



**DEBATES**  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

**DAILY HANSARD**

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20 March 2024

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 **Thursday, 4 April 2024**.

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**Wednesday, 20 March 2024**

**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.

## **Women—status of women and girls in the ACT Ministerial statement**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.02): As Minister for Women and Minister for the Prevention of Domestic and Family Violence, I welcome the opportunity to acknowledge and celebrate International Women’s Day, which took place on Friday 8 March, by providing a statement to the Assembly on the status of women and girls in the ACT. Importantly, I would like to acknowledge that, in this statement, when I refer to women and girls I am using these terms inclusively and refer to all of those in our community who identify as female.

While many people believe gender inequality is no longer an issue, unfortunately we know that this is not the case. Women still face barriers to employment, are paid less than men, endure the motherhood penalty, are unsafe in their own homes and in our community and undertake the majority of household and caring duties despite also taking part in paid employment, to name just a few. Alarming, in 2022 a global survey of over 20,000 people across 30 countries revealed that Australian men have some of the most sexist views in the Western world and, sadly, these views are also held by some Australian women.

More specifically, of the Australian respondents that identified as men, 23 per cent said it was acceptable to use sexist or misogynistic language online; 11 per cent said it was okay to share intimate images of a woman online without her consent; 28 per cent believed that women often falsely allege or exaggerate claims of rape and abuse; and 19 per cent believed it is a woman’s obligation to have sex with her boyfriend or husband even if she does not feel like it. Consciously or unconsciously, everyone contributes to the broad narrative that continues to perpetuate inequality and violence against women. What we say and what we do matters, and we need to take every opportunity to challenge ourselves and those around us in relation to how we view

and treat women and girls, even when it is done unconsciously.

These last few years have been difficult ones. We have made it through the social and financial impacts of COVID-19. We are also facing significant cost-of-living increases which are impacting everyone and, in particular, low-income members of our community, single parents and older women who may have spent significant parts of their lives as unpaid carers. In the year to June 2023, across the country, the cost of food, rents, insurance and utilities all rose. This has led to high levels of anxiety, and we have seen women reporting much higher levels of financial stress than men.

This year's United Nations theme for International Women's Day is Count Her In. This theme is particularly relevant in light of the increased cost of living and acknowledges that women's economic empowerment is central to a gender-equal world. When women are given equal opportunities to learn, to earn and to lead, entire communities thrive. Based on the priority theme for the United Nations 68th Commission on the Status of Women, Count Her In will examine the pathways to greater economic inclusion for women and girls everywhere.

In the ACT, we celebrate and recognise the outstanding achievements of women in our community through the ACT Women's Awards. A few weeks ago, on 7 March, I had the absolute privilege to present ACT Women's Awards to some amazing members of our community. ACT Woman of the Year was Jo Farrell. Jo is the general manager of Kane Constructions, the founder and director of Build Like a Girl and the ACT Australian of the Year 2024. Jo was also just announced as the ACT recipient of the 2024 Australian Awards for Excellence in Women's Leadership. She founded not-for-profit organisation Build Like A Girl in 2020 as a direct call to action to help women gain apprenticeship employment, receive mentoring and support and to combat the negative cultural experiences women face in construction.

The ACT Senior Woman of the Year was Glenda Stevens. Glenda is the founding chief executive officer of Fearless Women, a program that supports girls and young women to live life with confidence, courage, resilience and hope. As a community leader with significant experience in gender, health and education, children and young people, housing and volunteering, she brings an in-depth understanding of the not-for-profit sector.

ACT Young Woman of the Year was Mijica Lus. Mijica is an inspirational role model for young activists in the Canberra region. Over the past six years, Mijica has dedicated her efforts and supported local not-for-profits in the Canberra community across education, media, health care and human services. Mijica currently leads the Aurosokwo Project, championing cross-collaboration in community services. Mijica shares her Pasifika values of community and dedication by giving back to the city she now calls home. I would like to once again congratulate all the winners and finalists for this year's Women's Awards and thank the great team in the Office for Women for putting on such a fantastic event.

In October 2023, I released the Third Action Plan 2023-26 of the ACT Women's Plan. As with the first and second action plans, the Third Action Plan identifies initiatives across the ACT government to deliver meaningful change for women and girls in our community. The Third Action Plan was developed based on community consultation

and addresses five priority areas: health and wellbeing; safety and inclusion; leadership and workforce participation; housing and homelessness; and appropriate and accessible services. Over 30 submissions, 200 individual surveys and 1,483 community panel survey responses were collected from a diverse range of stakeholders, including various communities and organisations.

One of the guiding principles of the ACT Women's Plan is intersectionality. While all women in the community experience disadvantage, all women are different and experience disadvantage differently. For example, Aboriginal and Torres Strait Islander women, trans women, queer women, culturally and linguistically diverse women and women with disability experience additional and varied types of discrimination. Experts from the Ministerial Advisory Council on Women are working with the ACT government and their directorates to continue to improve the intersectional approach to implementing the Third Action Plan.

Although the Third Action Plan was released just under six months ago, some great work has already been progressed, in combination with other initiatives in the ACT government. I would like to take this chance to outline some of the work that is being done across our different priority areas. Good mental and physical health are key to ensuring overall wellbeing. Unfortunately, women and girls face many barriers to accessing appropriate medical services at the right time. These include logistical barriers, caring responsibilities, cultural safety and the way women are perceived and treated by the medical profession. These barriers can be even harder to navigate for women with diverse experiences. In acknowledgement of these barriers, the ACT government runs the Women's Health Service which provides medical, nursing, nutrition and counselling services for women who face disadvantage in the ACT.

Historically, the most significant barrier to accessing abortions for women in the ACT has been the cost, which disproportionately impacts more vulnerable cohorts who are socially or economically disadvantaged. Since April 2023, the ACT government has been delivering on its 2022-23 budget commitment to ensure all Canberrans can access safe and affordable abortion care when and where they need it. No-cost surgical and medical abortions and long-acting reversible contraceptives at the time of abortion, for those who want one, are now available for any ACT resident with or without a Medicare card. This important primary healthcare initiative supports the health and wellbeing of women and girls and people with a uterus in the ACT.

Implementation of the Maternity in Focus: First Action Plan 2022-2025 will improve the health and wellbeing of women and girls before, during and after pregnancy. In March 2023, the ACT government opened the Early Pregnancy Assessment Unit at Centenary Hospital for Women and Children to support people experiencing problems in early pregnancy. We have also commenced codesign of a birthing on country model of care to provide the best start in life to Aboriginal and Torres Strait Islander babies and their families.

In the assisted reproductive technology space, the ACT government is working to enshrine in law clinical and ethical requirements for assisted reproductive technology providers. We are also seeking to establish a donor register in the ACT that will enable donor-conceived people to gain information about their genetic heritage and donors should they wish.

The mental health of women and girls is an ongoing area of concern. Data shows that women and girls have higher levels of psychological distress than men and boys in the ACT and there has also been a significant decline in women's wellbeing since the start of COVID-19. The Mental Health Workforce Strategy: Framework for Action 2023-2026 was released in November 2023 along with the 2024 workplan. These set out how the ACT will address the needs of the mental health workforce in the short term to deliver the long-term benefits and are the first in a series of steps to drive sustainable change and support women and girls' mental health. The ACT government has also continued to support the Strengthening Health Response to Family Violence, SHRFV, program at Canberra Health Services. The program delivers training for frontline workers to assist in identifying and responding to family violence.

In order for women and girls to participate fully in our community, they need to be included and feel safe at home, in the workplace and in public spaces. We are learning increasingly more about the significant impact that menstruation and menopause are having on the inclusion of women and girls in education and in the workforce. Share the Dignity's Bloody Big Survey of over 125,000 people found nearly half, 46 per cent, said they have missed school or at least an entire day because of their period. When students do attend school during their period, 74 per cent found it difficult to pay attention and 46 per cent were not able to perform their best on exams or assignments. In addition, more than one in five people who menstruate had to improvise on period products due to the cost.

The ACT was the first jurisdiction in Australia to legislate making free period products available through the Period Products and Facilities (Access) Act 2023, which was passed on 7 June 2023 and came into force on 23 December 2023. The ACT government has now commenced implementation of the legislation, with period products available free of charge at designated accessible places across the ACT. While the provision of free period products will not address the root causes of period poverty, it is an important step to assist those in need.

Domestic, family and sexual violence are highly gendered crimes, with women representing the vast majority of people experiencing violence. Research suggests that Aboriginal and Torres Strait Islander people are 3½ times more likely to be a victim of sexual assault than non-Indigenous peoples but often do not feel safe accessing services that are currently available. Young people are also at significantly higher risk. In delivering on recommendation 4 of the *We don't shoot our wounded* report, the ACT government has funded the Yerrabi Yurwang Nara-Gana-Wali Strengthening Families Program to deliver a specific service for Aboriginal and Torres Strait Islander women who have experienced or are at risk of domestic and family violence. When established, the service will be a safe place offering legal services, advocacy and healing in a way that is holistic and culturally aware.

The ACT government has also provided 1.2 million over three years to the Queanbeyan Multicultural Centre to support the Multicultural Women's Service and the Multicultural Counselling Service, ensuring full-time culturally appropriate responses for victim-survivors. The program includes case management, counselling and tailored support to women, young people and children who are experiencing or

are at risk of domestic and family and sexual violence. It also provides training sessions to organisations, helping them better understand and address the needs of people from culturally and linguistically diverse communities.

In the education space, the ACT government is making a difference through the Anti-Bias: A Project Approach professional learning program. This free online program is available to all early childhood education and care educators, where educators explore and actively challenge racism, ableism and gender bias and develop identities as anti-bias professionals through the learning.

The early years are a time to intervene and prevent perpetuating harmful gender stereotypes which are a known driver of violence against women. ACT Policing also launched a new campaign in December 2023 with the support of the Canberra Rape Crisis Centre and the dating platform Tinder to promote positive consent when engaging in sexual acts. Since its introduction, ACT Tinder users have been receiving in-platform reminders of positive consent laws in the ACT.

In working towards gender equality, it is important that women and girls not only feel safe but also are enabled to participate fully and meaningfully in our community, and sport is an excellent way to support this. Growing participation, however, relies on having safe and appropriate sportsground facilities. The ACT government has been auditing and upgrading our sporting facilities and the territory now has 36 sportsgrounds that are consistent with the female-friendly change rooms at sporting facilities guidelines and an additional three forecast for completion in coming months.

Gender equality in the workplace can reduce discrimination, protect women's rights and improve representation in traditionally male-dominated areas. The ACT government is continuing its commitment to increasing the participation of women in construction through the Understanding Building and Construction Program. This program has already been hugely successful, with the 2022 pilot program demonstrating effective changes in student, parent, teacher and industry perceptions. Fifty-eight per cent of students wanted an industry-based career after completing the program, compared to just 10 per cent at the start. The proportion of women in building and construction apprenticeships has also increased from two per cent in 2016 to seven per cent in 2023.

Similar to the construction industry, women in Australia are also still significantly underrepresented in qualified science, technology, engineering and mathematics occupations. The Science Mentors ACT Program for upper high school and college students is helping to make a difference in this space. The program connects students with a mentor who is working in a scientific field that they are interested in. The student works with their mentor for over a year to complete a research project and a scientific report. Over the last seven years, the average female participation rate in this program has been 58 per cent.

Women are over-represented in part-time and casual work, which means less secure employment and less savings at retirement compared to men. Women were also more likely than men to lose jobs or hours of work during the COVID-19 lockdowns and took on an even larger proportion of unpaid domestic and caring work, particularly if there were children in the home. Given these impacts, the ACT government's

Women's Return to Work Program is more important than ever. In 2023, 198 women received grants of up to \$1,000 to help them with costs associated with returning to the workforce. The program also supported 67 women to attend free community workshops aimed at equipping participants with the skills and knowledge to apply for and secure employment.

In addition to secure employment, access to safe, appropriate and affordable housing is essential to women and girls' wellbeing. It can help reduce poverty and promote equality of opportunity, inclusion and mobility. Women and girls' access to housing can be impacted by gendered violence, economic inequality, caring responsibilities, parenting arrangements, disability and care and age. The central intake and assessment service for human services in the ACT identified that most new clients are women, with almost half disclosing being impacted by domestic and family violence. Housing ACT supports tenants and residents of public housing who are facing a high risk of domestic and family violence into hotel accommodation, until alternative accommodation is sourced from within the public housing stock. In 2022-23, OneLink provided emergency hotel accommodation support to 174 individuals and families, including 146 accompanying children. These numbers include people experiencing domestic and family violence.

Following the success of Common Ground Gungahlin, the second Common Ground in Dickson was officially opened on 7 October 2022. Common Ground Dickson responds to new and emerging groups at risk of homelessness, including older women, women with children, and families. Since opening, it has provided long-term, stable housing and support services to 40 households. In September 2023, Cafe Stepping Stone also opened on the premises of Common Ground Dickson as a work integration social enterprise dedicated to providing employment and training to women who face multiple barriers to finding stable employment. The opening of the cafe completes the range of onsite, wraparound services provided by Community Housing Canberra and YWCA to Common Ground Dickson residents.

Today and every day, we each must consider the influence we can have in the workplace, at home and in public places—to model appropriate behaviours; to share perceptions of gender; and to improve gender equality for our daughters, partners, mothers, sisters and all women and girls in the ACT.

On a final note, as Minister for Sport and Recreation and as a woman in the community, I was truly amazed to see Australians uniting to support the Matildas in the Women's World Cup last year. The fact that a women's team was so admired and so respected as athletes and had so much of the country excited and talking about them, was an incredible thing. The Matildas sparked an incredible sense of communal celebration and comradery across the country—a comradery that historically would not have been possible for a women's sports team to achieve. We have seen that spirit continue, with the support that our Canberra United Women's team here in the ACT since the world cup, with record crowds and interest in the sport at an all-time high.

Women are entering and dominating new fields every day, and these achievements need to be acknowledged, celebrated and supported by everyone—and 2023 proved that they can be. Let us continue the momentum we have built and change the narrative together. It is through each small step, each small part, that we find a more



positive future not just for women and girls but for everyone.

I present the following paper:

Women and girls in the ACT—Annual statement on the status—2024—  
Ministerial statement, 20 March 2024.

I move:

That the Assembly take note of the paper.

**MS DAVIDSON** (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (10.23): I would like to thank Minister Berry for that wonderful summary of some great progress that is being made. There is still so much more work to do, but it is really helpful to hear the progress that is being made, and particularly to hear about the ongoing work of our ACT Women's Health Service, who continue to provide trauma-informed and intersectional care to women in the ACT.

I would like to thank ACT Health and Canberra Health Services for the practical progress they continue to make on a number of different areas of health for women and girls in the ACT. This includes work continuing on the Eating Disorder Residential Treatment Centre, where construction is on track for a mid-year opening. We expect that this will be the first public health residential treatment centre to open in Australia for eating disorder treatment. Some early thinking is also underway on an eating disorder day program, with learnings being incorporated from what we have seen in Queensland and in London about how an eating disorder day program might relate to inpatient and residential treatment within the territory-wide stepped model of care.

I am very happy to say that our perinatal mental health programs, including a very successful dialectical behaviour therapy pilot program, are now located in a new fit-for-purpose space in Woden, where the Child and Adolescent Mental Health Service is. This includes space for parents who have children in their waiting area as well, to make it more comfortable and more accessible for everyone.

We also now have 15 pharmacies in the ACT that are offering UTI treatment and resupply of the oral contraceptive pill. This includes antibiotics for uncomplicated UTIs in women and people with a uterus aged 18 to 65 years, and resupply of the oral contraceptive pill for people 18 to 35 years if it is being taken for contraceptive purposes and has been prescribed as a low-risk pill continuously in the past two years.

It is also really good to hear about the progress that has been made to make the medical and surgical termination of pregnancy and long-acting reversible contraceptives available at no cost to any ACT resident, even without a Medicare card. I would like to particularly thank Women's Health Matters for their advocacy and their research on this work, continuing 33 years of continuous intersectional feminist work to make quality health care more accessible to ACT women.

**MISS NUTTALL** (Brindabella) (10.25): I rise to briefly speak to the annual statement on the status of women and girls in the ACT as the ACT Greens' spokesperson for women. The ACT Greens want to encourage the meaningful participation, engagement and leadership of women and girls in all areas of public and community life. First and foremost, I commend the minister for her dedication to this vital cause and for shining a spotlight on the ongoing challenges faced by women and girls in our community. It is so important that we acknowledge and address these issues head on, if we are to achieve true gender equality and create a society where every individual can thrive regardless of gender.

I have recently taken on the portfolio of women from my colleague Jo Clay, and I would like to thank her for entrusting me with this and for her work in the space. It is an honour to have both this portfolio and also the LGBTIQI+ portfolio, acknowledging the intersection of women and gender diverse communities. As a self-proclaimed triple threat of girl, gay and they, I am delighted to have these portfolios together for a more holistic view on gender in policy. I do believe and hope that everyone in this chamber is aiming for full gender equality. As women and girls, we still have not seen full equality across all facets of life. We are tackling some of those frustrating points, but we come up against so many insidious problems, invisible problems, vicious problems still.

Instead of the presumption that women belong in the domestic sphere doing unpaid work, these days we are working with the motherhood penalty, including long-term implications of reduced earning and super contributions; and gender-based undervaluation of professions like nursing or early childhood education, based on the presumption that women are naturally more caring or that caring is women's work. We are working with the presumption that women just do not tend to negotiate for themselves like men do. I do not doubt the commitment from this government to address gender inequality. As a member of the ACT Greens, I take that responsibility extremely seriously.

In my mind, there are two key focuses that we must take to elevate the status of women and girls in the ACT. These are intersectionality and solidarity. I was really glad, reading through the previous statements, to see the focus on intersectionality when we talk about women and girls. We know that being a woman in our society gets harder if you are a woman of colour, if you have a culturally and linguistically diverse background, if you are a First Nations woman, if you are trans or gender diverse, if you are queer, if you have a disability, if you are currently in prison or if you are particularly young or particularly old.

It is not like the disadvantages you face from simply fitting these categories are additive. There are specific and pernicious disadvantages that affect you at each intersection and can compound the difficulties you face from a society that prides itself on being progressive. When a society prides itself on being progressive, sometimes it can be tricky to talk about those barriers without getting defensive. We need to be vigilant and active in recognising when these inequalities and barriers rear their heads. If we want women and girls to be considered and treated equally in society, we mean all women. I think annual statements like this are a valuable point of reflection for us. Have we, in all spheres, considered all women? Thought like this takes time, and I look forward to reading this statement more fully over the coming

weeks.

The other thing that elevates all women is solidarity. We should celebrate and encourage a sense of solidarity when it comes to women's issues. I actually think we have some of that in the chamber. When speaking on women's issues, I see people across the aisle showing up for each other, connecting and sharing their stories. I really admired the way Ms Lee and Dr Paterson spoke about solidarity at the Colour in Canberra Expo, and I encourage people to listen to and reflect on their stories.

As a young woman in this chamber, I have actually felt quite looked out for, not just by my ACT Greens colleagues—though they have been exceptional friends and role models, and I adore them—but also by my female colleagues all across the Assembly. Whether it is showing up to the declaration of the countback, saying hi across the chamber or hanging with me at an event, I see you and I am really grateful. I think sometimes women's issues are a touchstone for this parliament, and I hope to do my bit in supporting the women around me. It is our responsibility as leaders, decision-makers and very visible women to model solidarity and encourage it wherever we can. It is my hope that, the more we look out for each other, the better it will be for women and girls all across Canberra. I thank the minister for her statement and echo the calls to stay at the top of our game when it comes to looking out for women and girls in the ACT.

## **Schools—supports for students with disability**

### **Ministerial statement**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.30): I am happy to rise today in the Assembly to speak on the ACT government's response to the Auditor-General's report, *Supports for students with disability in ACT public schools*. The government response was circulated to members out of session, on 23 February 2024.

The Auditor-General's report focused on the effectiveness of supports for students with disability in ACT public schools. The audit considered practices for the provision of clear and accessible information, understanding the functional needs of students with disability in relation to their education, planning to provide adjustments to ensure students with disability can access education on the same basis as their peers, and funding physical accessibility modifications in schools and providing professional learning pathways for learning support assistants.

I would like to thank the Auditor-General's office and everyone who contributed to the report, particularly the students, families, teachers and other stakeholders who shared their personal experiences and expertise.

The government has agreed, or agreed in principle, to all of the report's recommendations. I will speak in more detail to these after providing some context about the ACT government's new inclusion strategy.

The Inclusive Education Strategy was released after the Auditor-General's report, in December last year. It was the result of a rigorous two-year consultation process. I was pleased to attend Lake Tuggeranong College, alongside students from Wanniasa School, to launch the strategy. The strategy aims to deliver greater inclusion for students with disability across all ACT public schools by ensuring schools have the support that they need to meet the needs of all learners.

Of course, there are already many great examples of inclusive education in our public schools, led by our dedicated and hardworking educators. Take Gold Creek School's Mita Pota, who received the Excellence in Support Diversity and Inclusion Award at the 2023 Public Education Awards. Mita, who works in the junior school, was recognised for her kindness, patience and resilience, while instilling belief, confidence and belonging in all students. The award also acknowledged her ability to proactively identify options for inclusion in all school activities while promoting student agency. While we know we have many dedicated educators in our schools, we are now working through the Inclusion Education Strategy to put the right supports in place at a system level.

All Australian children have the right to take part in education on the same basis as students without disability. This right is enshrined in the Disability Discrimination Act 1992 and the Disability Standards for Education 2005. The ACT government is committed to inclusive education because it not only delivers positive academic, social and wellbeing outcomes for children and young people; it is also key to creating a more equitable society.

The Inclusive Education Strategy is underpinned by three principles: the right to education; a whole-of-system commitment; and continuous improvement. The strategy's first action plan is supported by a \$9.9 million investment which will strengthen and embed inclusive practices across our public schools, including through a new team of expert inclusion coaches, initially working in Tuggeranong public schools, to support teachers to implement inclusive practice.

I am very pleased to be able to inform the Assembly that seven inclusion coaches have been recruited and allocated to schools. I was privileged to attend the coaches' first planning day recently, where I was able to witness firsthand their passion for supporting children and young people. Initially, the coaches will work with Lanyon High School, Isabella Plains Early Childhood School, Monash Primary School, Fadden Primary School, Gowrie Primary School, Calwell High School, Calwell Primary School, Caroline Chisholm School, Wanniasa School, Taylor Primary School, Lake Tuggeranong College, and Erindale College.

The first action plan also commits to a range of other actions, including establishing an inclusive education student voice forum so that children and young people with disability have a say; professional learning for teachers in key areas such as universal design for learning, managing complex behaviours and understanding neurodiversity; strengthening partnerships between local and specialist public schools to enable the sharing of expertise and joint activities; work to develop a new needs-based funding model for students with disability; and a review of the school allied health model to ensure it is best placed to meet the needs of students with disability across ACT public schools.

These actions and the strategy's principles go a long way towards achieving many of the recommendations outlined in the Auditor-General's report. It was very affirming to note how closely the ACT government, with the work it has already started, aligns with the report's findings.

The Auditor-General's report makes eight recommendations. In the response, the ACT government has agreed to four recommendations and agreed in principle to four recommendations. The government acknowledges the key themes raised in the Auditor-General's report. These themes have been considered in the responses to the recommendations and will continue to inform the ACT government's work as the Inclusive Education Strategy is implemented. The recommendations agreed in principle will require further consideration and consultation with staff and schools.

I would like to discuss a few of the key actions being delivered by the ACT government and Education Directorate which directly relate to the recommendations in this report. On the recommendation around clear information, the Education Directorate will engage in the ACT government-wide program to consolidate and improve accessibility of website content, including an uplift to the quality of information available to all Canberrans.

On the recommendation around ACT student disability criteria, a new student adjustment matrix is now being trialled in schools to better understand the adjustment needs of students so that resourcing can be determined on student need rather than student diagnosis. Principals have recently been invited to opt in to the trial in 2024, after a successful pilot with five schools last year.

On the recommendation around allied health, the model for allied health support is undergoing a redesign to ensure it meets the needs of students with disability. We will examine the scope of practice for all allied health professionals within the Education Directorate and how this aligns with broader objectives within the directorate, including supporting students with disability.

On the recommendation around physical accessibility modifications, infrastructure requirements related to inclusive education will be included within the Education Directorate's Strategic Asset Management Plan. The strategy's first action plan commits to establishing an inclusive education infrastructure working group which will seek input from the inclusive education student voice forum.

On the recommendation around learning support assistant pathways, this year over 430 learning support assistants have been able to access nation-leading universal training packages based on best-practice research from around the globe. Participants provided strong feedback that the training was very useful, with personal statements including these: "I feel more confident, I know more about my job and how I can support the children I work with." "I learnt so many new strategies and tools, and I understand the theories too." "All the activities made the learning fun but also gave me ideas of what I can do with kids."

Work is underway to progress recommendation 5 of the teacher shortage task force, investigating incentives for current staff in schools, such as LSAs, to complete a

teaching qualification. The directorate acknowledges that providing incentives such as paid time and financial support for current staff in schools, such as LSAs, to complete a teaching qualification not only provides broader career pathways for LSAs but also capitalises on their invaluable experience as an LSA in setting them up for success in a teaching career. The directorate expects to finalise these incentives in 2024.

The first action plan of the Inclusive Education Strategy also commits to establishing formal school partnerships between the ACT's four specialist schools and surrounding local schools which will create mentoring, coaching and observational opportunities for school-based staff.

All of this work is important to support the many children and young people in our system with disability or diverse learning needs. A significant number of students—about 20 per cent of students in ACT public schools—are reported as receiving adjustments for disability or imputed disability under the Nationally Consistent Collection of Data on Students with Disability. A smaller number—about five per cent—are in formal disability programs. Programs include the Inclusion Support Program, which resources reasonable adjustments in a general education classroom with same-age peers; disability education programs, which typically offer small class sizes and a dedicated space for regulation; specialist schools for students with moderate, severe or profound intellectual disability; and hearing and vision support.

There are existing mechanisms in place to support schools to address the learning needs of all students. School-based staff can access facilitated staff networks, together with a wide range of in-person and online professional learning opportunities. For example, in term 1 2024, approximately 40 teachers are enrolled in online training courses focused on autism spectrum disorder, attention deficit hyperactivity disorder, understanding and supporting behaviour, and understanding hearing loss.

Expert advice is also available from the Education Directorate's School Psychology Service and Allied Health Service, including from occupational therapists, speech language pathologists, social workers, physiotherapists, functional behaviour specialists and allied health assistants.

Along with professional learning and targeted support, teachers can access free curriculum resources through the Everyone Everyday program, which aims to create a cultural shift in community attitudes towards disability. Resources are aligned to the Australian curriculum and are being expanded to include material for all levels from preschool to year 12. New material is now available for preschool educators after successfully being trialled last year at Torrens, North Curtin and Narrabundah early childhood school preschools.

I look forward to keeping the Assembly updated about the progress of the strategy. Once again I thank the Auditor-General's office for their thoughtful report, together with the families, students, schools and others who shared their personal experiences and expertise.

I present the following papers:

Auditor-General Act, pursuant to section 21—Auditor-General's Report

No 8/2023—Supports for students with disability in ACT public schools—

Government response, dated February 2024.

Government response—Ministerial statement, 20 March 2024.

I move:

That the Assembly take note of the ministerial statement.

**MS DAVIDSON** (Murrumbidgee) (10.43): As the Greens spokesperson for disability, I would like to make some brief remarks on the government response to the Auditor-General's 2023 report, *Supports for students with disability in ACT public schools*. 2023 was a big year for the disability community and 2024 is no different. Significant reforms to disability policy continue to be discussed and progressed, and along with this comes significant stress and anxiety for people with disability, their families, carers and allies.

