DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

DAILY HANSARD

Edited proof transcript

21 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 **Friday, 5 April 2024**.

Wednesday, 20 March 2024

Thursday, 21 March 2024

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

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

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

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

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

Bimberi Youth Justice Centre—review—government response
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) (10.01): On 28 November 2023, the report of the Office of the Inspector of Correctional Services, *Thematic review of a correctional service: Isolation of children and young people at Bimberi Youth Justice Centre*, was tabled by my colleague Minister Davidson. The ACT government welcomed this report and I am pleased to present the government's response today.

The inspector's powers as they relate to youth justice came into effect in December 2019. As a result, the inspector—a position currently held by Ms Rebecca Minty—is responsible for examining and reviewing, at least every two years, each place declared to be a detention place under section 142 of the Children and Young People Act. The Bimberi Youth Justice Centre is the only detention place under the Children and Young People Act.

The November 2023 report was the outcome of the inspector's first thematic review of Bimberi since the inspector's role was expanded. This review also served as a pilot National Preventive Mechanism visit under the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, otherwise known as OPCAT. The inspector commenced the process for the review in May 2023. The methodology for the review included interviews with young people and Bimberi staff; consultation with oversight agencies; data- and information-gathering from the Community Services Directorate, Education Directorate and Justice Health Services; community consultation; and an unannounced onsite inspection of Bimberi by the five-person review team between 1 and 6 June 2023.

The report makes 13 recommendations in relation to the operations of Bimberi services delivered by the Community Services Directorate and Justice Health Services. The government has carefully considered these, and the response indicates that eight

recommendations are agreed in full and five recommendations are agreed in principle. As expected, the inspector did not find any contraventions of the OPCAT at Bimberi. Of the eight agreed recommendations, two have already been completed. Of the five agreed-in-principle recommendations, one has financial and one legislative implications that would each require consideration through appropriate budget and cabinet processes to implement. Two further recommendations would both require enhancements to the Child and Youth Record Information System to implement.

The Community Services Directorate is currently investigating options to implement the final agreed-in-principle recommendation regarding young people having access to chairs in their rooms as a standard furniture item, and I am confident that a solution will be identified. The inspector acknowledges the hard work and dedication of ACT government staff working in Bimberi to ensure the safe care and custody of young people. I would also like to recognise the outstanding work and commitment of the staff across the Community Services Directorate, Education Directorate and Justice Health Services as well as our community partners, in ensuring that young people in Bimberi are supported to grow and develop, preparing them to successfully participate in the social and economic life of our community in the future.

The ACT government acknowledges the effective independent oversight provided by the Inspector of Correctional Services in supporting the ACT in delivering an accountable and transparent youth justice system that ensures young people feel safe, valued, respected, supported and hopeful about their future. Updates on progress against agreed recommendations will be provided as part of the inspector's second Healthy Centre Review, scheduled to be undertaken later this year.

I present the following papers:

> Inspector of Correctional Services Act—Thematic Review of a Correctional Service and National Preventative Mechanism Pilot Visit by the ACT Inspector of Correctional Services—Isolation of children and young people at Bimberi Youth Justice Centre—Government response, dated March 2024.
>
> Office of the ACT Inspector of Correctional Services (OICS) Thematic Review of Bimberi Youth Justice Centre—Government response—Ministerial statement, 21 March 2024.

I move:

> That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Environment—State of the Environment report
Ministerial statement

MS VASSAROTTI (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.05): I am pleased to table the ACT 2023 *State of the environment* report, prepared by the Commissioner for Sustainability and the Environment, pursuant to the Commissioner for Sustainability

and Environment Act 1993. The 2023 *State of the environment* report fulfils the commissioner's statutory requirement to provide the ACT community and the government with commentary and analysis about the environment and progress towards sustainability in the territory.

The reporting period for the report is from July 2019 to June 2023. The report assesses a set of indicators for seven environmental themes, including climate change, human settlements, air, land, biodiversity, water and fire. These are consistent with previous *State of the environment* reports to enable trends to be revealed and changes to be assessed. These indicators provide clear evidence to both the status of key environmental issues and the effectiveness of environmental policies and activities.

Elements of progress where the government may need to consider further work or investment are discussed in the exploration of key sustainability and environmental issues for the ACT over five chapters. These chapters include valuing Ngunnawal country; community leadership in environment, sustainability and climate; bushfires in the ACT; Canberra's urban boundary; and the circular economy. The report presents 30 recommendations to guide the ACT government to make strategic management decisions to improve environmental outcomes in the territory. Key actions are provided to assist with ongoing management, data gaps and policy challenges. As the minister responsible for reports undertaken by the commissioner, I table the report.

I will now discuss some of the contents of the report. The ACT, like the rest of Australia, has been deeply affected by the dual crises of climate change and biodiversity loss. The latest 2022 Intergovernmental Panel on Climate Change assessment report demonstrated that insufficient global action limiting greenhouse gas emissions means the earth is heading towards potentially catastrophic warming levels of over two degrees Celsius.

In the ACT, climate change is already having a significant impact, with clear evidence of a warming climate and an increased occurrence of hot days. Climate change was a significant factor in the severity of the 2020 bushfires, which was one of the worst on record. During the 2019-20 bushfire season, nearly 90,000 hectares—which equated to 40 per cent of the ACT—was burnt, including 80 per cent of Namadgi National Park and 22 per cent of Tidbinbilla Nature Reserve. Within the ACT, around 75,000 hectares burnt by the 2003 bushfires were re-burnt in 2020, which will affect native vegetation, biodiversity and ecosystem health for decades to come.

The 2021 *Australian state of the environment* report highlighted the national biodiversity loss crisis, finding the number of listed threatened species has risen by eight per cent since 2016 and more extinctions are expected in the next decade. Within the reporting period for the *State of the environment* report, six new species have been added to the threatened list and three were given a higher threat status. It is within this context that the 2023 *State of the environment* report is presented, creating a clear imperative that we take urgent steps to protect our unique environment so it can thrive into the future.

The report findings help to identify major environmental and sustainability challenges in the ACT that demand timely and effective management responses. The requisite management of the urban-natural environment interface remains a notable challenge

throughout the reporting period. The 2019 *State of the environment* report noted that the region's population has been growing and the city's footprint has expanded. Canberra's urban footprint continues to expand in the north and the west with several greenfield developments in the Molonglo Valley, Gungahlin and West Belconnen.

Habitat loss and degradation is the dominant mechanism by which species are threatened in Australia, and urbanisation is one of the key factors driving this loss. The environmental costs of expanding Canberra's footprint are immense, including clearance of habitat, disturbance of ecological communities, increased urban edge effects and increased sedimentation and erosion from developments. The ACT's population is projected to grow over the period 2022 to 2060 to 784,000 people. If we are to achieve a compact and efficient city, there is a need to prioritise limiting urban sprawl and focusing on infill development, which includes increasing the intensification of housing in existing developed areas.

Some of the major findings of the report include long-term trends showing that the ACT is getting warmer, with 2019 being the hottest year on record for the territory with 33 days over 35°C. The ACT's emissions are decreasing, having achieved 100 per cent renewable energy in 2020. However, scope 3 emissions account for the vast majority of the ACT's total emissions, accounting for 95 per cent of the ACT's total carbon footprint in 2020. The ACT's ecological footprint is over nine times the size of the land area of the ACT, showing that current source use is unsustainable. There is a continued high reliance on cars, while public and active transport use is much lower than previous decades, despite population growth.

PM2.5 is the ACT's most serious air quality issue. During the 2019-20 bushfire season, the ACT experienced 56 days with air pollution levels that exceeded health standards, including 42 days above the hazardous health rating. In non-bushfire years, wood heaters have the greatest impact on air quality in the ACT. The biggest threats to native vegetation are from urban development, climate change, bushfires and the loss of mature trees. Native fish populations are under pressure, with the Murrumbidgee River dominated by alien species. Urban development is degrading water quality and increasing impacts downstream of the ACT.

As a city that prides itself on its environment and its commitment towards sustainability, the ACT has shown leadership in a number of areas of environmental policy development. These include being the first jurisdiction in Australia to achieve 100 per cent renewable electricity supply, legislating a target for net zero carbon emissions by 2045, developing regulations to prevent new gas network connections, and setting a target to achieve no net waste going to landfill.

The 2023 *State of the environment* report triggers critical conversations on what management actions and policy interventions can be applied to protect our environment and help Canberrans live more sustainably. I thank the commissioner and her office for preparing the ACT *State of the environment* report for the government's consideration. Such reports require significant work and input. In this regard, I also thank all directorates and other parties that provided information to support the commissioner in preparing her report. The government will now consider the information, findings and recommendations in the report. I look forward to providing a response on behalf of the government in mid-2024.

I present the following papers:

> Commissioner for Sustainability and the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—ACT State of the Environment Report 2023.
>
> ACT State of the Environment Report 2023—Ministerial statement, 21 March 2024.

I move:

> That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Legislative Assembly—broadcasting

MADAM SPEAKER (Ms Burch) (10.15): I move:

> That Continuing Resolution 3 relating to Broadcasting Guidelines be amended by omitting paragraph (3), and substituting the following:
>
> "(3) pursuant to subsection 6(4) of the *Legislative Assembly (Broadcasting) Act 2001*, the Speaker or a committee chair may withdraw from a person or organisation the right to broadcast, or record for broadcast, public proceedings of the Assembly or the relevant committee if that person or organisation does not abide by any guidelines issued by the Speaker to give effect to this resolution or to relevant provisions of the *Legislative Assembly (Broadcasting) Act 2001*.".

Continuing resolution 3 of the Assembly relates to the Assembly broadcasting and is made pursuant to section 52 of the Legislative Assembly (Broadcasting) Act 2001. The amendment I am moving to continuing resolution 3 is technical in nature. Currently, at paragraph 3, the resolution references the specific title of guidelines that were previously issued by the Speaker.

This amendment today simply removes a reference to a specific document and instead refers to any guidelines issued by the Speaker or the relevant provisions of the act. The effect of this change will be that any guidelines or conditions laid down by the Speaker with respect to the guide to broadcasting will be coherently linked to continuing resolution 3 irrespective of what those guidelines are called.

