five years, the Indicative Land Release Program will target 114,902 square metres of mixed-use land, 201,778 square metres of commercial land, 880,000 square metres of industrial land and 262,379 square metres of community and non-urban land. So it is not just the dwellings that we have to look at; it is also the community land and industrial land around that forward program that gives us the opportunity to service the future growth for Canberra.

MR CAIN: Minister, will you commit to releasing more affordable land to the ACT market?

MR GENTLEMAN: We do have an affordable housing strategy that is well in play, and we will continue to work through that strategy. We know that it is far less expensive to build within our urban footprint than to provide urban sprawl. Of course, Canberrans are staying here and the population is growing. We heard the Canberra Liberals say a number of years ago that everyone is travelling to Googong. That is not the case. The ACT is growing, and I am very pleased to be able to do my best to provide the land for them.

MR PARTON: Minister, do you agree with your federal Labor colleague, Dr Michelle Ananda-Rajah, who responded in no uncertain terms when questioned on the housing crisis, "We need more dwellings; the issue really is supply"?

MR GENTLEMAN: We do need more dwellings. That is why the government has announced some changes to the Territory Plan and worked alongside the federal government in funding for more opportunities for dwellings in the ACT. I am pleased with the announcements that we have made so far, and we will continue that work.

Libraries ACT—Civic Library

MR BRADDOCK: My question is to the Minister for Transport and City Services. I have heard that Civic Library may need to move as a result of Canberra theatre precinct having its works done. Can you please outline what the future is for Civic Library?

MR STEEL: I thank the member for his question. I am not planning on making any announcements today, Mr Braddock, in relation to the future of Civic Library. What I can say is that the ACT government has been considering the future of Civic Library

for some time. There was an inquiry into libraries in the last term of the Assembly. It would be no surprise to anyone that, as a result of that, Civic Library is unfortunately known as our least patronised library. There are great opportunities, I think, to encourage more people to use the library. That means potentially looking at a change of location in the future.

We also know that significant planning work has been undertaken in relation to the future development of a new theatre and precinct. Transport Canberra and City Services and Libraries ACT have been working closely with Major Projects Canberra as they have gone through that planning process.

The current site that it occupies is leased from the Cultural Facilities Corporation. We will be working closely with them as well on the future of the library. There are opportunities, we think, to look at improvements to accessibility and the proximity to public transport and parking. Alignment with other visitor activities, such as retail, we know drives patronage into libraries. There are opportunities to see more residents in the Civic precinct using our libraries as well, to support the renewal of the city and the enlivenment of our public spaces around the city.

They are considerations that we are currently thinking about before we make decisions on the future of the library. Once those decisions are made, I look forward to updating the community on where we are at.

MR BRADDOCK: Minister, is the government committed to having a library somewhere in the Civic area in the future?

MR STEEL: Just because Civic Library is our least patronised library in Canberra does not mean that there should not be a presence. There are many successful libraries in cities around Australia and the world which are located in the heart of the CBD. There are opportunities, I think, through looking at a better location, a better fit-out and better programming within the library, to encourage more people to use it.

The current location does suffer from some challenges. It is not directly in the centre of the CBD. It is further away from where people are parking and going to shop and do other activities. It can be inconvenient to get to and actually hard to find. For members in this place we are literally just a few metres away from the library, and I often get asked when I am walking out the door, "Where's the library?" and they are literally right next to it. There are opportunities, I think, to better connect people with our library in terms of its physical location, to make sure that all Canberrans can enjoy the fantastic services that Libraries ACT provides.

MS CLAY: Minister, what is it about Civic Library, when compared to, say, Belconnen Library, that means the Civic Library has much lower usage?

MR STEEL: It is a good question. I think that there are a range of different factors. The physical location is one of those. Despite being one of the newer libraries in terms of the building, that does not necessarily mean that it has been designed in the best way. It was part of that link with the theatre. There are opportunities, I think, through the improved design of the building to attract more people in.

The demographics certainly play a role. Woden is our best patronised library, down my way. I think that is largely to do with, quite frankly, having the oldest population in Canberra in that area. The library provides great children's programs as well. Belconnen also benefits from that, but Belconnen also has its challenges of not being directly in the centre of the retail precinct. We are looking at all of our libraries and what opportunities there are to try to attract more people in.

Civic is where there is the biggest opportunity, because of the challenges that are presented here. We will be considering all of those issues before we make a decision about its future.

Planning—Territory Plan

MS ORR: My question is to the minister for planning. Minister, can you please provide an update on the interim Territory Plan?

MR GENTLEMAN: I thank Ms Orr for her interest in planning across the territory for future population growth. As members will recall, a major component of our old planning system was the Territory Plan. In undertaking the planning system review and reform project, we have carefully considered the needs of our growing city in formulating a new territory plan and the new planning system more broadly.

When I presented the Territory Plan to the Assembly, I tabled an executive motion seeking the Assembly's approval of the draft territory plan as an interim territory plan under section 609 of the Planning Act 2023. As members will recall, the Legislative Assembly passed the interim Territory Plan last week.

By agreeing to the interim Territory Plan, the focus on improved development outcomes during the development proposal and assessment process can commence as soon as possible. If we do not have a new interim territory plan, we run the risk of delaying the delivery of improved development outcomes for the city. This could impact our ability to facilitate more houses and greater housing choice for our growing population. It would mean that developments that occur between now and the commencement of the final Territory Plan would not be assessed under the new assessment outcomes that clearly articulate the improved and more holistic outcomes that we want to achieve.

MS ORR: Minister, what are the next steps for the planning system review?

MR GENTLEMAN: As members will be aware, when I presented the Territory Plan to the Assembly, I referred the new Territory Plan to the Standing Committee on Planning, Transport and City Services on 11 September 2023. The committee agreed to undertake the inquiry, and I am pleased to say that the committee commenced its work a few days later, on 14 September. The terms of reference for the inquiry can be found on the ACT parliament website. I understand that the committee called for expressions of interest from interested members of the community, with expressions of interest closing recently, on Friday, 27 October 2023.

This process will provide further opportunities for consultation with the community and industry, building on the extensive consultations already undertaken, which led to

over 1,700 pieces of feedback that we received during the initial consultation process earlier this year. The reporting date for the inquiry is 11 March 2024. I look forward to receiving the report and considering its findings in the future.

DR PATERSON: Minister, what can the community do to make sure they are across the new planning system?

MR GENTLEMAN: I thank Dr Paterson for the question. Once again I would like to acknowledge the significant contributions that the community provided during the consultation process earlier this year. As members have heard, this was one of the most extensive consultation periods we have had during this term of government.

There are a range of ways in which the community can become more informed about the new planning system. The new Territory Plan has been available to the community for six weeks. During this time there has been the opportunity to attend a series of training sessions and access to information resources on the government's planning website. This has provided the opportunity for industry and community members to familiarise themselves with the new planning requirements—in particular, the Territory Plan, before it takes effect.

The training will be ongoing and includes a range of seminars and online sessions. There is also a dedicated hotline where planners are available to answer specific questions about the new planning system. The phone number is 6205 0580, or individuals can email NewPlanningSystem@act.gov.au. Having an interim territory plan while the standing committee undertake their inquiry will enable stakeholders to provide more specific feedback on the new Territory Plan.

Mr Parton: What is that number again?

MR GENTLEMAN: Community consultation remains an important aspect of the new planning system going forward. I look forward to progressing work on the new planning system. For Mr Parton, the number is 6205 0580.

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

Papers

Mr Gentleman presented the following papers:

> Estimates 2023-2024—Select Committee—Answer to question on notice No 163, dated 27 September 2023.
>
> Financial Management Act, pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2022-2023 financial year, dated October 2023.
>
> Gungahlin cinema development—Assembly resolution of 29 August 2023—Government response, dated November 2023.
>
> Royal Commission into Institutional Responses to Child Sexual Abuse—ACT Government Fifth Progress Report responding to recommendations, dated November 2023.

Leave of absence

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

> That leave of absence be granted to Ms Cheyne (Minister for Human Rights) for this sitting due to her attending ministerial duties.

Bail Amendment Bill 2023

Debate resumed from 28 June 2023, on motion by **Dr Paterson**:

> That this bill be agreed to in principle.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (2.50): The Bail Amendment Bill 2023, which was presented by Dr Paterson, seeks to change particular criminal offences so that they would no longer have a presumption that bail will be granted and, instead, they would have a mutual presumption of bail. This is intended to have the effect of guiding a judge or magistrate's decision-making so that it is less likely that a person charged with these particular offences will be granted bail. Instead, they would be more likely to be imprisoned on remand. The offences to which Dr Paterson seeks to change bail presumptions are culpable driving of a motor vehicle, driving a motor vehicle at police and furious, reckless or dangerous driving.

I recognise that Dr Paterson cares deeply about road safety and, in particular, the concept, but there are people who drive badly, repeatedly, sometimes while on bail or sentencing orders. It is a heartbreaking reality that there are families in our community who have lost loved ones in these circumstances. Over my decade as Minister for Road Safety and now as the Attorney-General, I have met some of these families and their stories are genuinely heartbreaking. It is possible to be moved by personal experience and the experience of others and simultaneously rationally consider how best to effect change. We are called upon to do that daily in this place.

I believe that there are some significant problems with the proposal Dr Paterson has presented. It has the potential to negatively impact on the ACT government's justice reinvestment efforts. It is contrary to our commitment to reduce Indigenous overrepresentation in the justice system. We know that Aboriginal and Torres Strait Islander Canberrans are more likely to be remanded in custody than non-Aboriginal and Torres Strait Islander Canberrans. Parts of the proposal are inconsistent with the ACT's principled approach to bail and the protections and human rights considerations that are embedded in that approach. The Greens believe there is paucity of evidence to support the need for the change.

In addition, changing some bail presumptions into the neutral category is also not a real form that I believe will be effective in this complicated space of dangerous driving and recidivous behaviour. If existing penalties under the Criminal Law that are imposed at sentence are not sufficient to deter offenders, there is no reason to think that tweaking a bail presumption will have any deterrent effect. We are not dealing with a cohort of people who assess risk in this way. There is value in looking

at how to change these people's behaviours in order to prevent future offending and particularly future victims. Ultimately, it is important, I think, to weigh up the various problematic aspects of this proposal with its limited potential to have a positive impact.

I want to flag at the outset that debates on these issues can become personal. But critiquing the efficacy of a proposal does not mean that one does not care about road safety or victims. I hope that the debate will avoid such ad hominem attacks about such a sensitive issue.

I also want to reiterate my deep concern about dangerous driving and road safety and reiterate how important it is that the voices and needs of victims are heard and respected in the justice system. In the last term of the Assembly, I campaigned for and introduced the Charter of Rights for Victims of Crime into the ACT for just that reason. I was the road safety minister in this government for many years, and I strongly believe in the need for reforms to reduce and eliminate the death, injury and ongoing trauma that is caused by dangerous driving. In fact, I have introduced many reforms designed to achieve that outcome and have had some reforms rejected by members of this chamber. The fact is, though, that reforms in this space are not easy. They need to be evidence based and effective. Change does not come from tinkering at the edges of the Bail Act.

Before elaborating further on the specific issues in the bill, it is worth talking more broadly about bail and its purpose. The ACT bail laws are set out in the Bail Act 1992 and are designed to balance the key and sometimes competing principle that an accused is innocent until proven guilty with the need to keep the community safe, including while ensuring that evidence and witnesses are protected. There is no one-size-fits-all approach to balancing these interests. The role of the government is to establish a framework which allows the court and police to resolve the potential tensions between these objectives on an individualised basis.

Importantly, bail is not a system of punishment. It is not a sentence for a crime. It is a decision about the liberty of the accused between the time of arrest and verdict. It aims to ensure that the accused reappears in court on the next occasion. It is an undertaking, often with conditions to come back before the court. The accused has not been convicted of an offence, and this accords with the principle of the presumption of innocence.

The Bail Act already requires a range of factors to be assessed when making decisions about the granting of bail, including presumptions against bail for certain offences, any conditions which may reduce the risk of an accused's failure to attend court, interference with witnesses and evidence or reoffending and conditions which may increase the safety of complainants and the community. The court also already has the discretion to consider any relevant matter in deciding bail, including the type and seriousness of the offence as well as the accused's personal circumstances. The court needs to be mindful of the past driving history of the person before it and already turns its mind to how they have gone with compliance with bail and other court orders imposed previously.

As Dr Paterson has made clear, she has presented this bill in an environment of heightened community discussion about dangerous driving and about the functioning

of the ACT justice system—in particular about sentencing and bail decisions. This focus has been intensified by ACT Policing's operation TORIC. Through that program, ACT Policing has focused on recidivist offenders committing motor vehicle offences. These offenders can be the most incorrigible, with entrenched criminogenic factors.