In recent times we have seen the release of the disability royal commission final report, ongoing uncertainty regarding the NDIS, extensive consultation on the ACT disability strategy, and the release of the ACT Disability Health Strategy and ACT Inclusive Education Strategy. These extensive reviews and consultations confirm what we already know and what people with disability have been telling us for a long time—that we need to be more inclusive of people with disability and that we need to make those changes by working alongside people with disability.

The Auditor-General's report begins by stating that students with disability have the right to access education on the same basis as their peers and that schools must provide supports to ensure this equity of access. This is not a controversial statement, or at least I hope it is not.

I spoke last year about a positive example of inclusive education in Alfred Deakin High School, one of the excellent ACT public schools in my electorate of Murrumbidgee. Deakin high is already demonstrating that we can make progress towards more inclusive education within the social model for disability, aligned with the intent in recommendation 7.14 from the disability royal commission regarding phasing out and ending special or segregated education. So we know that we can do this.

What the Auditor-General's report and the disability royal commission's findings and recommendations, and what the disability community have told me during my time as disability minister, and now as the Greens spokesperson for disability, is that we need to do better. It is good to see that the government response to the Auditor-General's report agrees, or agrees in principle, to all of the recommendations. But we need to go further, faster and fairer.

When I speak to people with disability and their families, I sometimes hear worries from the families of students with disability about specialist schools being shut down. For some families, specialist schools are the only education option they have, and they have been let down in the past by an education system that did not meet their students' needs in community public schools. I do not hold the view that specialist schools should be shut down overnight. That would not provide better outcomes for

anyone, whether it be people with disability, their families or educators.

What students and their families want and deserve is choice and voice in their education. We need to significantly improve inclusion in mainstream education settings through cultural change, capacity and capability building, resourcing and two-way learning. We need a clear and strong transition plan to achieve truly inclusive education and improve inclusion in mainstream education settings in a way that provides people with disability and their families with a real choice. We all benefit from a more inclusive education system by engaging with and learning from people with disability, and we should embrace this opportunity, not treat inclusive education as a burden to be addressed.

How we do things is just as important as what we do. We need to work alongside people with disability, their families, carers and allies in building a more inclusive education system, and learning from and integrating the intersecting work of the ACT Inclusive Education Strategy, the disability royal commission, and foundational supports in response to the NDIS review.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.46), in reply: I want to provide some clarity, following Ms Davidson’s comments with regard to the disability royal commission and schools. With respect to the commission’s findings in the report that they provided, there were separate views amongst commissioners about whether or not specialist schools should be closed.

I want to make it very clear that, as part of our disability inclusion strategy, we will not be closing specialist schools in the ACT. We will be using the opportunity to learn from specialist schools, sharing that expertise across our school system and making sure that all of our schools are as inclusive as possible. Importantly, we will be engaging with families, parents and the disability sector to ensure that education is provided to those students where they need it and where they prefer it to occur, in the place that meets the particular needs of those students and their families.

Madam Speaker, thank you for giving me the chance to clarify that. Certainly, the position of Labor is that we will not be closing our specialist schools in the ACT.

Question resolved in the affirmative.

## **Electricity Feed-in (Renewable Energy Premium) Act 2008— review Ministerial statement**

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.48): I am pleased to table the Review of the Electricity Feed-in (Renewable Energy Premium) Act 2008 report prepared by the consultant ITP Renewables in December 2023 and the government’s response.



The Electricity Feed-in (Renewable Energy Premium) Act 2008 establishes the ACT's small and medium-scale feed-in tariff scheme. The act was aimed at increasing renewable energy in the ACT and offered a gross feed-in tariff to new applicants from March 2009 to July 2011. Approved customers receive this tariff for a 20-year period. In 2015 amendments to the act were passed so that the latest date at which a PV system may be connected under the scheme was 31 December 2016. This means that the scheme is scheduled to end by 31 December 2036.

The 2023 review fulfils the statutory requirement for me, as the relevant minister, to review the operation of the act at least once every five years after the day the act has commenced. The review includes a consideration of the impact of costs under the act on electricity users and whether the impacts are equitable.

The review findings demonstrate that the scheme has been and is currently successful in achieving the act's objectives. The scheme has been of overall benefit to ACT electricity users, with a broad range of direct societal benefits, including increased renewable electricity generation, helping the ACT to meet its renewable energy targets, reduced purchase of electricity from outside the ACT, reduced greenhouse gas emissions, and the early establishment of the renewable energy industry in the ACT.

The scheme has also had indirect benefits, including placing downward pressure on spot prices and reducing demand peaks seen by the network in summer, both of which reduce costs for all consumers. In addition, the production of solar electricity in the ACT reduces the amount of electricity bought from interstate generators. As a result of the scheme, retailers have reduced their wholesale electricity purchases by about \$41.39 million between 2008-09 and 2022-23, and over the life of the scheme out to 2036 they are forecast to reduce their wholesale electricity purchases by around \$79.3 million.

Overall, the scheme is estimated to create a total reduction in greenhouse gas emissions of 514,095 tonnes CO<sub>2</sub>-equivalent from 2009, when the scheme was launched, to 2036, when the last gross feed-in tariff payments will be made.

The review report made nine recommendations for both the ACT government and Evoenergy focused on improving administration of the scheme and ensuring a smooth transition for consumers coming off the scheme when their contracts expire between 2029 and 2036. The government agrees in principle to recommendation 1 and recommendations 4 through to 7, and 9.

In essence, the government agrees that the early provision of information, increased compliance measures and increasing support to both vulnerable sectors of the ACT community and scheme participants are appropriate activities at this point in the scheme's lifecycle. The government will work closely with Evoenergy on recommendations 5 through to 7 to engage with participants and retailers to ensure a smooth transition of scheme participants as individual contracts expire.

The government agrees to recommendation 3, support for low income households, noting this is an area of considerable focus of our current programs and policies, and a priority under the integrated energy plan currently being developed. The government notes recommendation 8 to increase the capacity to manage the general rollout of

smart meters between 2025 and 2032. Directorates will work together as appropriate to look into more details of the recommendations and, if necessary, develop future funding proposals as required.

The government does not support recommendation 2 at this time, which relates to the calculation of the normal cost of electricity. The NCE is an estimate of the financial benefit that retailers receive when they purchase solar electricity that is exported to the grid. The NCE methodology is based on the approach used by the New South Wales Independent Pricing and Regulatory Tribunal and is dependent on IPART's continued calculation of the solar premium. The government acknowledges that there could be an issue if IPART either stops calculating the solar premium or if the calculation is deemed to be inconsistent, and will contact IPART to determine if these issues are likely to arise.

The Review of the Electricity Feed-in (Renewable Energy Premium) Act 2008 demonstrates our city's proud history in accelerating the uptake of rooftop solar. The scheme was instrumental in making installations more affordable and accessible, setting the stage for the tenfold increase in installations since the scheme commenced in 2009. By helping to establish the solar industry in the ACT, the scheme has also been instrumental in diversifying electricity supply in the territory. Thirty-one per cent of ACT households now have a rooftop solar system.

For the whole of the ACT, in 2022–23 solar generation totalled over 250 gigawatt hours. This is noteworthy and an annual increase of 41.3 per cent over the previous period, 2021–22. This includes the 41,065 megawatt hours of scheme-supported generation combined with non-scheme solar generation, which produced 210,959 megawatt hours.

I commend the Review of the Electricity Feed-in (Renewable Energy Premium) Act 2008 and the government's response to the Assembly. I present the following papers:

Electricity Feed-in (Renewable Energy Premium) Act, pursuant to section 13—  
Review of the Electricity Feed-in (Renewable Energy Premium) Act 2008—

Report, dated February 2024.

Government response, dated March 2024.

Ministerial statement, 20 March 2024.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative

## Visitors

**MADAM SPEAKER:** Members, I draw your attention to quite a full gallery of students. Welcome, Year 12 from Canberra College. Welcome to your Assembly.

## Canberra Hospital—diagnostic imaging—update

**Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (10.55): I am pleased to provide the Assembly with an update on the ACT government's work to continue supporting Canberra Health Services to deliver new state-of-the-art diagnostic imaging equipment in the ACT's public health services.

The ACT government has continued to invest in new technology across Canberra Health Services to ensure our skilled staff can provide high quality care to the community in the ACT and surrounding New South Wales region.

A comprehensive replacement program has been underway as part of designing and constructing the new more than \$660 million Canberra Hospital expansion project which will see the critical services building opening in August 2024. Canberra Health Services has also undertaken a significant program of work to deliver new major medical equipment advances across a range of services provided at Canberra Hospital.

The Critical Services Building will provide state-of-the-art multidisciplinary diagnostic and interventional medical imaging services to support our most unwell patients, including patients admitted to the emergency department and intensive care unit, and those requiring surgery.

In the 2023-24 ACT budget review, the ACT government invested a further \$4.68 million over five years to operationalise the new MRI machine that is being installed in the Critical Services Building. This investment will include 9.3 FTE to support more health professionals, nurses and wards people to join the team at Canberra Health Services to provide excellent care to the community.

MRI machines were recently craned into the Critical Services Building as we continue to prepare to open the new facility. The MRI scanner on level 2 will service emergency and inpatient areas. The MRI scanner on level 3 will be utilised for intra-operative patients and those requiring general anaesthetic support for imaging. These two scanners will reduce the critical case workload of the outpatient scanners in Building 12, increasing the capacity for outpatient scanning and reducing public outpatient wait times for MRI scans.

More than \$28.6 million has been invested in expanding diagnostic and interventional medical imaging services in our new tertiary public health facility. This investment includes provision of modern technology, including three new CT scanners, two new MRI scanners, four X-ray rooms, two new interventional procedure labs, one hybrid CT-angiography suite, two new hybrid operating theatres and cardiac catheter labs to complement the current pool of diagnostic imaging equipment to service the acute health needs of the community.

In the 2022-23 budget, the ACT government committed more than \$40 million to replace ageing imaging equipment and boost diagnostic capabilities in the medical imaging departments across our existing acute hospital services. The Canberra Hospital replacement program is almost complete, with the bulk of all equipment

having been replaced in the last two years. This includes the commissioning of the new 3 Tesla MRI unit, a new CT scanner, new fluoroscopy unit, five new ultrasound units and a new mammography unit. Construction has commenced to make way for the newly acquired nuclear medicine and PET-CT technology.

The existing medical imaging department at Canberra Hospital will have an important role, following the opening of the new Critical Services Building, in providing a multidisciplinary service for complex outpatient episodes of care, as well as continuing to provide medical imaging services to inpatient wards. It will also be home to the only nuclear medicine and PET-CT service within Canberra Health Services.

At North Canberra Hospital, more than \$9 million has been invested in upgrading, replacing and enhancing critical equipment and increasing health professional staffing to support quality patient care. The imaging and equipment upgrade was completed in June 2023 and included replacement of two end-of-life ultrasound machines, and the medical imaging service has had ongoing funding to ensure a 24/7 medical imaging service can support our growing community on the north side of Canberra.

Radiation oncology services at Canberra Hospital have also significantly improved in recent years, with the rollout of four new linear accelerators used to treat patients with cancer. These new facilities allow shorter treatment regimens for consumers due to the ability to give higher doses of radiation more accurately.

The ACT government's LINAC replacement program was funded by the commonwealth government's radiation oncology health program grant to the value of \$12 million, plus an additional \$6.4 million invested by the ACT government to top up the purchase of the four machines and refurbish the treatment rooms to improve the patient experience. The LINACs were replaced in 2019, 2021 and 2022, and the fourth machine was commissioned earlier this year.

To provide care closer to home for Canberrans, the ACT government also invested \$5.7 million in opening the new Weston Creek Imaging Service in May 2023. The community-based Weston Creek Imaging Service is providing CT, ultrasound and walk in X-ray services to patients who have low clinical complexity. This service is provisioned with brand-new, high-end medical imaging equipment, with plans to expand weekday and weekend services by the end of March 2024. Already, more than 5,100 medical imaging services have been provided through Weston Creek, saving Canberrans money by providing bulk-billed imaging services.

These projects demonstrate the ACT government's commitment to supporting Canberra Health Services to meet the healthcare needs of a growing population. The ACT government's investments position the territory well in the lead-up to building and commissioning the new north-side hospital. Each medical imaging service has been established to meet the needs of a different patient type, enabling more timely access to imaging services for non-acute patients whilst maintaining priority and accessibility of urgent services for more acute patients.

This program of works has several benefits for the community, which include more timely access to accessible state-of-the-art medical imaging equipment, higher quality

imaging for both diagnostic and interventional purposes, supporting attraction and retention of health professionals to relocate and stay in Canberra, and allowing territory health professionals to work on leading-edge, modern technology and to stay current in their chosen field of practice.

The ACT government is dedicated to delivering state-of-the-art equipment in the ACT's public health services by identifying replacement needs and upgrading key assets on an ongoing basis. A new medical imaging equipment replacement program is being developed as part of a multi-stakeholder initiative to ensure future replacement is managed responsibly and in a planned approach aligned to end-of-life status and future budget cycles. This replacement plan will ensure ageing equipment is replaced in a timely and sustainable way.

Planning strategies and our strong investment in medical imaging equipment mean Canberra Health Services is continuing to future-proof its capability to provide free, high quality and accessible medical imaging across our health services, including closer to home.

I present the following paper:

Diagnostic imaging equipment—Assembly resolution of 21 September 2023—  
Government response—Ministerial statement, 20 March 2024.

I move:

That the Assembly take note of the paper.

**MS CASTLEY (Yerrabi) (11.02):** I wish to respond with a few remarks. I believe this ministerial statement was spurred by a Canberra Liberals motion highlighting this government's appalling track record in delivering diagnostic imaging equipment. I refer to examples like the new MRI machine at the Canberra Hospital, promised in 2019, for installation by March 2021, not installed until September 2023 but announced over and over again—something about which the minister is completely unashamed. Canberrans have been let down time and again. As I said yesterday, Labor's track record on health infrastructure is one of serial over promising and under delivery.

The minister's statement talks a lot about diagnostic imaging equipment that will be installed in the new \$600 million Critical Services Building at the Canberra Hospital, but she will not admit that this facility is three elections late. The Critical Services Building is a downgrade of the \$800 million expansion of the Canberra Hospital promised in 2012. The next proposal for Canberra Hospital's Woden campus was the SPIRE Centre, a 2016 election commitment that Labor pledged would open in 2022. By the 2020 election work had not even begun. Work finally started on a revamped Critical Services Building in November 2021. Completion is now expected later this year—three elections late. How incompetent do you have to be?

Canberrans have paid the price for these delays. Outpatient and elective surgery waiting lists and emergency department wait times have blown out. Frontline hospital staff are stressed and overworked. Training accreditation for a number of specialties

has been lost or jeopardised, and bad workplace culture has festered. Diagnostic imaging equipment is old and prone to breakdowns. As I said yesterday, you would think, given her record of under delivery on health infrastructure, the health minister would be embarrassed. But, no; she comes in here and talks up facilities that Canberra should have had a decade ago. Take the south-side hydrotherapy pool: recommended in 2018, promised in 2020, meant to be completed in 2024 and now expected in 2025.

The minister just said that the ACT government's investments in medical imaging equipment positioned the territory well in the lead-up to building and commissioning the new north-side hospital. That would be the billion-dollar north-side hospital the government claims will commence construction in 2025-26 and be operational by 2030-31. This time line is fanciful, given Labor's dozen straight deficits with no surplus in sight, not to mention Labor's other pie in the sky infrastructure promises. Going on past performance, I would say that, under Labor, Canberrans possibly will not get this new hospital by 2045, at the earliest. I say again: Canberrans just want their hospitals to be safe, waitlists to be short and promised infrastructure to be delivered in full and on schedule. Labor is incapable of either.

Question resolved in the affirmative.

## **Remuneration Tribunal Amendment Bill 2024**

**Ms Burch**, pursuant to notice, presented the bill, together with its explanatory statement.

Title read by Clerk.

**MS BURCH** (Brindabella) (11.06): I move:

That this bill be agreed to in principle.

In March of last year, questions were raised regarding the payment of additional salary in a period where a member would be performing additional responsibilities, holding a higher office or position. Currently, the Remuneration Tribunal does not have the ability to make determinations regarding remuneration for members acting in positions. This would appear to be at odds with the community's expectations and HR practices across the ACT public sector, where a person who is required to perform the duties of another position for a significant period of time would be entitled to receive a relevant additional salary for that activity.

The purpose of the bill is to amend the Remuneration Tribunal Act 1995 so that additional remuneration is payable to a member of the Assembly who acts in an office for a continuous period of 60 days or more. This recognises situations similar to those in the Victorian parliament. For example, in 2021, Victoria's then Premier was absent for about four months, recovering from a back injury. During that period, the Deputy Premier was the Acting Premier and fulfilled all duties. In the Queensland parliament in 2005, the Speaker was investigated by the Crime and Misconduct Commission and another member was Acting Speaker.

Consistent with the Queensland Independent Remuneration Tribunal Act 2013, the

amendments also include situations where a member who is acting in another position and is entitled to be paid two or more additional salary amounts would be paid only for the higher or highest additional remuneration. This was discussed by admin and procedure, and I want to thank them for their consideration and comments. I commend the bill to the Assembly.

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

## **Planning, Transport and City Services—Standing Committee Reporting date—amendment**

**MS CLAY** (Ginninderra) (11.08): I move:

That, notwithstanding the provisions of the resolution of the Assembly of 30 November 2023, and the motion agreed by the Assembly on 6 February 2024, the Standing Committee on Planning, Transport and City Services shall present its report on the Property Developers Bill 2023 by 5 April 2024.

I move this motion circulated in my name to amend the reporting date for the Standing Committee on Planning, Transport and City Services inquiry into the Property Developers Bill 2023. On 30 November 2023 the Assembly resolved that, notwithstanding the provisions of standing order 174, the Assembly refer the Property Developers Bill 2023 to the Standing Committee on Planning, Transport and City Services for consideration and inquiry and, should the committee decide to inquire, to report by the last sitting day in March 2024.

At our meeting on 14 December the committee resolved to inquire into the Property Developers Bill 2023. On 6 February 2024 the Assembly agreed to our motion extending the reporting date to 30 March 2024, as per the usual time frame allowed by standing order 174. That extension simply put us back where we would have been under the ordinary standing orders, had we not been asked to report early. A public hearing was held with key stakeholders and the responsible minister on 7 March 2024.

This bill is a significant piece of legislation and it proposes measures that will be far-reaching in their effect. The committee has so far received nearly 30 submissions to this inquiry and has held a full day of public hearings, which reflects the high level of public interest in this bill. The evidence received is complex and detailed, as is the bill itself. During this inquiry, the committee has been in the process of completing another large, complex inquiry into another large, complex set of documents collectively known as the Territory Plan. The final report of the Territory Plan inquiry has been presented and the committee is now able to give its full focus to the Property Developers Bill.

The committee is of the view that, for the public interest in the reforms proposed by this bill to be served and to fully consider and digest the evidence, a short extension on the reporting deadline of this inquiry would be beneficial. The committee therefore requests that an extension be granted to 5 April so that the committee's report on the bill will be considered at the next sitting of the Assembly. The committee is asking that the reporting date be extended to 5 April 2024.

Question resolved in the affirmative.

## **University of Canberra Amendment Bill 2024**

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

Title read by Clerk.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (11.11): I move:

That this bill be agreed to in principle.

This bill makes minor amendments to the University of Canberra Act 1989 to make appointments to the University of Canberra Council consistent with administrative arrangements for the act and to give explicit allowance for sub-delegation of authorities delegated by the UC Council. This bill follows a review of the University of Canberra Act and further consultation between the government and the university regarding the function of the university's council. The bill will ensure that university officials are able to sub-delegate tasks as appropriate to effectively manage the university's day-to-day affairs without needing to seek the council's explicit permission for each individual sub-delegation. The Legislation Act 2001 requires that sub-delegations are explicitly allowed under relevant legislation. This bill will add such provisions to the UC Act.

The bill will also make the responsible minister for the UC Act responsible for the government's eight appointments to the UC Council. Presently, these appointments are made by the Chief Minister. Having the appointments come from the responsible minister will make the UC Act consistent with the government's other statutory appointments, administrative arrangements and other Australian universities' enabling legislation. I commend the bill to the Assembly.

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

## **Cemeteries and Crematoria Amendment Bill 2024**

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

Title read by Clerk.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (11.13): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Cemeteries and Crematoria Amendment Bill 2024 into



the Assembly today, which, unsurprisingly, seeks to amend the Cemeteries and Crematoria Act 2020. This short and technical bill was developed to clarify ambiguity in the existing act around who is liable for the costs of maintaining our cemeteries and crematoria in perpetuity. While the community will not see an obvious impact, due to its clarifying focus it does align the legislative framework more closely with its policy intent.

Cemeteries and crematoria provide an essential and meaningful part of ACT public services, both while they are in operation and long after they close. These sites hold memorials and personal memories and connection for our community. Canberrans of all backgrounds should be able to expect that the buried and interred remains of their loved ones are treated with dignity and care in perpetuity, including the surrounding grounds and infrastructure at these facilities. The government has long taken responsibility for this obligation and it is why a critical component of our act includes a best practice financially sustainable model and regulatory framework for managing cemeteries and crematoria forever.

Through the introduction of the 2003 act and carried through into the 2020 act, perpetual care trusts were established for the purpose of ensuring that these facilities can be maintained long after they are closed. However, before perpetual care trusts were established in the 2003 act, the territory had an unfunded liability for future maintenance created by all sold burial and interment rights. This has added to the financial liability.

Since 2020 it has been found through accounting advice that the act does not specifically ascribe the responsibility of maintenance of closed facilities to a particular entity. Through the lens of the Australian Accounting Standards, the simplicity of the provisions in the act leads to the interpretation that the authority, not the territory, is liable for the future maintenance of closed facilities. Because of this interpretation, the Accounting Standards then also require the authority to reflect this liability in their annual financial statements.

It has never been the government's intention to place that liability for future maintenance of closed facilities with an entity appointed by the minister to operate the facility. The broadly supported policy intent is that maintenance of closed facilities is a service to the community provided by the territory, even if the authority were to be appointed to carry out maintenance activities on the territory's behalf. Thus, it would be a financial responsibility and liability the territory must hold. Because it was never the intention for this liability to be placed with the operating entity, the authority has not recognised this liability, nor the assets from the perpetual care trust that are provided specifically to fund the ongoing maintenance of closed facilities, in its annual financial statements. This has created an accounting anomaly that must be resolved.

This bill makes it clear that ultimately the responsibility is with the territory, and not with the authority that currently operates these facilities, by clearly setting out the process for closing an authority-operated facility once it has reached capacity. It introduces a new section into the act that provides that the territory is ultimately responsible for maintaining closed facilities to an acceptable standard, no matter who the operating entity has been. The bill also provides that the authority must be

approved by notifiable instrument to maintain a closed facility on behalf of the territory but that the territory would still hold responsibility for the associated costs.

Further, the bill sets out that the perpetual care trust funds may be used only for the maintenance of closed facilities to ensure that sufficient funds are available to cover the cost of this maintenance. This replaces the previous wording of “long-term maintenance”, which was less clear. Finally, the bill provides closing provisions for authority-operated facilities, in line with the existing closing provisions for privately operated facilities.

The clarity provided through this amendment bill aligns with and meets one of the key objects of the act. It reflects our policy intent and it provides certainty to the community, in that they can be confident that these special, meaningful places will be managed in perpetuity. I commend the bill to the Assembly.

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

## **Appropriation Bill 2023-2024 (No 2)**

Debate resumed from 8 February 2024 on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.19): The Canberra Liberals will not be supporting this bill. The Canberra Liberals cannot support a bill that delivers a deficit of more than \$1 billion and does not aim to deliver a surplus in the forward estimates. The budget review highlights the fact that this Chief Minister and Treasurer has absolutely no economic or financial credentials. The budget review and the public accounts committee tripartisan report prove that the Chief Minister has tried to hide the real state of the ACT’s economic and fiscal position by using tricky accounting measures—which no other Treasurer uses—to make his budget bottom line look better.

This is something we have come to expect from this Treasurer: his arrogance in using a calculation, the headline net operating balance, rather than the universally agreed uniform presentation framework, to put a more positive spin on his budget. This is, unfortunately, not a new tactic; he has been doing it for years. Using tricky accounting measures to avoid scrutiny, hiding key information in the back pages of the budget papers and altering the numbers so that they are not as bad as they actually are is the old cooking the books trick. It does get worse, unfortunately. The Treasurer has failed his own financial objectives which he himself put in place over a decade ago in the 2013-14 budget.

**Dr Paterson**: Point of order.

**MADAM SPEAKER**: Point of order. Mr Cain, resume your seat.

**Dr Paterson**: Mr Cain described the Treasurer as “cooking the books”, which, to me, implies corruption.

**MADAM SPEAKER:** Yes, it is in the scope of being unparliamentary and it does imply that there is unwanted and irregular behaviour. I ask you to withdraw, Mr Cain.

**MR CAIN:** I will withdraw that phrase. But, Madam Speaker, it really is a rather deceptive presentation of the territory's true state, and it does get worse. The Treasurer has failed his own financial objectives which he himself put in place over a decade ago in the 2013-14 budget. I think it is worth revisiting some of these objectives to highlight just how much of our budget position has declined since Andrew Barr took the reins of the territory and the Treasury portfolio. The first objective is to achieve a net operating surplus. The first line of the 2013-14 budget says:

... temporary deficits must only occur if they are offset by surpluses at other times.

Given that this budget has a record deficit of more than a billion dollars, with no surplus to be seen in the forward estimates, I think it is safe to say that this is a massive fail by the Chief Minister. More worrying is the fact that there is no plan stated in the budget, or by the Chief Minister, for how the government expects to return to surplus or, indeed, how the government plans to pay off its ever-increasing debt.

Objective 2 from the 2013-14 commitment by this Treasurer is to maintain an operating cash surplus. Put simply, what this means is that the revenue that the territory receives from taxes, fees, fines et cetera should be more than what the government's expenses are. The budget review forecasts a cash operating deficit of \$182 million for 2023-24, and so, again, Mr Barr fails on his own measure.

Objectives 3 and 4 relate to maintaining a AAA credit rating by maintaining stable key balance sheet measures. As members are aware, S&P downgraded the ACT from AAA to AA+. That was another failure of Treasurer Barr. S&P found:

Rising expenses and large infrastructure programs are delaying fiscal recovery.

One of the key indicators that S&P use to determine the credit rating of a jurisdiction is the total tax supported debt as a proportion of revenues. S&P say in their report that this ratio will peak at 163 per cent, up from 93 per cent at the end of 2019.

Across all key balance sheet metrics, the ACT has declined significantly since 2013-14. In 2013-14 the ACT's net debt to revenue was 20 per cent. This measure is used to highlight how large a jurisdiction's debt is, relative to its revenue. In this budget review, net debt to revenue has increased to 99 per cent. This measure looks at all the territory's liabilities, including net debt and superannuation liabilities. In this budget review, net financial liabilities to revenue have increased to 172 per cent. In 2013-14 the ACT's net worth to revenue was 389 per cent. This measure assesses how much the ACT has grown its assets, relative to its liabilities. In this budget review, net worth to revenue has decreased to 263 per cent.

Why are these things important? They are important because this Labor-Greens government has recently argued that surpluses and debt management should not be a

goal of good government. This, of course, begs the question: why should governments limit their debt and deficit? As early as 2013 the ACT Under Treasurer attempted to send a very clear message to the Chief Minister about the risks associated with maintaining high levels of debt. He said the following:

The risks associated with maintaining high levels of debt are substantial, particularly with the fiscal imbalance in the operating budget. High debt levels not only restrict the capacity to maintain appropriate levels of service, due to increasing borrowing cost to services that is being channelled away from other potential operating expenditure, but also result in legacy issues for future generations. In addition, high levels of debt also inevitably result in close scrutiny by credit rating agencies, with any ratings downgrade increasing the cost of debt, sending negative signals to investors in the territory.