Members may be aware that, following consultation with the Standing Committee on Administration and Procedure, I have provisionally provided new guidelines for broadcasting, filming and photography in the precincts pursuant to continuing resolution 3. These new guidelines are presented in a streamlined format, provide additional clarity around campaigning, advertising and sponsorship, and will update the form to be used by media organisations and others seeking to film in the precinct. I want to thank the conversations and agreement across admin and procedure members, and I commend the motion to the Assembly.

Question resolved in the affirmative.

Education and Community Inclusion—Standing Committee
Report 9

MR PETTERSSON (Yerrabi) (10.17): I present the following report:

> Report 9 of the Standing Committee on Education and Community Inclusion entitled, *Inquiry into the future of school infrastructure in the ACT*, dated 12 March 2024, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

In my role as the chair of the Standing Committee on Education and Community Inclusion, I am pleased to speak to the report of the inquiry into the future of school infrastructure in the ACT. This is the ninth report of the Standing Committee on Education and Community Inclusion for the 10th Assembly.

At a private meeting on 6 December 2022, the committee resolved to inquire into this matter and report to the Assembly. Building on its previous inquiry into the management of school infrastructure, the committee sought to examine options to improve access and amenity within ACT public schools. The committee received 18 submissions and held one public hearing. Witnesses took two questions on notice. Members visited 10 schools across the ACT, New South Wales, South Australia and Victoria and participated in a consultation with the ACT Youth Advisory Council.

Key things that emerged from the evidence included that infrastructure should be designed and built with flexibility in mind to support schools to adapt to changing capacity and accessibility needs, as well as teaching methodologies; schools are an important element of a community's identity and support broader community engagement and enrichment; children and young people should be consulted on the design of schools to provide them with a greater voice on changes that impact them; vertical school infrastructure presents an opportunity to expand school capacity within our growing town centres; quality technology and software are essential to deliver effective administration and teaching in the school environment; and promoting greater equity and transparency around resourcing decisions will enhance community engagement. This report makes 26 recommendations to enhance planning, design and funding processes for school infrastructure. It is supported by all committee members.

On behalf of the committee, I would like to thank everyone who contributed to this important inquiry. I also thank the other members of the committee, Miss Nuttall and Ms Lawder, as well as our wonderful committee secretariat. I commend the report.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Report 26

DR PATERSON (Murrumbidgee) (10.19): I present the following report:

> Report 26 of the Standing Committee on Justice and Community Safety, entitled *Inquiry into the Integrity Commission Amendment Bill 2022 (No. 2)*, dated 13 March 2024, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

This is the 26th report of the Standing Committee on Justice and Community Safety. The committee recommends that the ACT government should accept and implement recommendations 15, 16 and 17 of the review of the ACT Integrity Commission by Mr Ian Govey AM as part of its overall legislative response to the full findings and recommendations of the review. Doing this will mean that it will no longer be necessary to pass the Integrity Commission Amendment Bill 2022 (No 2), as the intent of that bill will be effectively met.

On behalf of the committee, I would to thank everyone who contributed to this inquiry and I thank the other members, Mr Cain and Mr Braddock. I commend the report to the Assembly.

Question resolved in the affirmative.

Members—leave of absence

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

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

Gaming Machine (Compulsory Surrender) Amendment Bill 2024

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

Title read by Clerk.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.22): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Gaming Machine (Compulsory Surrender) Amendment Bill 2024 to the Assembly. This bill establishes the legislative framework to give effect to the government's commitment to reduce electronic gaming machine authorisations

in the ACT to 3,500 by 1 July 2025. This commitment seeks to ensure clubs continue to support the ACT community while introducing and strictly enforcing measures to further reduce harm from gaming.

We know that gambling harm can significantly affect livelihoods. The 2019 ACT Gambling Survey found that approximately 34,000 ACT adults are at-risk gamblers. The Productivity Commission's inquiry report *Gambling* in 2010 highlighted that an increase in the rate of gambling harm is associated with the increasing density of gaming machines. This is supported by a New Zealand, Ministry of Health survey of 12,000 people. The survey found that people who lived closer to gambling venues were significantly more likely to be at-risk gamblers compared to people who lived further from gambling venues. These statistics indicate the social need to reduce the number of gaming machine authorisations within the territory. They demonstrate the importance of creating pokie-free club venues within the ACT, which is why I rise today to introduce the Compulsory Surrender Bill to ensure a further reduction in gaming machine authorisations within the territory by July 2025.

This bill is one aspect of the government's commitment to reduce gaming machine authorisations in the territory. As such, I am also pleased to announce the establishment of the ACT government's non-statutory voluntary surrender scheme for gaming machine licensees. I see the commitment to reach 3,500 authorisations as a two-stage approach which commences first with a voluntary surrender program and then leads into a compulsory surrender framework for any outstanding authorisations that are not surrendered voluntarily by licensees. This represents the ACT government's commitment to reduce harm from gaming while providing financial support to clubs to move away from gambling revenue.

As of 1 February 2024, there were 3,790 authorisations remaining in the territory. From today until 1 May 2025, gaming machine licensees will be eligible to surrender gaming machine authorisations to the territory in exchange for either $15,000 per authorisation surrendered or $20,000 per authorisation if the venue goes pokie-free. The scheme intends to strike a balance between ensuring clubs' viability as important cultural and social institutions within the territory while reducing the pervasiveness of gaming machines within these venues. We want Canberrans to be able to enjoy our clubs and hotels without unwarranted exposure to gambling harm. The voluntary surrender scheme will be available to licensees of both class B and class C gaming machines, making it available to our 25 community clubs and club groups, as well as the five remaining hotels that operate class B gaming machines.

The government recognises the significant business change involved in removing all electronic gaming machines from a venue. Therefore, licensees may indicate their intention to surrender authorisations but defer the actual surrender for a period of up to 12 months. This demonstrates the government's commitment to supporting clubs to diversify away from gaming revenue. Under this model, licensees can receive half of the surrender payment at the time of the application and the other half when the surrender process is complete. This will give licensees a cashflow injection to make changes to their business model and plan for the reduction in gaming machine revenue, with the aim of encouraging early uptake of the incentive. Authorisations voluntarily surrendered under this incentive will count towards a club's compulsory surrender obligation. To reduce the business impact of the proposal, a licensee with more than

one venue will have the flexibility to choose which venue they would like to surrender authorisations from.

To implement the second stage of the commitment, the compulsory surrender of authorisations, this bill provides that the Minister for Gaming must, by notifiable instrument made before 1 June 2025, assess the surrender obligations for each licensee. This is to give licensees early visibility of the number of authorisations they will need to surrender under the scheme.

My assessment of the surrender obligation must not exceed 20 per cent of the authorisations held by the licensee in relation to the authorised premises on the census day. This is to ensure that there is a limit on the percentage of authorisations which each club is required to surrender under the legislation. The assessment must also be proportionate to the number of authorisations held by the licensee so that premises with the most authorisations have the largest surrender obligation and premises with fewer authorisations have a smaller surrender obligation, until the target of 3,500 has been reached.

To support the viability of our smaller clubs, licensees with fewer than 20 authorisations will not have a surrender obligation but are encouraged to voluntarily surrender authorisations for a payment until the voluntary surrender scheme ends on 1 May 2025. If the target of 3,500 is reached through the voluntary surrender period, licensees will not have an obligation to compulsorily surrender authorisations under the act.

I would like to thank licensees in advance for their commitment to assisting the ACT government reaching 3,500 authorisations by mid-2025. I am fortunate to have had the opportunity to work closely with both clubs and gambling harm reduction advocates through this term of government, and I trust that a combination of both the voluntary and compulsory surrender programs strike an important balance between reducing harm from gaming while ensuring the continuation of our social and cultural institutions within the territory. I would also like to thank members for their consideration of this bill, and I commend it to the Assembly.

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

Liquor (Night-Time Economy) 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) (10.29): I move:

> That this bill be agreed to in principle.

This is a bill which delivers on the government's commitment to invest in the night-time economy through better regulation. We are all too aware of the significant impact

of the COVID-19 pandemic on Canberra's businesses, particularly the hospitality and creative industries. The subsequent effects of inflation and the cost of living have compounded the issues faced by Canberrans, our businesses and the community.

Night-time economy research released in 2023 and commissioned by the Council of Capital City Lord Mayors indicated that, in the ACT, core night-time economy establishments—those in the drink, entertainment and food sectors—employed over 30,000 people and generated a turnover of $3.8 billion in 2022.

The evidence and rationale for reform is clear. Based on the data available, even a one per cent increase in the night-time economy's growth rate would translate into hundreds of millions of dollars over the coming decade and generate significant wellbeing benefits for the ACT.

A thriving night-time economy is essential for attracting and retaining a talented workforce, boosting tourism and fostering a diverse and inclusive community. As well as delivering economic benefits, a vibrant night-time economy provides wellbeing benefits to the community and a platform for social connection, creativity, expression and cultural exchange.

Access to better night-time amenity and leisure options fosters a sense of community and belonging, and it contributes to a more vibrant, more livable and a safer city. A wider variety of food offerings at night supports healthier food choices and it provides inclusive options for night-time economy participants from diverse social and cultural groups.

This bill completes a package of reforms for licensed venues which I announced in December 2023. Five major reforms to stimulate Canberra's night-time economy were introduced and made effective from 1 January 2024, including an automatic extension to standard licensed hours for small cafes and restaurants, and significant fee reductions to help support small, licensed businesses and start-ups.

This bill and the 1 January changes boost the night-time economy in a safe and responsible way. As well as delivering economic benefits, a vibrant night-time economy provides wellbeing benefits to the community and a platform for social connection, creativity, expression and cultural exchange.

This bill introduces a reform which will create flexibility for businesses by authorising liquor licensees to temporarily increase trading hours for licensee events and/or change the floor plan of a licensed premises for licensee and special events without having to move to a higher annual fee category or to pay an application fee to obtain that authorisation. Before approving an application, the commissioner must be satisfied that the licensee is capable of managing any additional risks involved with selling liquor during the extended trading period, and that changed floor plans will not risk the safety, health and welfare of patrons or the community.

In addition to this, a new provision will automatically extend trading hours where the head of Access Canberra declares a "special event". This will allow businesses to easily and flexibly leverage off events that are special to Canberrans, such as sporting events involving Canberrans or national teams, an example being the early morning games of

the Australian women's soccer team as part of the FIFA Women's World Cup last year, or the Multicultural Festival. Under this reform, all licensed venues can apply to Access Canberra to extend trading hours for licensee events and/or change floor plans for up to 10 authorisations in any 12-month period.