Bail and sentencing are complex and often divisive issues. They are topics that are regularly the subject of community commentary and debate. For good reason, we task judges and magistrates with the challenging task of assessing a charged person's suitability for bail. The intent is to keep these decisions constrained in an objective and impartial environment where all of the facts are available. This is not the case in the political sphere or in the realm of community commentary. The judicial decision-maker weighs issues such as considerations like the accused's personal circumstances and the type and seriousness of the offence. These factors are important but not always reported on by the media or evident to the community.

There has been considerable misinformation presented in the last few years by various parties, in particular attacking the ACT justice system and judiciary, and particularly around the issue of bail and sentencing. I saw a media release by the Australian Federal Police Association recently that criticised "the government" for its decision—apparently—to grant bail in a particular matter. Apparently, the government granted bail! The government, of course, has nothing to do with granting bail or not. That is rightly the domain of the courts. It is confusing for the public to have bodies like the police union making these sorts of assertions in press releases. One would assume an organisation like that would know better and would understand the law more clearly.

I have seen reporting both in the media and in a community forum that critiqued the government because it was claimed there had been a record number of people breaching bail. In fact, those statistics have been misunderstood and misrepresented and the bail breach figures were in fact lower than usual. There is also a conflation between the idea that people are out there in the community breaching court orders and driving badly, with the reality that most people who do commit driving offences are not on any kind of court order. There have also been motor vehicle accidents causing serious injuries or fatalities in Canberra where it has been asserted or implied that the driver who caused the accident was subject to a bail or sentencing order at the time of the accident, when this has in fact been incorrect.

These are a couple of the many examples of incorrect, incomplete or misleading commentary on the complex issues in the ACT justice system. This is the unhelpful landscape against which members of this place need to make decisions about ACT laws.

Law reforms impact on people's lives every day—on people charged or convicted of offences, on their liberty and on their prospect for rehabilitation; as well as on victims of crime, their opportunities for redress and justice; and on the whole community and their ability to live safely. While we need to ensure just outcomes in individual cases, it is also important to consider that the justice system has a long cycle. How do we reduce crime over time? How do we break cycles of reoffending so that we ultimately make the community more safe? We also need to consider factors such as the detrimental effect that imprisonment has on an offender's criminogenic profile. It tends to worsen people's prospects for rehabilitation—something which is well researched, well documented and, for most people, instinctively understood.

On this point, I will reiterate what the government submission to the Standing Committee on Justice and Community Safety dangerous driving inquiry expressed:

> … consideration must be given to other evidence-based methods that may address underlying behaviours contributing to a person's offending. This may involve ensuring there are appropriate programs in place which are aimed to addressing and changing offending behaviour.

The government submission drew on the NSW Sentencing Council's 2020 report, *Repeat traffic offenders*, which concluded:

> … serious repeat traffic offenders should generally be subject to program requirements and similar interventions aimed at changing offending behaviour. This is preferable to simply increasing levels of punishment either for serious first offences or repeat offences.

The ACT has spent many years building and implementing a justice reinvestment agenda. This is a long-term, community-led approach that aims to prevent crime, address the drivers of contact with the justice system and improve justice outcomes for First Nations people in a particular place or community. It achieves a better outcome for everybody.

Restrictive bail policies mean more people will spend time incarcerated on remand. The reality is that there are growing numbers of people on remand in the AMC. It is an issue the government needs to address, and the proposal in Dr Paterson's bill will make this problem worse. It was recently the case that every Indigenous female detainee at the AMC was a person on remand. People on remand do not have access to the same programs and opportunities that sentenced detainees or people in the community have. In an additional layer of cruelty, there is no guarantee that you will be sentenced to a term of imprisonment for the offences that Dr Paterson is proposing in her bill, if you are sentenced.

The link between bail laws and remand populations was also raised by the Australian Productivity Commission in its 2021 research paper *Australia's prison dilemma*. The report found a significant increase in the number of people in prison in Australia. The growth in the number of people on remand accounted for about two-thirds of the growth in imprisonment rates, with Aboriginal and Torres Strait Islander people being increasingly overrepresented in the remand population. The paper found that, in a number of states and territories, policies have made bail harder to access and that remand has been the default position for a wide range of offences. The paper suggests that bail laws could be an important driver of imprisonment.

ACT Legal Aid also provided specific comment on Dr Paterson's bill during the government consideration process on this legislation, expressing concern that the likely consequence of the bill will be an increase in remand, and they raised particular concern around the possible disproportionate impact on First Nations people. These are the issues that the Assembly must weigh up when it considers restricting bail laws.

I will turn to the observations of the Human Rights Commission, who analysed the bill and have a view on the proposed offences for which the bail presumption is to be removed. The Human Rights Commission expressed concern that, in relation to the

offence of furious, reckless or dangerous driving, there is not an adequate justification that meets the requirements of the Human Rights Act 2008 and its inclusion as a schedule 1 offence may not be compatible with the Human Rights Act. That is certainly my view.

There are variants to the furious, reckless or dangerous driving offence and a range of penalties, some 12 months imprisonment to five years imprisonment. This is significantly less than the offences typically included in the neutral bail presumption category. Some of these offence penalties are for only 12 months, as I said. The majority of offences currently in the neutral bail presumption category are 15, 20 or 25 years. Offences like large-scale drug trafficking and aggravated burglary have maximum penalties of 25 years. The lowest maximum penalty of any offence currently subject to a neutral bail presumption is 10 years. Yet this bill proposes to move an offence into that category that carries a penalty of 12 months imprisonment. It is a material difference.

It can be the case that the police lay a charge of aggravated furious, reckless or dangerous driving, with the expectation that that the offender will plead guilty to the lesser furious, reckless or dangerous driving offence. This means that someone charged with driving dangerously with a 16-year-old passenger in their car or driving 65 kilometres in a 50 zone could sit in remand and then eventually be sentenced to receive a fine. As members will see, for the furious, reckless or dangerous driving offence, we are talking about an offence that can be relatively minor. It is an arbitrary and inconsistent insertion into the Bail Act of an offence with significantly lower penalties than the other offences that have a neutral bail presumption.

This is not the first time this kind of issue has come up. As a fan of history, I draw members' attention to Mr Hanson's private members bill from 2021. Mr Hanson's bill proposed to move the offence of assaulting a frontline community service provider into the list of offences where there is no presumption of bail. It is the same change Dr Paterson seeks to make for dangerous driving offences. The maximum penalty for this assault of frontline worker offence is two years imprisonment. Members will remember that bill was rejected and the government noted the same kinds of concerns as those I have just noted: arbitrary insertions into the Bail Act, unreasonably restricting the rights of a person charged with this offence and potentially paving the way for miscarriages of justice, including by incentivising early guilty pleas to avoid being remanded in custody. The latter concern is especially relevant. I cannot condone a shift in bail presumptions that would see people being held in the AMC on remand for a driving matter only to eventually be sentenced and receive a fine.

It is unclear how this debate is going to proceed today. I understand that there may or may not be an amendment moved to the bill. Certainly, from the Greens point of view, we are very clear that this bill needs to be split. There are offences that are proposed to be moved in the neutral bail category and one can make a very sound argument that they are broadly equivalent to other offences in that category. They are the first two offences listed in the bill, and they carry penalties of 10 years or more. I think one can make a sound and reasonable argument that those could be moved. When it comes to the third category of offences as in dangerous, furious and reckless driving, as I have outlined, it is disproportionate, it is arbitrary and it is not sustainable. It cannot be justified in the context of the ACT's current bail system.

I have indicated to this place that, when the Law Reform Sentencing Advisory Council starts, I intend to refer bail matters to that group so that we can have a considered and thoughtful look at our bail system. Is it achieving the objectives that it is supposed to? Are there things we can learn from other jurisdictions that might improve that legislation? If we are going to make substantial, wholesale and material changes to the Bail Act, a better way to proceed is to try to do something more considered.

What I can say today is that the Greens cannot support that element of Dr Paterson's bill that moves that lower charging offence into the neutral category. If there is an amendment today, we would be pleased to support that amendment. We think that that provides a valuable adjustment to the bill. So we will see how this debate proceeds this afternoon.

MR HANSON (Murrumbidgee) (3.09): The Canberra Liberals will be supporting Dr Paterson's bill. As even Mr Rattenbury has admitted, this is a matter that is dear to my heart and to that of my colleagues.

Mr Rattenbury in his speech said that change does not come from tinkering at the edges of the Bail Act. That is an interesting observation because, for over a decade, the Canberra Liberals have been calling for an independent review into the Bail Act. Mr Rattenbury has been denying those calls. Even when there was a petition with thousands of signatures calling for a review into sentencing and bail in the ACT, Mr Rattenbury refused to conduct such a review.

At the end of the day, if you have an obstinate Attorney-General who is refusing to do the wholesale work that is required to conduct such a review, which Dr Paterson occasionally supports and occasionally does not support, if that work is going to be refused to be conducted by the government, it is then a matter for people like me and for people like Dr Paterson to move amendments to make changes where we can.

The bill follows several years of campaigning for bail, as I said, from the Canberra Liberals and a series of tragic and dangerous events on Canberra roads. There was a JACS committee inquiry into dangerous driving in the ACT, chaired by my colleague Mr Cain, and I note that Dr Paterson was also on that committee. It must be noted—as Mr Rattenbury noted—that this bill actually bears a very uncanny resemblance to a bill that I brought into this place last year, seeking very similar amendments to the legislation. However, this is the sort of reform that the Canberra Liberals have been calling for and so we will support it.

This bill has been coming for a long time. In many ways, it is disappointing that this government did not first heed the calls of Mrs Dunne over a decade ago and then me when I became the shadow Attorney-General to conduct a review into bail and sentencing, which are not working in this jurisdiction. Maybe that would have saved lives and would have led to fewer tragic incidents occurring on our roads, as we have seen.

I will go to some of the facts. I refer to the work of Operation TORIC, which showed that over 300 apprehensions were made. Of those, more than 40 per cent of offenders were on bail. Another 22 per cent were under other legal orders, such as parole, good behaviour and intensive correction orders. In total, nearly two-thirds were already on

bail or similar restrictions when arrested. These are not minor matters. Reports noted the following stories from the front line, from the police:

> Recently, we had a member struck by a car driven by a recidivist offender at ANU.
>
> Like many of the offenders TORIC encounters, that driver was on bail at the time of the incident.
>
> We've also had another incident where a member was struck by a vehicle trying to flee—this offender reversed so fast the door of their vehicle was ripped off and they fled the scene with no door.
>
> It is only through sheer luck that these members weren't seriously injured, or worse.
>
> The majority of people arrested by Operation Toric are recidivist offenders, who show a blatant disregard for laws, for safety, and for the community.

There are even more horror stories from ACT Roads, including the case of the 30-year-old man who was subject to bail conditions that specifically prevented him from driving and who drove to escape police at a speed estimated at 120 kilometres per hour in a 60 kilometre zone. A 28-year-old man on bail for similar offences faced new charges following his involvement in other dangerous driving incidents. Another case involved a driver re-offending hours after release, where the driver repeatedly drove at police. There is story after story after story of similar incidents.

Some of the stories are those that we are aware of in this place. I take this opportunity to pay my condolences and respect again to Andrew Corney and Camille Jago, who published their story and made formal submissions to the JACS inquiry and were in this place when we talked about bail last year when petitions were tabled. I also offer my continued condolences to the McLuckie family, who tragically lost their son, and acknowledge the ongoing work of Tom and Sarah in this space. To all of the families who have lost loved ones, it is indescribably tragic in any circumstances but, when the offender is someone out on bail, that is a particularly difficult tragedy to deal with. In those circumstances, those stories would have led to the committee inquiry and this reform in particular.

As we know, this topic was subject to an extensive review by the JACS committee. Among their recommendations was the following:

> The Committee recommends that the ACT Government introduce legislation for a neutral presumption of bail for serious dangerous driving offences such as driving at police and recidivist serious motor vehicle offenders.

This bill directly addresses that recommendation. The government response was somewhat ambiguous. It said:

> The ACT Government intends to have the Law Reform and Sentencing Advisory Council review the Bail Act 1992, and as part of this review, to advise on bail presumptions.
>
> The ACT Government acknowledges the views of stakeholders within the Report but, at this point, does not support the implementation of a neutral bail

> presumption across all offences considered to be serious dangerous driving offences.

What that means in terms of this debate is unclear. It is unclear where that Sentencing Advisory Board is up to, but what is clear is that it has not yet been established.

The bill is more limited in scope than the bill that I proposed last year. It shifts the presumption into three specific offences: culpable driving of a motor vehicle; driving motor vehicle at police; and furious, reckless or dangerous driving. The structure of the bill and the manner in which it operates is identical to my bill. The only operative difference is that the list of offences is more limited. In my view, this is a minimal list of offences that should be included, and I would welcome a more extensive list. But I guess this is as good as it is going to get.