So said the Under Treasurer for this Chief Minister in 2013. But what did the Chief Minister do with this advice from his own Under Treasurer, the most senior Treasury official? He did what he always does and ignored the advice. Unsurprisingly, every single prediction that the Under Treasurer made in 2013 has eventuated.

Our interest will grow to more than \$685 million in 2026-27. The government will spend on interest costs more than they spend on housing, city services, emergency services and policing. That is \$685 million that Andrew Barr has selfishly prevented from being reinvested into actual service delivery—into schools, into our health system and into supporting frontline workers. Think about some of the issues we could solve in the housing sector if there was an additional \$685 million to spend.

Mr Barr's interest payments alone will cost Canberrans almost \$2 million a day. Rather than using Canberrans' money to boost health, education or housing, Mr Barr is throwing it away just to service his debt. Let us be clear: the interest payments and the massive increase in borrowings are to fund the Labor-Greens' vanity projects, such as stage 2B of the light rail. To add insult to injury, this government refuses to be upfront with Canberrans about the true costs and benefits of these vanity projects, even though it is Canberrans who will pay for them.

The ACT has lost its credit rating due to the high debt levels, and this has resulted in a decrease in investment in the territory. The latest *State Statistical Bulletin* figures released by the Parliamentary Library show that the ACT is the only jurisdiction in the country where business investment fell. It is not a surprise to those who do not buy into the Chief Minister's spin that the ACT is not an attractive place to invest in or develop additional housing. Mr Barr's fiscal strategy over the past decade is now working against the housing goals he himself sets. All of these issues, all of the consequences of high borrowings and large deficits, were raised with Mr Barr more than a decade ago and he has simply ignored them because he thinks he knows better.

Budget transparency is an important thing to focus on. As mentioned earlier, as concerning as the state of the budget is, what is also concerning is the decline of several indicators in the budget papers. Mr Barr no longer measures our key balance sheet metrics as a proportion of revenue or compares those metrics against other jurisdictions. He does not provide comparisons of the ACT against other AAA rated or AA+ rated jurisdictions. He no longer publishes the UPF net operating balance alongside his measure of the headline net operating balance. In short, the budget

papers we see today have less detail than they did a decade ago.

As I outlined earlier, information has been buried in back pages and other information has been altered so that numbers do not seem as bad. Other information is blatantly misleading. Perhaps the most damning omissions can be found in the government's fiscal strategy and outlook section in the budget review. The amount of information that used to be available to deconstruct how the government was tracking against its financial objectives has been reduced to about half of what it was a decade ago. This is, of course, the part where Canberra taxpayers can get an understanding of how the government is using their money, whether the government has a sound plan to run the territory and how we compare with other jurisdictions. As I mentioned at the start, this budget review would be a failure if these figures had been released in 2013-14. The only way the Chief Minister can get away with calling this anything else is simply because this information no longer exists in the budget—a tactic that his government uses repeatedly.

However, it seems that some members opposite have had enough of this Chief Minister's tricky accounting. The public accounts committee, comprising the Liberals' Mr Cocks, Labor's Mr Pettersson and the Greens' Mr Braddock, handed down a tripartisan report which, in short, recommended that the government revert to how the budget was reported in 2013-14. I want to thank the committee for their recommendations, particularly the Labor and Greens members, who, like the Canberra Liberals, believe that the budget papers should not be a place for the Chief Minister to hide the true state of the territory's budget from Canberra's taxpayers. After all, it is their money and they deserve to know how it is going and how it is being spent.

In conclusion, the Canberra Liberals will continue to vote against Mr Barr's appropriation bills, as they are making Canberrans and future generations worse off. The blame for this atrocious decline over the last decade can only be placed on those opposite. They have been in charge for the past two decades and have made the decisions that have made our services decline while our debt has skyrocketed. By Mr Barr's own metrics and commitments, our fiscal position has declined over the last decade, under his watch. Those opposite cannot shy away from that fact. The Canberra Liberals cannot support incompetence, a deceptive presentation of figures and a budget position that has seen a significant decline while Labor and the Greens have been in control. The Canberra Liberals will not be supporting this Appropriation Bill.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.34): I rise to speak briefly and make a couple of quick observations on Appropriation Bill 2023-2024 (No 2). As the Attorney-General, I am pleased to see a number of investments in this bill and through this process that will be really important for Canberrans. In particular, the bill provides \$2.11 million to extend the Rent Relief Fund until 30 June this year to continue to provide targeted support to low-income households who are experiencing rental stress or severe financial hardship. The fund will be available until the end of the financial year and provides grants of up to four weeks of rent, capped at \$2,500.

This builds on the previous Rent Relief Fund investments in the 2021-22 budget

review and the 2022-23 budget. The reason we have done this is that this has proven to be a really effective scheme in helping Canberrans who normally find themselves able to sustain a tenancy but have had something occur to them, whether it is loss of work hours, loss of job, a significant unexpected bill, a health problem—the sorts of things that impact on people’s lives. This is about helping them not lose their tenancies, get over those rough patches and be able to get back on that stable footing that they normally maintain, when, through various impacts, they find themselves in a difficult spot.

This obviously originated out of the period around COVID, when we saw people particularly experiencing loss of salary. That was a context in which that temporary assistance was particularly important. Through the work that we have done with Care, who are the deliverers of this program of work, they have given us very clear feedback that shows that this is a really important program that is helping Canberrans, particularly at a time when cost-of-living pressures are also really squeezing.

We also see in my portfolio additional funds to support increased legal expenses for the territory and also capital and recurrent funding to replace 10 mobile solar-powered CCTV cameras within the Public Safety CCTV Network. These are obviously designed to enhance community safety at events and other locations. The beauty of these is that they are mobile and they can be deployed as needed. I just wanted to highlight a couple of those points in my portfolios.

From a broader point of view, I indicate that the Greens are supporting this bill. We think it makes necessary investments for our city. It particularly reflects, as the midyear often does, pressures that have emerged. We see those driven by either population growth or other matters that have arisen. The measures contained in this midyear budget review are important expenses to deliver services to our city, to continue to invest in infrastructure, and to meet the needs of Canberrans in a range of important areas. We are pleased to support the Appropriation Bill today.

**MS CLAY** (Ginninderra) (11.37): I have a few quick comments on Appropriation Bill 2023-2024 (No 2). It is really good to see the funding for light rail stage 2A. It is great to see that we have some progress on this. It has been slow. It was first announced in 2016. We know that Canberrans are upset about how long this is taking, so we would support measures that would deliver light rail to Woden sooner and out to Belconnen much sooner. We of course understand that this is a major investment. This is a long-term investment for Canberra’s future. It is really important that we build this as quickly as we can.

We are pleased to see the progress on CIT Woden. This is shaping up really well. It has been a big commitment, costing more than \$330 million in total. I am really glad that it includes the significant community facilities for Woden. That includes the 2020 Greens election commitment for a live music venue and arts precinct in the campus. That was one of the PAGA commitments for arts and culture. It is great to see that. We asked a lot of questions and it was good to see that the designs changed and were shaped as the project progressed and that we have some space in that major development.

It is really good to see that there will be a new depot at Woden. We really need this.

This will help us expand the bus fleet and it will help us have somewhere to house up to 100 additional buses. Those buses are essential to improve our services. That will also help us make services more frequent on weekdays, so we need that to be done as quickly as possible. It was originally scheduled for 2022 and now it is for late 2024, so we are hoping that this does come forward. The Greens will be pushing for that bus depot to be used to its full capacity and for the fleet to grow by 100 buses—not just replacing the old buses but also getting new buses. I do not think I saw funding for that in this appropriation, so we hope we see that in the next one.

**DR PATERSON** (Murrumbidgee) (11.39): I would like to start today by congratulating the Treasurer on this midyear budget update. I am excited to see some of the programs that will benefit my constituents in Murrumbidgee. Murrumbidgee residents are very pleased to see the range of initiatives in the budget, particularly the government's commitment to better transport infrastructure through light rail stage 2A and the further development of the Woden CIT.

Modern transport infrastructure is essential to any growing city, and our city is one of the fastest growing in Australia. In my electorate alone, Molonglo Valley is expected to reach 70,000 people by 2050. Developing a strong light rail network will be essential for sustaining strong population growth into the future. Murrumbidgee residents are excited about light rail. I hear many people express their support of light rail and that they are looking forward to the positive impact it will have on our community. Light rail is key to developing the government's vision for the south. Having a well-connected transport network of buses and light rail, as well as incorporated walking and cycling paths, is essential for developing healthy communities.

There are also environmental benefits of light rail to Woden. Electric light rail cars and fewer vehicles on the road will further reduce the carbon emissions of our city. Reduced congestion is also an expected result, meaning that all people can have an enjoyable journey around our city, regardless of their choice of transport. Less congestion means cleaner air, which results in more healthy communities.

Keeping the focus on Woden, I am excited to see the new CIT Woden is on track to open next year and will welcome 6½ thousand students per year. Woden will become the leading hub for education on the south side. The \$8 million funding for smart campus technology at CIT Woden will further enhance its world-class standard. This money will allow for top of the range audiovisual equipment, such as augmented hearing systems, LED wall displays, microphones, amplifiers and speakers, all to support the teaching and learning practices at CIT. Modern commercial workstations, appliances, demountable stages and creative art equipment will also be delivered through this fund. This technology will provide the opportunity for students to collaborate with local industry in a real-world commercial environment so that they are job ready. CIT Woden will be Canberra's largest new education facility, enabled by smart technology.

Education is a vital part of a person's life. One barrier to education is often accessibility. By combining the new CIT with light rail, education will be more accessible to more people. I look forward to seeing all the innovative ideas that will come from the new CIT. Not only is education benefited by the combination of these

two projects but it will also allow for more jobs and business opportunities for the Woden town centre. These are great things for Woden and for Murrumbidgee as a whole. These projects are only a taster of the government's infrastructure program to ensure that our city remains one of the most livable, not only in Australia but also in the world.

I commend the Treasurer for this midyear budget review and look forward to further initiatives for the people of Murrumbidgee in the budget later this year.

**MS DAVIDSON** (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (11.43): I am pleased to be able to speak about the extension of funding for the second PACER team here in the ACT. Since its introduction in 2019, PACER has been a significant addition to the ACT health service system, and the 2021 introduction of a second team is testament to the model's impact.

For people in the ACT community experiencing acute mental distress, there was previously only one method of receiving assistance: calling 000, being attended to by police, and then being taken to hospital while in a highly distressed state. PACER is a multi-agency collaboration of the ACT Ambulance Service, Canberra Health Services and ACT Policing and provides an innovative, collaborative and effective alternative to simply having police as first responders to serious mental health incidents.

Now an essential health service in the ACT, PACER is aligned with a holistic mental health response model and offers people in Canberra who are most at risk of a mental health crisis a more specialised level of care than could otherwise be provided to them. Their success in de-escalating mental health crises means that 70 per cent of the people the PACER team treats are able to stay in the community rather than being transported to hospital for inpatient admission. The team can provide people in mental health crisis with general information and advice, as well as referrals to mental health services and police and ambulance services where there are concerns for immediate safety and welfare.

As members know, we have one PACER team permanently funded, and this Appropriation Bill extends the funding for the second team. It will come as no surprise to anyone that I am incredibly committed to the PACER model. As Minister for Mental Health, I will always advocate for more and longer term investment in mental health services, particularly when they are so impactful and as widely admired as the PACER model. We will be discussing PACER tomorrow in more detail, and I will have more to say then about the development of the model. In the meantime, I would like to emphasise the importance of the second team's extension of funding and thank the highly skilled police, paramedics, mental health clinicians and public servants who make PACER a reality that Canberrans can rely on.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (11.45): I rise briefly to speak in support of Appropriation Bill 2023-2024 (No 2), in my ministerial capacity for arts, culture and the creative economy, city services, government services, regulatory



reform and human rights, and my acting responsibilities for transport, industrial relations, workplace safety and business.

The 2024-25 budget review continues our commitment to deliver key investments in the areas that Canberrans need them most. It is a little known fact that, on average, a Canberran interacts with Access Canberra every five seconds, either online, in person or on the phone. This government is committed to ensuring that government services are accessible, user-friendly and available at convenient times. We are investing in the modernisation of ICT systems that Canberrans regularly interact with and rely on to improve their customer experience, reduce administrative and regulatory burdens and enhance the security of information.

This includes investing in a new common licensing capability ICT system that will be the platform for more than 50 occupational and business licences, such as for professional engineers, agents and security guards. It includes support for the implementation of the urban forest management ICT system to manage the ongoing operations under the Urban Forest Act 2023 to protect and grow Canberra's urban forest; support for the consolidation of parking and traffic enforcement camera network contracts to enhance road safety outcomes and ensure that the technology on ACT roads is fit for purpose and provides value for money; and support for the streamlining of the submission of medical fitness-to-drive assessments, which supports Vision Zero and removes multi-step manual processes and daunting administrative burdens for Canberrans.

The budget review also includes further work to support Vision Zero through improvements to a number of roads and cycleways across the ACT, a review and update of the ACT Road Safety Camera Strategy, and an evaluation of the ACT road safety camera program. The government will continue to improve Canberra's bus network by progressing the construction of the new Woden bus depot and works to enable safe access into and out of it. We have been making record investments in walking and cycling infrastructure in recent years.

Last year's budget saw an investment of more than \$29½ million to support active travel. The budget review invests an additional \$4 million in funding for active travel infrastructure as part of a fifty-fifty funding agreement with the Australian government under the commonwealth's Road Safety Program. It brings total active travel spending across the budget and forward estimates on active travel to over \$94 million. This new funding in the budget review supports the delivery of the new Kingston cycleway and improvements to the City to Woden C4 and City to Belconnen C3 cycle routes, including new raised crossings and lighting and new raised crossings on New South Wales Crescent near Telopea Park and across Bowman Street in Jamison.

In supporting our hardworking team members who undertake various essential functions to keep our city running effectively, this budget review continues support for the insourcing of non-government employees to secure public service positions which provide them with enhanced job security and strengthen our internal capabilities.

In supporting some of the more vulnerable members of our community, the budget

review delivers additional funding this financial year to meet the increased demand for the Victims of Crime Financial Assistance Scheme, which aids the recovery of Canberrans harmed by crime, and ensures the scheme is able to make timely payments to eligible victims.

For businesses, through this budget review the ACT government has brought in a range of liquor licensing reforms to enhance Canberra's night-time economy, since 1 January this year, including extended trading hours and reduced annual fees for Canberra's cafes and restaurants. These tangible reforms deliver on the ACT government's vision for a safe, accessible and vibrant night-time economy in Canberra. I look forward to bringing a second tranche of reforms through legislative change imminently.

Through the 2023-24 ACT budget review, the ACT government has provided funding to continue to deliver high-quality services that meet the needs of the growing population and to provide those better services for Canberrans.

I want to take the opportunity to show my appreciation for the many teams across ACT government directorates and bodies whose hard work behind the scenes enables the delivery of these key investments for the ACT and residents, and also for the hard work of the many public servants who help prepare budget review business cases at what is already a very busy time of year, usually heading to Christmas time, helping us provide the best cases to put our best foot forward. Then of course there is the very hard work of the Treasury, the Treasurer, the Treasurer's advisers and the teams within our directorates who provide us with further advice and talking points to make the best arguments in ERC. I also thank the ERC members, and especially the team in my office who keep me sane throughout the process.

I commend the Appropriation Bill to the Assembly.

**MR BRADDOCK** (Yerrabi) (11.51): I wish to reflect for a moment on recommendation 2 of the Standing Committee on Public Accounts and the government's response to the recommendations which were circulated yesterday. This relates to the Australian Bureau of Statistics estimates of net interstate migration, which impact the allocation of GST revenues to states and territories and have historically resulted in the ACT receiving less than it should from the commonwealth.

Having done a bit of research on this topic since this report was produced, I feel that it is worth acknowledging the work that the ABS has been doing to improve its estimates of net interstate migration. To somewhat oversimplify the explanation, net interstate migration is currently estimated between each census using Medicare registration data as an indicator series, together with supplementary data provided by the Department of Defence, where people instead access Defence health services. This indicator series is then scaled to ensure it aligns with the estimated gross population for each state and territory at each census.

For years beyond the most recent census, the APS will then apply an expansion factor for the age group of 16 to 35, which are known to update their Medicare registrations late after moving between jurisdictions. Expansion factors are updated every five years using information from the previous two census years. That is the most recent

concrete information that compares Medicare reporting to the census reality and allows identification of under-reporting.

The ABS published an update on their expansion factors in June last year. The ACT's expansion factors for 2021 to 2026 are all higher than they were for 2016 to 2021 as a result of this new information. While it is indeed correct that more accurate estimates of interstate migration could be produced using additional datasets, and I am glad that the ACT government is pushing for this, I do not want to suggest that the ABS has done nothing. Our estimates of migration between census years will still be better than in the absence of those five-yearly updates.

I want to acknowledge that the demands we like to place on the ABS can be quite significant. The list of potential updates they could make to their statistical methods is very long. I have drawn advice from a few former ABS employees that the work done to achieve updates is frequently underfunded and reliant upon the productivity and the goodwill of hardworking ABS staff. Such innovation often gets applauded internally but unrewarded by government.

The ABS, as a commonwealth agency, is a shadow of its former self. Its commitment to being independent has, on numerous occasions, put it at odds with responsible ministers. It was no accident that the commonwealth set up the Office of the National Data Commissioner inside the Department of Finance rather than the ABS, despite the ABS having the most specialist expertise and data collection management systems. I have heard that large parts of the public sector unreasonably treat the ABS as an organisation to which data goes in and does not come out. People claim that the confidentiality rules the ABS has to abide by are so strict that it is not possible to work productively with it, yet it is a fact that getting productive work out of any agency, including the ABS, is actually a question of prioritisation and resources—basically the role of government budgets.

It is worth reminding people that the commonwealth minister currently responsible for the ABS is the ACT's own Dr Andrew Leigh, in his capacity as Assistant Minister for Competition, Charities and Treasury, and one of the central commonwealth budget decision-makers right now is the former ACT Chief Minister, Katy Gallagher, in her capacity as finance minister. Never has the ACT Labor Party been in a more capable position to exercise responsibilities for the national economic policy. Never has ACT Labor been in a better position to resource and empower the resources of the ABS. Never has ACT Labor been in a better position to make sure that the ABS models that need developing and updating are resourced so that they are able to do so. But are they actually utilising those capabilities to ensure more equitable outcomes? I would like to see that happen sooner rather than later.

I go back to a point that Mr Cain was making about the Standing Committee on Public Accounts report on the Appropriations Bill, as I am of the view that he has misrepresented the committee's recommendations. Yes, they do include a number of recommendations seeking to clearly report on the uniform presentation framework, alongside the net operating balance figures. It does not seek to replace the current reporting framework with the UPF. I just seek to clarify that.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood

Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.55): This budget review includes a number of great initiatives that I will take the opportunity to speak to today. To begin, it is exciting to be able to support our Canberran athletes this year through the government's contribution to the Australian Olympic Committee and Paralympics Australia, and directly to athletes ahead of this year's Paris Olympics. The government is contributing \$100,000 to Paralympics Australia, \$100,000 to the Australian Olympic Committee and \$100,000 in direct financial grants and in-kind ACTAS support to help Canberran athletes compete. Good luck to the Australian team and the Canberran athletes on the team!

The Understanding Building and Construction Pilot Program provides curriculum-based learning in schools and work experience opportunities through partnership with industry. This program develops the pipeline of construction industry workers and addresses the low female participation rate in the construction industry. The program comprises a year 8 program, Introduction to the Building and Construction Industry, and a years 9 and 10 elective, Women in Construction. Since the program was first piloted in 2022, almost 1,900 students have participated in the program across five ACT public high schools.

The program continues to receive overwhelming support and positive responses from students, teachers, parents and the construction industry. This is why we have committed \$313,000 over two years to continue delivering this program in five ACT public high schools. In 2024, so far 84 female and gender-diverse students are participating in the years 9 and 10 Women in Construction elective.

Madam Speaker, as you know, the ACT was the first jurisdiction in Australia to legislate making free period products available through the Period Products and Facilities (Access) Act 2023, which was passed on 7 June 2023 and came into force on 23 December. We have committed \$2.6 million for stage 1 of implementing this legislation. Period products are already available free of charge at designated accessible places across the ACT, such as public schools, child and family centres and the Child Development Service.

This midyear budget review also includes initiatives to help address some of the rent and housing issues facing Canberrans. Two new build-to-rent complexes have been funded out of the \$60 million Affordable Housing Project Fund. Last Friday we announced one of them: a 54-dwelling development to be built and managed by Marymead CatholicCare in Curtin. In February CHC Australia and the Canberra Southern Cross Club were awarded government support to build 70 affordable rental homes as part of the new 140-unit build-to-rent development in Phillip, which is also funded through this midyear budget review. Additionally, this budget continues funding processes for more detailed design work for MyHome. Implementation of the Social Housing Accelerator fund projects also continues apace, with around 60 new public housing properties to be delivered before June 2028, and there is funding in this budget to facilitate the work.

Finally, in education, this budget review is investing \$26 million to improve conditions and career pathways for learning assistants. This is an important

investment in career opportunities for our excellent learning support assistants and to provide them with more pay for the often challenging and important work they do in supporting our children. Not only is this fair and good for current learning support assistants but improving conditions for our education workforce also helps to make the ACT a more competitive jurisdiction for attracting workers and encourages more people to become learning support assistants.

The government is also investing in enhancing inclusive education for students with a disability. This \$900,000 initiative will support school leaders in progressing cultural change, improved communication, a student voice forum and a review of allied health supports. This funding helps to begin delivering on the Inclusive Education: A Disability Inclusion Strategy for ACT Public Schools 2024-2034 and First Action Plan. There is no one-size-fits-all approach to education for students living with a disability. The ACT government is committed to providing support for whatever choices are made, whether they enrol in a specialised education setting or get support at a local ACT public school.

I commend this budget review to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (12.00), in reply: I thank colleagues for their contributions to the debate. It further confirms the various political parties' fiscal policy positions in the lead-up to the October election. I thank Mr Cain for putting formally on the public record the Liberal Party's opposition to the delivery of additional public housing dwellings and further investment in more affordable rental housing; confirmation that the Liberal Party will vote against more funding for frontline paramedics through the continued investment in the PACER program that is contained within this second appropriation; and that they will be voting against investment in major infrastructure in the territory, including the critical services building at Canberra Hospital, the new CIT campus at Woden, and the further extension of the light rail project, to list but a few.

How you vote on appropriation bills is a matter of quite significant public interest. The Canberra Liberals have confirmed that they are now voting against the pay rises for every single ACT public servant—

**Mr Cain:** Against you as Treasurer, Chief Minister—voting against you.

**MR BARR:** whose pay rises are supported in this second appropriation. By voting no, the opposition are being very clear about where they stand on investment in public services and investment in public infrastructure. But this is, of course, very consistent with their ideological position, with the position of the Liberal Party in Canberra over the last three decades and, indeed, with the Liberal Party's position in state, territory and federal government. They do not support a fundamental role for government in making our society better. They believe in smaller government. And, to the extent that they are being consistent with their right-wing—

**Mr Cain:** We support the government, Treasurer.

**MADAM SPEAKER:** Mr Cain, you were heard in silence, so please afford that to

the Chief Minister.

**MR BARR:** To the extent that they are being consistent with their hard right-wing ideology, we are seeing that in this debate and, indeed, in how they have stated they will vote against pay rises for ACT public sector workers, against investment in public housing, against investment in public education—we have just heard from the Deputy Chief Minister about the good and positive initiatives contained within the appropriation bills—against investment in local government services, and against investment in important infrastructure projects.

It is opposition for opposition's sake from the Canberra Liberals—the same approach they have taken throughout this century. There is more negativity and personal attacks on me—that being the sole focus of their contribution. They have nothing positive to contribute about the important infrastructure and services that our growing city needs. That is what you see, that is the contrast in approach, and that is certainly going to play out over the next six months as we head into the formal election period.

The positions are now pretty firmly set. The Canberra Liberals are in their far right-wing trench, firing shots at me. That is largely their election strategy. They have nothing positive to say about the future of our city and they are voting against a whole series of important investments in our community's future. The people of Canberra see that. They are used to it. It is what the Canberra Liberals have dished up year after year throughout this century. There was more of the same hard right-wing ideology on display again this morning, voiced this time by Mr Cain, the assistant shadow treasurer. As we look towards the election, Canberrans will have a choice between a government that will invest in them and their future or an opposition that will cut, slash and burn. That is the vision outlined by the assistant shadow treasurer this morning.

We will be voting in favour of this Appropriation Bill. We will be voting in favour of Canberra's public sector workers, who are delivering fantastic services for our community, and we will be voting in favour of Canberrans and their future. That is what this second Appropriation Bill invests in. It is a good bill that supports Canberrans and supports our city's future economic and social prosperity. I commend the Appropriation Bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 13

Noes 6

Andrew Barr	Laura Nuttall
Yvette Berry	Suzanne Orr
Andrew Braddock	Michael Pettersson
Joy Burch	Shane Rattenbury
Tara Cheyne	Rachel Stephen-Smith
Jo Clay	Rebecca Vassarotti
Emma Davidson	

Peter Cain
Leanne Castley
Jeremy Hanson
Elizabeth Kikkert
Nicole Lawder
Mark Parton

Question resolved in the affirmative

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Appropriation (Office of the Legislative Assembly) Bill 2023-2024 (No 2)**

Debate resumed from 8 February 2024 on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (12.10): The Canberra Liberals will be supporting this bill. It is my delight, on behalf of the shadow treasurer and the leader of the Canberra Liberals, Elizabeth Lee MLA, to take this chance to acknowledge all the hard work that Assembly staff undertake every day to assist MLAs and their offices. Our jobs in the Assembly would be much harder without the help of all the staff in this building, and we thank them for their service.

On behalf of the Canberra Liberals leader, I would like to give a special thanks to everyone who has assisted her office and her colleagues from the Clerk's office, Chamber Support, Hansard, Committee Support, the Assembly Library team, human resources, finance, IT and all the amazing and friendly building security and services team. Again, Madam Speaker, the Canberra Liberals support this bill and appropriations for the Assembly and thank them for the work they provide to ensure the territory continues to have effective support and governance.

**MR BRADDOCK** (Yerrabi) (12.11): The ACT Greens will also be supporting this bill because we believe that the good public servants who work within the Office of Legislative Assembly are just as deserving of a pay rise, as all ACT government public servants are. So we will be supporting the bill.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (12.11), in reply: I welcome everyone's support for this legislation. I wonder what the rest of the ACT public sector has done to offend the Canberra Liberals that they cannot vote for their pay rise, but they will vote for this one! Quite an extraordinary proposition!

I say to every single ACT public sector worker, whether you work for the Office of the Legislative Assembly or you work across any of the other ACT government directorates, that the government supports your pay rise. It is not going to be selective about which bills we will vote for and vote against in an attempt to score cheap political points, which is what we saw in the vote on the previous appropriation bill.

Madam Speaker, contained within this bill are the outcomes of the enterprise bargaining agreements and it reflects the arrangements and entitlements that were

agreed as part of that process. We are supportive of this, as we were of the previous appropriation bill, so that everyone in the ACT public sector gets a pay rise, not the selective positioning that we have just heard from the Canberra Liberals. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.13 to 2.00 pm.**

### **Members—leave of absence**

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

That leave of absence be granted to Ms Lee for this sitting due to personal reasons.

### **Crimes (Sentencing) Amendment Bill 2024**

**Dr Paterson**, pursuant to notice, presented the bill, its explanatory statement and a climate impact analysis of the bill.

Title read by Clerk.

**DR PATERSON** (Murrumbidgee) (2.46): I move:

That this bill be agreed to in principle.