Two further reforms legislate the ACT government's intent to support and develop our night-time economy and related industries, and it will encourage community engagement with arts and culture. An amendment will insert a new object into the Liquor Act to provide for the responsible development of the territory's night-time economy and related industries such as the live music, entertainment, tourism and hospitality industries. Following on from this, the Liquor Act will be amended to provide that the decision-maker should have regard for this new object when making a decision. This new object will not affect the harm minimisation and community safety principles which are already provided in the Liquor Act, but it is another consideration that would need to be taken into account.

Another new reform, aimed at increasing flexibility and regulatory responsiveness, is to allow the commissioner to issue an interim licence for any applicant where there is a delay regarding suitability of premises preventing the licence from being issued, but where the commissioner is satisfied from a risk and safety perspective that the premises can still provide alcohol. The reform is intended to encourage more businesses to be competitive in the night-time economy by improving the application process.

An amendment is also proposed to provide the minister with portfolio responsibility for the Liquor Act with the power, via a disallowable instrument, to determine that other business types are exempt from the legislative framework. Work has already been undertaken to identify additional exempt businesses, such as nail salons, beauty salons, and raffles and lotteries for charitable fundraising where the supply of liquor is complimentary and ancillary to the primary purpose of the business.

While I am proud to introduce this bill in my capacity as Minister for Government Services and Regulatory Reform, as the Minister for the Arts, Culture and the Creative Economy, I am very excited about a new reform that has the intention of supporting and enhancing the artistic and cultural vibrancy of the NTE. I have been thinking about this for longer than I would like to admit, Madam Speaker, and it is really quite humbling today that we are able to present this reform through this legislation.

A new provision in the Liquor Act will provide for an 80 per cent reduction in annual licence fees for venues that showcase artists, musicians and other cultural activities where there is an occupancy of 150 people or fewer. Businesses that operate as live music venues, host entertainment and events other than live music, or support local artists by providing space or hosting cultural events will benefit from this bill.

This reform will also give impetus to the intent of cementing Canberra's reputation as the arts capital of Australia, and it supports other government policies such as the ACT Tourism Strategy, showing artists the intent of the ACT government in supporting these industries.

This bill and the 1 January reforms are part of a larger body of work to support night-time economy growth. A key component of the broader work program for the

night-time economy is public safety. This was, you would recall, Madam Speaker, the subject of the Assembly resolution of 8 June 2023. It is a little unusual, but in the context of this bill it is important for me to report on the progress to date. A lively and vibrant night-time economy, as you have heard me mention already throughout this speech, and a safe night-time economy go hand in hand.

The motion brought by Dr Paterson last year called on the ACT government to consider safety and Purple Flag accreditation in the night-time economy consultation. In this motion and the responses of our colleagues, we heard that accessibility, safety, inclusion and ease of movement are crucial for all participants in our night-time economy, but especially so for women, night-time workers, families, younger people, people with disabilities, people from diverse cultural backgrounds, older people, and the LGBTIQ+ community.

Our vision for the night-time economy emphasises our aspirations for safety and inclusion: Canberra will be a city where the night brings exciting opportunity for all Canberrans and visitors to connect, explore culture, work and have fun; a city after dark that is safe, easy to get around and accessible; where there is plenty to see and do, which is visible or easily found, where talents and creativity of businesses, artists and entrepreneurs are readily showcased and valued; Canberra, day and night, a better experience for everyone.

As agreed in the Assembly resolution, the government has engaged extensively with industry stakeholders, business owners, the community and ACT government directorates on night-time economy issues, including safety in these settings. This has included a Your Say panel survey on our nightlife, as well as three business and stakeholder panel workshops and two community representative workshops.

Safety has been a key component of this consultation, including a consideration of the Purple Flag accreditation program and its safety-related benefits. Panel participants received a presentation from a Sydney business owner on the process that the YCK Laneways precinct went through to attain Purple Flag accreditation. Panel members and community representative groups were asked to give feedback on the possibility of seeking accreditation under the program for current and future entertainment precincts.

Feedback received through this targeted and thorough community consultation communicated to us that, while business owners and the community do see value in an accreditation program like Purple Flag, which has been deployed internationally and domestically in cities such as London, Stockholm and Sydney, it may not necessarily be the right fit for Canberra. Participants considered the impact that applying Purple Flag accreditation only to some areas in Canberra would have—for example, impacts on businesses that sit outside or adjacent to those areas, and the safety of nightlife in areas of our city that may miss out on accreditation.

Additionally, it was noted that maintaining compliance under the Purple Flag program could increase the regulatory burden on businesses who are already under pressure. It was communicated to us that a solution that is co-designed with business and government, and tailored to the population and geography of our city, is preferred.

While there is more to learn and consider about Purple Flag, I am proud to report that

since undertaking consultation this government has taken vital and meaningful steps towards understanding the specific safety concerns of our city, particularly our city centre.

In November last year, the Better Regulation Taskforce engaged Adams Urban to undertake a night-time vulnerability assessment of the city centre. This assessment utilised both urban design principles adopted by the ACT government and crime prevention through environmental design principles to identify opportunities for safety-focused improvements to the city centre's public realm.

The resulting report identifies several key recommendations across the domains of sightlines, natural surveillance, connectivity, activity, and management and maintenance of the public realm. Many of these initiatives are being considered or have already commenced, including lighting upgrades in the city centre and improvements to safety and access through the City Hill park. You would be aware, Madam Speaker, that there is a competition on for that at the moment.

In addition, the task force has engaged Dr Phillip Wadds from the University of New South Wales to deliver an internal research paper on alcohol-related harm in the night-time economy. This research will present this government, along with licensed venues and community organisations, with options for regulatory and non-regulatory interventions to improve safety and to minimise alcohol-related harm in our night-time economy.

I would like to acknowledge crucial initiatives already in place under this government, such as the ACT government-funded CBR NightCrew, which, as of two weeks ago, had helped 9,100 people, averted more than 780 incidents that posed serious risk of harm, and had seen a 56 per cent reduction in incident referrals to the police and a 69 per cent reduction in ambulance call-outs.

To summarise, this package of reforms will encourage different venues with a greater range of activities and attractions to be open at night. As more people venture out at night to connect and enjoy new offerings, passive surveillance increases, helping to further mitigate risks associated with the night-time economy.

We know that alcohol is an intoxicating substance with potential negative impacts on health and mental health; therefore it does have a higher regulatory risk profile than many other products. The reforms will be achieved without compromising the objects and harm minimisation and community safety principles of the Liquor Act. As the reforms are implemented, the government will ensure that any potential harms to the community from the increased access are sufficiently mitigated. By supporting our night-time economy with an informed and comprehensive approach to harm reduction measures and community safety, we are committed to ensuring a safe and diverse nightlife for all Canberrans to take part in.

As I flagged, this is part of a broader reform package. These reforms are supported by other activities that are being undertaken by the ACT government. We are implementing vibrant entertainment precincts in the city centre and in Gungahlin through improved planning and building standards, adjustment to noise zone standards and a review of complaints management.

I certainly welcome the support that Minister Vassarotti, as the policy minister, especially as it relates to noise, has been giving me, Access Canberra and the Better Regulation Taskforce in terms of the consultation that we have been undertaking and the new way of thinking about how we might approach noise in our community to support our night-time economy, and to make sure that we are not unduly creating adverse consequences. I think it is an exciting time, and I look forward to reporting back on that consultation very soon, because I know that everyone is interested in noise.

We will continue to work with business, industry and community stakeholders in the implementation of these reforms, and we will identify future opportunities to inform and guide our work program beyond 2024. With the passage of this bill later this year, this completes a quite significant package of reforms that has come about through what we have heard in the community has been an iterative process, as we have then reflected back to the community on what we have heard and what we are proposing.

We are very grateful for the extensive collaboration that we have had, including with industry partners like the AHA and MusicACT. I want to give a very big thanks especially to the Better Regulation Taskforce and Access Canberra, as well as the economic development directorate, for really stepping up to the plate about this, and making sure that this is not only a priority in words but a priority in actions. We are already seeing the difference that this is making, especially for our small business and hospitality community.

The opportunities that are presented here for our artists is quite incredible. I look forward to seeing what the impacts of it will be. A very big thank you goes to those teams. This has been an extraordinary amount of work. I am very confident that these are reforms that will make a genuine difference. I commend the bill to the Assembly.

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

Assisted Reproductive Technology Bill 2023

Debate resumed from 28 November 2023, on motion by **Ms Stephen-Smith**:

> That this bill be agreed to in principle.

MS CASTLEY (Yerrabi) (10.46): I rise today to speak on the Assisted Reproductive Technology Bill 2023. The aim of this important bill is to regulate multiple areas of assisted reproductive technology and its clinical practice. Every year in Australia almost 20,000 babies are born via assisted reproductive technology. With a long-term decline in the fertility rate, it is critical that ART is accessible to Canberrans and regulated appropriately.

There are a number of regulatory requirements outlined in this bill. They cover accreditation and registration of ART providers, donor consent rights, limitations on the number of families that can be donated to, and the establishment of a mandatory register of donor information.

Regulations around the consent required for gamete use have been tightened. Prior

donor consent is required for any ART treatment or related research. The posthumous use of gametes is only allowed where consent has been provided for this before death. The bill requires that donated sperm, eggs and embryos have to be used no later than 15 years after donation. There are also important changes around the limit of families that a donor can provide to.

Due to the risk of a donor-conceived person entering into a consanguineous relationship with an unknown biological sibling, especially in a smaller city like Canberra, a donor is only able to provide donations to up to five different families. Further, to protect donor-conceived people from this, a donor register will be established. The donor register will ensure that identifying information of donors is collected and available to those conceived via ART. The register will require the provision of personal information and information around physical characteristics, ethnicity, relevant medical history, and whether there are any other related donor-conceived people in the community.

Under the donor register, people will be able to access information about themselves, and parents can access information kept for their donor-conceived child. Mature donor-conceived people will be able to access information about their donor once they turn 16, and donors can access non-identifying information about children conceived from their donation.

These changes are all important to ensure that our assisted reproductive technology services in the ACT provide a positive experience to those involved.

In 2021, Dr Paterson moved a motion regarding the regulation of and access to ART services in the ACT. The government released a report the next year in response, which sought to address barriers to accessing ART, using insights from ART consumers and fertility providers. The report called for the development of a regulatory framework for ART and the establishment of a donor information register. These commitments are covered in the bill. However, the government has not taken meaningful action on ART accessibility.