My understanding at this stage is that, as the debate unfolds, we will be supporting Dr Paterson's bill in full, and she will not be amending her bill—or she will be. It is unclear to me still. We support the bill as it has been tabled. The Greens want to water it down and there has been a somewhat flip-flopping position from Dr Paterson, and I am not sure quite where we have landed. I guess we are going to find out exactly where that is and whether there are going to be amendments from Dr Paterson to water down her bill to appease the Greens or whether she is going to hold the line and actually stay the course with her own bill as tabled. She initially told me she was going to move an amendment and then she said she was not going to move an amendment. I see that there is a flurry of activity happening in the chamber, to the point that I now no longer know what is going to happen. So I guess we are going to have to find out what that is.

I would say that, if Dr Paterson does move that amendment, I would be very disappointed and the community would be very disappointed. It would be somewhat frustrating that Dr Paterson, with the opportunity to get the support of the Canberra Liberals to maintain her bill as presented, then decided that she would rather appease the Greens and Mr Rattenbury than actually hold true to her own principles. I will await the detailed stage potentially to see how this all plays out.

But, regardless of what has happened previously—the call for reform, my bill and the failure for there to be an independent inquiry—these are the sorts of changes that have been championed by the Canberra Liberals, and I do support the intent of what is being proposed here. This might be a dry, legalistic debate, but I know—and Dr Paterson knows—that the sorts of changes that we make in here will have a direct impact on people's lives. They will potentially save the lives of children on our roads, and it is our duty and our responsibility in this place to do everything that is available to us to make these changes.

They are quite moderate changes. They are just removing a presumption for bail and moving it to a neutral category. This is not some draconian law reform. What Dr Paterson is proposing comes out of an inquiry that was conducted. It is a recommendation of the JACS inquiry. It is reasonable, it is proportionate, and I thank Dr Paterson for bringing this forward. I encourage her to hold the line on this. I encourage her to stay the course. What she is proposing is right, and I hope that she does not get rolled on this. It would be disappointing in the extreme should that occur.

The Canberra Liberals will be supporting this bill. We will continue to fight for bail reform and we will continue to support our community. I would like to finish the in-principle debate with a quote from Tom McLuckie to remind us what is at stake here:

> Ultimately our family and all our friends have been left totally shattered by the loss of our beloved and cherished son, brother, grandson, cousin, colleague and fellow student.
>
> For those who took part in the incident and chose to drive away from the horrific accident, we implore you to have the courage to accept the consequences of your actions. Stop hiding behind your anonymity like cowards.
>
> If this message can save just one life, stop another family being shattered and broken, then no matter how painful our loss is, maybe our son has not died for nothing other than a cheap thrill.

And I would say, to paraphrase Tom McLuckie, if this bill today can save just one life and stop another family from being shattered and broken, then it is a worthy endeavour. We will see what happens as a result of the detail stage, but the Canberra Liberals will be supporting this legislation.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.22): The ACT government is committed to the realisation of the Vision Zero—zero road fatalities and serious injuries on our roads. Labor believes that the private member's bill being brought forward by Dr Paterson will support the realisation of that vision.

Dangerous driving was a significant contributor to the ACT's increased road toll last year of 18 lives tragically lost on Canberra roads. That was the highest death toll recorded in the ACT in over a decade. You only have to look at the statistics about deaths in Australia from the ABS and AIHW to see that land transport accidents are a leading cause of death for people in the younger age cohort from one year through to 44 years of age; it is the leading cause for children aged one to 14.

Stamping out dangerous driving was a key focus of the Road Safety Legislation Amendment Bill, which was passed by the Assembly in June. This bill implemented the first tranche of reforms under the ACT government's road transport penalties review. It enhanced the penalty framework in the road transport legislation by targeting risky behaviour, specifically: high-range speeding; street racing; attempts on speed records, speed trials and other hooning behaviours; furious, reckless and dangerous driving; and drug driving. The implementation of this legislation has given ACT police the power to immediately remove dangerous drivers and repeat offenders from the territory's roads in the interests of public safety, a power which I am pleased to hear that they are utilising. ACT police have used these new powers to issue immediate licence suspensions and seize a number of vehicles caught speeding more than 45 kilometres over the limit.

A number of these instances have been publicised on ACT police's social media accounts, highlighting to the community the government's zero-tolerance stance on dangerous driving. ACT police have issued over 150 immediate suspension notices since the Road Safety Legislation Amendment Act 2023 came into effect. Some of

these notices will have been issued under the new powers which I introduced, with 22 drivers being charged by ACT police with speeding over 45 kilometres this financial year. ACT police have also seized at least five vehicles under the new law, the Road Safety Legislation Amendment Act.

Achieving Vision Zero is not going to be easy, and our penalties framework plays an important role by clearly outlining what we expect and require of Canberrans on our roads—that is, safe, considerate and responsible behaviour. The implementation of the Road Safety Legislation Amendment Act was an important first stage of the government's penalties review. I am looking forward to introducing the next tranche of road transport legislation reforms in the near future, which will focus on road transport penalties for drug and alcohol related offences.

The changes before the Assembly today, posed by Dr Paterson's private member's bill, support the ACT government's road transport penalty review, with a focus on the most dangerous driving offences. Culpable driving, driving a vehicle at police and furious, reckless and dangerous driving are all offences that have been involved in tragic deaths and injuries on our roadways. Dr Paterson's reasons for asking the Assembly to consider this legislation are clear, and, indeed, it was considered by an Assembly committee with recommendations to that effect as well. The reforms proposed by Dr Paterson complement the government's work with ACT Policing to deliver tangible, practical road safety reform.

Operation TORIC has been targeting behaviours that create dangerous situations on our roads, with a particular focus on recidivist offenders, and our legislative response should be informed by it. ACT police say that the majority of people arrested by Operation TORIC are recidivist offenders who show a blatant disregard for laws, for safety and for the community. These amendments are framed to focus on individuals whose dangerous driving behaviour is at the higher end of the risk spectrum and thus apply to the more serious dangerous-driving offences. They are targeted at behaviours that, when combined with a vehicle, can turn it into a weapon that can kill or seriously injure other people on our roads.

These amendments engage with the right of the presumption of innocence of the accused. As legislators, when we are making laws for the territory, we must also balance this with the right of life for people on our roads. A neutral presumption will encourage the defence to give stronger arguments to a court as to why bail should be granted to a person accused, rather than relying on the presumption for bail. This will better inform the court as it balances the potential safety impact of the person remaining in the community. For example, the court will have to consider whether granting bail for a repeat offender of culpable driving, or furious, dangerous and reckless driving, will be a safety risk for the community against a neutral standard, rather than a presumption in favour of bail.

In supporting these amendments, it is important to be clear that this is not about criticising the courts, which, by the way, are a branch of "small-g" government established under Part VA of the Australian Capital Territory (Self-Government) Act 1988 (Commonwealth). What this is about is making sure that the arguments are properly considered by a court.

These changes do not mean that everyone charged with these offences will be refused bail every time, contrary to the comment and the case that the Attorney-General had been putting forward in his arguments. This is also not a presumption against bail like has been previously proposed by the Canberra Liberals and rejected by the Assembly. Rather than being a presumption that police and prosecutors have to overcome, the courts will approach bail decisions for these changes from the position of neutrality. It is a subtle change, but it is an important one that, in combination with the rest of the government's efforts through Operation TORIC and through our reform of road transport legislation, will contribute to keeping the community safe.

The ACT government has established the Law and Sentencing Advisory Council, and once these laws have been implemented, we think that it would be prudent for the council to review the outcomes of the new laws as part of its role. However, Labor does not support putting these laws off until a review by the council concludes, as this could take years.

I commend Dr Paterson's bill to the Assembly.

DR PATERSON (Murrumbidgee) (3.29), in reply: I thank members for their contribution to the debate and thank my colleagues for supporting me with this bill. I will keep my closing speech firmly centred on the reasons why this reform is important and leave this in-principle stage of debate by putting the voices of victims and their families front and centre. I will speak again on amendments in response to some of the issues raised by other members.

I introduced the Bail Amendment Bill 2023 to the Assembly in June this year. The bill shifts to a neutral presumption of bail for three crimes: culpable driving of a motor vehicle; driving a motor vehicle at police; and furious, reckless or dangerous driving. These amendments go some way to address a very serious public safety concern in our community.

Serious dangerous driving on our ACT roads has been an issue of widespread community concern. I want to start by clearly stating that these crimes that are moving to a neutral presumption are crimes against the public, police and individuals. It is not a presumption for or against bail. It is a neutral presumption of bail, where the decision-maker—the courts—will assess the situation and make an informed decision.

The amendments address specific offences: driving in a way that deliberately or recklessly puts the public at risk; deliberately driving at police; and killing or inflicting grievous bodily harm on another through driving of a motor vehicle. There is a very select group of offenders in the ACT that drive in a way that poses a serious risk to innocent lives on our roads. This bill is evidence-based, it balances human rights, and it sends a clear message to the community that community safety is an absolute priority. No-one has a right to drive in a way that puts innocent people's lives at risk.

ACT Policing established Operation TORIC (Traffic or Recidivist Investigations Canberra) in August 2022, and it is aimed at reducing dangerous driving in Canberra, which includes targeting repeat offenders. Between 1 August 2022 and November this year—nearly 18 months—341 apprehensions have been made by ACT police as part of Operation TORIC, leading to 906 charges. Of those apprehended, 140, or 41 per

cent, were on bail; 46, or 13 per cent, were subject to good behaviour orders; eight were on intensive correction orders; and 20 were on parole.

This bill will ensure that applications for bail for offenders who commit these crimes against the public, police and individuals will receive increased scrutiny. It is intended that applications for bail be strongly assessed with the public safety in mind. Just one death on our roads as a result of dangerous driving, any year, ever, is a death too many.

I work with victims of dangerous driving on our roads on a daily basis. My family is deeply affected by this issue. My constituency of Murrumbidgee is deeply affected by this issue and the tragedies, particularly, of last year. I believe this is an issue that indiscriminately affects the Canberra community: you never know who is next. Road trauma is every family's deepest fear, and for far too many people it is a reality that is inflicted as a result of others' complete disregard for the implications of their actions.

I want to turn my focus for the remainder of the debate to the victims of dangerous driving whose experiences and voices are all too often neglected. To the innocent people who have lost their lives and to those who have lived and whose lives have been changed forever as a result of the injuries they have sustained: I am so sorry.

There have been two families that I have been working with closely that have been so incredibly brave through the dangerous driving inquiry in presenting evidence and their incredibly painful experiences of our justice system, and, ultimately, their despair at the lack of justice for their children, Matthew McLuckie and Blake Corney. I would like to acknowledge their parents: Mr Tom McLuckie and his family; and Camille Jago and Andrew Corney. They face every day of their lives now without their children. In their fight for justice they face the media, courts, inquiries and literally every other horror that goes with it, and they continue to front up. I would say to the Attorney-General: this is not a joke for them; this is daily life.

I want to amplify their voices and the words they spoke in memory of their children in the dangerous driving inquiry. I want to shine that light for a moment on Matthew McLuckie and Blake Corney. Matthew's father, Tom, spoke in the public hearing:

> Matthew … was killed, not due to an accident but by a purposeful criminal act. On his way home from work at the airport, on Hindmarsh Drive, he had a head-on collision with a stolen car driven by a young woman, travelling at excessive speed and driving on the wrong side of the carriageway. The noise from the impact of the crash has been described as sounding like an explosion by people who lived in nearby Red Hill and O'Malley …
>
> As we buried our son at the Woden cemetery, I promised him I would never give up fighting for justice for him or working to ensure that what happened to him is not an accepted norm. He was an exceptional young man who was loved very much by all who knew him and who was robbed of his right to life and to his future.

I would like to use the words Camille Jago spoke of her and Andrew's son, Blake:

> Blake was four when he died. He had these little dimples in his cheeks and, when he had a big smile, you could really see the dimples and his really bright shining

> eyes. And he was always running everywhere. He was so busy and so full of life. He loved trains and Lego. He had so much potential and that was taken away.

I work very hard to represent the interests of my constituents and to bring their issues front and centre to this chamber, but sometimes it is personal too. Dangerous driving has had a profound impact on me and my family. I want to end my speech today to personally remember Tyson Gavin. Tyson was the most beloved son of Sam and my brother-in-law Jason. He was a dearly loved brother, grandson, nephew and cousin to his family, and a friend and a football mate to so many.

On 19 July 2012 Tyson was in the back seat of a car with three other teenagers. The car, at speed, hit a tree on Eggleston Crescent in Chifley. Tyson died at the scene as a result of dangerous driving. Tyson was 16 years of age. The moment that car hit that tree changed so many people's lives forever.

I knew Tyson for seven years before he died. He was the most beautiful, lovely, fun boy. He was smart, witty and cool. His rugby was everything to him: he played for Woden Valley Rams and had aspirations to play for the Raiders one day. Tyson had a whole world in front of him, and that was taken away. He has a large extended family that love him dearly. Every single day that goes by he is remembered, and his life and the impact he had on all those around him is celebrated; but, every day, is also a reminder of a deep, unjust tragedy.