Today I rise to present to the Assembly the Crimes (Sentencing) Amendment Bill 2024. The purpose of this bill is simple: to allow sentencing submissions to be made by all parties to a criminal proceeding. This bill inserts a new clause into section 34 of the Crimes (Sentencing) Act 2005 which states:

In deciding how an offender should be sentenced (if at all) for an offence, a court may consider a submission made by a party to the proceeding stating the sentence, or range of sentences, the party considers appropriate for the court to impose.

The sentence will still remain a decision entirely at the judges' discretion; however, this is an opportunity for the prosecution and defence both, if they choose, to provide advice on sentencing, contributing to greater transparency and more robust sentencing decisions.

This legislation is intended to override the decision of the High Court of Australia in the case of *Barbaro v The Queen* 2014. The *Barbaro* High Court decision originated



as a drug trafficking case in the Victorian Supreme Court. A plea deal was negotiated, and a guilty plea was entered on the basis that the prosecution would seek a sentence less than life imprisonment. The judge in the case rejected the prosecution's attempts to provide the advice and proceeded to sentence Mr Barbaro to life.

The problem then arose that if Mr Barbaro knew that the judge would not receive the prosecution's advice, he would not have entered a plea of guilty. Upon appeal to the High Court, the plurality of the High Court conceptualised a prosecutor's submission on available sentencing range as neither a point of fact nor law, and therefore no more than an expression of opinion. The plurality of the court reasoned that a sentencing court should not take it into account. This set a legal precedent that has now existed for 10 years.

This issue first came to my attention as a recommendation of the sexual assault prevention and response report. The report stated:

Limiting such submissions has been criticised as potentially leading to an unnecessary increase in appeals based on manifestly inadequate or excessive sentences. Protracted appeals may continue to traumatise victim survivors and do not provide closure.

The ACT government noted in its response to the report that it did not see that there was evidence in sexual assault sentences to suggest that this was a problem but would reconsider if further advice arose.

Prosecutors have long warned of an increase in the number of appeals to higher courts on grounds of manifest inadequacy since Barbaro. Data around appeals from the DPP suggests this in fact is what has occurred. In the 2021-22 *Office of the Director of Public Prosecutions Annual Report*, they reported a record number of appeals, including four appeals to the High Court. In the most recent reporting period, the DPP appealed 11 cases on grounds of inadequacy of sentence.

Over the last couple of years, there has been significant community concern raised around the lack of transparency in sentencing decisions, and the general public perception that sentencing decisions are inadequate. In April 2023, I released a discussion paper on the topic of sentencing submissions to garner perspectives from the legal sector and the community regarding the proposed changes. ACTCOSS, the Victims of Crime Commissioner, the DPP, AFPA, ACT Now for Safer Roads, Women's Legal Centre, DVCS, the Justice Reform Initiative and ACT Policing all voiced their support for such an amendment. I also spoke to individual victims of crime who were in support of this change.

In the submission made to my consultation, the DPP spoke to the case of R v Gordon in the ACT Court of Appeal, where Barbaro was tested. In Gordon, the case conceptualised Barbaro as:

... a judicial confinement of the common law duty on the prosecution to assist the court...

In his judgement, Justice Gageler referred to R v MacNeil-Brown of the Court of

Appeal of the Victorian Supreme Court. A majority found that it is:

...correct to hold that the prosecution duty to assist a sentencing court to avoid appealable error requires the prosecutor to make a submission on sentencing range...If a sentencing court can be told after the event on an appeal by the prosecution that the sentence it has imposed is outside the available range for reasons articulated after the event by an appellate court which may or may not "admit of lengthy exposition", the same sentencing court should in principle be able to expect to be assisted before the event by a prosecution submission as to the available range supported by such exposition of the reasons for that range as might at that time seem both possible and appropriate.

ACTCOSS referred to the positive impact this change can have on victim-survivors. They stated: "Providing a balanced opportunity for both parties to make a 'sentencing submission' may offer victim-survivors with an increased sense of empowerment and engagement in decision-making."

This is a position shared by the Victims of Crime Commissioner who also holds that allowing sentencing submissions will lessen the impact through protracted appeals on victim-survivors. The benefit to victim-survivors from this amendment was also spoken to by Tom McLuckie from ACT now for safer roads, where they note the current system is not victim-friendly, and victim-survivors often do not have a voice in court environments. Finally, both the AFPA and ACT Policing made note of sentencing not meeting community expectations for some offences. They both held that this could be overcome with such a change to the law.

Of course, there are people who had expressed other views on the other side of the debate too. Legal Aid, two individual defence lawyers and the Aboriginal Legal Service all put in submissions against the change. Legal Aid, for example, argued that "Allowing the prosecution to nominate a specific term or range of imprisonment would be an interference in judicial functions." The two defence lawyers contended that the proposed changes would not result in any meaningful changes to court practices in the ACT. In the submission from the Aboriginal Legal Service, they stated concern that submission on range from the prosecution may draw the court into a mathematic sentencing exercise.

I respect all these opinions, but on balance, I am of the view that we need a balanced legal system, and that this change can go some way to relieving some of the trauma faced by victim-survivors, but also by defendants of cases that may experience appeals.

This bill also means the ACT will be the second jurisdiction in Australia, with Queensland being the first, to legislate for this equal right of expression for both defence and prosecution to criminal proceedings, that is, overturning the High Court's decision. Since Queensland legislated their reversal of *Barbaro*, I also sought the advice of the Queensland Attorney-General and Queensland DPP on this. The response I received was that there were no reported negative outcomes from the bill; it was returning the courts to a practice that had long been practised and the sentence will always remain entirely the judges' discretion. This bill does not change that. However, I do think it addresses the issue of potentially unbalanced sentencing practice.

I see this as a great opportunity for all parties in court proceedings to provide evidence to the judge where the judge can then proceed to make sentencing decisions with greater transparency and more robust articulation of why those sentences are appropriate.

I am passionate about reforming our criminal justice system to ensure we strive for best-practice and evidence-based policies and laws. This bill will go some way to improve transparency and balance in our courts around sentencing, and I commend the bill to the Assembly.

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

## **Ministerial arrangements**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (2.01): I confirm that the ministerial responsibilities for the absent ministers in question time remain the same today as they were yesterday—and will also be for tomorrow, provided everyone is here.

## **Questions without notice**

### **Light rail—economic analysis**

**MR PARTON:** My question is to the Chief Minister.

Chief Minister, in media today it was reported that you said it was unfair to characterise the cost of the tram to Commonwealth Park to be \$1.46 billion, saying it includes costs to support the continued delivery of the entire network. However, in Minister Steel's response to the PAC inquiry into the Auditor-General's report on stage 2A economic analysis, he said the project costs include early works; track; structures; depot and roads; light rail vehicles; power systems infrastructure; operating and maintenance costs; salaries and wages; depot and stabling costs; electricity supply; special events costs; operator mobilisation costs; maintenance costs; lifecycle costs; and development costs for road and services connections. Chief Minister, why do you continue to mislead Canberrans about the true cost of stage 2A, when your own minister has confirmed that these costs are included?

**MR BARR:** The premise of the question is wrong. Mr Parton was called out by the Public Transport Association for seeking to massively inflate costs associated with capital versus recurrent operations and maintenance over the duration of the service concession that is the stage 1 PPP that is augmented by stage 2A. So you are attempting to bring together operations and maintenance costs and a range of factors in an attempt to create the highest possible number to create a scare campaign.

*Mr Parton interjecting—*

**MR BARR:** Of course, any capital project that is then operated will have operating costs. A bus rapid transit model would have capital costs and operating costs. I note

that you do not seek to do this on any other project. It is just another blatant attempt by the Canberra Liberals to attack light rail—same old, same old.

**Mr Pettersson:** I rise on a point of order, Madam Speaker. Mr Parton, in his question, accused the Chief Minister of misleading the people of Canberra. I ask that you ask Mr Parton to withdraw.

**MADAM SPEAKER:** Even though it was unflattering, I think it is not unparliamentary. There have been broader comments about misleading the public. It is about misleading people in the chamber that is the truly offensive matter, Mr Pettersson.

**MR PARTON:** Chief Minister, was Minister Steel trying to create the biggest possible number when he included in his response to that committee inquiry all of the same things that we included in our cost assessment?

**MR BARR:** Minister Steel was very clear about the different components. He was not seeking to mislead the committee to suggest that the capital cost of the project—or indeed other elements of the cost of the project—were to the extent that Mr Parton is attempting to scare the community with the figures he is putting out. Mr Steel was also very clear that stage 2A adds on to stage 1. It is not a project in isolation. It is not 1.7 kilometres of light rail connected to nothing else; it is connected to stage 1. The additional light rail vehicles that will operate will operate across the whole length of the network and will allow more people to utilise public transport.

*Mr Parton interjecting—*

**MS CASTLEY:** Chief Minister, who is wrong—you or Minister Steel?

**MR BARR:** It is always a problem when the second supplementary is so pre-prepared and so blatantly political and so obvious. What a stupid question, Ms Castley!

**Ms Lawder:** As you would recall, Madam Speaker, the answers to questions should follow the same rules as the questions themselves and not have inferences and imputations about the member asking the question.

**MADAM SPEAKER:** Do you have anything to add, Mr Barr?

**MR BARR:** No. I have completed my answer.

### **Light rail—economic analysis**

**MR PARTON:** My question is to the Chief Minister. Chief Minister, the ACT Auditor-General's report from September 2021 on the economic analysis of light rail stage 2A found that, in relation to the costs of retrofitting the existing light rail to enable wire-free technology—and I quote:

... they were not included in the Light Rail Stage 2a cost estimate. Explicitly identifying these costs would have provided greater accuracy and transparency in the economic appraisal and Cost Benefit Analysis for Light Rail Stage 2a.

Chief Minister, why were these costs not included in the cost-benefit analysis for 2A, given it would have provided greater accuracy and transparency?

**MR BARR:** If my dates are correct, at the time that was not a requirement. The National Capital Authority later made it a requirement. Of course, the commonwealth has now contributed to more than cover the costs there.

**MR PARTON:** Chief Minister, did you include the cost of retrofitting the existing light rail to enable wire-free technology in your business case to the federal government when seeking a fifty-fifty contribution?

**MR BARR:** I think those facts would have been publicly known by that point, yes. The commonwealth, of course, have provided the funding.

**Mr Cain:** Did you notify them? Did you tell the commonwealth?

**MR BARR:** It was their decision; we did not need to tell them anything.

**DR PATERSON:** Chief Minister, is it unfair—the way that the Canberra Liberals characterise light rail costs to scare the Canberra community?

**MR BARR:** It is, but it is standard practice and what we have come to expect from the Canberra Liberals, who, perhaps depending on where they are in their backflipping in relation to light rail—

**Mr Parton:** I thought we had the same position all the way through?

**MR BARR:** You're the one contesting that in some elections you oppose it and in some elections you support it. We think you always oppose it and have never supported it.

**Mr Hanson:** Yes, I did. I did always oppose it; you're right!

**MADAM SPEAKER:** Members. Mr Barr, no encouragement.

**MR BARR:** Indeed, sorry. The interjection from the man in exile says it all!

### **Light rail—economic analysis**

**MR PARTON:** Madam Speaker, my question is to the Chief Minister. Chief Minister, a *Canberra Times* article published in June 2018 suggested that the second stage of light rail would cost between \$1.3 billion and \$1.6 billion, according to your government, and that light rail could be running by 2023-24. Your latest estimate of the time line for stage 2B is 2033, almost a decade longer than you initially said, and the cost for stage 2A alone is now revealed to be \$1.46 billion. Chief Minister, how did you get both the costings and the time line so wrong?

**MR BARR:** Firstly, I reject the premise of the question. The figures that Mr Parton has used are clearly not comparing construction costs with construction costs.

Mr Parton's number includes all of the operations and maintenance costs over the duration of the service extension. The other obvious point to make is that the government split the project, reflecting the fact that the approvals process for the second stage was far more complicated than the approvals process for stage 2A. Another factor that has obviously contributed to delay in the construction project was the global pandemic.

**MR PARTON:** Chief Minister, why should Canberrans now trust your time line for construction being complete by 2033 when your previous estimate was so dramatically wrong?

**MR BARR:** Canberrans can trust that the government will deliver the project, because we have delivered stage 1 and we are getting on with delivering stage 2A. They can also be certain, it seems, that a Canberra Liberals regime would not do anything.

**Mr Parton:** Absolutely.

**MR BARR:** So if you want light rail, if you want the network to extend, re-elect the government.

**MS CASTLEY:** Chief Minister, can you at least confirm for Canberrans whether your estimates show that the cost of stage 2B will be more than \$5 billion?

**MR BARR:** That is a hypothetical.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR BARR:** I reject the premise of the question outright.

### **Housing—Affordable Home Purchase Scheme**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development.

*Ms Berry interjecting—*

**MR PARTON:** Minister, last week in the media it was revealed that there have been significant building delays for Canberrans participating in your government's affordable housing scheme. A year ago, I raised this same issue with you regarding major building delays in Whitlam. In your response to a question on notice, you failed to give a meaningful answer and to provide any certainty to the Canberrans who your government enticed into a scheme with promises of the dream of home ownership, which has ended up being a nightmare for many. Minister, how many of the so-called affordable housing and land packages have actually been completed with buyers moving in, and how many are still hanging in the balance?

**MS BERRY:** I will take the specifics of the question on notice, with regard to actual

numbers. But I will say that Mr Parton is well aware that there have been a number of constraints on the construction industry that have been beyond the control of the ACT government, including a global health pandemic and including a war overseas which is also not our responsibility, affecting where we get supplies in this country to build homes and to do building and construction more generally. We also have a workforce crisis that the ACT government is working towards addressing, which I referred to in developing a pipeline for workers in construction who are women.

I think Mr Parton is well aware of the issues in the industry. I understand the frustration of people who are entering into the affordable home ownership program. Unfortunately the relationship between the Suburban Land Agency, the construction company and the buyer ends once the buyer and the construction company sign up to the development of the land.

As I said, I understand the frustrations, but some of the issues that construction companies are facing are beyond the control of the ACT government. I will always advocate on behalf of individuals who are facing difficulties in that respect. However, with regard to interfering in a contract that has been made between an individual and a contractor, it is very difficult for the ACT government to have any other leverage.

**MR PARTON:** Minister, how many successful ballot winners have forfeited their deposit and have had to break their contract as a result of these lengthy delays?

**MS BERRY:** I will have to take that question on notice as well.

**MR CAIN:** Minister, what support has been given to buyers who, after years of waiting, find themselves in financial distress due to this debacle by your government?

**MS BERRY:** If there are individuals in the community who are experiencing financial hardship, then the ACT government has a number of programs in place, as well as support services across the ACT community, to support those individuals. I suggest that, rather than raising it here as a general question when Mr Cain is contacted by constituents who are facing financial difficulty, he puts them in touch with either me, the Chief Minister or any other MLA in the government to support them to be able to live a happy and fulfilled life.

### **Economy—performance**

**DR PATERSON:** My question is to the Treasurer. Treasurer, can you please update the Assembly on the latest national accounts data release by the ABS?

**MR BARR:** I thank Dr Paterson for the question. I can confirm that the Australian national accounts data showed that for the December quarter the ACT had the second-highest state final demand growth in the nation. This builds on having the strongest growth of all states and territories in the fiscal year 2022-23, where the territory's real gross state product increased by 4.3 per cent and state final demand rose by 3.5 per cent.

It is not just one quarter, though, or one year: it is an entire decade of nation-leading economic growth. The ACT has led every other state and territory—and gapped them

at sometimes double the rate of growth of some of the other states and territories. It has done so over a decade. In fact, since the June quarter of 2015, the ACT is the only jurisdiction in Australia where annual state final demand has shown continuous growth.

This is not just growth in totality; it is economic growth on a per capita basis as well. Our per capita SFD continues to improve, which, in the context of the nation's fastest-growing population, shows our economy is growing faster than our population, and per capita GSP and SFD is growing year on year, and has done consistently faster than anywhere else in Australia for a decade now.

**DR PATERSON:** Treasurer, what are the factors that have led to the level of sustained economic growth in the ACT?

**MR BARR:** There has been a range of factors: national leading growth that I have just mentioned; significant expansion of our service export sector; very strong household consumption; and growth in private and public investment. Public investment will continue to be an important foundation of the ACT economy over coming decades; however, we are pleased to observe increases, as we saw in the national accounts in the December quarter, where private gross fixed capital formation increased by 15.3 per cent in the second quarter, driven by a 56 per cent rise in non-dwelling construction and a 35.1 per cent rise in machinery and equipment investment in the territory.

**MR PETTERSSON:** Treasurer, can you please outline the role of the ACT government in supporting growth industries into the future?

**MR BARR:** I thank Mr Pettersson for the supplementary. The government has and will continue to support growth industries in the territory, including space, cybersecurity, renewables, advanced technology, international education and tourism. Two of the most significant growth industries over the past decade embody increasing diversification in our service exports, particularly in the education and tourism sectors.

Travel exports in the ACT, which include business and personal travel, grew by 65 per cent over the decade from \$786 million in fiscal year 2012-13 to \$1.3 billion in 2022-23. Most of this growth came from in-bound tourism, which grew from \$736 million to \$1.26 billion—a growth of 71 per cent over the decade.

International students also provided significant impetus to our service export growth and to our population growth. Each year, Canberra's tertiary education institutions enrol over 60,000 students—in a population of about 475,000, 60,000 students. The majority of these are from interstate or overseas. There are students from more than a hundred countries studying in our city. It is our single biggest international export industry, and, outside of the public sector, one of the fastest-growing areas of employment and economic activity—one of the leaders in private sector economic growth. It is an area of our economy that has great capacity for future growth, and the government intends to support that.

## **Housing—Affordable Home Purchase Scheme**



**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, a number of participants in the government's Affordable Home Purchase Scheme have been left in limbo despite promises from your government that their homes would now be built. The SLA email to buyers at the start of the process states "construction will commence." It does not say it might commence. It says it will commence; at whatever date it was. In the instance of Casey Westcombe, it was by 2022. It turns out the contract between the builder and the SLA gives the builder a four-year grace period and that is not communicated to buyers. A number of these buyers are stuck in financial distress and limbo for years as they wait for their property to be built. Why is the four-year grace period not communicated clearly to buyers?

**MS BERRY:** I would suggest that the SLA, in selling affordable land for purchasers, does encourage buyers to get legal advice, and one would assume that legal advice would include advice around the time frames included in the build time on the land that the individual has purchased. I will take some of that question on notice and see if there is more information I can provide, but I would suggest that in the first instance when the Suburban Land Agency does sell that land—purchasing land and building homes can be quite complex—people should get legal advice on what the requirements are and what the timeframes are.

**MR PARTON:** Minister, why have you not been responding to buyers' emails on this issue? I guess when I say you, I mean you and your office.

**MS BERRY:** I will respond to people who get in touch with my office. It might not be immediately, on the same day, or even the same week that a person emails my office, because I do need to get advice about their particular circumstances so I can provide a fulsome response, but I do respond to any emails that come to my office with the appropriate advice.

**MR CAIN:** Minister, will you apologise to those people who are facing financial hardship due to your government's mishandling of this scheme?

**MS BERRY:** First of all I reject that the ACT government is mishandling the scheme. It is providing opportunities for individual's to get into homes and buy land that is more affordable. I understand the frustration of individual's who have entered into a contract with a contractor and that contractor has not delivered. I can definitely empathise with individuals in those circumstances. I would encourage Mr Parton and Mr Cain, should they have individuals or constituents that have contacted them, to please get in touch with my office so that I can—

**Mr Parton:** They have, that is why they came to me.

**MS BERRY:** Well, if there are others, I would suggest you put them in touch with my office as well and I will make appropriate investigations into their individual circumstances. But if I have more than one—there is only one I am aware of—if there is more than that, can you please put them in touch so I can investigate.

### **Government—land release**

**MS CLAY:** My question is to Minister for Housing and Suburban Development. Minister, as part of the 2023-24 budget you announced that there would be a total of 16,935 dwellings released over five financial years. Last month you announced that \$50 million was being injected into the Suburban Land Agency to help accelerate the supply of land and deliver more land. How will the SLA use this money to accelerate the supply of land?

**MS BERRY:** I thank Ms Clay for the question. The funding injection which was provided in the mid-year budget is part of the government's plan to enable the SLA to do what they do best, and that is to develop land for release for new homes. The one-off capital injection is part of a bigger project to improve the SLA's capital structure. This project has been in the works for the last 18 months and is designed to put the SLA in a better position to respond to the risks and opportunities as they arrive, whilst maintaining prudent liquidity arrangements.

**MS CLAY:** How many public housing homes and community homes have been delivered through the land release program over the last five years?

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

**MISS NUTTALL:** When will this accelerated land be made available for sale to the public?

**MS BERRY:** When the Suburban Land Agency has the land developed for sale.

### **Housing ACT—maintenance**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. The minister for housing and homelessness, your Greens colleague Rebecca Vassarotti, said recently, on 26 February, that “maintenance work on public housing should be completed by government workers because contracting the work out has wasted taxpayers' money and eroded working conditions”. Minister, do you agree with your cabinet colleague?

**MS BERRY:** I am pleased to hear of the interest of the Canberra Liberals, and particularly Mark Parton, in the Total Facilities Management contract and maintenance of our public housing properties. I am also pleased that I have the support of our Greens colleagues in the ACT government to consider what we can do to insource the Total Facilities Management contract. However, those are investigations that the government will continue to make. It is the ACT government's policy—

**Mr Parton:** A point of order, Madam Speaker, on relevance. I asked the minister whether she agreed with her cabinet colleague, and I would ask her to be relevant.

**MADAM SPEAKER:** Mr Parton, you know that I cannot direct the minister to give you that type of answer. Minister, you have more time left.

**Ms Berry:** I think I have answered.

**MR PARTON:** Minister, why has it taken so long for a comprehensive review of the maintenance management to occur?

**MS BERRY:** The Total Facilities Management contract is continually reviewed to ensure that the contract actually applies and complies with the KPIs that the ACT government has set in the contract. Obviously, this is the largest contract that the ACT government has. The ACT government and the ACT Labor Party have a policy that we will insource where we can, where jobs can be done by the ACT government. I am pleased that the ACT government is implementing Labor Party policy, that the Greens political party supports Labor policy, and that perhaps the Liberal Party does as well.

**MR CAIN:** Minister, why is the ACT government consistently the worst landlord in the ACT?

**MS BERRY:** I completely reject that question.

### **Economy—employment**

**MR PETTERSSON:** My question is to the Treasurer. Treasurer, can you please update the Assembly on the current state of the employment market, following the latest labour force figures?

**MR BARR:** I thank Mr Pettersson for the question. I can advise the Assembly that the latest job vacancies data shows that there are 8,600 vacant jobs in the territory. That is data from towards the end of last year. That is about 30 per cent more job vacancies than there were in February 2020, pre pandemic. The labour market of the territory is one of the strongest in the country. Over the last decade, employment has grown by about 25.5 per cent, or around 54,000 additional jobs. That is an average growth rate of around 2.3 per cent per annum over the period 2014-24.

The latest labour force figures show that the territory has a significantly high participation rate, at 72.1 per cent, as compared to the national participation rate in the labour force, which is at 66.8 per cent. This is a very high level of participation. It reflects the fact that Canberra is indeed a skilled and working city, with a level of participation in the workforce significantly higher than the rest of Australia. To put some perspective on that five percentage point difference, it has taken 36 years for the national participation rate to rise by five percentage points. It used to sit at 61.8 per cent back in July 1988. To rise to 66.8 per cent nationally took 36 years. Here in the ACT, we sit a further five percentage points above that national average, reflecting a highly skilled workforce. *(Time expired.)*

**MR PETTERSSON:** Treasurer, how has the composition of our labour force changed over this period?

**MR BARR:** Back in December 2011, nearly 31 per cent of the workforce was employed by the Australian public service. By December 2021, ten years on from that, that share reduced to 24.2 per cent. Private sector jobs grew by nearly 33 per cent between November 2014 and November 2023. Public sector jobs also grew during that period but by 17.5 per cent. The workforce in our city participates more than

elsewhere in Australia. It is dynamic and it is growing. Some of the growth industries that I touched on in my answers to earlier supplementary questions indicate where that employment growth is occurring.

I reiterate our focus on jobs. We had a 250,000 jobs target for our total employment in the territory. We smashed through that several years ago. We are now on our way towards 300,000 in our territory economy. Those jobs are going to come in areas like cyber security, renewables, advanced technology, education, tourism, the space industry and quantum—a range of really exciting and engaging job opportunities right across our private and public sectors as our economy continues to produce more jobs and we continue to have higher levels of pay in our city than anywhere else in Australia.

**MS ORR:** Treasurer, what does the high participation rate mean for the ACT?

**MR BARR:** I thank Ms Orr for the supplementary question. It reflects that we are a relatively young and highly skilled population, but it also reflects that people vote with their feet and move here. They choose to study and build careers in Canberra. A testament to and a very clear factor in our economic strength has been our very strong rate of population growth. People can choose to live in any number of cities or towns in Australia, and indeed around the world, but people are choosing to live in Canberra. It is an important indicator of success for a city, and particularly in a nation like Australia, where there are very low barriers to internal movement. The ACT had the highest population growth rate across the Australian jurisdictions—all of them—over the decade to June 2023, growing at around two per cent per annum, compared to the national growth rate of 1.4 per cent. In its simplest form, population growth is people voting with their feet, and they are choosing Canberra.

### **Strathnairn—schools**

**MR CAIN:** My question is to the Minister for Education and Youth Affairs. Minister, on 22 September 2020, you shared a post on your Facebook page committing that “a re-elected Labor government will build a new primary school in Strathnairn” and that “construction will begin in the first half of the next term if Labor is elected.” May I remind you that we are now in the final few months of this term and no construction has commenced in Strathnairn, no school has been built there, and there is nowhere for Strathnairn kids to learn in that area. Minister, why did you break this election promise to the people of West Belconnen?

**MS BERRY:** I am pleased to see that Mr Cain has caught up on the news! There has been a delay, which has been communicated to individuals in the Strathnairn community. It is unfortunate that we have this delay. However, there is room for students and young people in Strathnairn in other schools nearby in West Belconnen. A free bus can get them there. We look forward to working with the Strathnairn community to continue to work towards a new primary school in Strathnairn in 2026.

**MR CAIN:** Given that your promise was made leading up to the last election, why should the residents of Strathnairn believe that you are going to guarantee them a school, as you are now promising?

**MS BERRY:** We are delivering on a school in Strathnairn.

**MS LAWDER:** Minister, how many other election promises have you failed to keep?

**MS BERRY:** That is a question that is really—

**Mr Hanson:** Come up with a number. Come on.

**MADAM SPEAKER:** Members!

**MS BERRY:** How many election promises will the Canberra Liberals never deliver because they will never be elected to be able to deliver them?

*Opposition members interjecting—*

**MADAM SPEAKER:** Members! Ms Berry, to the question.

**MS BERRY:** Thank you, Madam Speaker. I am happy to take the Canberra Liberals through every single election commitment that the ACT government has made. I would point them specifically to the Parliamentary and Governing Agreement, which identifies all the election commitments that were made by the ACT government. That is well on track to be delivered.

### **Trees—urban canopy**

**MR BRADDOCK:** My question is for the Minister for City Services. Minister, the ACT Auditor-General's performance audit report on urban tree management identified that the TCCS tree unit resourcing was not sufficient to meet the targets in the Urban Forest Strategy. Did the ACT government evaluate what resourcing would be required in order to achieve the target?

**MS CHEYNE:** There has been a significant increase in the number of resources that we have had in our tree planting team, as well as in our tree assessment team, under the Urban Forest Act. For example, since 2019-20, we have increased the resourcing of tree-related teams and city presentation through several initiatives. That has included the hiring of 65 new temporary and permanent staff across a number of teams. There are also 16 officers covering both inspections and application assessment under the classification of tree protection officers.