The report committed the government to exploring options for increasing affordability and accessibility of ART, including a potential low-cost ART service in the ACT. Two years later, we have heard nothing more about it. What has the government done to address this issue of ART affordability and accessibility?

As I have already alluded to, assisted reproductive technology is such an important service. It is an expensive procedure, but going through ART is also a very emotionally intensive experience. That is why it is so critical that Canberrans are supported and do not have to perceive having children as an imposing financial burden. It is important to consider that, where any legislative changes create greater costs for ART practices, the cost will be passed on to the patient.

The Canberra Liberals will be supporting this bill today, but we will continue to advocate for the accessibility of ART services as an important service for many Canberrans. I thank the minister's office and the directorate for providing a briefing on this bill.

DR PATERSON (Murrumbidgee) (10.50): I will start by congratulating Minister Stephen-Smith on this significant piece of legislation. For the first time, donor-conceived people in the ACT will have the rights they have always deserved. I would also like to acknowledge some people in the chamber who have a deep passion and interest in seeing this bill pass today.

I have been on quite a journey on this issue over the last nearly four years. It started with me as a new member of the Assembly, when it was brought to my attention in the first few weeks that the ACT had no ART legislation at all. I moved a motion calling on the ACT government to explore this issue of a regulatory framework and a donor register.

Through the process of the motion, I had discussions with a couple of fertility clinics, but there was not huge interest from the community in that motion. It was not until about six months later, towards the end of 2021, that I received contact from Donor Conceived Australia and Walkley Award-winning journalist Sarah Dingle, who were very interested to have a chat about the issues facing donor-conceived people.

I met with DCA and Sarah, and I have never been so affected by people's stories. Overnight, I became a radical advocate for the rights of donor-conceived people. The stories I heard, some of which I have already read in the Assembly, are profound, in that they speak to the core of people's identity and being. I again thank Kirrily, Eleni, Gail and Lola for providing me with the honour of sharing their stories.

I thank and commend the actions of Minister Stephen-Smith and the ACT government for responding to my motion and progressing to prioritise and fund a year-long drafting project, aligning with my views that there was urgency to see donor register legislation.

What deeply concerned me was that, prior to this legislation passing—today, hopefully—babies born in the ACT using donor gametes have not been afforded the same rights to their identity and health history as other babies. I have heard stories of adults finding out overnight, in their 30s or 40s, that their parents are not their parents. I have heard allegations of past unethical practices by fertility clinics. I have heard stories of recipient parents finding out that their child has over a thousand siblings. These are all stories from families who have accessed ART in the ACT.

The right to identity is a core component of the UN Convention on the Rights of the Child. It is absolutely and fundamentally core to our jurisdiction, as a human rights jurisdiction, that babies born in the ACT have their human rights upheld. Here we are, two years down the track, and we have an excellent piece of legislation. Of course, this is just the start of the journey with this legislation. There is more to do, but this is a fantastic framework to begin our journey with a donor register.

Today, it feels appropriate to share three more stories as we debate this bill and highlight why this is such a significant piece of legislation. The first views are from Elizabeth. She stated:

> It's overwhelming to finally see legislation addressing the rights and needs of donor conceived people like me. Growing up without any legal framework in place, I often felt like my identity and history were shrouded in uncertainty.

> Before, it felt like we were kind of invisible, with no official recognition or support. But now, with this new legislation, it's like someone is finally listening to us and trying to make things clearer and fairer.
>
> The introduction of a voluntary register is a significant step forward for donor conceived individuals. Personally, it's something I wish had existed during my own search for information about my biological origins when I was trying to piece together my story. Having access to such a register could have provided me with vital details about my donor, medical history, and potential siblings. For future donor-conceived people, this register offers the promise of a more empowered journey towards understanding their genetic heritage.
>
> The regulation of the ART industry brings a sense of relief and validation to me and countless others who have felt the impact of unregulated practices. It's kind of scary to think that before this legislation, there weren't really any rules to ensure that doctors and clinics were doing things safely. Knowing that our parents, particularly mothers, will now be protected by law is a long-awaited reassurance. Additionally, the imposition of family limits helps prevent potential exploitation and ensures that every child conceived through ART receives the respect they deserve.
>
> Looking ahead, I hope that this legislation marks the beginning of a transformative journey for donor conceived children and adults in the ACT. With greater access to information, transparency, and counselling support, I envision a future where individuals like me can navigate their identities with confidence and clarity. I dream of a society where the rights and well-being of donor conceived individuals are fully recognised and respected, fostering a sense of belonging and empowerment for generations to come. Maybe one day being a donor conceived person won't feel so complicated.

The next story is from Sally:

> Unlucky at love, heartbroken and with very low fertility I realised that at 35 I was running out of time. I decided to live my own dream and started my IVF journey in Canberra. After determining which IVF clinic I would use, I looked at the available Australian sperm donors. No photos, no health information, just three dot points with basic attributes and hobby information. I was so disappointed.
>
> In the end I spent significant money on imported sperm from America, which came with photos, and information on hobbies, family history, health data and genetic testing outcomes. Having all the additional information was reassuring and helped me build a more complete picture of a potential child. I was also reassured that my child would be able to obtain the donor's last known contact information at 18, and that mandatory counselling would be required. My IVF journey was very successful, I conceived my first child … and my second child was born a few years later using the same donor.
>
> The IVF clinic informed me that a limited number of families could use the donor both in Australia and globally … I wanted to find these other families, since I felt that knowing half siblings was important for my children … Without a registry being available, I started a Facebook group and over several years, families started to make contact. Pictures were shared and we gradually got to know each other.
>
> It quickly became apparent that a significant number of people in several countries

> had used the same donor, the most being in America. Despite the lack of regulation of the fertility industry in the US, we were stunned by the numbers. We collectively guessed at maybe 30 children globally, but it's much more—and several Australian, even Canberra-based families that we know exist. We are eager to let them know that they are most welcome to be part of our global family network, but we have no way of telling them we are here.
>
> The ACT's new compulsory register for future children born via donor conception will make contacting other families easier, especially to share health information. One day, a register that my children can be a part of will help them even further to establish their identity and connections. Legislated requirements for the fertility industry will also ensure that birth reporting and limits on using a donor are enforceable. This new legislation will help put an end to the days of uncertainty for donor conceived children in finding more about their origins and unknowingly interacting with … their siblings.

Finally, I would like to share this story from Phillip:

> The states and territories of Australia are finally waking up to the lived experience of donor conceived people. It is a cause for celebration.
>
> Those in power are finally starting to listen to those of us that have lived in doubt and obscurity for years and sometimes decades about fundamental facts that most people take for granted. Those who were told by governments, clinics and bureaucrats that their desire to know their genetic parents or siblings was none of their business are seeing this narrative reversed. Those who have fought for years to change outdated legislation are at last getting the answers they deserve.
>
> I am one of these people. In my 30s, I was given the shocking news that my father who raised me was not, in fact, my biological father. Although I loved him dearly, so many of the assumptions I had made about my genetic inheritance and family lineage were based on a carefully constructed deception. Trying to reconstruct your identity after such a disruption has taken many years, and I still don't have all the pieces of the puzzle.
>
> What the ACT is doing with this legislation will allow people in my position to find answers to questions that they should not have to beg for. They will gain access to services to help them come to terms with their identity with help of professionals. They will be able to find their half siblings to extend their sense of identity and know themselves more fully.

Thank you to Elizabeth, Sally and Phillip for allowing me the honour of sharing your voices and stories in the Assembly today. I would also like to thank Aimee Shackleton and everyone from Donor Conceived Australia. Your work and your stories have had a profound impact on me, and the power of your advocacy is seen today in the Assembly, with the passage of this bill. I am honoured to be able to speak in support of this bill today.

MS CLAY (Ginninderra) (11.01): The Greens will be supporting this bill. It is important in these conversations to focus on the human rights of donor-conceived people. This is especially important as the ACT is a human rights jurisdiction. The right for a child to know their identity is promoted by article 8 of the UN Convention on the Rights of the Child. Donor-conceived people have the right to know their medical

information, their heritage, their identity and who their siblings are.

The true number of donor-conceived people in Australia can never be accurately known because of historic destruction of records, but it is well over 60,000. Donor Conceived Australia believes that up to 80 per cent of adults who were donor-conceived, the majority from the 1970s onwards, are still unaware of their conception status. Many are finding out by accident when doing at-home DNA tests, and donor-conceived people tell me they can never be confident they have found all their siblings.

There is a history in this industry of little to no regulation. We see situations where there are donor-conceived people discovering that they can have dozens or even hundreds of siblings. Imagine not knowing if you were related to someone you were dating. This is the very real possibility for many donor-conceived people. Granting donor-conceived people the right to have their own genetic information by granting the right to access the donor's information is essential, as this information can have an enormous impact on their health and wellbeing.

The donor-conceived community has been advocating for regulation for 20 years. Currently—prior to this bill—there are no regulations in the ACT. There are guidelines but no laws, so this legislation is a great first step. It enables regulation and the creation of a register that will allow donor-conceived people to access information about the donor. This bill introduces regulatory requirements for the clinical practice of assisted reproductive technology by ART providers, including registration requirements, requirements around the provision of clinical services and requirements for gamete retrieval, embryo creation, storage and disposal and limitations on multiple uses of gametes from the same donor.

This bill also establishes a register of information in relation to donors, recipient parents who use the donation for ART treatment and the donor-conceived person born as a result of the donation. The donor register is designed to ensure that identifying information is collected and available to be disclosed to all people who are conceived from ART treatment after the commencement of the bill.

On commencement of the bill, donor-conceived people over the age of 16, or who are younger but have been assessed by a counsellor to be of sufficient maturity, may access identifying information about the donor from the donor register. Donor information may be accessed by the parents of a donor-conceived person soon after the birth of the donor-conceived person except where gametes donated prior to commencement are used.

Information about donor-conceived people born prior to commencement, or the donors, will not be included in the donor register unless placed there voluntarily. The next planned stage of this reform is not included in the bill currently. It is to review the legislation to consider options to make the donor register retrospective. This would allow the donor register to be expanded to include information related to donor-conceived people born prior to the date of the commencement, and the donors.