I spoke to Jason, Tyson's father, this morning. I want to share some of his words. He said, "There is no justice for families who are victims of dangerous driving in our system." He described the court processes as all about deals between lawyers and said that no-one would ever understand how unjust it is that your child is killed and there are no repercussions for those that took his life.

I hope today that this bill will be passed. I hope it will go some way to recognising the severity of these dangerous driving crimes and will lead to significant consideration of public safety in the determination of bail for those that commit these offences.

Today I close the in-principle part of this debate in loving memory of Tyson Gavin and for all the other innocent victims of dangerous driving in our community.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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

Proposed new clause 3A.

DR PATERSON (Murrumbidgee) (3.40): I seek leave to move amendments to this bill that have not been considered by the scrutiny committee.

Leave granted.

DR PATERSON: I move amendment No 1 circulated in my name, which inserts a new clause 3A, together with a supplementary explanatory statement to the amendments *[see schedule 2 at page wwww]*. I also table a revised explanatory statement to the bill.

The revised clause 3A will specifically address repeat offenders for the offence of furious, reckless, dangerous driving. I want to speak on some of the points that the Attorney-General made. I do contest that this offence sits outright and indifferent to other offences in schedule 1 of the Bail Act of offences against the Crimes Act. There are other offences against other crimes that have two years to five years imprisonment.

What I wanted to see—and what I have been working towards since June when I introduced this bill—was the whole Assembly support this bill. I think it is important that we get as much support for this to go through from all parties.

I would like to say that I do just fundamentally believe that the Attorney-General does not understand this issue. You speak of evidence; there is no evidence used in your arguments; it is all just words. You mentioned in your speech that much of the focus was conflated and confused. I have put questions on notice in respect to the response to the dangerous driving inquiry in respect of sentencing for dangerous driving offences. I asked for the years from 2016 to now, and the response I got back was that there is unreliable evidence. The attorney could only provide me three years of evidence of sentences of dangerous driving crimes. If the evidence of this criminal justice system is that unreliable that we only base our decisions on three years, I question the evidence you are using, Attorney-General, to make your decisions.

I honestly believe that for the Greens this is an ideological position, and I find that very difficult to swallow, because I feel that this is an issue that deeply affects our community. As much as we focus on recidivism, reducing recidivism and getting people out of our criminal justice system, I very much believe that we have to focus on the victims as well and their rights, and the rights of the public to be safe on our roads.

In an adjournment speech I criticised, multiple times, the Attorney-General's law and sentencing council—we are now a year and a half into waiting for anything to happen. This law and sentencing council was the answer to most of the questions put to the attorney and the recommendations of the dangerous driving inquiry. Even today, the attorney said that we should send these issues to the law and sentencing council to be considered appropriately. When will that happen? How will that happen? It will be too late, when that happens, for many people who have been killed or seriously injured by these drivers on our roads. I will stop talking now, but I will commend the amendment 3A.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.45): I want to start my comments today by acknowledging Dr Paterson's powerful words and her passion in representing those families who have tragically lost a loved one on our roads. My thoughts are with all of those families as we work through this difficult issue this afternoon.

The sorts of changes we make in here will indeed impact people's lives, as Mr Hanson has said. I think Dr Paterson and Minister Steel have clearly articulated

that this change represents a give-way sign, if you like, for want of a better analogy, that has the potential to save lives by asking the courts to consider whether bail is appropriate in all the circumstances for people who drive dangerously on our roads. It is not a presumption against bail that we are talking about here. It is a neutral presumption, and with the amendment that Dr Paterson has moved, it is a neutral presumption for repeat offenders in relation to furious, reckless or dangerous driving. That is exactly what the inquiry into dangerous driving recommended. I would refer Mr Hanson to recommendation 5 that specifically talks about recidivist, serious motor vehicle offenders, and that is where Dr Paterson's amendment goes to.

The question is, Madam Speaker, would the bill as drafted, without the amendment, also have unintended consequences for some of our most vulnerable community members? Would it unnecessarily consume court time with longer conversations about bail for everyone who is charged with furious, reckless or dangerous driving for the first time, and in a circumstance where the likely outcome is a fine and the most likely outcome is that they would be granted bail?

I am not sure whether Mr Rattenbury actually has any evidence that these particular offences are ones for which Aboriginal and Torres Strait Islander people come into contact with the justice system in any particularly overrepresented way, or if they are offences for which Aboriginal and Torres Strait Islander people are particularly seen to come into contact with the justice system. However, this is clearly an important issue, as is compliance with human rights, and Dr Paterson has done considerable work over the last couple of weeks to balance the risks associated with recidivist offending and the human rights considerations. I want to be very, very clear about this, given Mr Hanson's earlier comments: this amendment is supported fully by the Labor caucus and reflects concerns from Labor, as well as those concerns that were expressed by the Greens, in relation to finding that balance to ensure that we are talking about repeat offenders and recidivist offending, exactly as the inquiry into dangerous driving recommended.

Madam Speaker, I can understand why the Greens are uncomfortable with clause 5 of this bill, and I also understand that the Attorney-General needs to seriously consider the advice he receives from the Justice and Community Safety Directorate. I am very pleased to hear that the Greens will support Dr Paterson's amendment, because I think it is a considered amendment that improves the bill. I know that Mr Hanson will disagree with that, but it improves the bill by focusing it squarely on exactly where the inquiry into dangerous driving sought for it to be focused, and that is on recidivist offending.

I note that Mr Braddock, as a member of that committee, supported that recommendation that there be legislation for a neutral presumption of bail for serious dangerous driving offences such as driving at police and recidivist, serious motor vehicle offenders. That is what this amendment will achieve. It balances the issues. For Mr Hanson to suggest in any way that this is giving in to Greens' pressure, I completely and utterly reject. He can say it all he likes, but it is simply untrue. It is a balanced approach that is seeking to achieve the exact objective that we share in relation to dangerous driving.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.50): I thank Dr Paterson for her work on

bringing forward this amendment to her bill today, which focuses on recidivist offenders under the Road Transport (Safety and Traffic Management) Act. Under section 7A(1)(b), a person is a repeat offender in that act if the person has been convicted or found guilty of an offence under section 7—which is furious, dangerous reckless driving—or the Crimes Act 1900, section 29, culpable driving of a motor vehicle, at any time before the current offence was committed.

I think, and reiterating the comments that Minister Stephen-Smith has made, we know recidivist offending is the issue that has come up both through the inquiry and the focus of the recommendation by the Assembly committee, but also, of course, has been the focus of operations by ACT police through Operation TORIC, which has targeted specifically those recidivist offenders on our roads. In their media, as of 14 August this year, we have seen them apprehend 300 people under that program. That is a significant number of people, many of whom were recidivist offenders, so it is appropriate, I think, to look at recidivist offenders as part of furious, dangerous, reckless driving.

Of course, I think there will be in future an opportunity to understand what the impacts of this are in terms of community safety. As I have previously indicated, Labor is supportive of bail being a focus for the future Law Reform and Sentencing Advisory Council work to make sure our bail settings are correct and are doing the right thing in terms of community safety for the community, while also balancing our human rights at the same time.

I thank Dr Paterson for taking into account some of the issues that had been raised by government agencies in relation to human rights; for the extra work she has done in revising the explanatory statement to fully articulate those rights that have been engaged by this process. I know she is driven by not only her work with the community and those victims of criminal activity and criminal behaviours on our roads, but a general will to protect the life of people on our roads and keep the community safe. I thank her for the work that she has done today, and I commend this amendment to the Assembly.

MR RATTENBURY (Kurrajong) (3.53): I rise to speak briefly and confirm that the Greens will support this amendment. We think this is a positive amendment, in that it, I think, targets the issue that Dr Paterson is particularly concerned about, which is repeat offenders. It removes some of the other parts of the particular charge around dangerous, furious and reckless driving, which have those lower penalty levels, but this effectively achieves more accurately the important point that Dr Paterson has been trying to make.

The other observation I would make is I share Dr Paterson's frustration at the pace of getting together the Law Reform and Sentencing Advisory Council. When I became Attorney, it was a frustration to me that the former Law Reform Advisory Council had been disbanded in the previous term of government. My party took a commitment to the last election to re-establish such a body, because we know these bodies, if they are established, can do some good work quite effectively, and they can help solve complex questions and provide an alternative view to government than just through the public service. I think that is a valuable thing to have in our system, because these are complex areas with a range of opinions and having those kinds of bodies is very valuable.

The history of this is I did take a budget bid and I was unsuccessful, but I am so determined to get a body like this together that I have found the funds out of the Confiscated Asset Trust Fund to get this going. It has taken longer than we would care for, but my determination to get a body like this on the table is very clear. So I am committed to referring these matters—even if this bill passes today as I expect, and that is what it is going to be—but there is a broader discussion to be had here. I am quite committed to that discussion. I have been trying to get a body up to do exactly this work, and I will achieve that shortly, and then we will get on with the work. That is an undertaking this Assembly has from me that we will consider these issues through that body. It will be a transparent report that all members of this place will be able to see, and we can continue to debate the issues once we have had that work done for us.

MR HANSON (Murrumbidgee) (3.55): Madam Speaker, the Canberra Liberals will not be supporting this amendment. We have made that very clear, and I have made that clear to Dr Paterson. She knows that she has our support for her original bill. It is just, to be honest, strange, but also somewhat distressing to see Dr Paterson having to table this amendment, because I know she does not want to, and she actually, in tabling this amendment, basically spoke against the amendment in tabling it. It is something that I have not seen in this place before, where a Labor backbencher is now being forced to do something which I think is clearly against her will, which is to move an amendment because she has been forced to do it not only by the Greens but by her own Labor colleagues.

I genuinely felt quite distressed for what Dr Paterson had to do then, because I know that she is committed to road safety. I know that she feels about these issues genuinely, and the fact that she has had to make this amendment to weaken the provisions in her original legislation is very disappointing. It is—there is no question—a watering down of the original legislation. I know that Dr Paterson supports that legislation, as do the Canberra Liberals. It was about three or four hours ago we had discussions about the way that this was going to play out. I know that now.

What I would say to Dr Paterson—and as I have said, I do have some sympathy for what is going on here, because she is being rolled by the Labor Party and the Greens—fundamentally is: are you going to stand up for the children, like Blake and like Matthew, which requires you to stand up against the caucus? In the Liberal Party, Madam Speaker, as a backbencher you can actually say, "No, this is what I believe," and that is okay. That is okay, but that is not what is happening here.

When it comes to the vote, Dr Paterson, just as you said you would support an inquiry—you said that to the media; you said that to the community—you came in here, you voted with the caucus. You have tabled a bill. You have said that you support the full intent of the bill. Are you going to vote differently in here? Because there comes a point, in my view, where it is unsustainable to say one thing to community members, and to believe things and to believe things strongly, as I believe you do in this case, but then to come in here and just vote against your own principles and your own beliefs that you have actually argued for.

I will leave it there. There is some disappointment I have about the way this has played out, and there is some disappointment I have that this is only a limited step, but I do acknowledge that it is a step. Despite the fact that we will vote against this

amendment, because it is a watering down of the bill, I presume that the amendment will get passed. The bill will be watered down, but it still is something that we support even though it has been watered down. The fact that we will be opposing this amendment does not indicate that we would then obviously oppose the bill.

I would say, Madam Speaker, that there is a better way to do this. There is a better way that has been proposed by the Canberra Liberals for over a decade—to have done that independent review, that Dr Paterson supported in the media and in the community, in to bail and sentencing. Had we done that we would not be in this position today. We would not be in this position today, I am confident. So, we will be opposing this. It is, in many ways, bitterly disappointing and I wait to see which way Dr Paterson votes on her own amendment, whether she is going to appease her caucus or stand up for those children.

MS DAVIDSON (Murrumbidgee) (4.00): Madam Speaker, I would like to make it clear why I am only able to support clause 3A with these amendments and would not have been able to support it in its unamended form. The ACT is a human rights jurisdiction, and that means that we need to find ways to support community safety without unreasonably detaining people who are awaiting trial.

I draw the chamber's attention to the letter from the ACT Human Rights Commission to the inquiry into this bill specifically on the presumption of bail for the charge of furious, reckless or dangerous driving. That letter said that "it is of great concern to the commission is the proposal to remove the presumption in favour of bail for the offence of furious, reckless or dangerous driving. Neither the bill nor the explanatory statement appear to provide sufficient rationale for removing the presumption in favour of bail in relation to this offence. We cannot see the justification and therefore oppose categorising this offence as a Schedule 1 offence."

I am particularly concerned about the impact of shifting the presumption of bail on young people, on Aboriginal and Torres Strait Islander people and on women. What we will see as a result of this bill is more people held on remand only to be found not guilty or to be convicted with a fine as the penalty and therefore having been inducted into the prison system unnecessarily.