In terms of the modelling that is required for the planting of the trees and for the caring of the trees, we have been through a period, over these last few years, of intense planting. I expect in the short term that we will now be moving into a position of consolidation of caring for those juvenile trees. We are in the process, through the budget process, of looking at what resources are needed for this next stage of consolidation.

**MR BRADDOCK:** What mathematical proportion of the 30 per cent tree canopy cover target will the urban tree activities contribute toward?

**MS CHEYNE:** I do not have the maths in front of me. I will take it on notice.

**MS CLAY:** Minister, do queries to Fix My Street that are about trees get automatically referred to the tree unit? If not, could they be?

**MS CHEYNE:** Fix My Street is an interesting—

**Mr Parton:** Beast?

**MS CHEYNE:** beast that I now know more about than I certainly ever did! There are issues with Fix My Street, in some cases, depending on what the work request is and whether the front end of the system easily speaks to the back end of the system. We do have a triage team that has been established to work through Fix My Street requests, and the answer to Ms Clay’s question really does depend on exactly what the nature of the ask is regarding trees—is it tree planting, new trees, removal of trees, responding to the storm damage? Whether it is automatic or not depends, but, largely, the time frame in which it is assigned to a team remains consistent.

### **Education—School Improvement Framework**

**MISS NUTTALL:** My question is to the Minister for Education and Youth Affairs. Minister, the directorate recently launched the new School Improvement Framework, anchored around a data dashboard. What new data points or insights does this dashboard show, which were not previously available?

**MS BERRY:** I thank Ms Nuttall for her interest in the School Improvement Framework. The School Improvement Framework was developed to continue to develop strategic improvement planning and to look at what is going well in our schools and what can be done ever better. Schools will deliver a range of different data and bring it together for use for school communities to deliver on strategic plans within their schools and make sure we can provide even better learning outcomes for our students but importantly for our teachers and school principals to be supported. Initially only school principals will be provided the data, but it is the intention to provide that data to the broader community as the program continues to be developed.

**MISS NUTTALL:** Minister, what measures has the ACT government taken to ensure the implementation of this new system does not create additional administrative work, or place that burden on teachers or school leaders?

**MS BERRY:** Each school already does school improvement activities, so this framework will be about maximising the impact of that work and ensuring our schools work smarter, not harder for their student outcomes. Under this new framework, everything comes back to whether the data and the evidence shows that a positive impact is being made on student outcomes and wellbeing. School leaders will receive support through 2024 with professional learning on the use of data and the new School Improvement Framework. Around 60 school leaders attended the first suite of information and training sessions on 8 February 2024. Schools also have access to a suite of new data dashboards as part of the new framework.

**Ms Lawder:** “I happen to have at my fingertips”!

Madam Speaker, I heard Ms Lawder interjecting about a question, that it might have been a Dorothy Dixier. If Ms Lawder would like answers to her questions that provide this level of detail, I would be very happy for her to provide that to me in the first instance.

**Ms Lawder:** It's called questions without notice for a reason.

**MADAM SPEAKER:** Members, members.

**MR BRADDOCK:** Minister, is there a rough timeframe as to when this data will be made publicly available?

**MS BERRY:** This is for school communities to identify ways that they can do things better within their schools, not so much for the general public. However, we will work with the school communities to ensure these data sets are appropriate for public consumption for individual schools to ensure continued learning and growth.

### **Economy—tourism**

**MS ORR:** My question is to the Minister for Tourism. Chief Minister, the T2030 Tourism Strategy set a target that the ACT's visitor economy will be worth \$4 billion in annual expenditure by 2030. Are we on track to achieve this target?

**MR BARR:** I thank Ms Orr for the question. The short answer is yes. In fact, we are tracking well ahead of that target. We set an interim target of \$3.1 billion by the end of 2025 and we achieved that nearly two years early, with the latest data for the year ending September 2023 showing that the territory welcomed 5.68 million visitors and that they spent \$3.66 billion in our economy. This is another record high, exceeding our previous best result by \$230 million. In short, the tourism industry is booming. It is currently the fastest-growing in the nation. This is both in terms of visitor numbers, which rose 21 per cent through the year, and those visitors' expenditure in our economy, which rose by 34 per cent.

**MS ORR:** Chief Minister, what are the reasons for this strong performance?

**MR BARR:** Simply, Canberra is Australia's most improved city. We have a diverse program of major events. It is easier to get here than ever before. There are now direct flights from 12 cities domestically, and internationally we have connections to Fiji and, starting in the not-too-distant future, to Bali. We will continue our work with the international airlines on connections to New Zealand, Singapore and the Middle East. We saw a 17 per cent increase in friends and relatives visiting their friends and relatives here in Canberra. Many of these, obviously, would be family and friends of the 60,000 students I referred to who are studying in our city. Business travel and business events travel saw the strongest growth across all of the categories—up by 39 per cent in the year to September 2023.

**DR PATERSON:** Chief Minister, what further opportunities are there for growth in our tourism sector?

**MR BARR:** Domestically, we will be targeting the rail and drive market as well as

making it easier for people from further afield to come to Canberra by further improving aviation connections. Internationally, the greatest untapped potential right now is in India and the United States. India has risen to be our second-largest international market, up 21 per cent from pre-COVID levels, and there is great potential for this to grow rapidly over the coming five years. Using Canberra as an initial stop on an Australian itinerary is also a very appealing option to the US market, and we are continuing to work with Fiji Airways on that connectivity over Nandi to ensure that there is a smooth and different gateway into Australia for North American visitors. We will continue to pursue opportunities in our 10 key markets that are outlined in our international engagement strategy. The future for the tourism sector is incredibly bright, off a decade of nation-leading growth.

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

## **Members—leave of absence**

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

That leave of absence be granted to Ms Lee for this sitting due to personal reasons.

## **Crimes (Sentencing) Amendment Bill 2024**

**Dr Paterson**, pursuant to notice, presented the bill, its explanatory statement and a climate impact analysis of the bill.

Title read by Clerk.

**DR PATERSON** (Murrumbidgee) (2.46): I move:

That this bill be agreed to in principle.

Today I rise to present to the Assembly the Crimes (Sentencing) Amendment Bill 2024. The purpose of this bill is simple: to allow sentencing submissions to be made by all parties to a criminal proceeding. This bill inserts a new clause into section 34 of the Crimes (Sentencing) Act 2005 which states:

In deciding how an offender should be sentenced (if at all) for an offence, a court may consider a submission made by a party to the proceeding stating the sentence, or range of sentences, the party considers appropriate for the court to impose.

The sentence will still remain a decision entirely at the judges' discretion; however, this is an opportunity for the prosecution and defence both, if they choose, to provide advice on sentencing, contributing to greater transparency and more robust sentencing decisions.

This legislation is intended to override the decision of the High Court of Australia in the case of *Barbaro v The Queen* 2014. The *Barbaro* High Court decision originated as a drug trafficking case in the Victorian Supreme Court. A plea deal was negotiated,



and a guilty plea was entered on the basis that the prosecution would seek a sentence less than life imprisonment. The judge in the case rejected the prosecution's attempts to provide the advice and proceeded to sentence Mr Barbaro to life.

The problem then arose that if Mr Barbaro knew that the judge would not receive the prosecution's advice, he would not have entered a plea of guilty. Upon appeal to the High Court, the plurality of the High Court conceptualised a prosecutor's submission on available sentencing range as neither a point of fact nor law, and therefore no more than an expression of opinion. The plurality of the court reasoned that a sentencing court should not take it into account. This set a legal precedent that has now existed for 10 years.

This issue first came to my attention as a recommendation of the sexual assault prevention and response report. The report stated:

Limiting such submissions has been criticised as potentially leading to an unnecessary increase in appeals based on manifestly inadequate or excessive sentences. Protracted appeals may continue to traumatise victim survivors and do not provide closure.

The ACT government noted in its response to the report that it did not see that there was evidence in sexual assault sentences to suggest that this was a problem but would reconsider if further advice arose.

Prosecutors have long warned of an increase in the number of appeals to higher courts on grounds of manifest inadequacy since Barbaro. Data around appeals from the DPP suggests this in fact is what has occurred. In the 2021-22 *Office of the Director of Public Prosecutions Annual Report*, they reported a record number of appeals, including four appeals to the High Court. In the most recent reporting period, the DPP appealed 11 cases on grounds of inadequacy of sentence.

Over the last couple of years, there has been significant community concern raised around the lack of transparency in sentencing decisions, and the general public perception that sentencing decisions are inadequate. In April 2023, I released a discussion paper on the topic of sentencing submissions to garner perspectives from the legal sector and the community regarding the proposed changes. ACTCOSS, the Victims of Crime Commissioner, the DPP, AFPA, ACT Now for Safer Roads, Women's Legal Centre, DVCS, the Justice Reform Initiative and ACT Policing all voiced their support for such an amendment. I also spoke to individual victims of crime who were in support of this change.

In the submission made to my consultation, the DPP spoke to the case of *R v Gordon* in the ACT Court of Appeal, where Barbaro was tested. In *Gordon*, the case conceptualised Barbaro as:

... a judicial confinement of the common law duty on the prosecution to assist the court...

In his judgement, Justice Gageler referred to *R v MacNeil-Brown* of the Court of Appeal of the Victorian Supreme Court. A majority found that it is:

...correct to hold that the prosecution duty to assist a sentencing court to avoid appealable error requires the prosecutor to make a submission on sentencing range...If a sentencing court can be told after the event on an appeal by the prosecution that the sentence it has imposed is outside the available range for reasons articulated after the event by an appellate court which may or may not "admit of lengthy exposition", the same sentencing court should in principle be able to expect to be assisted before the event by a prosecution submission as to the available range supported by such exposition of the reasons for that range as might at that time seem both possible and appropriate.

ACTCOSS referred to the positive impact this change can have on victim-survivors. They stated: "Providing a balanced opportunity for both parties to make a 'sentencing submission' may offer victim-survivors with an increased sense of empowerment and engagement in decision-making."

This is a position shared by the Victims of Crime Commissioner who also holds that allowing sentencing submissions will lessen the impact through protracted appeals on victim-survivors. The benefit to victim-survivors from this amendment was also spoken to by Tom McLuckie from ACT now for safer roads, where they note the current system is not victim-friendly, and victim-survivors often do not have a voice in court environments. Finally, both the AFPA and ACT Policing made note of sentencing not meeting community expectations for some offences. They both held that this could be overcome with such a change to the law.

Of course, there are people who had expressed other views on the other side of the debate too. Legal Aid, two individual defence lawyers and the Aboriginal Legal Service all put in submissions against the change. Legal Aid, for example, argued that "Allowing the prosecution to nominate a specific term or range of imprisonment would be an interference in judicial functions." The two defence lawyers contended that the proposed changes would not result in any meaningful changes to court practices in the ACT. In the submission from the Aboriginal Legal Service, they stated concern that submission on range from the prosecution may draw the court into a mathematic sentencing exercise.

I respect all these opinions, but on balance, I am of the view that we need a balanced legal system, and that this change can go some way to relieving some of the trauma faced by victim-survivors, but also by defendants of cases that may experience appeals.

This bill also means the ACT will be the second jurisdiction in Australia, with Queensland being the first, to legislate for this equal right of expression for both defence and prosecution to criminal proceedings, that is, overturning the High Court's decision. Since Queensland legislated their reversal of *Barbaro*, I also sought the advice of the Queensland Attorney-General and Queensland DPP on this. The response I received was that there were no reported negative outcomes from the bill; it was returning the courts to a practice that had long been practised and the sentence will always remain entirely the judges' discretion. This bill does not change that. However, I do think it addresses the issue of potentially unbalanced sentencing practice.

I see this as a great opportunity for all parties in court proceedings to provide evidence to the judge where the judge can then proceed to make sentencing decisions with greater transparency and more robust articulation of why those sentences are appropriate.

I am passionate about reforming our criminal justice system to ensure we strive for best-practice and evidence-based policies and laws. This bill will go some way to improve transparency and balance in our courts around sentencing, and I commend the bill to the Assembly.

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

## **Business—government support**

**MS CASTLEY** (Yerrabi) (2.55): I move:

That this Assembly:

- (1) notes the current poor business climate in Canberra, including:
  - (a) the most recent Australian Parliament State Statistical Bulletin which showed the ACT as the only jurisdiction to record a fall in business investment and a negative 9.5 percent result— 10.2 percent lower than any other jurisdiction;
  - (b) the latest Canberra Business Chamber quarterly Business Beat survey which showed that business is more pessimistic about the next twelve months; and
  - (c) the latest Australian Securities and Investments Commission figures show that corporate insolvencies in the ACT jumped almost 50 percent— to 85 in the half year to 31 December 2023, up from 57 the previous financial year;
- (2) further notes:
  - (a) that the ACT 2023-2026 Small Business Strategy notes that priority one is to “improve the business experience when dealing with government”, and that businesses want to “tell their story once”; and
  - (b) however, industry bodies are submitting that officials are still not properly accessible with the most recent 2024-2025 Canberra Business Chamber Budget submission which notes that “The focus should be on outcomes, not compliance processes, and officials need to be more accessible by ensuring that phones are answered, calls are returned and emails are sent from named individuals”; and
- (3) calls on the ACT Government to report back to the Assembly by 16 May 2024:
  - (a) on measures it will take to support businesses in the ACT; and
  - (b) actions it has taken to ensure that ACT services are responding to small business enquiries including measures to increase accessibility.

I rise today, given the poor business climate occurring in the ACT, to call for leadership and actions from this government. I begin by outlining my own recent experience with the current business climate, and it begins right here in the Assembly.

Like most members, I often agree to meet with constituents upstairs in my office, and more often than not I try to get out and go and meet people in a cafe so we can have a chat over a coffee. It helps to reduce the power imbalance, and when you are chatting over a coffee things just flow a little easier, and I am always keen to support local businesses. So imagine my surprise when I was due to meet a constituent over at East Row Specialty Coffee, but the door was shut. Only a few days before we had been there and it was open, and it seemed to be thriving, but the sign that was on the door read:

Dear customers,

It is with a heavy heart that we make this difficult decision: we have to close our coffee shop permanently from today.

In recent years, our coffee shop, like many other businesses, has been severely affected by the general environment. Despite our best efforts to stay in business, ultimately we were unable to overcome the current difficulties. We are deeply sorry because we love our coffee shop and the connections we have made with you.

We would like to take this opportunity to express our sincerest gratitude to every customer who has supported us in the past. Your support and trust mean a lot to us and this journey will be something we will always cherish.

Although our coffee shop is closed, we hope you can continue to support small businesses near you. They need your support to get through this difficult time. We firmly believe that one day in the future, we will meet again and share the good times together.

Finally, on behalf of our team, we would like to express our most sincere gratitude and best wishes to all customers who have supported us. I wish everyone safety and health and all the best in the future.

To say this came as a shock is an understatement. To me, it has been presented as a really quality establishment, obviously always busy, well positioned, and should have been able to thrive and succeed. On returning to my office, I pondered on the words:

In recent years, our coffee shop, like many other businesses, has been severely affected by the general environment. Despite our best efforts to stay in business, ultimately we were unable to overcome the current difficulties.

I reflected on this note later in the day. I say often business is not a thing. It is people. Where are the owners now? What are they going to do? What about the staff, the customers, the suppliers? I like to think that perhaps other opportunities abound and that this might be a small setback, but another part of me fears that this will lead to dark days ahead for those involved.

A few days later, I experienced another shock. Upon opening the paper, I was greeted by a story with the headline “Temporada says adios.” In the story, it was noted that this establishment would be closing its doors, but to me the quote from the owner and the executive chef resonated. He was quoted as saying that they got through bushfires, COVID and lockdowns, but that:

It's pretty tough in hospitality at the moment, anyone you ask, who would answer you honestly, would tell you it's not great.

Then just this past week I read in the ABC of Adytum going bust. The story outlines the tragedy that entails—staff wages unpaid, the manager now facing the prospect of deportation due to unemployment, and customers with gift vouchers now rendered useless. The human toll is unfortunately all too real.

Of course, then today we also heard about Project Coordination. After 50 years of operation, they have had to call in administrators. I do not wonder if it is the climate this government has delivered that is the root cause of all this heartache and pain. I note the quote directly in the *Canberra Times*:

The economic and regulatory environment that building companies are working in now is more challenging than any other I've experienced in the past 50 years - worse than the recessions in the 1980s and 1990s and the Global Financial Crisis in 2007-2008.

Madam Speaker, worse than the global financial crisis, the 80s and the 90s? I know that it should not be this hard to be successful in business. We have all the ingredients for success: a highly educated workforce; a diverse, young and vibrant population willing to try new things; and an affluent consumer base of approximately half a million people in the region.

I am constantly asking Why is it so hard in Canberra? Why is the business climate so poor? I can only hope that the government take this motion on board. I know they have not—there is an amendment that has been circulated—but I hope the government can reflect that their policies, waste and mismanagement are making it hard to do business in town.

Recently I was going through the Canberra Business Chamber quarterly survey, the *Business Beat*, and in the most recent quarter the reporting matched what the on-the-ground experience is telling us. The headline of the quarterly speaks for itself, “Half of businesses not meeting sales targets in December quarter.” Further, reading the detailed results does not bring any hope, with only 36 per cent of respondents expecting their business to grow over the next 12 months. Thirty-six per cent. That is it. It is no wonder we are seeing people throw in the towel. It is just too difficult. I would also like to note that though the publication reported there are a number of factors impacting this, they highlight, and again I am quoting directly from this report:

...the top issue again this quarter was the increased costs of doing business.

Again, the government needs to do better. To go into the details so Canberrans are aware of the dire state of our current business climate, it says that 29 per cent of businesses express negative or very negative confidence, and that this was dramatically up from 19 per cent on the previous quarter. The number of business expecting to grow in the next 12 months fell from 46 per cent to 36 per cent. These are shocking numbers and speak to a poor business climate.

It is not only the Canberra Business Chamber's quarterly business survey that is

reporting dire numbers about our climate for business in Canberra. The Australian Parliamentary Library recently released their *State statistical bulletin*. I am sad to say it outlined a concerning fall in business investment in the ACT. The ACT was the only jurisdiction in the country to record a fall and, at negative 9.5 per cent was a full 10.2 per cent lower than the next-lowest jurisdiction, Tasmania, who nevertheless still recorded a positive result. To highlight just how bad things are, the average mainland state recorded a 7.2 per cent increase; we are a 9.5 per cent decrease.

I accept that business investment can fluctuate, but to be so far removed, and such an outlier, surely indicates that the business sector has lost confidence in Canberra and the business climate in the ACT. The concerning aspect of business investment is that these are forward looking indicators with a lack of investment today leading to lower growth, employment and opportunities down the track. It is no wonder that we are now seeing businesses close.

I wish to reflect now on what the government had proposed to do. The government, as we know, has produced a 2023 to 2026 small business strategy. It is a 21 page glossy, full of pictures, inspirational quotes and aspirational goals. The Minister's message sets the tone:

The ACT Small Business Strategy (the Strategy) sets out our priorities to support a dynamic and thriving small business community.

“A thriving business community.” It sounds nice, but the question must be asked, “Are they delivering on their strategy? What are the results?” At a high level, one year in, and we have seen the dire results reported by the *State statistical bulletin* and the quarterly business survey, but what about the individual items? The strategy outlines five priorities for delivery.

The first from the strategy document says, “They want to improve the business experience when dealing with government.” Now, that sounds good. We will give that a tick. I look at the detail which outlines 12 action items listed to help achieve this goal, with most of these to be actioned or completed in 2023. What is the most recent feedback? Well, it was interesting to note the most recent 2024-2025 budget submission by the Canberra Business Chamber noted that making it easier to deal with the ACT government was one of their three priority asks. It is not currently happening. To quote their submission:

The focus should be on outcomes, not compliance processes, and officials need to be made more accessible by ensuring that phones are answered, calls are returned, and emails are sent from named individuals.

What a farce! Imagine being partway through a comprehensive 26-page small business strategy and the Business Chamber submits that they would like their phone calls answered, calls returned and emails sent from named individuals. I do not know whether to laugh or cry, because, as I said, we are talking about people. Business is people. It is not a thing. Businesses are failing, people are being hurt and lives are ruined, and this government cannot even manage to return calls. The government needs to go back to the drawing board and actually deliver a business climate conducive to small business.

I began this speech by outlining that I would like to see leadership and actions from this government. The leadership we need is for the government to acknowledge that its policies are failing. We are a year into the small business strategy and the results coming in reflect a failure. The on-the-ground lived experience of businesses is the government is failing and the business climate is failing.

The most recent submission by the Canberra Business Chamber asks for actions in areas that the government had already committed to achieve—just basic actions. Clearly the current initiatives are failing. This government’s policies are failing Canberra businesses, and the climate needs a reset.

I call upon the ACT government to report back to the Assembly these measures. Not the measures that they have set out in their strategy, but what measures they are actually going to do that do real things for business. Answering phone calls is a basic requirement of running a good government. I call on the ACT government to report back, to ensure ACT services are responding to small business enquiries, including the measures to increase accessibility.

I commend my motion to the Assembly.

**MR PARTON** (Brindabella) (3.06): Until you run a business as either your primary source of income or your sole source of income, you cannot possibly understand the highs and the lows, the anxiety, and the practical day-to-day problems that many small business owners face when they arrive at the realisation that unless they fill sufficient invoices, unless they have enough business, not only will they not be able to pay their bills but they will not be able to put food on the table, and the same is likely to apply to their staff. When you are a small business operator, so much weight rests on your shoulders. It is extremely confronting. To top it off, there is no capacity for sick days. There is no capacity for a mental health day at home. You have just got to soldier on; you have to find a way. It is not likely that you are going to have a holiday any time soon. You cannot check your phone and see how many annual leave days you have because you do not have any. No-one is chipping in for your superannuation. No-one is doing that.

Small business owners risk a lot. Many of them work absurdly long hours, often for lower than the basic wage once the costs are taken into account. Sure, there are quite a number of extremely successful business owners. Many of them have gone through that start-up phase, where it was not flash, and they have been able to survive. Many others do not get out of that phase. They have all taken risks to get there and they have given it their all.

One of my lasting memories from the time when I was a small business owner-operator—and it was my sole source of income; that was it—was that feeling of being a lone ranger. I have memories of lying awake at three in the morning, wondering how I would pull things together if we lost that big client. “If we lose that big client, how am I going to do it? How am I going to do it?” I was lying there at three in the morning, picking through in my head the various possible new clients and planning exactly how to pitch to them in those sleepless hours because I knew that if I did not get them I would be in big strife.

Most of those on the other side have no idea how any of this feels. The perception from most small business people in this great city of ours is that this government does whatever it can to make their lives more difficult. Further, there is a perception of this government that it thinks that all small business owners are simply evil, rich conservatives who should be paying more tax to government—and pay more tax they do!

Given the parlous state of the ACT budget, given the reckless addiction that Mr Barr and Mr Rattenbury have to spending other people's money, given their ideological hatred for anyone being rewarded for hard work, it is no great surprise that, despite talking a big talk in the small business space, they are actually making it as difficult as it can possibly be to run a small business here. When they talk about small business, all they ever talk about is how many small businesses have opened. They never talk about how many closed. They never do that.

They certainly do not talk about the mental and financial toll on those who establish a small business, who swim against the tide for a period of time and eventually drown. They do not talk about the bankruptcies, about the long-term mental health issues. They do not talk about the resultant divorces. They do not talk about broken homes and residential mortgages that end up back in the hands of banks. They do not talk about that stuff. This motion is about that stuff. This motion really begs the government to acknowledge that it is not living up to its own rhetoric, to acknowledge that there is way too much focus on compliance and not on outcomes, and that, under the weight of that compliance, you are not helping.

I was driving the other day, listening to ABC Radio—don't tell my commercial radio friends!—and they were discussing just why petrol is so much cheaper in Queanbeyan than it is in the ACT. I know this place has discussed that issue. I was on that committee. So was Ms Cheyne. We arrived at all sorts of conclusions and I get that. The ABC spoke to some guy who was the head of the service stations association. I cannot remember his name; I think it was Old Mate. They asked Old Mate: "Why is petrol more expensive in Canberra than just over the border?" And what do you think was his first response, his absolute, first, go-to response? He said, "It is much more expensive to do business in the ACT." That was his first response. He went on to mention other factors, but that was his primary response.

We were doing a mobile office recently at a shopping centre in Tuggeranong and the owner of the bottle shop came up. He was flashing a piece of paper. I thought I was going to be served, to be honest, but it was his commercial rates and charges notice: \$26,000 for the liquor licence. This fellow tried to tell us that if he had a similar business in Queanbeyan it would be \$800. He was wrong; we did our own research and discovered that it was more like \$2,500. Whatever the case, we are still talking ten times as much money as over the border. I have no more to say, but thanks for bringing this to the chamber.

**MS LAWDER** (Brindabella) (3.13): I rise today in support of Ms Castley's motion. I will also make some comments on behalf of Ms Lee, the Leader of the Opposition, who cannot be here today. What she has to say is that the experience she hears about from businesses operating in the ACT is grim. She hears from businesses that have stopped applying for ACT government tenders because the process is too long and



they often lose to companies that are not based in the ACT. She hears from businesses that have to pay the government some of the highest licensing fees in the country, particularly compared to what businesses pay over the border. We have just heard an example of that from Mr Parton.

We know that this government has overseen some of the worst business survival rates in the country, with little to no improvement each year. As a result of this government's lack of care and action to support business, we have heard time and again from businesses that have had to close their doors and leave the ACT. It seems like almost every day the *Canberra Times* posts a story about a business that is shutting down, entering administration, or some who are leaving to set up operations in New South Wales. The construction company we heard about and read about in today's media is another example of that.

Over the past few weeks Ms Lee has gone to visit a number of businesses in Braddon who have been completely blindsided by so-called upgrades to Lonsdale Street. These businesses are furious that the government has started works on the street without any consultation or notice and that the footpaths outside their business will be closed for the foreseeable future. Labor-Greens MLAs probably have no idea what effect that will have on a business. It is certainly not the first time the ACT government has treated our local small businesses with such contempt. Ms Lee reminds us that many members here will remember when businesses in Gungahlin and the city were affected by the development of light rail. One business wrote to Ms Lee, saying:

I survived the ACT tram project, just, in Dickson in 2017 but it nearly professionally killed my clinic. Even back then I was never advised that the streets coming into Dickson would be closed for over 13 to 26 months. If Canberra does not want small business here, they are doing exactly what they need to do to ensure that happens.

You would think that letting small local businesses know about planned works that will have a significant impact on their day-to-day-operation would be the bare minimum, the obvious thing to do. The fact that they were not consulted really goes to show where small business ranks on the Labor-Greens agenda: way, way down the list.

There is a level of incompetence there that also causes businesses to leave the ACT, because these businesses are people's livelihoods. They have committed their own money to set them up, employed local Canberrans and become a part of the community. They sponsor sporting groups and other community organisations. They have to pay their own mortgages and put food on their own tables for their families. Unfortunately, the Labor-Greens government do not seem to care about them. They are happy for these businesses to be starved of foot traffic for months on end and do not think they deserve to be told about it in advance.

The other issue that many small businesses have raised with Ms Lee is the lack of car parking available. As part of the works on Lonsdale Street, the ACT government will be removing 25 car parks from a street that is already jam-packed with cars. Anyone who has travelled to Lonsdale Street at any point will understand that removing more car parks from this street is just about the most hare-brained idea that a government could come up with. If you try to travel to Lonsdale Street on a Friday night or

Saturday morning you will not find a car park for more than 200 metres. All this will achieve is that fewer people, particularly those who are elderly or with a disability, will be able to visit these businesses. It will reduce the number of people travelling from around Canberra to our city to visit all of the amazing businesses that operate on Lonsdale Street.