Although not included in the donor register, under the bill donor-conceived people born prior to commencement may still access accessible information about the donor directly from the ART provider, which reflects the existing practices under the NHMRC

guidelines. It is important that we progress the next steps in the stage 2 reforms and investigate options to make the donor register retrospective to allow access to information for donor-conceived people born prior to commencement, and especially prior to 2004, when anonymous donations were allowed.

I note that South Australia has just this week passed legislation allowing donor-conceived people aged 18 years and over to access information about the donor and genetic siblings. South Australia is the second jurisdiction to do this in Australia and one of the first of the few in the world to open up records retrospectively. Victoria has had legislation since 2017 that gives all Victorians conceived through donor treatment procedures access to available identifying information about the donor, regardless of when they were born.

I would like to highlight some particular areas of success in this bill. The bill begins with excellent principles that place donor-conceived people firmly at the centre of the legislation. It states that the welfare and interests of people born, or to be born, as a result of assisted reproductive technology treatment must be protected and that donor-conceived people have a right to information about their donors. This is essential. Donor-conceived people are the only people involved in the ART process who had no choice in being a part of the transaction, so it is right that they have been placed at the centre of the legislation.

Maximum family limits in the ACT and in wider Australia are now legally enforceable and are no longer covered only by guidelines. This is a really positive step. The establishment of the donor conception register promotes transparency and accountability and will facilitate access to up-to-date information for donor-conceived people about their origins and important medical information. Again, we look forward to stage 2, when this will be expanded to be retrospective. The legislation ensures government oversight of ART providers through registration and includes significant legally enforceable penalties for the first time. This ensures that a safe and ethical process occurs for all parties associated with donor conception.

The Greens will be supporting this legislation today. There was no committee inquiry into this bill, so I would also like to put on the record a couple of points about where future improvements could be made that might have been discussed had there been a committee inquiry. These points have been raised in consultation with the donor-conceived community.

This legislation requires that ART providers must offer counselling prior to obtaining or using a donated gamete, but this does not make counselling mandatory. That is something that has been made mandatory in other states. Intended parents and donors require counselling that not only focuses on intended parents' experiences of infertility but also prepares recipient parents and donors for the reality of rearing a donor-conceived child, meeting their needs and approaching the unique challenges they may face throughout their lifetime.

It was raised with me that there is a risk that the requirement to give certain information before providing an ART service cannot be ensured in relation to international donors. As currently drafted, the bill leaves the choice to decide and/or to disclose what is relevant personal health information to ART providers. That is, the ART provider

decides whether it is serious enough to pass on, but they are not required to disclose information to anyone. Feedback from donor-conceived people indicates that this is of concern, as it could provide a loophole for non-disclosure and it could cause a conflict of interest if ART providers do not want to report to other families that there may be a problem with the gametes that were sold for financial gain.

The bill also allows for the posthumous use of gametes in certain circumstances. We acknowledge that this is a difficult issue. I have heard different views on this. I have heard from some donor-conceived people that they believe it is never in the best interests of the child to use posthumous gametes, as this removes the ability of the resultant child to know and have a relationship with one or both of their biological parents, so it is certainly an issue that should be looked at.

The bill also allows for the use of gametes up to 15 years after collection. We have heard from some donor-conceived people that they believe long-term storage of gametes is unethical, due to the health and psychosocial implications for donor-conceived people. There is a lack of research conducted on the health implications of long-term storage of gametes across the life span of donor-conceived individuals. It is also difficult for donor-conceived people to form relationships with an ageing donor or siblings who are separated by large age gaps. I have been told by many donor-conceived people that, for these reasons, they would encourage lower storage limits. That is another area that should be examined in future legislation.

It is also worth mentioning in this debate the concerns that we have heard about the international importation of genetic material. While the bill places limits on the number of families able to use a single donor, we are, of course, unable to regulate outside our own jurisdiction. So international donors could be donating internationally and therefore creating lots more potential siblings. New Zealand does not allow international gamete importation. I would like to see that issue better explored, possibly at the federal level.

There is also a great need for a national register to be explored in the future. As interstate and inter-clinic transfers of gametes have happened, I have heard stories of donor-conceived people thinking they have found all their siblings from one state's register and subsequently connecting with another sibling in another state via DNA testing only to then find another group of siblings from another state's register. There is clearly room for improvement and national coordination here. This should be done in a way that centres donor-conceived people and assists with the safety of the donor-conceived community.

The Greens will be supporting this bill. We are looking forward to the progression to the stage 2 reforms in the next iteration. We are very happy to facilitate that and will support it if we are re-elected. We would like to congratulate the minister and Dr Paterson for bringing this work forward.

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) (11.10): I am pleased to speak in support of the Assisted Reproductive Technology Bill 2023. This is an important reform which aims to protect and promote the rights of people accessing assisted reproductive

technology, and especially donor-conceived people.

The bill will introduce regulatory requirements for the clinical practice of assisted reproductive technology by providers in the ACT. This is a new framework that will promote the health, safety and wellbeing of people undergoing assisted reproductive technology treatment in the ACT. It will also, importantly, establish a donor register. Donor-conceived people have told us how the lack of information currently available about their heritage and their identity causes significant distress and fundamentally affects their rights under the Convention on the Rights of the Child, including knowing their identity and for their best interests to be of primary consideration.

Recognising these important rights, many jurisdictions in Australia and internationally are establishing donor registers to ensure that donor-conceived persons can access information about their identity, their heritage and their biological family health history. This information can be significant for donor-conceived people's identity and sense of self, and also for practical matters like proactively managing health risks and being aware of possible genetic connections with potential partners.

This bill carefully balances the rights of donor-conceived people with the right to privacy for people who have donated. There are safeguards in place, including that the donor register is not made publicly available and cannot be released under the Freedom of Information Act. Further, only very limited and specific categories of people can apply to obtain information on the register. All donors will have donated on the basis that the donor-conceived person will have access to their information. Those who donate with an assisted reproductive technology provider regulated by the bill will have been informed about the information-sharing requirements in the ACT.

The bill does not require assisted reproductive technology providers to provide retrospective information for inclusion on the donor register. This means that, unless it is voluntarily added to the register, information relating to donor-conceived people born prior to the commencement of the legislation will not be available. The later stage of reform will consider access to mandatory information regarding those services that occurred prior to commencement.

Speaking personally, I do absolutely believe this is necessary, just as I believe a national register is necessary. I am also conscious that this will create a more significant imposition on the right to privacy for people who have donated and that consultation will need to occur before government can decide on a way forward. But, in my mind, the way forward is clear.

The regulatory framework and donor register established by the bill will benefit many people across our community, including those who are pursuing parenthood via surrogacy arrangements. In October last year I introduced the Parentage (Surrogacy) Amendment Bill, which will modernise surrogacy law in the ACT, removing discriminatory barriers, providing a clearer structure for arrangements which better protect human rights for all parties involved and achieving greater consistency with states and territories.

For members of the community who are entering into surrogacy arrangements and accessing assisted reproductive technology treatments to have a child, the framework

established by that amendment bill will guide the decision-making of all parties involved in the surrogacy arrangement, while the framework under the Assisted Reproductive Technology Bill will ensure that access to these treatments is safe and aligned with best clinical practice. If a donation is part of the conception of a child then the relevant details will be included in the donor register, as required by this bill.

The combination of these two reforms currently being progressed by government is intended to promote the rights of donor-conceived persons and persons born by surrogacy arrangements, intended parents and surrogates. The best interests of children are at the forefront of these reforms, as required by our Human Rights Act, which enshrines the right to protection of children with reference to the Convention on the Rights of the Child.

I thank Dr Paterson for making so clear, several years ago, in this place why this reform is so necessary, through the sharing of donor-conceived people's experiences, and, as she described, becoming a radical advocate. I thank Minister Stephen-Smith and the Health Directorate for prioritising the complex work that underpins the bill we are debating today. Like surrogacy, this work was not something that the government had anticipated working on or that was on our agenda at the start of this term, but it quickly became apparent that change was necessary. How this and surrogacy have been regulated cannot continue in its current form.

I want to sincerely thank all donor-conceived persons and especially Donor Conceived Australia, who have provided not only valuable advice and feedback but their very personal and powerful experience to inform the development of both of these reforms. This would not have happened without you. I also want to recognise that advocacy through sharing experiences, and especially when you have to share those experiences repeatedly, does have its own costs. This has been really selfless work for future generations. The character of the people who have advocated for these reforms is quite remarkable. We sincerely thank you.

On that, I am also aware any media about donor-conceived persons can result in a parent revealing to a person, often an adult, for the first time that the person is donor conceived. I do expect that there will be media today. This conversation is obviously traumatising for everyone involved. Please know that Donor Conceived Australia exists as a non-profit charitable organisation to provide donor-conceived people with support and to connect them to professional support. The organisation can be reached through donorconceivedaustralia.org.au, as well as through Facebook, X or Twitter, Instagram, YouTube, LinkedIn and TikTok. I commend the bill to the Assembly.

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) (11.17), in reply: I would like to start by thanking members for their contributions to the debate on the Assisted Reproductive Technology Bill 2023. As we have heard, the bill establishes a legislative framework that will regulate assisted reproductive technology, also known as ART, in the ACT.

This is important legislation that aims to ensure that ART providers in the ACT continue to operate to exceptional clinical and ethical standards. The bill also aims to ensure and protect the rights of those individuals and couples who access ART in their attempt to

have a child or children. Most importantly, it seeks to ensure and protect the rights of individuals who are donor conceived.

The bill seeks to enhance the rights of all people who access ART, including people of diverse genders and sexualities, single parents, people with fertility issues, and those who may use ART because of an identified risk that a disease or genetic abnormality may be transmitted to their child. Individuals and families in the ACT, as in other jurisdictions, are accessing ART at increasing rates to create their families, and all deserve the protection this act offers.

The bill seeks to honour the rights of donor-conceived people to know their genetic heritage. The bill enables the establishment of a donor register that will support donor-conceived people to access identifying information about their parents' donor and about any other siblings they may have. The bill requires all ART providers in the ACT to meet registration requirements and aims to ensure that ART providers continue to adhere to high clinical and ethical standards in the delivery of their services by enshrining these responsibilities in law.

Accessing ART treatment can be a challenging and emotional experience. The importance of supporting individuals' psychosocial welfare cannot be overstated. Therefore, the bill requires ART providers to offer counselling services to any clients wishing to undergo ART treatment and to any individual wishing to donate their gametes.