The amendment to clause 3A does reduce this negative impact somewhat. I have sat with young people in the justice system, with women, and with Aboriginal and Torres Strait Islander members of our community and listened to them talk about the impacts of being held on remand on their ability to engage in the things that would otherwise have supported them to engage positively in the community. Young people who have been through enormous trauma and have difficulties managing impulsivity. Women who have drug and alcohol issues and mental health issues and have experience repeated violence throughout their lives. Aboriginal and Torres Strait Islander people who have been on the receiving end of racism, violence and intergenerational trauma for their whole lives.

The prison system is not the best place for healing for drug and alcohol or mental health treatment for positive behaviour change. We do our best to provide the same standard of health care to people in the justice system as in the community, but there are constraints in the prison system that make it more difficult and more expensive

than providing the same treatment to a person who is living at home. Being in the community is a much more effective place for that and it reduces the risk of disrupting your education, the risk of losing your employment, your housing, your kids while you are on remand and that is what supports the behaviour change that makes our community safer.

I know if we remove the presumption in favour of bail for a charge such as furious, reckless or dangerous driving without the amendments that we are now debating we will see more young people, more women with drug use issues, more Aboriginal and Torres Strait Islander people in our prison system when that is the most serious charge they are facing.

Just yesterday we passed legislation that includes the ability for the Children's Court to make orders for young people, not just those under 14 years, that go to improving community safety by breaking cycles of offending and preventing ongoing harmful behaviour. We know that there are ways of making our community safer by reducing the opportunities to engage in harmful behaviour that do not require a prison sentence. It is disgraceful to see people come into this place from the Labor and Liberal Parties, for the most part teaming up on this bill that will see more members of our community, more young people, in our prisons when they otherwise would not have been. But detail matters and that is why I support this amendment.

DR PATERSON (Murrumbidgee) (4.04): Firstly I would like to say that the human rights explanatory statement has been revised and tabled here today and I responded to scrutiny on the human rights statement as well. I will briefly speak to the fact that the bill potentially impinges on human rights in respect to the right that everyone has to move freely within the ACT and to enter and leave it. The amendment engages with this right and there is an increased likelihood of being refused bail, which would restrict an accused of freedom of movement as part of the bail conditions imposed. The other right is section 18 of the Human Rights Act, which provides that no-one may be deprived of their liberty except on grounds and in accordance with the law.

These are the two main rights where this bill may impinge but I think they are balanced with the right to community safety. I think shifting these offences to a neutral presumption of bail will ensure that individuals who are charged with these offences receive increased scrutiny on their applications through the bail process and ensure that they do not put the community at significant risk if granted bail.

I would like to say again, I just do not know what evidence the Greens are basing their assumptions on, because there is no evidence that it is young people, Aboriginal people or women who are committing these crimes. In fact, if they listened to the ACT police they would see actually that it is none of those cohorts. So, again, I feel we are in a space of ideological grandstanding rather than evidence-based policy. I will say that I do support my amendment and I am comfortable with a focus on recidivist dangerous drivers for the charge of furious, reckless, dangerous driving.

I have been in discussions with the ACT Greens, with the Attorney-General, since June when I introduced this bill, and as Mr Hanson said, I have not been able to establish their position on this until the very last minute. Again, this says to me that their decision is ideological, not evidence based. I am very disappointed at how this

has all unfolded today. I think it clearly demonstrates the lack of understanding the Attorney-General has for this issue—or care for this issue. He spoke about referring it to a law and sentencing committee that, again, has not been established. There have been inquiries. We have put the community through the wringer on this issue. It just required a position today based on the evidence. I thank my Labor colleagues for their support. I thank the Canberra Liberals for their support of the bill.

Proposed new clause 3A agreed to.

Clause 4 agreed to.

Clause 5.

DR PATERSON (Murrumbidgee) (4.08): I will be opposing this clause.

Clause 5 negatived.

Title agreed to.

Bill, as amended, agreed to.

Government—land release program

MR CAIN (Ginninderra) (4.09): I move:

That this Assembly:

(1) notes:

(a) the Indicative Land Release Program for 2023-24 commits to the release of only 1,883 total residential dwellings this financial year;

(b) the ACT Budget has population growth of 2.25 percent in 2023-24 and two percent across the remainder of the forward estimates, which equates to over 9,000 people per year;

(c) conservative modelling shows 1,883 residential dwellings will only be able to accommodate 4,500 of the forecasted new residents in the ACT;

(d) effective city planning is shaped by the social, environmental, and cultural preferences of the community;

(e) the most recent Housing Choices Community Survey released in 2015, known as the Winton Report, found that only two percent of ACT residents want to live in high density apartments;

(f) the survey further found that more than 80 percent of Canberrans preferred to live in detached or semi-detached dwellings; and

(g) the growth in stock of attached dwellings is inconsistent with community preferences, exacerbating the housing affordability crisis; and

(2) calls on the ACT Government to:

(a) auction unsold single blocks for sale by the Suburban Land Agency to find the market price so houses are built on these blocks as soon as possible;

(b) commission a new Housing Choices Community Survey to determine the most up-to-date dwelling preferences of ACT residents;

(c) as the monopoly provider of land, commit to investigating underutilised and undeveloped sites around Canberra for the development of detached housing; and

(d) set ambitious and realistic targets for the release of land in the ACT.

I rise to speak to the motion circulated in my name, which calls for the government to increase the supply of housing in the ACT. Among the most pernicious social trends Australians have observed in the past decades, and one especially pronounced in the ACT, is the declining rates of home ownership and outright home ownership. In 1996, home ownership was 43 per cent; in 2016 it had fallen to 30 per cent, and it has declined further since.

For younger Canberrans, the dreams of purchasing a home have never been less achievable. Between 1971 and 2016 home ownership for persons aged 25 to 34 declined from 57 per cent to 44 per cent. Our housing market is in a crisis state and residents of the ACT are the worst affected across the nation. The median price for a detached house is almost $1 million. We have the highest median weekly rent in Australia, as of February this year, at $560 per week—$180 more than, for example, South Australia.

Nothing comes from nothing, and these issues have a cause. The overwhelming source of this trend in the ACT, as emphasised by economists and the law of economics, is a lack of supply and a lack of delivery of dwellings. This Labor-Greens government has had over 20 years to properly plan and sustainably grow the ACT, but developments have stagnated, a consequence of a lack of land release and unaffordable blocks of land on the market. The Indicative Land Release Program for 2023-24 commits to the release of only 1,883 total residential dwellings this financial year. The ACT budget has a population growth of 2.25 per cent in 2023-24, and two per cent across the remainder of the forward estimates, equating to about 9,000 people per year. Conservative modelling in line with Minister Gentleman's own figure of 2.4 people per household shows that 1,883 residential dwellings will only be able to accommodate 4,500 of the forecasted new residents in the ACT. That is about half of the actual population growth.

In March of this year a federal Labor member, Dr Michelle Ananda-Rajah, stated when questioned on housing affordability "We need more dwellings ... The issue really is supply." In no uncertain times Dr Ananda-Rajah penetrated to the core of the issue. The main driver of the overwhelming lack of affordability and choice we are experiencing in the ACT housing market is lack of supply.

One of the Chief Minister's own Labor colleagues made this comment about the Chief Minister and housing affordability, "I find it unconscionable for him to still have his head buried in the sand. Why does he not pull the levers in his control, which is the release of land in the ACT, perhaps even to meet his own targets of population growth. Without an affordable residential land balance that accommodates medium to low-income households, we will continue with a shortage of housing. It is that simple."

In July this year I investigated the planning minister's strategy to land release in the new suburb of Whitlam. The minister was deploying fixed prices for blocks of land by the Suburban Land Agency for sale over the counter. This strategy affords the minister room to rigidly set the price for a block as high as he desires and treat land release as an exercise to raise revenue. Blocks of land were first sold in Whitlam in November of last year, and I note that, a year on, there are still more than a dozen blocks of land yet to be sold, showing that they are over-valued and over-priced. The SLA should take these properties to auction to find the market price, so houses are built on these blocks as soon as possible.

The Labor-Greens government are deliberately gouging perspective buyers in the midst of a cost-of-living crisis, in constraining supply, over valuing land, by not going to auction, and then failing to review the pricing in a timely manner. Many 400 square metre, 500 square metre, blocks of land sit at prices up to $700,000; amounts that are obviously not affordable.

My motion also calls for ambitious and achievable land release. The Labor-Greens government are wedded to their 70/30 infill agenda, a policy rusted to the fixed ideology of Minister Rattenbury and the Greens. In the midst of a housing crisis we cannot afford to wed ourselves to a rigid ideological agenda unresponsive to evolving trends and the tragic reality. We need an approach that scrutinises the full body of evidence, taking into account both the economic and environmental forces and call the relevant leaders to deliver on measures to cool the market.

The most recent housing choices community survey released in 2015, known as the Winton report, found that only two per cent of ACT residents want to live in high density apartments. They found more than 80 per cent of Canberrans prefer to live in detached or semi-detached dwellings, so a 70 per cent infill agenda may not be able to meet the needs of this community. We need an approach that aims to increase choice while improving affordability. The statistics reflect that we are sailing a sinking ship on affordability. From June 2016 to June 2022, the number of apartment dwellings in the ACT rose by 52 per cent while the stock of houses grew only four per cent in the same period. In raw numbers, this equates to a growth of 14,548 apartments and 4,702 houses. For semi-detached dwellings stock rose 24 per cent with a total growth of 6,399 dwellings.

The Labor-Greens government, as I have mentioned, have had over 20 years to ensure we have duplexes, apartment buildings, standalone dwellings, urban centres and leafy green suburbs that deliver a wider range of housing choice. We cannot even begin to think about housing choices when people cannot afford to build a place to live in in the first place! These factors have amounted to a disastrous mismanagement of affordability and choice across the housing market. The government model themselves as nation leaders in human rights and social justice but not in delivering practical outcomes like affordable housing. The Labor-Greens are out of touch with housing policy that suits the needs and the choices of our community.

While housing is primarily delivered through the private sphere, these developments will flow to the public sphere to support families and the most vulnerable. Publicly we have a social housing waiting list of over 3,000, with some reported to have waited decades to secure a roof over their head. We cannot afford to continue ignoring the

evidence and prosecuting this fantastical vision of "Barronomics" where the Chief Minister purports that a lack of supply will have no demonstrable effect on the price of land!

As sole provider of land in the ACT, the Labor-Greens government control what gets built, how quickly and where. As members of this Assembly, we are here to discuss affairs as they relate to the scope of the territory's areas of responsibility. We are not here to blame external forces, things outside our control or issues experienced in the territory. We are here to govern with the tools available to us. The ACT government must pull the levers at its disposal to relieve the systemic social and economic injustices it has created. Their city planning agenda must be shaped—as all effective city planning is—by the social, environmental and cultural preferences of the community and obviously the economic capacity of that community.

Each of my "call-ons," as provisions of the motion circulated in my name, are desperately important to bringing this change to the housing market. I call for the government to auction unsold single blocks for sale by the SLA to find the market price by that mechanism, so houses are built on these blocks as soon as possible. I call on the government to commission a new housing choices community survey to determine the most up to date dwelling preferences of ACT residents. The last community survey was nine years ago, in 2015. This is not acceptable.

The government must also commit to investigating underutilised and undeveloped sites around Canberra for the development of detached housing. They are the monopoly land provider at first instance, and they must release land for new housing. Finally, as I have moved, these new targets for the release of land in the ACT must be as ambitious as they are realistic.

Under an Elizabeth Lee-led Liberal government, the community will not be left behind. We will listen to what the community would like to happen in this wonderful city, and we will not forget Canberrans. The very idea of being able to purchase a home or detached or semi-detached dwelling simply cannot remain a far-fetched dream one thinks of longingly. It is the responsibility of a government that controls the supply of land to ensure that home ownership is a real possibility. An Elizabeth Lee-led Liberal government will address the housing crisis headfirst. Labor and the Greens have demonstrated time and again that they are planning for profit not planning for people. An Elizabeth Lee-led Canberra Liberal government will plan for the people of the ACT.

We have had over 20 years of Labor and Greens and they have not got it right yet. It is not working. Canberrans are desperate. Housing supply must increase and futureproof planning must occur. The "call-ons" I am requesting are so important, and really, I find it difficult to see why there would be an argument to resist them. I hope all of my colleagues in this place will support my motion as I have presented it. I commend the motion circulated in my name to the members of this 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) (4.21): I thank Mr Cain for raising the various matters of land release, and I welcome the opportunity to provide some explanation to the Assembly.

First, some background on our Indicative Land Release Program, which I will from here refer to as the ILRP. The ILRP sets out an indicative five-year forward program for the release of government land in the ACT. Its preparation is informed by several ACT government strategic policies, including the Planning Strategy 2018 and the Housing Strategy 2018, as well as government priorities, including commitments made under the Parliamentary and Governing Agreement for the 10th Legislative Assembly, or the PaGA.