This government cannot even get the basics right for businesses in the ACT. Not only can it not get the basics right but the government uses businesses as one of its largest revenue-raisers. As I mentioned at the start of the speech, the ACT government charges some of the highest liquor licensing fees, relative to the New South Wales government just across the border. By doing this, the ACT government is effectively charging Canberrans more to set up and operate a hospitality venue or club in their city than if they left and set up their business in New South Wales. These issues have been raised with Ms Lee by all of the amazing trader groups that she has met with across Canberra throughout the term. She would like to give a special acknowledgement to trader groups in the Kurrajong electorate, as well as those that are fighting every day against this government and its neglect of business across the city.

These are not the only ACT government issues that are raised with Ms Lee that are making it increasingly difficult to operate a business in Canberra. Commercial rates and payroll tax are having a detrimental effect on businesses in the ACT. The Chief Minister likes to remind everyone in the Assembly that he is helping businesses by having the highest payroll tax threshold in the country, which supports small businesses in the ACT. While this may be true, at the same time, payroll tax is increasing at an alarming rate. We know that Mr Barr and the ACT government have run themselves broke, but businesses are paying the ACT government more than \$747 million this year, with that number increasing to more than \$1 billion by 2026-27.

At the same time, businesses in Barton, Braddon, Civic and Fyshwick are paying some of the highest totals in commercial rates in the territory. The business community have had billions of dollars snatched from their hands in commercial rates, commercial stamp duty and payroll tax. When they have come to government and asked for assistance they have been ignored, neglected and even insulted here in the chamber by the Chief Minister. It is no wonder that the role of business minister has changed a few times. The previous minister, Tara Cheyne, left an abysmal track record of the worst business survival rates and three budgets where she was slammed by the Business Chamber for missed opportunities and failed initiatives. Now we have Mr Gentleman, the unions' choice as the Minister for Business.

I would like to add a few brief comments about businesses that I have spoken with in the Brindabella electorate and elsewhere. One business that I visited in Fyshwick, which is not in my electorate, had to close its door because of a change in government policy. I am not here to talk about the government policy itself, but a man had taken over a business where he himself had worked for over a decade. He knew it was a thriving business. He purchased that business when the previous owner wanted to retire and he employed dozens of staff. Due to a sudden policy change by the ACT government, his business was almost instantly unviable.

He had to close down the business. Those employees have lost their jobs. He had to sell off the remaining stock. He has lost his house. He told me about the conversations he had with his primary school aged daughter, trying to make it sound like fun that they were moving to a smaller house, away from the home where she had grown up for many years. It was quite devastating. Again, he was not talking about the government policy per se. He was talking about the impact that it had on his business and, most importantly, the employees of his business.

Last week, as I often do, I went to a coffee shop at Erindale shops. I was surprised to see that overnight the gift shop next door to the coffee shop had closed down. These types of things are all too common. Some people might walk past a closed shop—an empty shop where everything is suddenly gone—and think, “There used to be a gift shop there; I wonder what happened,” but for the owner of that business, the employees of that business, this can be a life-altering moment. It can mean the loss of their home. It can mean substantial changes for their families. These are the kinds of personal impacts that cannot be overstated.

Finally, I would like to say—and on behalf of Ms Lee—that I support Ms Castley’s motion. I support all the businesses in the ACT, big and small. I support the traders that continue to fight for these businesses and to be heard by this government. The Canberra Liberals are committed to helping you grow your business, not putting up hurdles.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (3.23): I move an amendment to Ms Castley’s proposed motion:

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

“(1) notes the business climate in Canberra, including:

- (a) the most recent Australian Parliament State Statistical Bulletin which showed a fall in ACT business investment while showing the ACT as leading the country in economic growth, unemployment, wages and retail sales;
- (b) the latest Canberra Business Chamber quarterly Business Beat survey which states “Business confidence is also fairly evenly split with around a third reporting feeling positive about current conditions”; and
- (c) the latest Australian Securities and Investments Commission figures shows that while corporate insolvencies in the ACT have increased in the half year to 31 December 2023, they remain lower than pre-COVID levels;

(2) further notes:

- (a) that the ACT 2023-2026 Small Business Strategy’s first priority is to “improve the business experience when dealing with government”, and that businesses want to “tell their story once”; and
- (b) the most recent 2024-2025 Canberra Business Chamber Budget submission notes that “that the ACT economy is performing relatively well in comparison to other states and territories”, but for the business community to meet its full potential, the Canberra Business Chamber is

advocating that more emphasis is required to “make the ACT more competitive for business so we can grow and attract new firms”; “make it easier to deal with the ACT Government”; and “deliver the framework, infrastructure and resources to support growth”; and

- (3) calls on the ACT Government to report back to the Assembly by 30 June 2024:
  - (a) on progress against the 2023-2026 Small Business Strategy, consistent with the commitment already outlined in the Strategy for the responsible minister to publish a yearly update and deliver a ministerial statement by mid-2024; and
  - (b) actions it has taken to increase accessibility and to ensure that ACT services are responding to small business enquiries.”.

As the acting and former minister for business, I want to start by acknowledging the importance of Canberra’s business community and its significant contribution to our economy and community more broadly. I also want to note that it was quite extraordinary for me to hear Ms Lawder, on behalf of Ms Lee, as I understand it, talk about contempt for businesses, and yet, moments before, Ms Castley had been criticising quotes in the Small Business Strategy from businesspeople. Ms Castley said, “Business is not a thing; business is people,” and then ripped into quotes that are in the strategy from businesspeople. These are people we know, who I have met, and I am sure Ms Castley has met at least some of them in our community. What does this actually suggest?

Our business sector is the engine room of our ACT’s diverse economy. We have more than 35,000 businesses contributing approximately \$18 billion to the annual sales and service income of the territory, and around two-thirds of Canberrans are employed in the private sector. We have more small businesses than ever before. We do talk about businesses opening and businesses closing. For Mr Parton to suggest that we do not is laughable. We cannot calculate growth without understanding this.

Indeed, between July 2019 and June 2023, the ACT reported the highest business growth in Australia, at 21.2 per cent, which is almost seven percentage points higher than the national average of 14.1 per cent. I think this speaks to the conditions, the climate, the support that the ACT has provided and our unique environment in having flatter structures within government and also an environment of innovation, which we have invested in for close to a decade.

Our business environment is unique because of the significant proportion of sole traders that we have and the number of businesses in the professional services sector serving the needs of the territory government and the federal government, and many of these businesses are dependent on government contracts for their existence. We do need to be cautious in terms of cherry-picking data—indeed, in terms of fluctuations in data—and in making comparisons to other jurisdictions which may have a very different business environment.

Perhaps the first example of this that is worth drawing attention to is in Ms Castley’s motion, taken from the Australian parliament’s *State statistical bulletin*, the data relating to business investment. On face value, viewing that in isolation, it does suggest negative growth, but this is one dataset in a report which covers many datasets.

Ms Castley's motion, whether through convenience or ignorance, overlooks some of the most interesting economic data in the report which paints a more fulsome picture about the ACT economy and business environment than the pessimistic assertions the original motion posits. For example, the same report that Ms Castley draws from also highlights that the ACT has the lowest unemployment rate in the country; the ACT's average weekly earnings are the best in the country; in terms of gross state product, the ACT is also ranked the best in the country, at 4.3 per cent growth; and, under the heading "Chapter 4: Business Conditions", the report highlights that the ACT's retail sales are up 13.1 per cent, which are the best in the country.

Ms Castley's original motion draws strongly from the Canberra Business Chamber's quarterly Business Beat survey. We welcome the chamber's survey as a touchpoint. I have discussed the results of, I think, the two surveys so far with Mr Harford at length. I take the results seriously and I certainly welcome further conversations as more surveys are completed. By its own admission, the chamber's sample size is small, especially as a proportion of the 35,000 businesses in the ACT, and even as a proportion of its newsletter base. For Ms Castley to rely on it is particularly bemusing when, as a proportion of businesses represented, it is tiny. Indeed, it is much, much smaller than the number of businesses that participated in Choose CBR. That seems like a strange thing for me to bring up, but this is a figure that Ms Castley referenced over and over—"How many businesses participated? It is only this percentage. It is not enough." If she is going to do that, she needs to apply that same logic to this survey, and then perhaps she may not have relied on it with the strength that she has.

My point is that this is a useful snapshot, but any percentage reflected or any percentage change reflects only a small number of businesses. Indeed, it is worth looking at the qualitative data that is suggested in the survey and in the analysis as well. The survey notes a number of factors underpinning its results, which include reduced customer demand, global uncertainty, the increased cost of doing business, attracting and retaining staff, as well as the impacts by the federal government of using contractors and consultants or not. Clearly, some of the factors fall beyond the policy levers of our government, and yet the ones that are within our scope are things that we are already working on. More importantly, the headline message of the survey states:

Business confidence is also fairly evenly split with around a third reporting feeling positive about current conditions.

As the Chief Minister stressed earlier today in question time, we have had a decade of national-leading economic growth. We have sometimes doubled the growth of other states and territories. Since the June quarter of 2015, we are the only jurisdiction in which annual state final demand has shown continuous growth—not just growth in totality but also on a per capita basis. That means that our economy is growing faster than our population. By any means, that is not a policy failure like Mr Parton was suggesting.

Any insolvency represents a real loss to Canberra business owners, employees and the Canberra community. I do reflect on the very human toll of that. I note Ms Castley brought to our attention Project Coordination entering into voluntary administration yesterday, which does not yet mean that the business has closed. And I note it does

not fall within the category of a small business but it does still have a huge impact on people, on families and indeed on projects that people and families are now affected by, as well as other businesses. Insolvencies have increased in the last six months, but these increases are marginal and restricted to a small number of sectors. And, critically, the number of insolvencies remains lower than the pre-COVID levels, and in some cases can be explained by a combination of a reduction in stimulus measures, overall changing economic conditions and, perhaps most prominently, a shift in debt collection policy by the major banks and the taxation office.

Our Small Business Strategy brings together the range of existing government initiatives and programs which support small business and it sets out a series of targeted actions that the government will undertake over the next few years to build on the good work already being undertaken. Ms Castley said that it has been out for a year, 12 months, when it has not even been out for eight months. And Ms Lawder said that we have had several changes in business ministers when there has been one change. This is a motion that is trying to use data and maths to make a point and gets such basic numbers wrong. Again, what does that actually suggest, rather than this really being a stunt because Ms Castley is no longer on the committee conducting the small business inquiry, so she needs to show that she is interested somehow?

In terms of the request to report back to the Assembly, the Small Business Strategy also commits the Minister for Business, Minister Gentleman, to publish an annual update on how we are implementing the strategy and to deliver a ministerial statement publicly, transparently, by mid-2024. So not only does the Small Business Strategy go to the very heart of what, I think, Ms Castley was, with her good intentions, trying to achieve but the government has already committed to what she has called for. That again suggests that this was superficial at best.

There has been some commentary, particularly in Ms Lawder's contribution, about engagement with businesses in Braddon. I want to note that it is not at all true to suggest that the government has not been engaged with those businesses and, indeed, that I have not been engaged with those businesses, and I am sure Minister Gentleman has been as well. Since the inception of those streetscape upgrades in Braddon, the CRA has committed to providing businesses and stakeholders with the full details of the proposed works, the timings and the likely impacts. Construction commenced in early 2023, and at the end of 2022 there was a doorknock visit to all businesses along Lonsdale Street and the surrounding intersections. Two weeks prior to each construction stage, the authority's contractor has hand-delivered a project information letter. And there has been a range of discussions, as well as openness and willingness of the contractor to continue those discussions.

In addition, Guideline ACT, the contractor, has doorknocked immediately affected businesses at least fortnightly since commencing construction in 2023. And there has been real consideration of the time of the year and how it affects business, so construction was paused from 6 December until 8 January to minimise business disruption during the busy pre-Christmas trading period.

Indeed, you may have seen yourself, Mr Assistant Speaker Pettersson, that the first two stages at the southern end of Lonsdale Street are now complete, and the third and fourth stages on Lonsdale Street are on the way. Stage 3, the intersection of

Girrawheen and Lonsdale Streets, includes the installation of two new raised pedestrian crossings. I note that that has had an impact on businesses. Businesses have spoken to me. I am pleased to say that my understanding is that that work is going to be complete this Friday, so that impact will be reduced.

A lot of conversation has been had with businesses. It is not at all true to say that they were not consulted. I certainly appreciate that those businesses still felt that this was going to have an impact, and it has, but, also, the CRA has gone out of its way to engage with those businesses, hear their concerns, meet with them, and meet with them again when they have raised further concerns, including with me. That occurred just last month as well. I do need to correct the record, just like we had to do with the rest of the motion.

It would be remiss of me to not, in the remaining time I have, acknowledge the Access Canberra Business Assist Team, which exists quite literally to help businesses navigate licences and navigate what they might need to do to start their business. The Business Assist Team has already assisted hundreds of businesses and continues to receive requests on how it can help them. Most of those requests have now been completed. There are just a handful that they are still working through. And they are always inviting more requests and more engagement to help businesses along rather than businesses feeling that there might be a barrier at some point. That has a dedicated phone line. The phone is answered. I would encourage any business that is interested to ring that number and get some advice from that team.

The Canberra Business Advice and Support Service also still exists with a dedicated phone line, providing four hours of free business advice across all manner of different topics. Indeed, there will be the business expo in just a few months which will showcase our many wonderful small businesses in the ACT. Those are just a handful of the actions that are contained within the business strategy that Ms Castley so desired to malign.

I commend my amendment to the motion to the Assembly.

**MS CLAY** (Ginninderra) (3.38): I thank Ms Castley for bringing forward this really important motion today to help small businesses. I have looked carefully at the amendment circulated by the minister, and the Greens will be supporting that amendment. We think that is a better reflection of the data.

It is really valuable that we are having this conversation today, and I am really pleased we have the opportunity. I welcome all the opportunities that we get to make engaging with ACT government as simple as possible. Small business underpins employment and makes Canberra the thriving and dynamic place that it is. In Belconnen, I love hearing all the brilliant creative ideas people have and hearing how they turn these into business opportunities or community ventures. It is really exciting and really energising.

I also welcome the ACT government's Small Business Strategy. It provides a blueprint to make Canberra a supportive environment for business and to make our city a great place to start up and grow a business. We all know that getting things done can take time—gathering documents, phoning call centres, filling in forms,

sometimes having to present yourself in person, and waiting for responses to applications. All those tasks stack up for business and for individuals in our daily lives. We would generally rather get that time back and we would rather spend it doing something else, like developing our staff or finding new clients or new customers, working on our marketing plan, working on our strategic development, working on our products and our services—or maybe even not working in the business but spending time with the people that we love and doing some things that are not related.

The Better Regulation Task Force is already doing work to understand business sentiment, to better measure and benchmark the cost of complying with rules and regulations, and to understand the user experience of some business types. The Canberra Business Chamber's objective of making it easier to deal with the ACT government is fantastic—it is spot on—including by giving public servants the latitude to become more outcome focused and more customer focused. We have a lot of highly skilled ACT public servants who want to do the best for their business clients.

I commend ministers and all parts of government to work with our public servants and deliver an approach that does that better. A more accountable culture where things are not seen purely through the prism of risk and where public servants are encouraged to try new ways of doing things will really help us deliver on this. To do it effectively, it will be crucial to user-test the most common transactions businesses carry out with government to understand how long they take, to work out ways of making them as quick and as simple as possible, and then to work out what change is needed, including cultural change, to make that happen. The proof of all this will be whether businesses actually spend less time dealing with government and whether they notice the difference and tell us that. These changes will improve wellbeing for business and for ACT government staff alike. I am very much hoping that we can see those changes made.

I will pause. A lot of us come in here with personal experience and life experience, and we often draw on that when we are talking about a topic. I have run some small businesses. I have run an arts practice and a technical writing practice, and I also ran a recycling business. There were some comments made. I would not have referred to them, but they were repeated in the RiotACT, so they are probably worth putting on the record. I have repeatedly declared that I ran a recycling company with the operators of The Green Shed. As soon as I was elected, I realised that was a conflict of interest and so I set about selling that company. I sold it in the first few months. I declared that as a member's interest, and all of those updates are there for everyone to see. I have declared that every time I have spoken about The Green Shed, the recycling company. I regret if anybody has failed to see that every time I have spoken about it, but I am very happy to have the opportunity to just set that out on the record again.

**MR CAIN** (Ginninderra) (3.42): It is very surprising to see Minister Cheyne rejecting the motion, which is really just calling for a timely report by the government on the state of our business community. The fact that the minister wants to delay and really take the real hard edge out of Ms Castley's motion says a lot about this minister and this government.



I note something of currency that Ms Castley brought up: corporate insolvencies in the ACT. For example, in (1)(c):

the latest Australian Securities and Investments Commission figures show that corporate insolvencies in the ACT jumped almost 50 percent – to 85 in the half year to 31 December 2023, up from 57 the previous financial year;

I mention that particularly sad background to our business experience in the ACT because, just recently, in the last few days, a significant local business, Project Coordination, a construction business, has gone into liquidation. I have in front of me a notice issued today about a family construction business in the ACT, Voyager Projects, which has also gone into liquidation. So, despite the minister glossing over some of these hard facts and saying, “Everything is okay in the ACT. There is nothing to see here,” the reality belies her fiction. We need something firmer from this government than saying, “Well, we’re doing well on a few things.” In just the last few days, two significant local family businesses have gone out of business in the ACT, partly because of the neglect of this government.

The minister’s amendment should not be accepted. I fully support Ms Castley’s motion.

**MS CASTLEY (Yerrabi) (3.44):** When moving this motion, I began by outlining my recent experience of going to a cafe only to come across a closed door, or opening the paper to read about another restaurant announcing its final service dates as it is closing down, of the heartache of employees being laid off, of lives disrupted and visas put at risk; of subcontractors being left out of pocket when a construction firm closed; and of customers turned creditors and looking likely to have suffered immense financial loss.

It is true that there will always be some businesses that fail and that the cost of competition is that some ventures flourish while others do not see success. It is right that there is reward for effort, and not being attentive to business will lead to ruin. We all know that the role of government is not to guarantee outcomes but to provide a climate of opportunity—a climate where small business, and business in general, can reasonably expect to see reward for effort and can toil in the knowledge that they can build their business up. Canberra no longer has this climate.

I will also reflect on Lonsdale Street. When we did a walk through, it was absolutely heartbreaking. I had a couple of hours with them, and the next day I had a meeting with some constituents. I met them at a cafe that was down there to bring more people in. As I was walking down the footpath, Lou from Moxom + Whitney was walking with beautiful bunches of flowers that she had prepared and was leaving them with a kind note on all of the benches along Lonsdale Street because she did not want to see her flowers ruined. She wanted to give them away. Her takings for that time had significantly decreased. It was terrible and there was no certainty.

We have heard about the Majura Valley Farmers. For over 18 years, these people have not had certainty about their leases. Sadly, a person who was one of those farmers has just passed away, which means that it is difficult for families to wrap up the estate—all because this government will not arrange the leases. They agreed to

25 years and now still nothing is happening. They are languishing without certainty. Lonsdale Street businesses are languishing without certainty.

The quotes from these businesses are telling. Project Coordination, which we have all talked about, says that, “Conditions are worse than the GFC, worse than the eighties and nineties or the recession.” We need to take heed and listen to this. In the global financial crisis I was one of those businesses that Ms Lawder talked about. I was that mum that had to tell my kids, “We have to move home and we are going to go and live in something that is not our home anymore and try to make that fun,” because we also lost our business. East Row Specialty Coffee reports, “In recent years our coffee shop, like many other businesses, has been severely affected by the general environment. Despite our best efforts to stay in business, ultimately, we are unable to overcome the current difficulties.”

This government needs to act and to change course. The government may go on showcasing alternative facts and continue to launch strategies and big-spend infrastructure plans matched in ambition only by the subsequent big borrowing, but the rubber is hitting the road. The chickens are coming home to roost. Businesses are failing.

The minister mentioned that the Business Chamber is a “touchpoint”. I believe that was the word that she used. She might not like that it is just a touchpoint, but you cannot ignore what is really happening. It does seem like, day after day, real people are losing their businesses. It is not a touchpoint, because most of the businesses that we talked about today probably might not be in the Business Chamber. It is broader. People are going down.

The most recent ASIC insolvency numbers are showing an almost 50 per cent increase. I thank Mr Cain for raising that. The Business Beat survey showed deterioration and the staggering rise in businesses that expect to shrink over the next 12 months. The independent parliamentary library *State Statistical Bulletin* reports that the ACT is unique, showing a fall in business investment. These are all an indictment on this government’s handling of the business climate and their failure to adequately effect policies that enable businesses to thrive and survive.

I would like to briefly quote the opening of the minister’s message from the 2023 Small Business Strategy. It says:

Small businesses are an integral part of our community and our economy. Our local small businesses not only provide jobs, the goods and services we rely on but enable social connection, support schools and charities and contribute to the personality of our city as one of the most liveable in the world.

I could not have said it better myself. Canberra needs the business sector to succeed. We need businesses to be confident, to find success to grow and employ. I fear, however, that, under this government’s reign, instead we are seeing a business climate failure.

But it is not too late. At first glance, sure, looking at this amendment, if you are just looking at the calls-on, the minister tries to push out a report back for a month. But it

is the alternative facts in the notes that I will not be on the record for as supporting. There is no mention of the insolvencies in the minister's notes. There is no mention of the lack of investment from this government—and it is a shame. It is a shame on this government that we are noted as the lowest, with that negative 9.2 per cent investment. It is simply not good enough for businesses in Canberra, and I will not stand by it. So we will be dividing and will not be agreeing with the minister's amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Noes 6

Yvette Berry	Suzanne Orr	Peter Cain
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Nicole Lawder
Jo Clay	Rachel Stephen-Smith	James Milligan
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		

Question resolved in the affirmative.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## Vaping products—nicotine

**MISS NUTTALL** (Brindabella) (3.56): I move:

That this Assembly:

(1) notes:

- (a) addiction, including nicotine dependence, is a health issue;
- (b) the ACT Government takes a harm minimisation approach to alcohol, tobacco, and other drug policy, as outlined in the *ACT Drug Strategy Action Plan 2022-2026*;
- (c) the three pillars of harm minimisation are demand reduction, supply reduction, and harm reduction;
- (d) the Therapeutic Goods Administration has banned the importation of all vapes without an import licence and permit from the Office of Drug Control and made changes to accessibility requirements for vapes for therapeutic purposes;
- (e) adolescence is a critical period for development, and it is vital that young people are supported to understand the harms caused by vaping and nicotine consumption;
- (f) nicotine dependence in adolescence is likely to have lifelong effects

- and young people need to be able to easily access appropriate information and support in relation to vaping without fear of stigmatisation;
- (g) in 2023, 30 percent of Australian secondary school students reported having vaped and around 16 percent of students reported having vaped regularly in the past month;
  - (h) despite the recent changes to vaping laws, the Cancer Council found that 92.3 percent of current vape users did not have a prescription issued by a health professional;
  - (i) the Australian and ACT Government websites contain information on vaping, including the health impacts of vaping, as well as cessation supports such as Quitline. However, further information and supports for younger people are required to ensure that they are effectively supported to reduce the harms caused by vaping; and
  - (j) ACT Health does not have an established support service tailored to help children and young people with nicotine dependence; and
- (2) calls on the ACT Government to:
- (a) investigate what information and support services need to be enhanced or implemented to support young people and the broader community in the ACT, to reduce the harm caused by vaping, including but not limited to:
    - (i) consulting with young people to better understand their information and support needs;
    - (ii) co-designing solutions with young people in recognition that young people face unique challenges with vaping use;
    - (iii) recognising the shared responsibility in managing nicotine dependence within the community, including with parents, carers, teachers, and in other education, sports, and health settings;
    - (iv) supporting parents, carers, teachers, community groups, and health practitioners to support young people;
    - (v) exploring holistic support services across health, mental health, and sports and education settings;
    - (vi) making resources available for parents and guardians seeking guidance on how to support their children through the recovery process; and
    - (vii) exploring different opportunities for information and support delivery, including services with vaping cessation as a goal, and services that offer an alternative of harm minimisation for nicotine dependence;
  - (b) facilitate a roundtable stakeholder meeting with the intent to work with community groups and field experts on how to best deliver information and support services; and
  - (c) report back to the Assembly by June 2024.

As we are all aware, addiction, including nicotine dependence, is undeniably a health issue. In acknowledging this fact, we must also recognise that our approach to addressing this issue must be holistic and proactive.

E-cigarette use, more commonly known as vaping, is a big deal for young people in today's society. Those sleek, colourful designs and all those crazy flavours make it tempting to try out. Plus, with all the confusion on whether vaping is safe or not and the lack of regulation around it, it is easy to get sucked in without realising the risks. And let's not forget how much peer pressure plays into it. Everyone is doing it, so why not—right? But I will talk more on that later.

In 2009, the federal government prohibited the commercial sale of nicotine vaping products. In 2021, we first saw the prescription model forming, and the federal government prohibited private importation without a prescription. In 2023, we saw the introduction of therapeutic-use vapes, which are accessible through pharmacies and obtained by prescription only. Then, again in 2023, we saw a new rollout of restrictions, and, on 1 January 2024, the importation of all disposable vapes was banned, irrespective of nicotine content. As of 1 March, only 19 days ago, we saw a complete ban on the importation of all vaping products. And, believe it or not, we are going to see even more restrictions within the year targeting vapes.

Australia is the only country in the world that uses the prescription model for nicotine vaping products. In contrast to Australia, it is legal and readily available in the UK, US, Canada, New Zealand, and the European Union. The prescription model for vaping has significant practical challenges that limit how we help people manage their nicotine dependence. The stringent requirements for obtaining a prescription serve as formidable barriers to access. The complexity of the prescription process itself acts as a deterrent, and it discourages people from obtaining nicotine vaping products legally. On top of this, you are only able to get this prescription if you are currently smoking tobacco products.

This means that the black market for these products continues to thrive, with more people opting for illicit alternatives to sidestep cumbersome prescription requirements. This is a huge burden, not just for the individual but also for our already strained healthcare system. In a recent study from the Generation Vape research project, only 92.3 per cent of regular vape users had a prescription and an additional 3.5 per cent did not even know if they had one. Let me paint the picture. If the prescription model is too difficult to navigate, why wouldn't you opt for the illicit market?

You could simply go to your nearest convenience store and ask for a blackberry ice disposable vape and they will tell you there is no nicotine in it. But is that the case? No. In October 2023, the Australian Border Force seized 35 tonnes of illegal vaping products, all of which were marked as not containing nicotine. After extensive testing, it was found that 92 per cent of these products contained high doses of nicotine. So the vape you bought unknowingly contains nicotine. Surely this is the worst of it? Wrong. You are now in possession of a nicotine vaping product without a prescription. Under the Medicines, Poisons and Therapeutic Goods Act, you now face a potential penalty of up to an \$32,000 fine, imprisonment for up to two years or both. The unauthorised possession of schedule 4 substances does not exclude individual possession.

We know that the ACT government has been leading the way on drug harm reduction. From the bottom of my heart, I commend my colleagues for their work, taking a

well-informed, compassionate approach to drug harm reduction in our community, and this makes the vaping situation a huge outlier. As of 28 October 2023, the personal possession of small amounts of illicit drugs were decriminalised in the ACT. People are no longer exposed to potential prison sentences and instead are issued a caution, a \$100 fine or are referred to a diversion program to get the help that they need. Tell me why a high school student can readily buy a readily available nicotine vaping product 200 metres from their school and potentially risk a \$32,000 fine and up to two years imprisonment without even knowing they are possessing a vape with nicotine in it?

The ACT government has a dedicated harm minimisation approach to alcohol, tobacco and other drug policies, as written up in the ACT Drug Strategy Action Plan 2022-2026. This plan is entirely anchored on harm minimisation and its three pillars of demand reduction, supply reduction and harm reduction. This forms the cornerstone of our efforts in combating substance use in the ACT. I am going to say them again, because these are important: demand reduction, supply reduction and harm reduction. The three go hand in hand.