As discussed during introduction of the bill, this legislation does have some differences from other jurisdictions' legislation. For example, it allows for a donor's gametes to be used after their death if they have left written consent for that to occur or, in rare and exceptional circumstances, with Supreme Court approval. The bill also sets out family limits—that is, the maximum number of families that a single gamete donor can create. Family limits aim to prevent prolific donors from producing large numbers of offspring.

Historically, there has been a culture of secrecy around donor conception, meaning that many donor-conceived people do not find out until later in life, if ever, that they were donor conceived. We are increasingly aware of how important it is for donor-conceived people to know their genetic heritage, for a range of reasons. In addition to being informed about heritable conditions that may impact their health or the health of their own children, we know people have an innate desire to understand where they come from. This can include better understanding their ethnicity, social and cultural background, as well as being able to potentially contact their parents' donor and/or any siblings.

The donor register will be implemented in two stages. This bill represents stage 1 of the donor register. In stage 1, donor-conceived people conceived on or after the commencement of this legislation will have access to information about their parents' donor. As part of stage 1, past donors and donor-conceived people will also be able to voluntarily provide their details to the register.

Stage 2 will aim to establish a retrospective register that will allow all donor-conceived people, irrespective of when they were conceived or born, to gain identifying information about their parents' donor, if those records still exist. Stage 2 of the donor

register will require further legislative amendments and will occur after extensive community and stakeholder consultation and engagement. However, this bill does require ART providers to maintain records that relate to ART practices, including those from before the commencement of this legislation, to incorporate into stage 2 of the donor register.

This bill will make the ACT the first jurisdiction to allow donor-conceived people under the age of 16 to access the donor register. Any donor-conceived person over the age of 16 will be able to access their information directly. Any younger donor-conceived person will be able to access the register once a qualified counsellor deems them mature enough to understand the serious nature of the information that they are accessing. These young people will then be supported whilst accessing the register.

The government has carefully considered the impact of this bill on the ART industry and the ACT community. It is a significant bill, with interactions with the rights to privacy, liberty, recognition and equality before the law, and protection of family and children, under the Human Rights Act 2004. These interactions are further detailed in the explanatory statement accompanying the bill.

I want to thank the Standing Committee on Justice and Community Safety, in its scrutiny role, for its thorough consideration of this bill, particularly regarding the creation of offences by regulation and dispensing of the notification requirements for the variation of instruments incorporated through regulation.

As I advised in my response to the standing committee, I consider that the ability to create offences by regulation is beneficial in relation to ART due to ongoing changes to clinical capabilities, abilities and practices, as well as the significant differences in societal attitudes and expectations that can occur across relatively short periods of time in this field. This includes developments such as the capacity for egg freezing and changing attitudes towards donor anonymity. This flexibility is necessary in the ART industry, which is subject to rapidly changing technology and where adverse incidents may have a substantial impact.

Given that the bill creates a new regulatory regime, the ability to create offences by regulation will help the ACT government to respond to currently unanticipated circumstances efficiently and flexibly and better safeguard the rights and safety of donors, people undergoing ART treatment and donor-conceived children. To safeguard against an excessive delegation of rule-making power, the bill outlines that the maximum penalty that can be attached to an offence created by regulation is 30 penalty units. This means that the use of regulations to create offences will be limited to offences of a relatively minor nature. This is within the usual arrangements for the framing of offences and is in accordance with the Justice and Community Safety Directorate's *Guide for Framing Offences 2010*, lending to the proportionality of this provision.

While there are powers to create minor offences by regulation, any regulations created will still be subject to the Assembly scrutiny process and can be disallowed by the Assembly. An explanatory statement considering the human rights implications must accompany any changes to regulations and, under section 38 of the Human Rights Act, this will be subject to a report about human rights issues by the relevant Assembly

committee. This process will ensure that the need for the ART regulatory system is responsive to challenges as they arise, while being balanced appropriately with the need to ensure appropriate scrutiny and accountability.

The scrutiny committee also noted its concern that section 126 of the bill will allow regulations to incorporate, apply or adopt laws or instruments as in force from time to time. I have advised the committee that, in circumstances where a regulation incorporates an instrument, an explanation for why a particular incorporated instrument cannot be notified will be set out in the explanatory statement accompanying the regulation and subject to scrutiny by the committee.

The types of instruments expected to be incorporated without notification could be other relevant laws, regulations and industry-specific guides issued by professional bodies, including those which govern the accreditation of ART providers. These documents would already be publicly available and published online. Allowing relevant instruments to be incorporated, applied or adopted in the act supports consistent standards of practice in the ART industry across Australia. Were regulations to refer to accreditation requirements or other legal obligations of the ART provider, incorporating that instrument from time to time would also help to ensure consistency between the various legal and regulatory frameworks.

It is also important to note the context in which any incorporated instruments would need to be accessed. Where an instrument as made from time to time is incorporated in regulation, these instruments will be likely to apply to ART providers, and it is generally expected that these providers would have knowledge of the standards and practices relevant to the professional services they offer, and therefore have knowledge of any instruments and any changes to those instruments likely to be incorporated, applied or adopted in regulation. In relation to this part of the bill, I note that safeguards have been incorporated into the bill to ensure that incorporated instruments are either made available on the legislation register or on an ACT government website or office.

The 2023-24 budget review included more than $2.7 million to support the quality, transparency and safety of ART services. This funding will establish a donor register, support work on stage 2 of the register, and provide case management and counselling services for those accessing the register.

This bill represents the culmination of significant work over many years by many people. I would like to take the opportunity to thank all those who have contributed to the development of this bill, including staff from the ACT Health Directorate and my office; the ACT's fertility clinics and peak bodies, who contributed to the development of the bill; and, most of all, Donor Conceived Australia and those people with lived experience who have shared those experiences with Dr Paterson, with Minister Cheyne, with me and with others in this place to inform us about the importance of getting on with this work quickly.

I particularly want to thank my colleague Dr Marisa Paterson. Dr Paterson's advocacy on this issue is another demonstration of the incredible contribution that Labor's non-executive members make in this place. Whether it is through private members' bills or advocacy on issues where the level of complexity requires the executive to take the lead, Labor's non-executive members have been incredibly active throughout this

term. I can assure those from Donor Conceived Australia who Dr Paterson has been talking to that she has not just talked the talk. She has walked the walk and she has held us to account for getting this work done as quickly as we possibly could.

I thank everyone else who has spoken on this bill. I know Minister Cheyne has also taken a strong interest in this issue throughout. Ms Castley, as she noted, sought a briefing. We welcome the Canberra Liberals' support for this legislation. It is a little disappointing that Ms Clay chose to raise her concerns about the bill at this late stage and without having sought a briefing. There has been plenty of time to do so and to discuss potential amendments if there were opportunities to strengthen the legislation. Of course, no legislation is perfect and there will be another stage to this reform, so if Ms Clay would like to talk to my office about her concerns and how those may be incorporated in future legislation, she is welcome to do so.

This bill will protect the community, align the ACT with other jurisdictions and ensure that Canberrans can have greater confidence in the assisted reproductive health services they receive. Most importantly, it will give donor-conceived people the information they need and deserve to understand where they come from. The stories Dr Paterson has shared speak clearly to why this is so important. I again welcome the support of all parties in the Assembly in passing this legislation and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Climate Change and Greenhouse Gas Reduction (Membership) Amendment Bill 2024

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

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (11.30): I rise today to speak briefly on the Climate Change and Greenhouse Gas Reduction (Membership) Amendment Bill. The bill will amend the Climate Change and Greenhouse Gas Reduction Act 2010 to enable the minister to appoint an additional member to the ACT Climate Change Council. This will allow the council, as far as practicable, to include two Aboriginal or Torres Strait Islander members. I understand this change addresses feedback the government received on the importance of having members with local connections to country and having both a male and a female representative on the council. The Canberra Liberals are pleased to support this amendment bill today.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (11.31): Speaking briefly on behalf of the Labor Party, we are pleased to also support

this legislation and to indicate our support for the principle of First Nations' perspectives being fully represented in climate change policy and decision-making. So I too commend the bill to the Assembly.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.31), in reply: I am pleased to rise today for the debate of the Climate Change and Greenhouse Gas Reduction (Membership) Amendment Bill, and I thank colleagues for their supportive and brief contributions. As has been noted, the bill amends the Climate Change and Greenhouse Gas Reduction Act 2010. This act has been fundamental to the territory's action on climate change, providing clear legislation that facilitates successful policy development and analysis. The act established the ACT Climate Change Council, which provides independent advice on matters relating to emissions reduction and addressing and adapting to climate change.

This bill amends section 20 of the act to require at least two Aboriginal and Torres Strait Islander members to be appointed to the council. This addresses feedback we heard on the importance of appointing representatives with local connections to country and a strong preference for having both a male and a female representative on the council. This will enable both men's and women's business to be considered, in line with cultural law. Also, it will ensure the council is represented by the right people who are able to provide specific, connected and local advice relevant to the ACT and the country on which we reside.

The amended bill represents a minor update to the council's membership but allows for increased diversity and representation on the council. The amendment increases the opportunity for Aboriginal and Torres Strait Islander participation and promotion of the interests of the Aboriginal and Torres Strait Islander community in decision-making processes related to climate change policy.

In summary, I believe this bill will have a positive impact on the rights of Aboriginal and Torres Strait Islander peoples in the ACT, but it will also assist the government in our commitment to First Nations representation and assist the government in getting clearer, stronger important advice when it comes to addressing climate change issues here in the territory. I thank members for their support and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Births, Deaths and Marriages Registration Amendment Bill 2023

Detail stage

(Quorum formed.)

Debate resumed from 6 February 2024 on motion by **Ms Cheyne**:

That this bill be agreed to.

Clause 1 agreed to.

Clause 2.

MISS NUTTALL (Brindabella) (11.37): I move amendment No 1 circulated in my name and table a supplementary explanatory statement *[see schedule wwww at page wwww]*.

I will address all my amendments at once. I am very proud to be able to represent the ACT Greens today to demonstrate our unwavering support for trans folk. Having heard the stories and experiences that have gone into the development of these reforms, I can see that the legislation that the minister tabled will impact a small number of people but in a significant and meaningful way.