The ILRP is indicative in nature and identifies ACT government land which may be released for a range of uses. The government invests a substantial amount of time and resources in identifying potential land supply options and undertakes early investigations and due diligence. This is used to assess suitability for inclusion of land on the ILRP. Sites that are proposed for the ILRP are based on land use suitability, servicing requirements and timeframes, which are determined by the early due diligence work. This work is important to bring forward sites available for release and development and reduce the risks that impact development and delivery of the ILRP.

Population growth is an important consideration in shaping the ILRP and informing forecast demand for new housing and accommodating growth and required infrastructure. Demand for housing is also influenced by changes to household and family structures. This is all part of the strategic planning that is undertaken by government and that most recently resulted in the district strategies. The district strategies are the key part of our new planning system. District strategies indicate where growth could occur and what is needed to support that growth. They also look at how directing growth a certain way maintains the attributes of Canberra that we all value.

To deliver this land for a mixture of uses, we, of course, need to provide supporting infrastructure, and we plan for that. This planning through to preparation of land for release takes time to meet all the statutory obligations. It makes sure we deliver land that is ready to be built on and makes sure we have also engaged communities in the process. The planning for delivery of land is an important and sometimes complex process, but it also must meet certain obligations to make sure we facilitate and provide well-designed communities and homes that are resilient, sustainable and well-connected. So that strategic planning takes account of population growth, distribution of household makeup and demand. The planning sets directions to provide for distributed growth and a mix of uses and housing to support that. The government considers these needs by developing an ILRP program that encourages diversity of housing typologies and affordable housing choices for the community. The ILRP contributes to building a compact and efficient city, supporting sustainable growth and promoting the efficient use of land, while being responsive to change.

The ILRP, however, is not the only mechanism that can be used to deliver land to meet the government's housing ambitions and support growth. Redevelopment and densification projects in existing urban areas on privately-owned land play an important role in growing and developing our city, as well as increasing housing stock. The government plays an important role in facilitating this development in the private sector through other policy mechanisms, including land facilitation and investment, strategic planning and development controls and providing supporting infrastructure.

Mr Cain's motion ignores the fact that the private sector will continue to advance the supply of new dwellings across the ACT. A large proportion of these dwellings are

multi-unit properties located within the existing urban footprint. Although the level of supply varies year to year, it will continue to increase its role in shaping the ACT's urban areas. It is estimated that privately-owned land contributes between 1,000 and 1,500 dwellings per year on average to the existing housing stock. This is in addition to the dwellings set out in the ILRP, which, of course, only relates to government land.

I would also note that one of our goals with the new planning system has been to facilitate residential development and housing supply, as well as to make sure Canberra remains sustainable, liveable and attractive.

While some might see a lot of undeveloped land as they drive around Canberra and consider that this must mean there is an abundance of greenfield land available, it is simply not the case. The availability of suitable sites for large greenfield developments is rapidly reducing. A lot of the land that is not developed has environmental values or other attributes that might make it unsuitable for development.

The government is focussed on delivering opportunities for more housing, and as articulated in the Planning Strategy and further in the Parliamentary and Governing Agreement, we committed to providing at least 70 per cent of the new housing within the existing urban footprint. This means private landowners and the development industry, who hold a lot of the land within the existing urban footprint, will also be contributing to delivering more housing. The government through the new Territory Plan has included changes to facilitate increased housing opportunities in our established suburbs across all our residential zones. This includes changes to help facilitate more growth of the missing middle housing, such as townhouses, dual occupancies and duplexes.

Since the release of the ACT Planning Strategy in 2018, the government has consistently signalled its commitment to plan the city to balance our growing population and the high quality of living, while protecting the landscape setting and creating accessible and friendly spaces that connect people and promote healthy communities.

In the period of 2017-2018, the Environment, Planning and Sustainable Development Directorate undertook the Housing Choices project to consult with the community and understand how we can better meet the housing needs of our residents. This was focussed on examining how we might introduce more flexibility into the planning system to enable more housing choice and encourage the kind of quality residential buildings that our community wants.

As part of the background work on this project, a one-off survey was undertaken to gauge community views across the territory on the type of housing they preferred, as well as the type of housing the community would see themselves living in. These results helped inform a discussion paper that was released to the community to start the conversation about housing choices in the ACT. The results of this consultation were then considered by an external collaboration hub. The group make recommendations to the government on housing choices, covering matters such as affordability, character, environmental issues, lifestyle and diversity, zoning and quality of construction and design.

As the government does consultation to inform planning and housing, we are using up-to-date methods of engagement and asking realistic questions. The consultation that has been undertaken in recent years by the government is practical and does not use open questions without qualifiers, which consultation in earlier years may have done. The approach we use to consultation is to seek to understand the practical and realistic considerations of the community and their needs.

With respect to meeting demand, I believe we are seeing that what is on the ILRP, combined with private sector delivery, is meeting demand and choice and providing a range of housing typologies in a range of locations. I note the Suburban Land Agency currently holds a stock of land available for purchase by the public over the counter and therefore believe that the appropriate levels of land release are being met within the expectations of demand.

I believe the ILRP is a realistic program that indicates what is possible to deliver from government-held land, as well as being combined with private sector delivery, to meet the growth of housing needs of the Canberra community. The work is ongoing and the publication of the ILRP each year demonstrates our commitment to providing land for our community. The government, of course, will continue to plan for a growing population and examine opportunities to provide a diversity of homes in existing urban areas and greenfield areas for people across Canberra. I look forward to the government contributing to and investing in the future growth and development of the territory.

Mr Cain noted some comments from his motion with regard to the calls on. The first calls on was to auction off single blocks of land by the SLA to find a market price, he says, so houses are built on these blocks as soon as possible. We have a lawful obligation to sell land at its value. It would be incongruous for us to think about selling land for less than its value; land that the whole ACT population owns. We sell leasehold land as leases. If we are to sell it for less than the value, it would be completely a problem I think because the whole of the ACT owns this land. It is incumbent on us as government to ensure we are lawfully selling that land at the value that is set, that is why we have valuers go out and look at the value of the land and determine what the sale prices should be. So, I cannot support Mr Cain's motion as it is written, particularly with regard to the calls on section, it would be incorrect to do so as a government.

I will make one other comment with regard to Mr Cain's comments, and that is the comment where he said that the government is land banking to make a profit. We do not make profits in government. We resource revenue and we use that revenue back on the Canberra community. Governments do not make profits.

MS CLAY (Ginninderra) (4.32): I thank Mr Cain for moving this really important motion today, but I regret to say that the ACT Greens will not be supporting it. It is asking for a number of things—a community survey of dwelling preferences, releasing more land for single detached housing in greenfield, it seems, and auctioning.

As members here know, I am the chair of the planning, transport and city services committee and, along with my colleagues Deputy Chair Orr and Mr Parton, we are conducting an inquiry into the Territory Plan. Because of that, I am reluctant to

comment on issues that relate directly to the Territory Plan and zoning, so I will be saying less on this topic than would otherwise be the case. We are allowing that inquiry to proceed, so I will be covering some of the issues here today, but I will probably not touch on some subjects that I would otherwise touch on.

I want to make some comments about matters that are outside that inquiry and that relate directly to the motion that is before us. In 2012, just over 67 per cent of all Australians were living in cities. In 2022, 72 per cent per cent of Australia's population was concentrated in our major cities. Planners and governments, here and throughout Australia, have adopted a compact city planning response to the demographic, economic, environmental, climate and employment trends that are shaping our cities. I have spoken quite a lot here about smart city planners telling us that we need to densify, and about the IPCC absolutely urging us to densify. This is now the way that cities need to grow. It means that we need denser cities.

City densification leads to more livable, more affordable and more inclusive cities. The benefits of a compact city include improved accessibility, better public transport, opportunities for greater social interaction, much better impacts regarding climate change, much better ability to manage the impacts that are already baked in, a much greater ability to develop without further increasing our climate emissions, a much greater chance of reducing ongoing climate emissions from transport and other impacts, and leading to better ecological and environmental outcomes.

The Greens support this compact city approach in Canberra, for all of these reasons. We are actually the strongest supporters here of that concept. We have spoken a lot about what that concept means in terms of infill. We have often spoken about 70-30, which is the current government commitment that 70 per cent of our housing should be built within our current urban footprint. We know, from looking at that, and from accounting for the way we have been tracking that, that it is not quite how our housing is being built at the moment; less than that is being built.

The Greens originally said that the figure should be 80 per cent. We have actually moved on. We think it is time for Canberra to draw city limits. That is what most mature cities have done. We will have to do it sooner or later; it is time to do it now.

The Greens have also campaigned for many years to achieve living infrastructure policies that ensure we have 30 per cent tree canopy coverage and 30 per cent permeable surfaces to cool our cities. That increases nature in the city and reduces the heat island effect, and that is really important. As we densify, we need to do it well. We need to make sure that we are not baking in further heat, and we need to make sure that we are providing people with really high-quality housing.

The Greens know that we can create a city that supports our community, provides green spaces and respects our urban heritage—a city that delivers well-designed, affordable, sustainable housing that allows people to have a say in how their neighbourhood and community will be developed, and that provides us with fantastic active and public transport. We know it is possible to do all of these things.

We have quite a detailed planning policy on our website, for anybody who is interested in looking at that. We can see a really easy pathway forward for how we

can provide fantastic housing that will meet the needs of Canberra within our existing footprint. I would encourage members to jump onto that website and have a read.

People have different views about how our city should grow. They have different views about where they want to live and what type of house they want to live in—whether that is a freestanding house or whether that is something more compact like a townhouse or a dual occupancy. There are lots of other factors in how you choose your home—how much you can spend, whether you want to be near where you work, and whether you have or need good access to public transport. Having good access to shops and health and community facilities nearby, and access to parks and reserves—all play into the decision about where you want to live.

I mentioned last week, when a similar issue came up, that Canberra's urban footprint is already comparable to Greater London's. Greater London has a population of nine million people, 20 times more than we have in Canberra. We do not need further sprawl. We can do it well within the space that we are already in. Endless sprawl is wrecking our environment and it provides a really poor outcome for people.

The other disadvantage of the sprawl is that it actually does not lead to affordable housing. It is expensive to keep building these endless, sprawling suburbs. We have to connect up all of our services; we have to build near roads. That is expensive to do. It is also expensive for the people who live there, who might be locked into private car commutes for a really long time. They might be locked out of active and public transport, if we keep pushing people further and further out. They might be locked away from ready access to services and community facilities. It means we need to keep building new facilities further and further out. It does not give us the best outcomes for people as well as our planet.

We do hear a strong push from our colleagues in the Canberra Liberals that this is the only way that Canberra can develop. I am sorry that they cannot see another path forward. The Greens certainly can. We need to make better use of our existing resources and the infrastructure that we have, and we need to make sure that it is affordable and available to everyone. We do this through a range of tools. We need to increase our public housing stock. We need to densify, and we need to provide more choices within our existing footprint. We need a lot more missing middle, compact, low-rise development.

I was interested in the call for another community survey to determine dwelling preferences for ACT residents, for Canberrans to find out what types of housing Canberrans want to live in. The Greens like consultation; we think consultation is fantastic. I was not convinced that we necessarily need this particular survey at this particular time, and I will run through how we looked at that. There is not a lot of time to consider these motions. We have had a couple of days. We have had a bit of a look at this one.

We looked at the data and, over recent years, the number of multi-unit dwellings has exceeded the number of detached dwellings being built. That tells us that people are building homes that they think the market wants to buy. I do not like capitalism, but that appears to be how we are developing at the moment. We think that these homes are probably being sold.

The nature of those builds is changing, which is good to see. Previously, a lot of our apartments were one and two bedrooms. The number of three-bedroom apartments is beginning to increase. The long-stated view of some that apartments were just a transition to living in a detached house is also changing. It is changing pretty rapidly along demographic lines; but, for quite a lot of different groups in society, that is changing.

Research is showing that people are starting to see it is important that apartments are close to shops, jobs, great public transport and great active transport, and that apartment living is not transitional; it is actually a good outcome. That highlights that we need to have a city and a structure that facilitate that.

These figures are a little bit old—this is from 2021—but, according to the 2021 census, 61 per cent of homes in Canberra were separate houses, 21 per cent were apartments and 18 per cent were townhouses. Already, the vast majority of our housing stock is freestanding housing, and it looks like our population is shifting further away from that.

I also looked at what sort of consultation we have already done in this space. We have the 2018 survey, which Mr Cain referenced. I looked to see what else we have done since that 2018 survey. I only looked at this term, so I only looked back to 2020. I found 25 surveys and inquiries had been run across the Legislative Assembly committees, the government Your Say panel, and the government Your Say conversations project. That was 25 pieces of consultation in this space. They were on a lot of different topics. None of them was exactly the same as that 2018 survey. Some of the issues that they covered were housing choices, in particular looking at co-housing and boarding housing, housing and rental affordability, planning, suburb layout, gender-sensitive spaces and how that gives us housing, and lots and lots of consultation on particular areas, particular geographic places in Canberra, and how and where we might put more housing.