Recent federal nicotine vaping reforms have taken a sharp turn away from embracing the pillar of harm reduction. This shift is not concerning; it is downright alarming. We find ourselves at a critical juncture where evidence overwhelmingly suggests that prohibitive policies, regardless of their legal status and law enforcement efforts, tend to be blatantly ineffective. Experience and research stand as unwavering beacons, consistently illuminating the same truth: when you attempt to prohibit access to certain substances, you most often see the emergence of illicit markets. When products are banned, consumers do not simply stop consuming; they turn to illegal channels such as the black market. This not only undermines the government's capacity to regulate and ensure the safety of vaping products but also exposes consumers to additional health risks. By abandoning harm reduction strategies within vaping policies, we are squandering a vital opportunity. Instead of empowering individuals with knowledge and agency over their health choices, we are resorting to punitive measures that only serve to exacerbate the problem. Harm minimisation is not about turning a blind eye to the realities of substance use; it is about facing them head-on with practical solutions.

What then for young people who vape? Our parliaments do not listen to or elect young people enough, which is why I take with the utmost seriousness my responsibility as a young person to voice the concerns of my peers in the Canberra community. Amplifying the voice of young people is at the heart of everything I do. I am going to sound like a broken record by the end of this—so members are very welcome to repeat this with me: young people face unique challenges, and we need to have a voice in policy that affects us. We are having to face both the climate crisis and the inequality crisis head-on. We, the children and young people of today, will inherit the world of tomorrow, and it is looking grim.

Generation Vape is a nationwide research project led by the New South Wales branch of the Cancer Council. The latest report came out on 30 January this year. There are over 2,000 active participants, all under the age of 24, and, of those participants, 43 are Canberrans. Within the Generation Vape research project, it was revealed that 35.9 per cent of their participants were regularly using vaping products. This statistic

highlights the prevalence of vaping among young people but also underscores the urgency of addressing this issue with effective and sensible policies. Let's be clear. Especially if you are a young person listening in—hello!—you guys might actually think this stat is a lowball. One of the most common reasons for vaping is the peer-proofing aspect: “All my friends are doing it, so why the heck not?” The illegal vaping industry can be predatory. It relies on this peer-proofing. I am here to tell you that it is not even the majority of young people that vape right now. I am not saying that like it is easy to stop once you start—so many people have told me it is actually bloody hard—but it is something to keep at the back of your mind.

Caveats aside, where we have landed with this motion is that there are enough young people vaping to seriously think about how we can support them, especially when it comes to managing nicotine dependence. You will often hear the refrain: “Nothing about us without us.” This is so true for young people. When we were first looking into the research, there was a common thread: interventions did not work well when you just assumed things about young people; interventions worked a whole lot better when you asked them—a shock!

Because the ACT Greens are dead serious about elevating the voices of young people, I ran a survey to give the Canberra community a platform to share their thoughts, feelings and opinions on vaping, and I want to take a moment to share these in the Assembly. These stories come from young people right here in the ACT. Number 1:

I know many other young people who vape all day, every day. It seems like they take a puff every third breath. Some I know spent their rent money on vapes. I'm really worried about them, and I'm relieved about these new laws, but I am scared they'll start buying even more expensive, dodgier vapes instead.

So young people in Canberra are spending their rent money on vaping during an inequality crisis. Number 2:

Vaping is such a prevalent issue among the nation, especially with the amount of younger people beginning to vape. Unfortunately, from my experience, it's extremely difficult to quit unless you're willing to put that effort and time in, which is something a lot of younger people don't understand. I believe more education is a better approach rather than an outright ban as even with a ban, people are still going to find ways to vape, that's always been the case.

I really admire that respondent for sharing their own experiences in the hopes of helping others. Number 3—and this one is a hard one:

I have quit before and it was after I was vomiting profusely, and my family had said it was most likely from nicotine poisoning. I quit for two months and felt so great and now I relapsed, and it's been the most difficult time trying to quit again. I really wished I never touched a vape ever.

This is the experience of a young person in the ACT. We should be providing help, not punishing people or leaving them on their own. Last one:

There are limited supports currently for young people, and it is made difficult to seek help to quit when the majority of young people around you are also vaping.

Often that vicious combination of social-proofing and stigma stop people from seeking help. We need to do everything we can to make sure help is provided.

Children and young people have the right to be active participants in all matters affecting their lives. Prohibiting and punishing people only serves to alienate and marginalise those who may already be struggling with addiction or mental health issues. Instead, we should strive to empower our youth with knowledge and support and accessible resources that promote informed decision-making.

The motion I have brought forward today aims to help equip children and young people with a toolbelt of resources that can help them with managing nicotine dependence in a world where it is so prevalent. It calls on the ACT government to conduct a thorough investigation into the information and support services required to aid young people and the broader community in reducing harm caused by vaping. This includes, and must include, active consultation with young people themselves to better understand their needs and challenges, as well as co-designing solutions that are tailored to their unique circumstances.

The motion emphasises the importance of shared responsibility in managing nicotine dependence within our community, extending beyond government agencies to encompass parents, teachers, carers, family and other stakeholders. It calls for holistic support services spanning health, mental health, sports and education settings, recognising that a comprehensive approach is essential when we address this issue.

Finally, this motion would be a catalyst for a roundtable stakeholder meeting, where we draw on the expertise and lived experience of community groups and field experts to devise effective strategies to deliver information and support services. This collaborative approach makes sure that our efforts are informed by diverse perspectives and expertise.

No-one is doing this holistic work yet. We know the importance of a proactive, smart health response. Make no mistake: nicotine dependence is a population health issue. The ACT Legislative Assembly has the opportunity here to model a gold standard of population health, and do I think we are more than capable of showing the rest of the nation how it is done.

**MS CASTLEY (Yerrabi) (4.09):** I rise today to speak on Miss Nuttall's motion concerning vaping and nicotine addiction. This is a huge issue from a health perspective. Prescription vapes can provide a valuable opportunity for nicotine-addicted adults to quit smoking; however, I know that many in the community are especially worried about the impact that vaping is having as a trendy behaviour among young people and high school students. Miss Nuttall's motion calls for more action from the government to reduce the harm of vaping for young people and the broader community, and for enhanced support services in this area.

It is so important that people are aware of the risks of vaping and that they are able to access support for nicotine addiction. This includes awareness among parents and within education settings, as the culture around vaping is a serious issue for young people. However, support services and addiction support aside, more needs to be done



to ensure that Canberrans, and young Canberrans in particular, are not consuming products which are extremely harmful to their health.

Much of this harm from vaping is enabled by the black market and illegal supply chain, which remains the only avenue for Canberrans to access non-prescription nicotine vapes. This unregulated supply chain means that vapes are far more dangerous and far more accessible to our children. Young people are getting their vapes from the organised-crime-driven black market and will continue to do so until this issue is properly addressed.

As Miss Nuttall's motion notes, over 90 per cent of vape users do not have the legally required medical prescription for a nicotine vape. The black market also means that most vapers, including our kids, are consuming a highly dangerous, unregulated product. In many cases we do not know what is in the e-juice of a vape, as the Therapeutic Goods Administration's regulatory requirements obviously do not apply to an illegal vape.

According to the American Lung Association, researchers have found various toxic chemicals in vape liquid. These include ingredients for antifreeze and paint solvent, weed-killing herbicides, heavy metals including lead, chemicals found in car exhaust, ultrafine particles, and cancer-causing carcinogens. Other substances found in vapes include arsenic, chemicals that can cause asthma, and chemicals commonly found in cleaning products. Among the most concerning are the chemicals linked to "popcorn lung", an irreversible and often fatal lung disease—one of the most well-known side effects of vaping.

All of these ingredients found in illegal, unregulated vapes can have a profound impact not just on lung and body health but on the development of a young person's brain. Even the batteries of unregulated vapes are dangerous, with reports of exploding vapes causing injuries and fires.

Greater support and awareness around vaping addiction is a good start, but more needs to be done to address the dangers of this popular habit. I believe that we need to consider all options on the table to ensure that our community, and young people in particular, are not being exposed to a dangerous product because it is unregulated and accessed through the black market.

**MR PETTERSSON** (Yerrabi) (4.12): I move the following amendment to Miss Nuttall's motion that has been circulated in my name:

Omit paragraphs (2)(a)(i) and (ii), substitute:

“(2) calls on the ACT Government to:

- (a) investigate what information and support services need to be enhanced or implemented to support young people and the broader community in the ACT, to reduce the harm caused by vaping and nicotine dependence, including but not limited to:
  - (i) consulting with young people to better understand their information and support needs;
  - (ii) co-designing solutions with young people in recognition that

young people face unique challenges with vaping and nicotine use;”.

I thank Miss Nuttall for bringing forward this important motion today. I will speak to the amendment that I have just moved later in the speech, but rest assured, members, that it is quite simple in nature. I also will not bore all members with my views on drug harm reduction. They have been well versed in recent times.

Thankfully, here in the ACT, mostly, we know that it makes the world a better place when we give people the help that they need rather than stigmatising and shaming them or, worse, criminalising them. I think we can and should apply this philosophy to young people who have developed a nicotine dependence via vaping, and vaping in general.

Vaping is increasingly of community concern. I have met with experts; I have met with doctors; I have spoken to parents; and I have spoken to school leaders. They have, time after time, shared with me their concerns about vaping and the use of nicotine by young people, and the challenges we face in addressing that harm.

Drugs like nicotine cause wicked problems in our community, and the policy mix to respond to those harms must always be able to adjust to a changing environment. I note with alarm the growing nicotine black markets in Australia. They bring with them violent turf wars that have recently, in Australia, included fire-bombings and daytime killings. There is a lot at stake here, which is why it is so important that we talk about nicotine.

When I speak to parents and schools, they tell me that vaping by young people is increasing, and in particular in school environments. Data from the National Drug Strategy Household Survey backs this up. Data on vaping use begins in 2016, when 0.2 per cent of young people vaped daily. Now, in 2023, 3.5 per cent of young people are vaping daily.

Thankfully, we have seen hard-fought-for decreases in youth smoking rates since the turn of the millennium. In 2001, 11.2 per cent of 14- to 17-year-olds smoked daily. Now, only 0.9 per cent of 14- to 17-year olds smoke daily. Members, it is clear that it is important that we continue to see a reduction in nicotine use and the harm that can come with it in our community. That is why we must engage sensibly on the emergence of vaping and nicotine pouch use in young people, as well as—and this is important—the ongoing threat of cigarette use.

Mr Deputy Speaker, when I was in school—and I suspect it was the same for you—cigarettes were the way that young people accessed nicotine. These days, it is more likely to be vaping. It appears, though, that many of the same behaviours that surround cigarette use to avoid the oversight of teachers, like smoking in the privacy of a bathroom or maybe hiding away behind school buildings, have transitioned to vaping. The bolder action—something like inhaling a vape right in the middle of a classroom—was definitely more challenging when you were smoking cigarettes, so I never saw that attempted, but I do know that it did happen. None of these are exactly discreet. However, when you are dealing with a serious craving, sometimes good sense can go out of the window.

We know from the research that vaping and smoking are detrimental to the young person's own health and, when it transitions to the school environment, it can even become disruptive to the learning environment. If you were to ask a young person that vapes, smokes or sucks on nicotine pouches if they know that it is not good for them—and I have, Mr Deputy Speaker, many times—without fail, they say that, yes, they know it is not good for them. Young people are smart. They can feel the cravings and the restlessness. They can see how much money it is costing them, affecting their education, life at home and work, and maybe even their performance on the sporting field. Like all dependence, when you are locked in its grasp, it can be hard to break free.

These young people need assistance, not stigma. They need access to the supports that work for them. They need their parents and guardians to be connected with appropriate resources that can minimise and address the harm of nicotine dependence. They need the health, mental health, sports and education settings that they interact with to be resourced to support them through their nicotine use and towards a healthier way of life. Of course, the ACT government should ask young people what they think about this, and we should listen, because they are the ones going through it and they have unique perspectives that others do not.

I entirely agree with the spirit of Miss Nuttall's motion. It is a wonderful motion aimed at addressing a real harm in the community. However, I think there is an opportunity here to get slightly ahead of the curve, to slightly amend the "calls on" section of the motion and highlight that there are also other nicotine products out there which are emerging and continue to be serious challenges for young people.

This will not be a surprise to most people, but vaping itself is just the process of vaporising a liquid. It is commonly associated with nicotine use, but it is not an essential ingredient. Increasingly, vaping devices are being used for all manner of experimentation. I have seen reports of people vaping things like THC, CBD, LSD and things like ketamine. There is, strangely, a growing market for things called "wellness vapes", which contain things like vitamins, hormones or even essential oils. I am very sceptical of the science of those claims, and I look forward to those getting thoroughly debunked, but I will await that.

Members, clearly, it is a rabbit hole. Regardless, a discussion about vaping is important, but it must be part of a discussion about nicotine. Cigarettes remain, in my opinion, the most profound risk to young people. We must continue to talk about cigarette use if we want to see our hard-fought-for gains solidified.

There are also other nicotine products becoming popularised amongst young people. Of key concern here, I am talking about nicotine pouches. These are not new products but they are starting to re-emerge with young people. They are simply little pouches of nicotine, about the size of your fingernail, that you place in your mouth, wedged in between your cheek and gum. From there, the nicotine is absorbed into your bloodstream.

Schools have told me that young people are increasingly turning to pouches instead of vapes because they do not have to exhale a big, conspicuous, fruity cloud of vapour.

Because pouches are hidden in the mouth, teachers and parents find it really difficult to identify when young people are using this form of nicotine. They are used discreetly, so it means young people have even less chance of getting the help they might need from their community to deal with that dependence.

To ensure that the government is looking at all of the issues surrounding nicotine use, I have moved a slight amendment regarding the language. This means that vapers, smokers, pouch users and those dependent on nicotine, whatever the method, will all reap the benefits of this work of government. It means that tailored responses to different forms of nicotine dependence can be developed. Young people should not be exposed to nicotine. It is dangerous. But we must respond to the reality before us—that young people are. Let us continue the good work and keep prioritising the health of young people.

**MS DAVIDSON** (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (4.21): I thank Miss Nuttall for bringing this important motion to the Assembly. As the ACT Minister for Population Health, with responsibility for drug policy which includes tobacco and vaping, I can say that the government will be supporting this motion, with the amendment from Mr Pettersson. It is great to see a shared commitment in this place to harm reduction in relation to drugs, including vapes.

The ACT government takes an evidence-based and public health approach to drug policy, and this is reflected in the ACT Drug Strategy Action Plan 2022-26. The ACT Drug Strategy Action Plan aligns with the commonwealth's National Drug Strategy in outlining the harm minimisation approach to drug policy, and the three pillars to harm minimisation which are demand reduction, supply reduction and harm reduction.

The ACT is leading the country when it comes to drug policy and support services. We have led the way in legislative reform. In 2020 we decriminalised the personal use of cannabis, and in 2022 we passed further laws to decriminalise possession of small amounts of commonly used illicit drugs. As members in this place would be well aware, the ACT Greens have been advocating for these decriminalisation reforms for a long time, well before this current term of the Assembly. I am very glad that the Labor Party has got on board.

However, there is still more we can do. Whilst the Assembly has passed laws to decriminalise small quantities of drugs, the current diversion scheme is centred around financial and custodial penalties, and it still does not really go with the principles of decriminalisation at its heart. The ACT Greens will continue to fight for the proper decriminalisation of drugs, as we have been doing for many years, which has led to the welcome progression of decriminalisation of small amounts of drugs.

The ACT government has also led the way in health services and supports through the establishment of Australia's first health and drug checking service, CanTEST, which analyses the contents of drugs to help people better understand the unknown and potentially dangerous substances in what they are considering using—not only illicit drugs but also prescription drugs that have been acquired outside regulated pharmacy access. Appropriate information, counselling and advice are provided to CanTEST

service users, based on their specific test result, to encourage choices that reduce overall drug use and the harms associated with taking illicit drugs.

We also have in place other harm reduction services, such as needle and syringe programs, amongst many other support services, including those relating to mental health, alcohol and other drugs. In last year's budget, we invested more than \$49 million in redeveloping residential rehabilitation services in Watson, including more beds in Ted Noffs and Marymead CatholicCare programs, and the new Winnunga Nimmityjah Aboriginal and Torres Strait Islander alcohol and other drug residential rehabilitation facility. We are the only jurisdiction in the country to have decriminalised drugs as well as put in place support services such as pill testing, because addiction is a health issue, not a criminal issue.

Under current laws, however, a person could face a maximum fine of \$32,000 or a two-year jail sentence for possession of a non-prescription vape. This is highly problematic and it is inconsistent with the ACT government's position on drug policy. That is why I will work alongside community experts in drug harm reduction to introduce a bill to amend the ACT's laws to remove such penalties for personal possession, whilst still supporting authorities to enforce powers against suppliers. It is simply not good enough for authorities to say they will not use such powers against personal possession. Such powers simply should not exist.

We need to put in place safeguards so that authorities cannot simply seek to charge young people with vaping offences, given what we know about the over-policing of young people in our community. We also need to put in place the right health and social services for people who vape, particularly for young people. We have education programs for young people about what vapes are and how they might impact your health. An online teacher professional learning course has been developed for year 7 and 8 teachers and a program is under development for year 5 and 6 teachers.

We know that a prohibitionist approach to drug policy will not work. The history on this is clear. People will use drugs if they want to, regardless of their legal status and law enforcement efforts. Governments telling people to not use drugs does not stop them doing it, and vaping is no different. We need to be careful about getting to a point where some of the most dangerous drugs, such as alcohol and the tobacco in cigarettes, are the most accessible drugs, and supply reduction and demand reduction are important.

The priority of all governments should be to put in place measures to support people to manage their health risks, not simply tell them to quit. We need to co-design these services with people who vape, particularly with young people who vape, to ensure that they are effective. Such supports need to consider and address potential barriers to access, in terms of legal accessibility, as well as barriers relating to stigma, so that young people can not only access such supports but feel that they can and want to access such supports.

These services and supports also need to be holistic and interconnected, where appropriate, across health, mental health, sports and education settings. That is why I am strongly supportive of Miss Nuttall's calls on the ACT government to investigate what support services need to be enhanced or put in place to better support young

people and the broader community to reduce the harm associated with vaping, as well as co-designing these solutions with the community and young people, starting with a roundtable, as proposed by Miss Nuttall.

I look forward to leading this work and reporting back to the Assembly on this matter by June 2024.

**DR PATERSON** (Murrumbidgee) (4.27): I would also like to thank Miss Nuttall for bringing forward this motion and Mr Pettersson for his amendment. Vaping is a significant public health issue in Australia and impacts specifically on young people. I have been an advocate for vaping reforms in this place since starting to look at this matter four years ago. My interest started when my own children came home and said to me that their friends were vaping and there was lots of peer pressure to vape. I had received letters from a couple of constituents that raised this issue with me about their kids. I put out a Facebook post on a few Facebook noticeboards, and a bit of a call-out to see what the extent of the issue was, and I was inundated with emails from parents despairing at the level of vaping and access that kids had to vaping in schools.

In August 2021, I moved a motion in the Assembly calling on the ACT government to address some of these issues and to do what we could to protect children from accessing these harmful products. An ANU research study has been pretty clear that vaping is a gateway for kids to cigarette smoking. Cigarette smoking is something that we as a country have worked so hard to address, with national smoking levels at a point where they are the lowest they have ever been, and almost non-existent, as the statistics cited by Mr Pettersson suggested. We have done really well with smoking rates, so anything that compromises this work needs to be immediately addressed.

My motion, similar to Miss Nuttall's, also included calls to develop programs that educate and inform Canberrans, particularly younger people, about the risks of e-cigarettes, prevent their uptake and use, review current legislation, and advocate for amendments to commonwealth legislation.

In 2020 the Australian department of health conducted a study on the use of multiple substances by Australian school students. Of serious concern was the finding that around 14 per cent of students aged 12 to 17 had used an e-cigarette, and 32 per cent said that they had used one in the past month. The reason that this is so concerning is that the liquid sold to people in vapes which they inhale into their lungs is, from all reports, highly toxic.

One of the most insightful pieces of evidence that came to light in 2021 was due to a joint operation between ACT Health and the Therapeutic Goods Administration, where products from a number of businesses in Canberra were seized and tested. It was truly disturbing to find out that, from the analysis of the liquid in these vapes being sold in stores in Canberra, two out of every three of these vapes had prohibited and dangerous ingredients in them, including nicotine. Two-thirds of these products seized contained one or more of eight ingredients that are prohibited by law, as they pose known health risks when inhaled. Six prohibited ingredients were found, including a flavouring agent, diacetyl, which, when inhaled, can cause irreversible lung damage.

Last year I was very pleased to see the federal government change the laws, which came into effect in January this year. The main aspects of these law changes that were really important included a complete ban on the importation of all disposable vapes, as well as a special access scheme pathway, which was available to facilitate legitimate patient access to therapeutic vapes for smoking cessation. People who are using vapes for smoking cessation can now get a prescription. The federal government bans are a move to ensure that children and young people will have limited ability to access these vapes.

There are ever-increasing media stories of young people addicted to vaping. Quitline released a statement recently saying that calls to the Quitline in respect of vaping had increased rapidly and they are seeing an increase in young people calling their line for the first time. Miss Nuttall outlined in her speech examples of stories of young people struggling to give up, withdrawals and high levels of addiction. These are some of the same stories that I hear as well. We need to keep up a strong public health approach to address vaping and smoking in our community, and more needs to be done to target education and messaging to help young people to quit. I support this 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) (4.31): Vaping is a serious health issue. I will come back to that. I imagine myself saying that to a young person who is vaping or addicted to vape. I imagine that they will take that very seriously when I look at them and give them that message. They will immediately drop their vape and discontinue vaping altogether! I think that goes to the very issue that we are talking about today: how do we work with young people to address vaping head on? We have been doing that in the ACT for a number of years, going beyond just saying that vaping is a serious health issue.

I have heard from young people about the concerns that they have with vaping. I have also heard from young people about their concerns with the disposal of vapes and the environmental impacts that has. The ACT government has experienced that, and paid very dearly, because of the destructive fire at the Hume resource centre, which was most likely caused by a vape battery. So there are concerns, even beyond the health issues, that are impacting on our community that we need to understand.

Members will recall that back in 2021 my Labor colleague Dr Paterson brought forward a motion calling on the ACT government to educate on and advocate for the prevention of use of vapes, particularly for young Canberrans. We have been doing that work. I thank Dr Paterson for the role that she has played and continues to play in highlighting this serious issue. I also commend my colleague Minister Stephen-Smith, who, as the Minister for Health, has been a strong advocate for the prevention of vaping at both the local and national level. She has consistently raised the importance of national ambitious approaches to combat vaping with colleagues all across the country.

I am really pleased that Miss Nuttall has brought this motion to the Assembly today. I also welcome Mr Pettersson's amendment because it provides me with the opportunity to update the Assembly on the ACT government's progress in working

with young people to deliver vaping supports that meet their needs.

Our schools have an important, if not vital, role to play in minimising the harms caused by nicotine dependence and vaping. Recognising this, the ACT government has been working across the health and education directorates to develop education packages for students in years 5 through to 8. But we have not been doing that on our own. We have been developing those packages with the support provided through professional learning for teachers, as well as classroom resources aligned to the Australian curriculum and parent resources. Schools will know that there are resources available for years 7 and 8. These are already available to schools. Resources for years 5 and 6 will be made available by midyear. On 12 March a letter that was signed by me and the federal health and education ministers was provided to school principals to advise them of these online resources.

As Ms Nuttall said, it is important that we work with young people to develop effective educational resources. That is why ACT Health commissioned research at the outset of this process to talk to students and teachers, to understand what they needed and what they wanted to see. I note that these are the calls that are being made in the amendment moved by Mr Pettersson, and I support that amendment. This included surveys, in-depth interviews, and workshops with teachers and students across public, Catholic and independent schools. Students told us that peer pressure, social media and advertising are key influences on vaping.

I am confident that as a young person I would have been seduced and captured by all of the advertising, the social media, the peer pressure, in the same way that I was with cigarettes. It was sexy, cool, not very tasty, but it went with everything. It went with a coffee, it went with dinner and it went with going out. The same is the case with vapes, although vapes can be carried around and used much more than a smoke. You could not carry a smoke around in your pocket the way a vape can be.

Students told us that they wanted to see vaping education in schools beginning in primary school. They told us that they wanted to see comparisons to smoking and detailed information about the effects on the body, rather than just statistics about harms. I go back to “vaping is a serious issue”. It needs to be more than that. We need to make sure that we have relatable, peer-led stories of the experiences of vaping and its effects.

I tried a vape a couple of years ago. I thought, “What is this all about?” It did bring back some memories of when I was smoking. It gave a delightful little head spin, but with another flavour—

**Miss Nuttall:** Blueberry flavour?

**MS BERRY:** I think it was a bubble-gum vape. And it was nice. It was pink and pretty and it had unicorns on it. But it was the flavour. The flavour was like having a lollipop with the delightful dizziness that it provided in my head. I only took one puff, but it was—

**Mr Cain:** Sure, Sure.



**MS BERRY:** That is right: I am addicted to vaping! I understand the addictive nature of these things, having been addicted to smoking in the past. I know how difficult it is to quit, so I get that for young people it is going to be challenging. Not only is that why we are working with them to stop them from starting in the first place but also for young people who are experiencing addiction to vaping we are looking at how we can support them to quit and not take up any other kind of nicotine or other products that they might be seduced by as well. Those companies are marketing them in ways that we have never seen before. They are absolutely targeted at young people, and it is unacceptable.

Working with young people to make sure that we understand what works for them is important. That is why the federal government's reforms include \$29.5 million for quitting resources, which include the online hub and mobile apps. None of these kinds of resources were around when I was younger and addicted to smoking. They certainly were not as accessible as they are now. I hope that these kinds of resources, and working with young people on what other resources that they might want, in the same way that we have been doing in our schools across the ACT, is how we are going to have an impact. It will not happen immediately. We are going to have to take the time by working with young people to make sure that we put the programs in place that most work for them.

I commend Mr Pettersson on his amendment and I thank Miss Nuttall for bringing this important issue to the Assembly today. I look forward to seeing the ACT continuing to lead the nation in taking decisive action against vaping. I call on my colleagues to support the motion and the amendment to the motion, and I look forward to continuing that important work.

**MISS NUTTALL (Brindabella) (4.39):** I rise to thank all members for their thoughtful contributions to this debate. This has been an area of sincere passion for our office since I entered the Assembly. It is my privilege to be here today and to work on something that will affect the very people who I strive to represent.

I want to take a moment to thank the various stakeholders that have contributed to the development of this motion: ATODA, the Minderoo Foundation, the ACT branch of the Cancer Council, Dr Emily Banks from the ANU, the Youth Coalition, and the Canberra Alliance for Harm Minimisation and Advocacy. Their expertise in this field has been so valuable and their efforts go to show just how important it is to act on this issue. Their knowledge and professionalism impressed on me the importance of having a roundtable to discuss vaping, and I reflect on how lucky we are that if we get in early, we have some of the brightest and most compassionate subject matter experts on side to tackle this population health issue.

I thank Ms Davidson, Mr Pettersson, Dr Paterson, Ms Berry and Ms Castley for their contributions to this debate. I would also like to acknowledge Dr Paterson's previous work in this space. Dr Paterson brought a motion to the Assembly in 2021, as she mentioned, that addressed the significant gap in vaping awareness, specifically in ACT schools, and the role of educators in combating the vaping epidemic. This motion led to the development of the Vaping, Youth and Health Professional Learning Course, giving our teachers a toolkit of evidence-based information on vapes, and their health and environmental impacts. This motion put a big emphasis on the

demand reduction pillar of harm minimisation and set a clear intention in the Assembly to address the problem.