Allowing trans people, and particularly trans youth, to have access to appropriate documents should be a relatively boring administrative procedure, but unfortunately at the moment it is a radical act of affirmation. These changes also allow trans people to, with the consent of their partner and/or their children, have their marriage and the birth certificates of their children updated to reflect their transition into husbands, fathers, mothers, wives, spouses or parents.

While most of us only occasionally think about our birth certificates, having accurate information on these documents is necessary for accessing a range of government services, including enrolling at school, applying for a passport, obtaining a driver's licence or getting married. The need for accurate gender identification on these documents is acutely felt by those whose gender does not match the sex marker currently on their birth certificates. For these people, accessing such services is at best mildly embarrassing and a bit stressful, but it can also be a completely inaccessible thing to do.

I want to provide a disclaimer that this was not going to be my speech to deliver. So much of the hard work and the heavy lifting, consultations, drafting and redrafting were done by the ACT Greens team before I entered office. I am deeply and profoundly grateful that I have the privilege of being the one to take this across the line as the ACT Greens spokesperson on LGBTQI+ affairs.

I am so proud to table these amendments, supported and championed by the ACT Greens across the board, and I sincerely hope they will make a meaningful difference to my trans, non-binary, and gender-diverse friends, loved ones, colleagues and community.

Today I am moving amendments to Minister Cheyne's bill to reform the Births, Deaths and Marriages Registration Act. My amendments complement the minister's reforms by making it fairer and simpler for people to amend their birth certificates as part of the gender affirmation process. The amendments I am proposing will make changing your

birth certificate a personal, legal and administration process, removing the requirement for medical verification of a gender affirmation. This will make changing your identity document a more straightforward and less expensive process. This change is important because it supports the self-determination of trans people and aligns our processes to other jurisdictions, including Victoria, Tasmania and Queensland.

These amendments will enable people to describe their gender on their birth certificate, meaning that the options will not be limited to male and female and the unused and outdated term "indeterminate/unspecified/intersex", which has stood in place of "non-binary" for the last decade. As well as this, the amendments will allow people to request in writing that their sex marker be removed from the birth certificate. While sex will remain a mandatory category on the government's register, this amendment will enable the associated certificate to not include this detail.

These amendments are a long time coming and reflect almost a decade of sustained advocacy on behalf of trans and gender-diverse Canberrans by well-respected and highly engaged organisations, such as A Gender Agenda and Equality Australia.

While the ACT was the first jurisdiction to change our birth registration laws to add a third sex descriptor and remove the requirement for surgical verification back in 2014, since that time several other jurisdictions have made more progressive changes that reflect a more nuanced understanding of gender and the role of identity documents in the ability for trans people to live full and meaningful lives just like everyone else. The ACT government is a jurisdiction known for our progressive law reform, enabled by a parliament that is representative of the incredibly open-minded, progressive and compassionate Canberra community. The ACT Greens, like our colleagues around the country, have always championed the rights of trans and gender diverse people, and this reform is no exception. I am proud to have worked collaboratively with affected stakeholders and my colleagues in the government to put forward these reforms today. It is my firm belief that these amendments will greatly assist in the day-to-day liveability of trans lives and are brought forward by a government that respects, values and cares for trans people.

While this is fundamentally an administrative reform, there is of course symbolic value. In the current political context, where trans people have been made into political footballs, it is possible—and at times encouraged—that politicians shy away from such reforms; it is possible to determine that moving forward and making life easier for trans people might have a perverse impact by making trans people once again the subject of public debate and discussion on the value of their lives. It is possible—and at times encouraged—to decide that it is too risky or hard to talk about trans people. However, to cave to these calls and fears would be to let transphobes win. Part of the strategy behind the confected outrage of transphobes and their social conservative allies at the moment is to prevent us from making trans lives liveable, to prevent governments from supporting trans people for fear of being punished electorally for doing so, and to prevent people from recognising themselves as trans and enabling them to find support and community.

These reforms demonstrate that this government will not be silenced. The ACT Greens will continue to expand human rights to trans and gender-diverse people as we always have, and we will continue to put forward policies that make trans people able to move

through their lives and our communities with ease. We do so in solidarity with trans Canberrans and the organisations that advocate for them. This includes Equality Australia, whose work on the 2018 review into ACT legislation impacting LGBTQIA+ Canberrans paved the way for these reforms. Working with Equality Australia to develop these reforms has been a wonderful experience. I am always grateful for their insight and impactful contributions. Their assistance in the drafting of these amendments is very much appreciated.

I would also like to thank Intersex Human Rights Australia for their input. While these reforms are intended to impact trans people, not intersex people, inevitably the way we talk about and respond to issues of sex and gender can impact the way we approach intersex people too. I appreciate the input we have had from Intersex Human Rights Australia to ensure that intersex people are not unintentionally impacted negatively by these reforms.

I would like to thank the ACT Human Rights Council who provided valuable input into these reforms at a pivotal time in their development, as well as the Parliamentary Counsel's Office, whose professionalism and attitude is always greatly appreciated. They have been hugely patient and forthcoming with their advice and expertise.

I have to thank Izzy Mudford, the former adviser who drove these amendments. Given that I inherited this speech, which she kindly drafted, I can say that now. She worked tirelessly with all our community groups, with the drafting office, with the broader team and with the community at large, to make these amendments the strongest, most progressive amendments they could be. She was so generous with her time, her experience, her energy and her passion for Canberra's queer community, and she is the reason we are able to make these amendments happen.

Lastly, I would like to particularly thank A Gender Agenda, who the ACT Greens have worked closely with on these reforms. AGA provides an invaluable service to our community for which I am incredibly grateful and supportive. I thank AGA and all their members, supporters and employees over the years that have continued to advocate for these reforms. Indeed, it was AGA's initial work in the early 2010s that paved the way for birth certificate reform right around the country.

Reforms such as these have changed the lives of trans people, making it easier and simpler for them to travel, access education, get married, sign contracts and simply live their lives. Trans rights are human rights, and these reforms today serve to ensure that the rights of gender-diverse people can be fully realised.

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) (11.46): This amendment relates to a delay in the commencement of some of Miss Nuttall's later proposed amendments, mainly clauses 11A and 18D. We support this amendment, which will allow for appropriate time for the implementation of these reforms.

Question put:

> That amendment No 1 be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Amendment agreed to.

Question put:

That clause 2, as amended, be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Clause 2, as amended, agreed to.

Clauses 3 to 9, by leave, taken together and agreed to.

Clause 10.

MS LAWDER (Brindabella) (11.52): I will speak to a number of the clauses at once. As foreshadowed in Ms Lee's previous comments on this bill during the last sitting week, there are a number of provisions of this bill that the Canberra Liberals will be supporting. However, there are a number of provisions in the bill which we do have concerns with, specifically the provisions which expand the age at which a young person can apply directly to the Registrar-General to change their sex and/or given name without the consent of a parent or parents.

In presenting this bill, the minister talked about the need to remove barriers and create pathways for transgender, intersex and gender-diverse young people to change their sex and given name when they do not have the support of both parents. Obviously, we would support the removal of any barriers that could cause distress to transgender, intersex and gender-diverse young people. We support the principle that every individual should live their life to their fullest capacity—that is not in question—but we are concerned with lowering the age from 16 to 14 and whether a 14-year-old would have the cognitive ability to make this life-changing decision without the support or, indeed, the knowledge of their parent or parents.

In her presentation speech, the minister said:

> This reflects more contemporary understanding of developmental processes for young people and the increasing independence that young people have around that age.

But these proposed new laws do not reflect the accepted age level that has been set for other crucial decision points for our young people. Our kids cannot legally consent to a sexual relationship until they are 16; they cannot drive until they are 17; they cannot legally drink alcohol until they are 18; they cannot get married without parental consent until they are 18; and, indeed, they cannot vote until they are 18. And these have all been set to reflect that the teenage years are a time of significant growth and cognitive development.

We are also concerned that this bill makes the assumption that parents would somehow be a roadblock to their child changing their gender or first name. While this could be the case in some circumstances, the involvement of a young person's family in making what is a life-changing decision is critically important for not only the young person but, indeed, their entire family. The minister herself recognised the importance of involving a child's family when making such a significant decision. During debate on the previous amendments to this act in 2020, the minister said:

> This process recognises the importance of involving a child's family as much as possible in what is a significant decision—a decision made by a young person who might benefit from having that extra support.

These are complex issues and a young person's parents and, indeed, the whole family should be part of the decision-making process. Having a system which leaves parents out could potentially cause more conflict and distress for the young person.

The practicality of how these reforms will work is also of concern. Our understanding, and what was confirmed by officials during the briefing on the bill, is that, once a young person has successfully applied to the Registrar-General to change their sex and/or given name, there is no mechanism for the parents of the young person to be informed and, indeed, issued with a new birth certificate reflecting the change. This could result in a situation where a young person, indeed as young as 14, has a different birth certificate than that held by their parents. Imagine the difficulties this could cause for enrolling in school and applying for a passport.

So, in summary, we have moved to split the bill today to allow a separate vote on those

clauses which change the age at which a young person can apply directly to the Registrar-General to change their sex and/or given name without the consent of a parent or parents.

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) (11.56): This clause and clauses 12, 18 and 19 relate to changing the age at which a young person can independently apply to change their registered given name and sex, so I will talk about them cognately as well, especially given the opposition is planning to oppose them.

It is important to recognise that what we are talking about here is not authorising any type of medical treatment. It is about changing a name and sex marker in a register that would allow a young person to obtain a birth certificate that better reflects their lived identity. While changing legal sex and name is a significant step, and I do not wish to downplay this by any means, it is fundamentally an administrative change and it can be changed again at a later date if a young person decides that the name and marker are no longer right for them.

At the age of 14, most young people are in high school and taking on a range of new independent responsibilities. It is an age when a young person may be thinking about taking a part-time job and participating independently in a range of extracurricular activities. It is also a time when young people become particularly conscious of their identity. Transgender young people who are lucky enough to have the support of both parents can access identification documents from a young age that affirm their gender identity and allow them to participate in activities in their lived identity, rather than being outed when their documents do not match their gender presentation.

However, where a transgender young person is not supported by their family, they will face many more barriers in everyday life, compounding the difficulties that arise from not being accepted for who they are at home. While it is now possible for a young person who is 14 to apply independently to ACAT to determine whether they have sufficient decision-making capacity, in practice this option has been rarely used. Even though our tribunal has made great efforts to make this a less intimidating process, transgender young people have told us that the idea of starting legal action in a tribunal feels overwhelming, frightening and distressing by having to justify their identity to a stranger simply by virtue of their age.