I looked at that and I thought that 25 surveys actually represented quite a bit of consultation. I could not necessarily see the need for another repeat survey so soon after the last one, with all of this other information in the pipeline.

There has also been an extraordinarily significant piece of consultation, which I will not go into detail about because I am chairing an inquiry into it. The planning review is covering housing affordability and housing in an extraordinarily significant way. The Planning Bill covered it, the Territory Plan covers it, and there have been many layers of consultation on both of those by government and now by the committee inquiry. There is actually quite a bit of consultation happening in this space. I would strongly encourage anybody who has views to get involved in those.

We are running an inquiry. We will be holding hearings on 6 and 7 December. Tune in, have a watch, have a read and have a listen. We would love to have people follow that and get involved in that. We are looking forward to hearing a lot more views about how we will have better and denser housing, how we will look after more of our people in Canberra and how we can make this a more affordable and welcoming city for more people to live in. I am not convinced right at this second that another survey is the right answer.

The call for auctions was an interesting one. In the time we have had to look at this motion, we have not had time to process this. I listened to what the planning minister said today, and I completely understand the point that the land in Canberra is not the government's land; it is actually ACT land and it belongs to all of our people. It is pretty much our only natural resource. Our natural resources are our people and their labour, and our land.

We are not a mining town; we do not have other natural resources. We do have to be careful about the prices for which we sell that. I understand the current system of valuations and how we are running that. I am interested to see whether there are other routes forward on that, but I am definitely not in a position at this second to sign off on a quick decision on that, particularly given that it has come in the context of a strong call for more greenfields urban sprawl, which we do not think is the right path for Canberra to take in a housing and climate emergency. It will not help climate change, and it will not provide more affordable housing for people long term.

In the context of a call for yet one more survey and piece of consultation when, frankly, the community is extraordinarily fatigued by consultation in this area, I think that they would prefer us to carry out some of the results of the consultation that has already happened.

I thank Mr Cain for bringing forward this motion today, but we will not be able to support it.

MR PARTON (Brindabella) (4.45): I sometimes sit up late at night and wonder who is the member of this chamber who is most like a lawnmower? I arrive at the answer—Mr Gentleman, because you start him up and he just goes and goes. You push him around the yard and he just keeps whirring in the background, spouting out—I do not know how to describe it.

The words that Mr Gentleman speaks when it comes to aspirations of the people of Canberra, and what it is that the government is delivering, do not match up. Mr Gentleman, like Mr Cain, like me—like many people in this Assembly—would have had countless conversations with young families, with individuals who are desperately trying to get into their dwelling of choice, and they cannot do it.

I want to take members to the section of Mr Gentleman's speech when he spoke about your first "calls-on", Mr Assistant Speaker Cain—that is, to auction unsold single blocks for sale by the Suburban Land Agency. First up, Mr Gentleman rejected the premise that this was land banking for profit. He made the call, of course, that governments do not make a profit. Obviously, Mr Cain, when he is talking about profit, is talking about raising revenue; that is what he is talking about. He is not suggesting that anyone is actually trousering the money; he is just talking about profit which turns into revenue.

Mr Gentleman suggested that it would be completely wrong to auction unsold single blocks for sale by the Suburban Land Agency, and he cited this whole scenario whereby the whole of the ACT owns all of those blocks, so it would be extremely wrong to sell any of those blocks for any less than what they are worth. I would suggest that, if we are in the middle of the deepest housing crisis that we have seen for

decades, and you have unsold land that you cannot sell, that indicates that you have a bit of a problem in terms of the pricing of that land.

Indeed, if we take Mr Gentleman's position to its nth degree, let us say the market decided that the price that the government sets for these blocks was too high, and that none of it sold, from here on in. You could just hang on to all of the land and you could say, hand on heart, "There's no way we can sell this land because we wouldn't be selling it for what it's worth."

You have to go back to the drawing board, if you have these unsold blocks of land in the middle of the deepest housing crisis. Mr Cain in his speech quoted the Labor federal MP Michelle Ananda-Rajah, who rightly identified the top three reasons underpinning the housing crisis. They are supply, No 1; supply, No 2; and supply, No 3. You have all of this land and no-one is buying it. Do you think there might be a problem here? I think that there is.

Often, when we get to this argument, there is a suggestion from those on the government, and the almost-government, benches—because I know the split is coming, as we get close to the election!—that somehow the Canberra Liberals are in favour of urban sprawl. Again, I would remind everyone in this chamber—and it is wonderful to have people in the gallery; we like it—

Ms Berry: They're waiting for the adjournment.

MR PARTON: I understand, but we think this is important. I understand that the only two parties here that are actually trying to move the border, to push the ACT into New South Wales, are sitting on the other side. That is where the urban sprawl is coming from.

I have to say, with the greatest respect to Mr Cain, that although I understand what he is getting at, in terms of commissioning a new housing choices community survey to determine the most up-to-date dwelling preferences of ACT residents—in principle, I support that call—I know full well that if, indeed, the government took that up, they would set up a survey that pretty much led to conclusions along the lines of their policy choices. That is what they would do. One of the problems you get when you have a government in power for two decades is that systems are set up in the government machine which pretty much amount to a protection racket for the government. I would not be confident that any new housing choices community survey would actually reveal what was going on out there.

With reference to Ms Clay, it is fascinating to hear that she is not a fan of capitalism! Who would have thought it? Ms Clay cited that, because there are more three-bedroom apartments being purchased, this is some sort of victory in regard to shifting people into apartments and shifting the housing choices. Based on the feedback that I am getting from people on the ground who are trying to get into the housing market, my belief is that the majority of people buying those three-bedroom apartments actually want a house, but they cannot afford it. I am not sure that it is a great success that we have strangled that dream and pushed them into a product that they do not necessarily want just because it suits your agenda.

I will close by saying that I roundly support Mr Cain's motion.

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) (4.51): I will speak briefly to allow a change in the Speaker's chair.

Mr Parton: You're a good lady!

MS BERRY: I am. I will speak briefly. I need to again remind Mr Cain and the Canberra Liberals that the ACT government is not the only source of land supply in the ACT. Despite what the Canberra Liberals say, the land release program that the ACT government does through the Suburban Land Agency comprises less than two per cent of the ACT's total established housing—less than two per cent. Every time we say it, you completely ignore it. It goes in one ear and out the other. Every time you suggest that the ACT government has some kind of monopoly on land supply in the ACT, you need to be reminded, and the record corrected, that that is simply not the case.

The second thing that Mr Gentleman referred to—and he was right—is that there is no profit from land sales for the ACT government. There is no profit; there is no monopoly. But land is finite, and it does need to be managed carefully, and it does need to be carefully considered for future development—or not, if that is the case. That is what a sensible, responsible, grown-up government does. A political party like the Labor Party, who has experience in these things, makes sensible decisions for the future of Canberrans.

The third thing that I want to mention is that I have heard twice today reference from the ACT Greens around setting a city limit. Whilst ACT Labor agrees that the land needs to be managed and carefully considered for future development, if that is required and if it is appropriate, it needs to be developed in a sustainable, careful way, with the environment, cultural and heritage issues as part of any future development consideration.

I would be very careful about setting city limits as a kneejerk reaction to these kinds of motions brought by the Canberra Liberals, rather than taking a more sensible approach of doing the work that the planning directorate does—carefully studying land, making sure that it is appropriate for development and, through the Suburban Land Agency, developing that land appropriately and carefully, developing neighbourhoods where people want to live, maintaining our 70-30 policy and continuing to infill in the ACT.

I support Mr Gentleman's response to Mr Cain's motion today, and I will not be supporting Mr Cain's motion.

MR CAIN (Ginninderra) (4.54), in reply: I will reflect briefly on the comments made by some of the speakers this afternoon. I think I have heard the same speech from Mr Gentleman 50 times, no matter what proposal is in front of him. I could not believe his statement that his government is meeting demand and choice. I am not

quite sure what universe Mr Gentleman is thinking of, when he makes such a statement. Of course, I understand that governments do not receive what is the technical legal term for profit. But what do we call maximising revenue at the expense of community choice and affordability?

I sincerely thank Ms Clay for doing the research that she has clearly done, in considering my "calls on". Obviously, I am disappointed that she will not support those, and nor will the other Greens. As Mr Parton touched on, particularly with respect to the Greens' anathema of urban sprawl or greenfield development, where is their commentary on extending the border in west Belconnen? Where is their commentary on buying land in New South Wales? It does seem to be an inconsistent message when you are silent about the very thing that you rail against. That is something that I encourage you to reflect upon.

I am not quite sure that the surveys that Ms Clay mentioned really embraced seeking the community's views, as happened with the Winton survey. Sadly, perhaps, realism has to kick in, as Mr Parton touched on. By giving the example of the consultation on planning reform as a demonstration of community-wide consultation, perhaps asking this government to talk to the community is a waste of time. They have demonstrated what they think of the community and how they choose to frame their consultations with the community. We saw this very clearly expressed by the community councils and the combined community councils, which Mr Barr calls a "relic". Just yesterday in this chamber, he called the community councils a relic.

The community councils have expressed their opinion of this government as being one that does not truly listen. We have two breakout councils, as we have already heard, with the Molonglo Valley Community Forum and there being no current committee for the Weston Creek Community Council, because they do not think that the government really cares about what they do.

I do maintain my "calls-ons". In fact, I do not know what is offensive about any of the "calls-ons". With auctions, as Mr Parton pointed out, if you fix a price for a product—I do not care what it is—and it is not selling, that is the market talking to you. Guess what it might be saying? The price is too high. The whole idea of offering a product is to sell it. If you are not selling it—this is in the ordinary course of economics—you have to ask, "Have we got the price wrong?" An auction is a legitimate, commercial, market-driven way to find the true price of a product. This is economics 101. Mr Gentleman had nothing to contribute on that, except for an illogical position.

Ms Clay touched on the importance of the missing middle. We agree. Nothing in my "calls-ons" is anti respectful, medium-density development in the existing footprint. Nothing is against that. That is why my "calls on" include investigating under-utilised and undeveloped sites around Canberra and within the footprint. That is clearly not saying, "Let's look only at the edges." It is about looking closely at all of the land that is available in our footprint and close to our outskirts, to see what potential there is for their development. Let us do that more quickly than this government seems to be doing it. Again, strangling what is available to be released is creating and contributing to an affordability crisis in our territory.

I commend my "calls-ons". I do not see them as being particularly controversial. I do not see them as being driven by the politics of an issue. These are common-sense, community-focused "calls on", and it is very disappointing that Labor and Greens MLAs in this place cannot support them, or any one of them.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 5	Noes 12	
Peter Cain	Andrew Barr	Marisa Paterson
Leanne Castley	Yvette Berry	Shane Rattenbury
Elizabeth Kikkert	Andrew Braddock	Chris Steel
James Milligan	Joy Burch	Rachel Stephen-Smith
Mark Parton	Jo Clay	Rebecca Vassarotti
	Mick Gentleman	
	Suzanne Orr	

Question resolved in the negative.

Papers
Motion to take note of papers

Motion (by **Mr Deputy Speaker**) agreed to:

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

Question resolved in the affirmative.

Statements by members
ACT Community Action Group

MRS KIKKERT (Ginninderra) (5.04): I want to give deep appreciation for and acknowledgement of an incredible organisation that is making a difference in our culturally and linguistically diverse community. Thank you, ACT Community Action Group, a community group created under the White Ribbon Australia prevention project to raise awareness of the primary prevention of domestic abuse amongst the CALD community.

Their unwavering commitment to White Ribbon Day, to ending violence against women and promoting respect and equality is amazing. By advocating for change and empowering individuals, they are creating a safer and more inclusive world for all of us. Thank you, Dr Pravati Panigrahi, for the great work that you do. Let us support and stand with this organisation as they continue their vital work in spreading the message of love, respect and equality. Congratulations again, Dr Pravati and team, and thank you.

Community councils—government support

MR CAIN (Ginninderra) (5.06): I rise briefly—indeed, in 90 seconds—in response to comments made yesterday by the Chief Minister during questions without notice. In response to questioning by Mr Braddock, the Chief Minister rudely disregarded the important role that community councils play in our city. I quote the Chief Minister:

> I guess the 20th century town hall meeting is a relic of that century …

That is what he said about these community councils. What an arrogant, disrespectful and dismissive statement about our community councils, and no wonder some are abandoning the deed-of-grant arrangement with this government, with there being such an attitude.

The Chief Minister owes Canberra's hardworking, under-resourced and clearly under-appreciated community councils an apology. The role they play is as important today as it has ever been. Their participation in the planning reform debate, for example, has demonstrated their significance in representing the residents of their respective districts. We have district strategy plans, yet the Chief Minister does not think much of the district council representatives.

This government has done nothing but choke the community councils' capacities and resources. I can assure you, Madam Speaker, that an Elizabeth Lee-led Liberal government will listen to them and respect them.

Discussion concluded.

Adjournment

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

> That the Assembly do now adjourn.