I thank Mr Pettersson for his amendment and welcome the provisions to make sure that we can use this opportunity to catch emerging forms of nicotine dependence like snus and other forms of nicotine pouches. We have been focusing our efforts on vaping because that is where the biggest gap in our public health response currently is, and that is where our community has been reaching out to us. In the context of the federal vaping bans coming in, we knew we had to act quickly to make sure we did not leave young people behind, but I am confident in our ability to be agile and to apply what we learn about vaping to other forms of nicotine dependence, and I think Mr Pettersson's amendment supports that agility.

I want to echo Minister Davidson's call to protect individuals who currently face those serious penalties for possession of a nicotine vaping product without a prescription. As I have mentioned before, under the Medicines, Poisons and Therapeutic Goods Act, you can face a penalty of up to a \$32,000 fine, imprisonment for up to two years or both, and the unauthorised possession of a schedule 4 substance does not exclude individual possession. A fine of \$32,000 and/or two years imprisonment is not just a slap on the wrist. It is practically a knockout punch, especially for young people starting out in life.

I am a pollie and, while I have just started out, I am paid very, very well for my age, but if I was caught with a disposable nicotine vape and got the maximum penalty, that would total my life savings and leave me in debt. Here in the ACT, it is cheaper to get caught with heroin than it is with a vape. This simply does not add up. These penalties have the potential to unnecessarily criminalise young people and are not at all consistent with the ACT government's compassionate, health-informed approach to drug harm reduction. Sure, we do have verbal assurances currently, saying that these penalties will not target individual possession, but without proper legislation backing that up we cannot be sure what will happen. We need to make sure we are not criminalising our youth for—let's face it—something that they may not even be aware of.

In an effort to dispel scepticism, I would like to draw the chamber's attention to the fact that this scenario has actually already played out in Western Australia, when a man had his car searched, was charged with possessing nicotine liquid and faced a fine of up to \$2,000 and up to two years in jail. Rough. He wrote a letter to the federal health minister, Mark Butler, asking for an explanation, after multiple public reassurances from the minister that individual vape use and possession would not be criminalised. We would be remiss not to learn from other jurisdictions about the risks involved with criminalising a health issue like this.

Let me now use this opportunity to thank all of the people who took a moment to share their voices in our survey. Whether or not you were happy to be quoted, whether you gave a troll answer—thank you to a few of you—your responses were sincere and gave us a much better insight on how we could get the most out of this motion.

We had people reaching out who had used vaping to stop smoking and who were concerned that, with the federal regulations coming in, they would be driven back to

tobacco. Some people thought vaping was completely overblown and were sick of people talking about it, and others said everyone was vaping. Almost everyone who responded—at least 80 per cent—knew someone who vaped. They all cared enough to respond, and it is their contributions that have helped to kick off what I hope to be a much more holistic, compassionate and health-based approach to vaping here in the ACT.

The intent of this motion is to address what we all know about vaping and what we can do on a territory level. I am well aware that we still do not know the full extent of the health implications associated with vaping and I understand we do not know what the federal government's response to vaping will be in the future. We are here, as members, to work on what we know, and what we do know currently is that there are children and young people struggling with this.

We know that there are not sufficient supports available for those trying to manage nicotine dependence. We know that there are parents, carers, families, teachers and allied health professionals who are not sure where to go to get help for themselves, their loved ones or their clients. We know that addiction is a health issue, and we should treat it as such. We know that this government has a commitment to harm minimisation, and this government has an opportunity today to renew that commitment.

I reiterate my comment that no other jurisdiction is taking this harm reduction approach to vaping yet. Once again, the ACT has the opportunity to be the proving ground of compassionate, progressive drug harm minimisation. Let us show the rest of Australia what a gold standard of consultation, co-design and peer support looks like, and let us do it because we actually care about what young people have to say on issues that affect them.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Statements by members**

### **Hawker Community Repair Cafe**

**MR CAIN** (Ginninderra) (4.47): I know that one of my colleagues spoke about this just the other day, but I want to add to the accomplishments of the Hawker Community Repair Cafe, which I attended last Sunday at the Hawker International Softball Centre. When I arrived, there were young local musicians, a band, performing; there were crafts; there were metal garden sculptures, paintings, flowers, and locally made jewellery; there was, of course, a barbecue and a cafe; and there was even a JP on duty.

All those things would have made it worthwhile to visit, but, in addition, they had volunteers offering a range of things, including repairs to tools, bikes, lawnmowers, pruning tools, signs, electrical goods, furniture, toys and leather goods, as well as knife sharpening and Apple product advice. I give a shout-out to Jon Wells, President of the Hawker Men's Shed, and his colleague Rob Gill, who in 2019 had an inspired idea to provide an opportunity for the community to bring broken bits and pieces from

their homes for free repair. Well done, Hawker Community Repair Cafe. I look forward to attending again.

### **Multicultural affairs—Federation of Indian Associations of ACT Inc.**

**MRS KIKKERT** (Ginninderra) (4.49): I rise today to give a big shout-out to FINACT for organising the wonderful AusIndia Fair last weekend. It was a vibrant celebration of culture and success, with Australian Indians coming together in a grand fair and showcasing the brilliance of their businesses and the richness of their heritage. At this event, stalls were lined up in the pavilion, with each one being a testament to the entrepreneurial spirit of the Indian community. From tech start-ups to traditional Punjabi literature, it was great to witness the innovation and excellence of these wonderful businesspeople.

But it was not just about businesses; it was about celebrating identity and sharing it with the Canberra community. There were cultural performers, music and dance. It was a wonderful event that built connection. It uplifted my spirit and that of those around me. It bridges the communities and fosters understanding with one another. It is a reminder of the diversity that makes Canberra, and indeed Australia, beautiful. I congratulate the President of the Federation of Indian Associations of ACT, Dr Dhindsa, and all his team, and all who made the event possible. I am looking forward to many more uplifting gatherings that enrich our lives and our city.

### **Canberra—events**

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (4.50): I want to put on the record my thanks to Events ACT for yet another blockbuster first half of March, with Enlighten, Skyfire, the Balloon Spectacular, Lights! Canberra! Action!, Canberra Day and Symphony in the Park. It is a huge agenda of free community events delivered by a small team, in partnership with numerous organisations.

Lights! Canberra! Action! is always a highlight, and this year welcomed its second highest attendance ever, together with exceptional entries, especially the winner of best film, and numerous other awards, *DAD*, which I hope soon reaches a wider audience.

Symphony in the Park, the world premiere of Hoodoo Gurus in collaboration with the Canberra Symphony Orchestra, broke attendance records. It was an amazing night, an amazing feat, and it was achieved here in Canberra.

Canberra Day had many highlights, including ARIA award winner Budjerah performing in the afternoon, as well as 700 participants in the morning at the Canberra Day Appeal Fun Run, which we hope becomes a March mainstay.

The Canberra Balloon Spectacular had a stack of flying days, which was a relief, as well as some very beautiful weather and sunrises. I feel it has really re-established itself as its own blockbuster event.

I am so proud that so many people witnessed Canberra at its best over the past few weeks, and Events ACT should be very happy with their achievements. They deserve a rest.

*Discussion concluded.*

## **Adjournment**

Motion (by **Ms Cheyne**) proposed:

That the Assembly do now adjourn.

## **International Women's Day**

**MS ORR** (Yerrabi) (4.52): Today I want to talk about International Women's Day. On 8 March each year, International Women's Day serves as a powerful reminder of the achievements made by women, the progress made towards gender equality and emphasises the work that still needs to be done. International Women's Day was established by women, for women, and it is a day that I am very passionate about.

During 1908, women's consistent oppression and inequality was spurring women to become more vocal and increasingly active in campaigning for change. After a major rally for better working conditions, increased pay and voting rights for women, America established the National Women's Day in 1908. Following heavy conversation and contention internationally about having a day dedicated to women, International Women's Day was adopted by countries across the globe.

The United Nations provides a theme for International Women's Day every year. The original theme, which was in 1996, was "Celebrating the past. Planning for the future". In 2024 our theme for International Women's Day was "Invest in Women. Accelerate Progress". Without equal access to education, employment pathways, financial services and literacy, we will not be able to achieve greater gender equality. This year's theme highlights the importance of needing to invest resources and funds into women to ensure women's rights across all aspects of life, as it is the only way to secure prosperous and just economies.

This year's theme of "Invest in Women. Accelerate Progress" called for the removal of barriers to women's success and to build an Australia with equal opportunities together. Gender inequality is pervasive and persistent in the Australian economy and, consequently, women experience a lifetime of economic inequality, despite performing essential activities in paid and unpaid capacities. As this year's International Women's Day theme implied, investing in women is a cornerstone for building inclusive and prosperous societies.

I would like to take a moment to talk about some of the great groups that I met and events I attended in the lead-up to International Women's Day this year which highlight all the great work happening here in the ACT to support women. I recently caught up with the head of Educacion Diversa, which works to provide education to children and adolescents in underdeveloped communities through art-based inclusive education about diverse topics, to break the cycle of poverty.

One of their main projects, Dr Diversa, aims to educate, promote and provide sexual health knowledge to youth around the world. This year they are focusing on educating students of all genders about menstruation. Educacion Diversa are aspiring to host an art gallery event later in the year which will bring attention to menopause and menstruation through art. Their project for this year really speaks to the theme of International Women's Day, "Invest in Women. Accelerate Progress", as involving all genders in menstruation and menopause education is majorly beneficial to women. Organisations like Educacion Diversa make progress towards gender equality that really show what International Women's Day is all about.

I have been to some excellent events over the last few weeks to celebrate International Women's Day for 2024. I was present at the Alo Enlightened Women's International Women's Day event, where it was great to hear a diverse group of women entrepreneurs who managed to accelerate through the Australian business scene. I joined the Construction, Forestry and Maritime Employees Union breakfast, and it was great to hear from women in construction about how their industry is evolving to invest more resources into women and women's participation.

I also attended the Women's Inspiration Network of Canberra's International Women's Day celebration. It was amazing to be able to meet such inspiring women who want to help and inspire others to build their capabilities. I attended the Planning Institute of Australia's International Women's Day breakfast, which was another great morning, meeting women who continuously work to include more women in the planning and development profession. Additionally, I went to the Australian Education Union's women's trivia event, which was an outstanding event and acknowledged everything that women across the world have achieved.

It is important that we recognise the history of International Women's Day and take into consideration continuous efforts that women have made for years. It is also pertinent that we remind ourselves of this year's theme of "Invest in Women. Accelerate Progress" and continue to work together to achieve gender equality for all.

### **Animals—snakes**

**DR PATERSON** (Murrumbidgee) (4.56): Over the course of this term I have become a staunch advocate for our ACT snakes and for the people in our community that care for and protect our snakes. As we come out of the summer months, many Canberrans would have come into contact with a snake, a snake catcher, a snake education program or all three. The work that our snake catchers and educators do is highly commendable. This is volunteer time. They perform an invaluable service in our community. However, they are not supported in the way they need to be to continue to perform these important functions to protect our snakes.

Yesterday I tabled a petition in the Assembly to see some of these issues addressed. As our urban environment continues to encroach on our snakes' environment, the encounters between people and snakes are all the more common. Through this work I have worked closely with Gavin Smith and Alex Caruana. I thank them so much for their passion and drive to protect our snakes. In our conversations I have heard about the struggles of Canberra's snake catchers, who are effectively working two full-time

jobs. In the current season alone, over 200 snakes have been removed by Gavin and his team from people's homes, gardens and workplaces.

To address some of these issues, I first moved a motion in the Assembly last March calling for the government to make some amendments to explore registered ownership of snakes for educational purposes, amongst other things. This included having snakes brought into the Assembly. Unfortunately, the response I received from Minister Vassarotti was not supportive of these changes. In the environment committee annual report hearings at the end of last year, I followed up with the minister and the conservator and delved deeper into some of the reasons why the government was not supportive of these changes. I had concerns about the reasons that were given. I feel there was a not a grasp by the government of the extent of this issue and that we can work with the community to find a way forward that works for our snakes.

The petition that I tabled yesterday morning ran for approximately three weeks over late February and early March this year. It gathered 646 signatures, and I greatly thank everyone who signed that petition. The petition calls for two major areas for the government to explore: firstly, to make snake catching a salaried position in the ACT public service and, secondly, to explore licensing requirements for snake catchers to keep snakes for educational purposes.

A recent survey of over 1,000 ACT residents found that 40 per cent have a fear of snakes; 90 per cent thought snakes play an important role in the environment; and 91 per cent felt that snake catching and snake safety education in the Canberra region should be a public, not a private, service. As mentioned, our snake catchers usually work two full-time jobs to provide this essential service. If the government can provide this as a salaried position then this pressure will be relieved.

For licensing to allow the holding of snakes, our snake catchers want to see similar programs to those which exist around the country, particularly in Victoria and New South Wales, where people have to have a demonstrated knowledge and competency over a defined period of time to hold a snake. We can also regulate who keeps the snakes, how snakes are kept, where they are kept, how many are kept and specify that they need to be kept for educational purposes. Currently, we are bringing snakes in from other jurisdictions for these training purposes, which, to me, is just crazy. This is a serious risk to snake welfare. It is also a biosecurity risk that we have got snakes coming from South Australia into the ACT for these educational purposes that are coming into contact with snakes that are in the zoos. This is an issue, and I think we need to be very aware of this when we are making these decisions.

What I have heard from the snake catching and education community is that the current situation is absolutely untenable and that people are at the end of their tether with this. Minister Vassarotti, please consider the informed views of those in our community who are the most passionate and most caring about these beautiful creatures. Please help them to continue to do this important work.

### **National Multicultural Festival—Palestinian inclusion**

**MR BRADDOCK** (Yerrabi) (5.01): It is important to celebrate the Multicultural Festival's achievements in the sharing of culture and bringing people together. This is

a critical step in addressing racism through fostering understanding and inclusion, and it is to be applauded. It is also important to discuss openly why a Palestinian community group felt compelled to withdraw from the festival, depriving them of an opportunity to share Palestinian stories and culture with the Canberra community, particularly at such a sensitive point in time. It is only through frank yet sensitive conversations that it is possible to move forward together.

From my understanding, the performing group Tales of a Homeland had been invited to perform at the Multicultural Festival. Their planned performance, *Gaza Press*, was submitted to and cleared by festival organisers in January; but, during the 10 days before the festival, they reported being called into numerous meetings with senior festival organisers who, according to Tales of a Homeland, wanted to instruct them to remove references to Gaza from their performance and only perform their cultural dance. This appeared to be on the grounds that their performance was considered to be political.

Tales of a Homeland say they were told that their performance, *Gaza Press*, was not related to Palestinian culture. This is despite the play containing, I am told, no references to the State of Israel and no references to the political players inside Gaza; it was focused on the life experiences of people inside the Gaza blockade since October. After what Tales of a Homeland describe as multiple meetings and negotiations, the demands of festival organisers were reiterated, with the addition of relocating their performance from the heart of the festival to a stage on the fringe. Feeling insulted and infuriated, and that the goalposts had been moved in a racist and discriminatory manner, Tales of a Homeland withdrew from the festival.

The festival organisers have their own version of events. They state that the nature of the performance had changed from its January application and that the relocation was to accommodate the expanded scope for performing *Gaza Press*. The divergent stories might leave you wondering who to believe. As far as I am concerned, the divergent stories can be reconciled as a lack of empathy for where a section of the community is at, poor two-way communication and unthinking adherence to the celebratory aims of the festival.

Putting aside the reconciling of the stories, what I find most concerning is that the situation was allowed to escalate to the point that was reached. We know that the Palestinian community is on edge. Emotions are high, and with very good reason—their families and friends in their homeland are being subjected to genocidal subjugation by an apartheid aggressor that has already claimed over 31½ thousand civilian lives.

In light of these events, a constituent, Innaz, wrote to Minister Gentleman, as Minister for Multicultural Affairs, and the Chief Minister, with a copy being sent to me. One of their lines stuck with me. I will quote it now:

So much for ‘truth-telling’ with respect to colonialism and Indigenous people, something that your government and its cultural institutions prides itself on. Truth-telling only when it’s convenient. Perhaps in 200 years’ time we can have some truth-telling about Palestine. You have to recognise the blatant hypocrisy and selective ‘progressiveness’. Again, as a Middle Eastern person living here please tell me why people who look like me don’t deserve truth-telling? We



aren't just here to belly-dance for you and sell kebabs.

While the sharing of cultures is invaluable in creating an inclusive and understanding society, it cannot be wholly confined to dancing and selling meat on a stick. Cultural self-determination matters, especially at times like the Multicultural Festival, when we profess to be celebrating our cultural diversity. I urge Canberrans to support *Gaza Press* when Tales of a Homeland chooses to share it with our community—on their terms.

For the festival organisers, there are key lessons to be learnt from this incident, and I hope those are taken to heart. A key question that has emerged is whether the aims of celebrating multiculturalism and diversity, whilst admirable goals in their own right, should be allowed to crowd out other important aspects of multiculturalism. This is not an easy question, and it is important to have an informed, nuanced debate on the topic. The Canberra multicultural community are key to this debate and, hopefully, are answering that question. I look forward to listening deeply to their perspective on this issue.

### **Hawker Community Repair Cafe**

**MRS KIKKERT** (Ginninderra) (5.05): I love the Repair Cafe, in a community where broken items are not discarded but instead are given a new lease of life. It is a place where volunteers gather to lend their expertise, and where tools and skills come together to mend what is broken. That is what the Repair Cafe is about, and so much more.

They repair broken items, from small electrical appliances to bicycles, jewellery, furniture, toys, lawnmowers and gardening equipment—and the list goes on. If it is broken, chances are that someone at the Repair Cafe can fix it. It is not just about fixing things; it is about nurturing a culture of sustainability and resourcefulness. Every repaired item is a victory—a small step towards saving money for individuals and families instead of buying a replacement. It is also about reducing our waste products.

When I visited the Repair Cafe over the weekend, an atmosphere of community spirit permeated the air. There were craft stalls with handmade treasures, food and a live band. It is a place where strangers become friends over shared stories and goals, and I have heard so many stories about that.

I want to extend a heartfelt thankyou to John, the President of the Hawker Men's Shed, and his incredible team of volunteers. Without their dedication and passion, none of this would be possible. They are the heart and soul of the Repair Cafe, and so many community members who gathered there could feel it. They are the driving force behind that event. They have inspired me to repair the broken stuff from my house. I hope that the Repair Cafe continues to thrive and inspires us all to repair and re-use.

### **World Down Syndrome Day**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for

Disability and Minister for Health) (5.07): Tomorrow, 21 March, is World Down Syndrome Day. I expect that I will have to leave as the adjournment starts tomorrow, so I am speaking about it today. The theme for this year's day is: "Assume that I can, so maybe I will".

Our society's negative assumptions about people with Down syndrome can lead to them being treated in such a way that these assumptions become reality—a self-fulfilling prophecy. Too often, individuals with Down syndrome face barriers to inclusion and equality because of misconceptions and outdated attitudes. They are unfairly judged, based on preconceived notions of what they can or cannot achieve, rather than being given the opportunity to demonstrate their abilities and potential. When we assume that individuals with Down syndrome can, we open doors to a world of possibilities. We create environments where they can learn, grow and contribute meaningfully to society. We foster a culture of acceptance and respect where differences are celebrated rather than stigmatised.

All people with Down syndrome should have full access to social and economic inclusion in order to achieve their full potential and should be empowered to live in a world where they are safe and have access to their choice of services and supports to enable them to live a good life. We must ensure that people with Down syndrome have a voice in decisions that affect their lives, empowering them to advocate for themselves and shape their own destinies—something I will come back to. But our work does not end with words or intentions; it requires concrete actions and unwavering commitment. As policy makers, it is incumbent upon us to enact policies that promote the rights and wellbeing of all people with disability, including those with Down syndrome. The ACT government knows that we must invest in services that enable people with Down syndrome to reach their full potential.

I was proud to release the Disability Health Strategy and First Action Plan in December last year, a 10-year strategy that aims to make sure that people with disability have equitable and appropriate access to health care in the ACT. Also last year, my colleague Minister Berry released the Inclusive Education Strategy, which aims to realise this vision by delivering greater inclusion for students with disability across all ACT public schools. With my colleague Minister Rattenbury I am looking forward to releasing the second action plan under the Disability Justice Strategy later this year, and I am also looking forward to releasing the Disability Strategy and first action plan very soon. I know it has been long awaited. My colleague Minister Davidson did a lot of work to get us to this point, and I am grateful to the sector for their patience and commitment to co-design.

Underpinning all of these strategies and their development is our commitment to the principle of "Nothing about us, without us". I would particularly like to recognise Kim Adams, a member of the ACT Disability Health Strategy Steering Committee and Health Ambassador for Down Syndrome Australia. Madam Speaker, you may be aware that ACT Down Syndrome has recently changed its name to ACT Down Syndrome and Intellectual Disability Association, following an extensive engagement with its own membership to better reflect all of the activities in which it engages.

Kim Adams was ably supported by Shannon Kolak and the team at ACT Down Syndrome to engage as a member of the ACT Disability Health Strategy Steering

Committee. It was not only an important learning experience for the ACT public service to see how someone with Down syndrome could be supported to have their say and have an active and participatory role in developing policy but also an important learning opportunity for all of the other members of the steering committee, who all benefitted from Kim's experience and her capacity to express her lived experience and have that seen as part of the Disability Health Strategy.

I would encourage all of my colleagues to consider: why not reverse our perspectives? If we have positive assumptions about people with Down syndrome, we will give them more opportunities and maybe our positive assumptions will become the self-fulfilling prophecy. Happy World Down Syndrome Day tomorrow.

### **Multicultural affairs—Persian and Iranian communities**

**MR CAIN** (Ginninderra) (5.12): Today is Persian New Year Day—in the language of that culture, Nowruz, meaning “new day”—and I want to acknowledge our Iranian and Persian community in the ACT. In particular, with the background of International Women's Day on 8 March and the passing of the second anniversary of the uprising of the Iranian people, I want to express my solidarity and support for the rights of the Iranian people, especially its women and children.

As many members would know, on 16 September 2022 there was a nationwide uprising in Iran, with women and girls pioneering this revolt. That day was the day where we became aware that Ms Mahsa Amini had died in police custody, being arrested for the incorrect wearing of a head covering. She was 22 years old. I joined the protests in the grounds of Parliament House to commemorate that sad occasion. Of the 750 individuals who were subsequently killed by the regime's forces, a significant number were young women and girls, and at least 70 children lost their lives.

The demand of the Iranian people, both women and men, as crystallised in their slogan, is really uncontroversial, I am sure, in our eyes: to end the religious dictatorship and establish a democratic republic based on the rights of all and gender equality. In the face of suppression and violence, the world observed the courage and audacity of Iranian women and girls during this uprising. The courage and prominence of women in this struggle did not spontaneously materialise; rather, they were rooted in a century of Iranian women's bravery. On this day, Persian New Year, Nowruz, may there be further steps to freedom for the Iranian people and the establishment of their democratic rights, especially the women and children.

### **Fadden Hills Pond—Clean Up Australia Day**

**MS LAWDER** (Brindabella) (5.14): I rise today to acknowledge the fantastic support provided by a number of Gowrie and Fadden residents who came together recently for Clean Up Australia Day at Fadden Pond and had a massive clean-up effort. It was a great occasion, where members of the community united in a collective effort to preserve and protect our environment. Clean Up Australia Day is often largely about picking up litter, but it is also a symbol of our commitment to environmental stewardship and sustainable living. It is a day that calls upon us to act, to roll up our sleeves and make a tangible difference in our communities.

I would firstly like to thank Zohara, from the Southern ACT Catchment Group, who came and spent some time with us at Fadden Pond to help us identify weeds and native plants to make sure that we were pulling out the correct plants in our clean-up efforts. She also spoke to us about the use or not of glyphosates. Given that it is close to a body of water, we did not want glyphosates entering the water if we were spraying weeds, so we made sure to purchase weedkiller that did not have glyphosate in it.

It was 3 March when the locals gathered at Fadden Pond for the clean-up event. We started with a safety briefing about the use of weed spray where necessary, as opposed to the usual approach where we pulled out the weeds, and we also talked about which native plants to make sure we leave and which weeds to take out. The participants spent a couple of hours cleaning up various areas around the pond, which included cleaning up near the roadside, litter clean-up, weed eradication and edging the pathways. I would also like to send a big thankyou to the City Presentation area of City Services, who came past on the Monday after the clean-up and took away a huge pile of weeds and clippings that we had collected over the day. It was great to have that removed very quickly before it could get spread about the neighbourhood.

I would like to express my gratitude to the following individuals for their efforts in helping with the clean-up, where we all spent a great time together, not just improving our local neighbourhood but also getting to know some of our neighbours as well. Thank you to Didi, Jenny, James, Henrik, Katrina, Ross, Jenny, Glenn, Camille, Swan, Todd, Peter, Fox, Deborah, Rosa, Hiru, Sumudu, Sandi and Megan for your participation in our clean-up of Fadden Pond.

### **Municipal services—acknowledgement**

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (5.17): Our city would not be what it is without our people, and this is especially true when it comes to the services that we enjoy every day. Already this year in City Services we have had several milestones to celebrate.

Last month Raymond Russell celebrated 50 years working in what is now known as City Services—50 years of caring for our city and our community. Raymond began in the Yarralumla Nursery in February 1974. Since then he has been in a variety of roles, and the last two decades have been as a mower operator. This means he has been mowing on every working day, out of the Allara Street depot, and particularly servicing the areas around Civic and Dickon.

Right across Canberra, in our presentation teams and our roads teams, in our libraries and in our licensing teams, we have dedicated crews, many with decades of experience, like Raymond, who love our city and have provided literally years of expertise and commitment in their service.

Indeed, just last week we celebrated Peter Schultz, who is retiring after 52 years of service to the Canberra community. Peter began his career as a horticultural

apprentice in 1972. After starting as a gardener, he specialised in pest control, with what is now known as the City Presentation branch. He was instrumental in ensuring that the specialised pest control team was co-located at the one depot in Deakin, a decision made more than 30 years ago.

But it is Peter's mentoring of and guidance to generations of incoming apprentices and staff that spoke the loudest to me. He has not just had an eye for talent; his sharing of corporate knowledge, his work ethic and his passion for our city has resulted in this capability and attitude being not only strong but apparent throughout City Services, at all levels of service and experience.

It was such a delight to celebrate and to sincerely thank Peter at his depot, in the presence of his family, including his wife, Deb, and his children, as well as his colleagues, those he has worked with recently and those he has supported from the beginning of their careers. Thank you, Raymond and Peter, for devoting your careers to creating and maintaining the spaces that we all get to enjoy.

And a message to all our teams and crews who touch our community: thank you for your committed service every day. I have visited many, many depots and other sites, including library branches, over the last three months and I have been so delightfully surprised at just how many people are celebrating milestones of service: 10 years, 20, 25, 30, 38 and 40. It is really quite extraordinary and it is a testament to the camaraderie and their commitment to this city.

I want to single out for this past season our mowing crews and the weed-spraying and litter-picking crews who precede them, as well as Roads ACT and Urban Treescapes and the tree-planting team, who have all been working in such difficult conditions this season. The storm clean-up, I regret to say, is still ongoing. Largely, it is just fallen branches now, but it has been an incredibly disrupted season, with the rainfall that we have had and then with the grass growth and the thickness of that.

It affected all teams over the Christmas season and it has certainly been a sacrifice for them as well. Many of them have been so committed to our city that they have volunteered for overtime. They have gone out of their way to make sure that we could catch up with the mowing program, which is on track. Given where the city was in its presentation and look and feel two months ago, what has been achieved is nothing short of remarkable and it is thanks to some terrific support that those teams get from their supervisors in 480, their area managers and especially their depot managers.

I really do thank them. We have been putting up with a lot when it comes to wild weather and I feel it is only just the beginning. They took extra effort in helping out on Clean Up Australia Day, not just in taking away cleaned-up material but also volunteering at two sites across the city. These are committed crews and it has been such a joy to get to know so many of them. Thank you.

Question resolved in the affirmative.

**The Assembly adjourned at 5.23 pm.**