Mrs Mary Kellow OAM—tribute

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (5.07): In August, Canberra lost a healthcare leader, a highly valued member of our community—a nurse who made a difference to thousands of lives and was loved by many. I welcome those joining us in the gallery and online today to mark a life of enormous contribution to the ACT.

Mrs Mary Kellow OAM was the first Director of Nursing at Woden Valley Hospital. We recently celebrated the 50th anniversary of this hospital, now known as Canberra Hospital. For half a century, the hospital Mary built with her colleagues has played an important role in so many of our lives. It has supported the careers of nurses, midwives, doctors, allied health professionals and support staff. I would say that most of us in the ACT and surrounding region have benefited in some way from care provided at Canberra Hospital by the many thousands of staff who have walked its corridors.

Back in 1973, commissioning a brand-new hospital was no easy feat. Mary Kellow took on the job with gusto. As I understand from her family, Mary approached all things with the same organisational rigour and commitment that had marked her career. It is clear from subsequent interviews that she was very proud of her team in opening and running this brand-new hospital.

The construction site of Woden Valley Hospital was at the time one of the largest new health infrastructure projects in the country. On 1 May 1973, the Woden Valley Hospital opened 36 non-acute beds, and in September of the same year it increased to 150 beds and two operating theatres. At the time there were 175 staff members, including 20 student nurses.

This September marked the 50th anniversary of the first baby born at Woden Valley Hospital, and I received a photo and reflection from Susan Gladwish, who is here today and was then a very new student nurse. Susan said:

> I remember the excitement of the first baby. There was a steady stream of hospital staff going up to have a look at the beautiful baby boy through the glass window in the postnatal ward nursery, and, yes, I was one of them.

In the photo, you see a beaming family and the proud, watchful presence of Mary Kellow, at the time Miss Gillespie. So began the legacy of Woden Valley Hospital and its importance to so many of us in the region.

Madam Speaker, as you know well, we have a rich nursing and midwifery history in the ACT. Countless nurses and midwives have trained at Woden Valley Hospital and Canberra Hospital. Mary was a significant part of that history in executive roles across health institutions in the ACT. She oversaw nursing training programs and brought together the Woden Valley Hospital and Royal Canberra Hospital schools of nursing.

She was also instrumental in transferring ACT hospital-based training to the tertiary sector in 1985, a pivotal step in professionalising nursing and midwifery. Mary Kellow's legacy is the thousands of nurses and midwives who have trained in the ACT since and the difference they have made and continue to make to their patients.

In 1988, Mary Kellow received the Medal of the Order of Australia for service to nursing. This was appropriate recognition for a dedicated member of the nursing profession who contributed greatly to nursing and midwifery in our community and the nursing profession in Australia.

Kaye Hogan, a former Director of Nursing at Woden Valley Hospital and the inaugural Executive Director of Nursing at Canberra Hospital, who is also in the gallery today, provided the following tribute:

> Mary was a strong patient advocate and encouraged us to provide the best possible care to patients and families. She introduced team nursing to support safe, quality patient care. Mary gave thanks to staff where due and strongly supported our professional development and careers. Staff looked forward to her problem-solving Monday morning visits around the hospital with other executives. These visits were productive and important to her, and were adopted

> by her successor Directors of Nursing. With such a large workforce in a complex, multi-disciplinary environment, Mary excelled as a responsive executive, and this was highly regarded by all staff.

We are fortunate in Canberra to have a committed, professional and caring workforce. It is a privilege to have this opportunity to honour Mary Kellow and all of our nurses and midwives in the ACT for their professional and caring work and their service to our community.

I thank Mary's son, Philip Kellow, who also joins us today. I think he summarised it best in his words, the words he spoke for Mary:

> She made a difference to the patients she cared for, to the staff and colleagues she worked with, to the institutions and communities they served, and to her family and friends who obviously loved and respected Mary deeply.

I extend my deepest condolences and sympathies to Mary's family and friends. Thank you, Mary Kellow, and rest in peace.

ACT Australian of the Year Awards

MR CAIN (Ginninderra) (5.12): It was a privilege last Monday to attend, at the National Gallery of Australia, the 2024 ACT Australian of the Year Awards ceremony, in company with many members of the Assembly. I would like quickly to acknowledge in my adjournment speech the nominees and the winner of each of those four categories of awards.

Congratulations go to those who were nominated for the Young Australian of the Year: Charlotte Bailey, Employment Ambassador, Down Syndrome Australia; Sophie Edwards, singer-songwriter and gender equality advocate; Caitlin Figueiredo, Co-Chair, Australian Youth Affairs Coalition; and Saad Khalid, advocate for multiculturalism, young people and mental health.

In particular, I congratulate Caitlin Figueiredo who, from 2015, has worked to bring young people's voices into the parliament through a national youth advisory council. This led to her election to the Australian Youth Affairs Coalition board, a volunteer position which she juggled with her university studies. The Australian Youth Affairs Coalition board now represents 4½ million Australian young people, creating a more diverse board and better representation of our young people in our parliamentary considerations.

For the Senior Australian of the Year, congratulations go to the following nominees: Ebenezer Banful OAM, volunteer and multicultural advocate; William Bush and Marion McConnell OAM, president and vice-president respectively of Families and Friends for Drug Law Reform; John Feint, volunteer and founder of VINES Youth Program; and Dr Amanda Scott, advocate for community language learning, bilingualism and multiculturalism.

Congratulations to Mr Ebenezer Banful OAM, who helped Canberrans to better understand African and, in particular, Ghanaian values and culture, promoting multiculturalism wherever he went. The Companion House community organisation

that he helped to found continues to support survivors of persecution, torture and other war-related trauma who arrive in our country and in our beautiful city.

The nominees for Australia's Local Hero Award were: Julie Armstrong, founder of ACT Bees; Dr Eloise Bright, founder of ACT Pet Crisis Support and the Tiny Veterinary Clinic; Sandipan Mitra, volunteer and advocate for diversity and multiculturalism; and Ms Selina Walker, Co-Chair, ACT Reconciliation Council.

Special congratulations go to Selina Walker, a Ngunnawal woman and respected elder within our community, the grand-daughter of Aunty Agnes O'Shea, a recipient of the Order of Australia and a former ACT Chief Minister's Senior Citizen of the Year. Since 2018, Selina has promoted reconciliation as Co-Chair of the ACT Reconciliation Council and was a founding member of the Yerrabi Yurwang Child and Family Aboriginal Corporation.

Finally, with the category of Australian of the Year, congratulations go to these nominees: Dr Raymond Akhurst, volunteer at St Vincent de Paul Society; Mr Dan Bourchier, journalist, broadcaster and public speaker; Ms Joanne Farrell, founder of Build Like a Girl; and Kurt Gruber, co-founder Worldview Foundation and WV Technologies.

Congratulations in particular go to Joanne Farrell, who is a champion for encouraging opportunities for females to enter the construction industries. In 2020 she founded Build Like a Girl, a not-for-profit program that supports girls and women to work in trade and industry. She also led the construction, which I visited, of the Strathnairn charity house, a project designed and mostly built by women, which was auctioned in March this year. Proceeds from that sale were distributed to local charities.

It was a delight to see acknowledgement of Canberrans who make contributions to our community. I am sure we will be seeing many more of our volunteer community acknowledged and rewarded for their efforts.

Australian National Botanic Gardens—megafauna display

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) (5.17): I want to take the chance today to introduce diprotodon to the Assembly. I learned about diprotodon through my friend and fellow west Belconnen resident Bronwyn Saunders, who is here with us in the Assembly today.

Bronwyn and I first knew each other through Macgregor Primary School and, in a very Canberra way, we reconnected by joining the park walk crew at the Umbagong park runs each Saturday morning—well, most of them, anyway. Like most park walkers, Bron and I have had many conversations over many kilometres. The one thing that probably stands out the most to me is Bron's journey to become a children's author, to share her deep love and knowledge of the delightful diprotodon.

Today I want to take the chance to talk a little bit more about diprotodons, but first about Bron. Not only is she a children's author; she is also a citizen scientist and

joyfully shared Australian megafauna facts at the last two megafauna displays at the Australian National Botanic Gardens. Bron is also an ACT MS ambassador. In fact, it was her MS and an MS Go for Gold scholarship that gave Bron the chance to bring a passion project of hers to life and write a children's book on her beloved diprotodon.

This year, just last month, Bron's book *Diprotodon: A Megafauna Journey* was published by CSIRO Publishing. Her story has been beautifully illustrated by zoologist illustrator Andrew Plant, and is available at any good booksellers, if people are interested. I am sure they will be.

Madam Speaker, let me tell you something I know about the diprotodon, as described to me by Bronwyn Saunders. Diprotodon weighed around 2,700 kilograms and lived 2.6 million to 11,700 years ago. Diprotodon looked like a giant wombat, although it was about the size of a very large rhinoceros. Diprotodon's teeth were used for ripping flesh, as they were known to be voracious carnivores. That bit is made up by me. They were not, actually, but it is interesting to think about a giant carnivorous wombat. That would be a sight to behold.

Diprotodons are, of course, herbivores. Diprotodons are important for the ACT and this Legislative Assembly because I am reliably informed that it is likely that they roamed in this region. To back in that fact, a juvenile bone was discovered in 2019 in the Monaro region. That is pretty cool to think about.

Today I want to acknowledge and congratulate Bronwyn Saunders on bringing this delightful creature to the attention of this place. I congratulate her as well on a successful book launch. I know that Bronwyn would be thrilled to bits if the government and the Canberra community were to consider adopting the diprotodon as its megafauna emblem. I commend the diprotodon to the Assembly.

Housing ACT—maintenance

MRS KIKKERT (Ginninderra) (5.20): I wish to refer to a constituent of mine, Danielle Passlow, who is an ACT government tenant. I was about to send off this letter to the minister, who is here in the chamber. I want to read it out because the situation in which Danielle currently lives is really appalling. I feel deeply for her and I want her to be able to live in a safe environment with her children. My letter states that Danielle has been living in Melba for some time. It continues:

> … and during that time she has witnessed several issues that make the house uninhabitable and a risk to the health of the occupants. It is so bad that she recalls when the house was given an assessment for the Growth and Renewal program, the assessor said that the house needed to be condemned and torn down.
>
> Chief among the issues appears to be the water damage which is likely responsible for the mould and electrical issues as well. The water damage is clearly visible in the house along the walls and outside the house on the walls. It appears to also be the cause of the bowing inside the shower tiles. Danielle has observed that water leakage doesn't only happen during rain. There can be days of dry weather and she will still have leaks. Her neighbour who has lived across the road for years is also a witness to this.

> Whenever contractors have come to the house, they have refused to enter the roof cavity and inspect for any damage. As a result, the problems continue. Indeed, one example of this is where a segment of her ceiling collapsed and rather than inspect the roof cavity, the contractor just screwed a wood panel over the hole.
>
> The electrical issues are extremely concerning. Danielle has reported multiple shorts a day which has caused damage to her appliances. She has gone through multiple fridges and kettles in just the past few days. In addition to losing the fridges, she has lost the food in them and this has amounted to considerable expense for her. Her electrical bill has exploded and just for this last quarter she owes $2,253, and that is after concession. This is an obscene amount for a single quarter and almost certainly not due to her usage. Given this is an issue with electricity, it is important that this is assessed as soon as possible.
>
> Another dangerous issue is the presence of asbestos. Previous contractors have told her that there is asbestos at the front of the house.
>
> When she has previously tried to raise these issues, she has been met with either indifference, rudeness and, in some cases, accusations that she herself has caused the damage to force repairs. She has reported that ACT Housing will inform her of inspections or visiting contractors only a day before they happen which forces her to rearrange her whole schedule and take time off work. As a single mother with many dependants, this is entirely unreasonable treatment.
>
> She is requesting the following actions be taken:
>
> The house be inspected for faulty wiring;
>
> The roof cavity and gutters be inspected for mould and any leaks;
>
> The window flyscreens be replaced;
>
> The shower be redone to prevent against water-induced bowing and leaks;
>
> An asbestos inspection;
>
> If the following reasonable actions cannot be undertaken, she is requesting to be transferred to another home in a suitable location.

I will send that letter to the minister as soon as possible—today.

Question resolved in the affirmative.

The Assembly adjourned at 5.24 pm until Tuesday, 28 November 2023 at 10 am.

Schedules of amendments

Schedule 1

Biosecurity Bill 2023

Amendment moved by the Minister for the Environment

1
Clause 235 (1), 3rd dot point
Page 150, line 6—

omit

Schedule 2

Bail Amendment Bill 2023

Amendments moved by Dr Paterson

1
Proposed new clause 3A
Page 2, line 8—

insert

3A Div 2.2 not to apply to certain offences
New section 9B (ca)

insert

(ca) to a person accused of an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 7 (Furious, reckless or dangerous driving) that is an aggravated offence under that Act, section 7A (1) (b) (which is about repeat offenders); or

2
Clause 5
Page 2, line 12—

[oppose the clause]