Transgender young people and advocates have emphasised to us that not being supported in their lived identity can have tragic consequences, with transgender young people sadly experiencing alarming rates of self-harm and suicide. By contrast, studies of children and young people who are supported in their gender identity show that this support can make a remarkable difference. Young people who are able to socially transition can have developmentally normative levels of depression and only minimal elevations in anxiety.

It is for these reasons that we are proposing to provide young people who are aged 14 and over the ability to change their given name and sex marker independently. I certainly commend this and the other relevant clauses.

Question put:

That clause 10 be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Clause 10 agreed to.

Clause 11.

MS LAWDER (Brindabella) (12.01): We will be opposing this clause.

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) (12.01): This change is proposed because it has proved difficult in practice for the Registrar-General to assess whether a particular name change better reflects a person's gender identity, as this is obviously a very personal matter. In addition, there may be other legitimate reasons for a young person aged 14 or over to wish to change their given name independently.

The ACT Children and Young People Commissioner has told us that it can be particularly important when a young person may have been the victim of family violence or abuse and wants to have a fresh start with a new given name, without having to seek their parents' approval. As we consider that young people at the age of 14 have the ability to understand the decision to change their given name to affirm their gender identity, it makes sense to recognise that this capacity applies to a change of given name for other reasons.

Question put:

That clause 11 be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert

Jo Clay	Rachel Stephen-Smith		Nicole Lawder
Emma Davidson	Rebecca Vassarotti		Mark Parton
Laura Nuttall			
Suzanne Orr			

Question resolved in the affirmative.

Clause 11 agreed to.

Proposed new clause 11A.

MISS NUTTALL (Brindabella) (12.04): I move amendment No 2 circulated in my name which inserts a new clause 11A *[see schedule wwww at page wwww]*.

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) (12.04): This amendment allows a person to opt out of having their former name shown on their birth certificate after a change of name. Normally a person's former name is included on the back of the certificate.

We support this amendment noting that it includes a requirement that the Registrar-General be satisfied that the request be for a genuine reason relating to the person's privacy. This provides an important safeguard to allow the Registrar-General to refuse a request if there are legitimate concerns about a person using a certificate for fraudulent purposes, while recognising that a transgender person not wanting to have any reminder of their dead name on their birth certificate would be a genuine reason relating to their privacy.

As per the agreed amendment to clause 2, this amendment will have a delayed commencement to allow appropriate work to occur to implement the change. I commend it to the chamber.

MS LAWDER (Brindabella) (12.05): We will be opposing this proposed new clause.

Question put:

> That proposed new clause 11A be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Amendment agreed to.

Proposed new clause 11A agreed to.

Clause 12.

MS LAWDER (Brindabella) (12.06): We will be opposing this clause.

Question put:

> That clause 12 be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Clause 12 agreed to.

Proposed new clauses 12A and 12B.

MISS NUTTALL (Brindabella) (12.08): I move amendment No 3 circulated in my name which inserts new clauses 12A and 12B *[see schedule wwww at page wwww]*.

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) (12.08): These new clauses, together with 14A, are significant. They are something that I am personally, as well as in my role as the Minister for Human Rights, very proud to support and to have worked with Mr Davis and now with Miss Nuttall to provide for in this bill, Madam Speaker.

What these clauses do is remove the requirement for a change of registered sex that a person provide evidence that they have received clinical treatment from a doctor or psychologist in relation to their change of sex. We should acknowledge that this current requirement in the act represented a momentous improvement when it was passed in 2014 and it removed the requirement for a person to have invasive, risky and often unnecessary surgery before they could change their registered sex.

The clinical treatment required now can include counselling rather than any surgery or

medical treatment. The ACT was the first jurisdiction in Australia to take this important step and to recognise the human rights of transgender people in this way. Ten years on, there is now much greater understanding in our community of gender identity and a recognition that it is largely a personal rather than a medical matter. With what we know now, the justification for requiring any medical certification in relation to treatment for change of sex is less clear. We understand that it can present a real barrier for people to find a doctor or a psychologist with relevant expertise in gender identity issues, and that cost or long wait times can prevent people from changing their registered sex.

I am very proud that we have been able to work together to bring these amendments on, and for these reasons, Madam Speaker, we will be supporting this amendment.

MS LAWDER (Brindabella) (12.10): We will be opposing these proposed new clauses.

Question put:

> That proposed new clauses 12A and 12B be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Amendment agreed.

Proposed new clauses 12A and 12B agreed to.

Clauses 13 and 14, by leave, taken together and agreed to.

Proposed new clause 14A.

MISS NUTTALL (Brindabella) (12.12): I move amendment No 4 circulated in my name which inserts a new clause 14A *[see schedule wwww at page wwww]*.

Question put:

> That clause 14A be agreed to.

The Assembly voted—

Ayes 12	Noes 5

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

Question resolved in the affirmative.

Amendment agreed to.

Proposed new clause 14A agreed to.

Clause 15.

MISS NUTTALL (Brindabella) (12.14): I move amendment No 5 circulated in my name *[see schedule wwww at page wwww]*.

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) (12.14): This amendment allows a birth certificate to be issued for a person without their sex information included on the certificate, where requested by the person or their parent.

This approach provides flexibility for people who do not necessarily wish to change their registered sex but would like a certificate that does not display their sex. I am informed that the Registrar-General can and does issue such certificates on a discretionary basis using existing powers, but this amendment formalises an entitlement to such a certificate.

The amendment would also replace but replicate the provision of the government bill that would allow a person who has changed registered sex to request a certificate that shows their former as well as their current sex. The government supports this amendment.

Question put:

> That amendment No 5 be agreed.

The Assembly voted—

Ayes 12 Noes 5

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

Question resolved in the affirmative.

Amendment agreed.

Question put:

> That clause 15, as amended, be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Clause 15, as amended, agreed to.

Clause 16.

MISS NUTTALL (Brindabella) (12.17): I will be opposing this clause.

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) (12.17): Unusually, we will also be opposing this clause and clause 17 now, because they are now captured within the clause 15 as amended that we just agreed to, so we are opposing these because it is removing duplication.

Clause 16 negatived.

Clause 17.

MISS NUTTALL (Brindabella) (12.17): I will also be opposing this clause.

Clause 17 negatived.

Clause 18.

MS LAWDER (Brindabella) (12.18): We will be opposing this clause.

Question put:

> That clause 18 be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Clause 18 agreed to.

Proposed new clauses 18A to 18D.

MISS NUTTALL (Brindabella) (12.19): I move amendment No 8 circulated in my name which inserts new clauses 18A to 18D *[see schedule wwww at page wwww]*.

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) (12.19): Clauses 18A to 18C remove the clinical treatment requirement for people who were not born in the ACT who are seeking to change their registered sex, so cannot change their birth certificates, but can be issued with a recognised details certificate. The government supports these amendments for the reasons discussed previously in relation to amendment 3.

Clause 18D introduces a new division 4.3 which would allow a person who changes their registered sex to provide a free text descriptor of their sex, provided that it is not a prohibited descriptor. This approach has been taken in Tasmania, and we understand it has proven to be a workable approach that allows appropriate flexibility for people to provide a sex descriptor that fully captures their gender identity. The government will be supporting this amendment, noting that it will have a delayed commencement to allow necessary work to be undertaken so this approach is implemented in a workable way.

Question put:

> That proposed new clauses 18A to 18D be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton

Laura Nuttall
Suzanne Orr

Question resolved in the affirmative.

Amendment agreed.

Proposed new clauses 18A to 18D agreed to.

Clause 19.

Question put:

That clause 19 be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Clause 19 agreed to.

Proposed new clause 19A.

MISS NUTTALL (Brindabella) (12.23): I move amendment No 9 circulated in my name which inserts a new clause 19A *[see schedule wwww at page wwww]*.

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) (12.23): This is simply a technical change to update the section referenced in the definition. The government supports this amendment.

Question put:

That proposed new clause 19A be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson

Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Amendment agreed.

Proposed new clause 19A agreed to.

Clause 20 agreed to.

Clause 21.

MISS NUTTALL (Brindabella) (12.25): I move amendment No 10 circulated in my name *[see schedule wwww at page wwww]*.

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) (12.24): This amendment prescribes people who can consent to former sex information being shown on a birth certificate. This is consistent with existing provisions which allow certain people to have access to this information for legal purposes, including an executor or child of the person. Access to certificates is also subject to Access Canberra's access policies which protect the privacy of the person and ensure that access is only provided where there is a legitimate reason. The government supports this amendment.

Question put:

That amendment No 10 be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Amendment agreed.

Question put:

That clause 21, as amended, be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Clause 21, as amended, agreed to.

Title.

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) (12.27): I take this opportunity to thank everyone for sticking around for these tedious divisions, and perhaps I will not thank the opposition, who has made this more tedious than it needed to be. I never thought I would wish for the good old days of Alistair Coe's leadership, but here we are!

This debate and the amendments today, all of them, have been about a person's fundamental human rights and their identity; about being able to express who they are and to have the administrative documents also support this. I think that this is quite an incredible achievement.

I would also note that a number of the reforms contained here within this amendment bill have been because of the advocacy of a young person who I met with some time ago. I will not name them, but they certainly provided me with a very powerful explanation of why some of these changes were so necessary, and I really thank them again for speaking about something that was very difficult from a lived experience.

I also note, as Miss Nuttall did earlier, that this has been an iterative process and one that has been undertaken for around three years as we have worked to develop first the bill and then worked through Miss Nuttall's amendments. Could I particularly thank Equality Australia, especially legal director Ghassan Kassisieh, who has been instrumental in providing advice and support to us, and A Gender Agenda, especially the executive director Dr Vik Fraser, whom we are always relying on for various sage advice and direction about practical outcomes that can make such a difference to people's lives.

I also want to thank my office, especially my chief of staff Michael Liu, advisor Jonah Morass, and Jemma Cavanagh before him. This has been, as I said, iterative, not just as we have experienced in this chamber, but over some time now. I thank the Chief

Minister's Office, and especially Matt Mison, for their support, advice and engagement over so many years. I thank the Greens' offices for working with us, including Miss Nuttall, who has taken over responsibility for some of these reforms. Certainly I know this is particularly meaningful for her as a member in this place and as a person, and I thank her for the way in which she and her office have engaged with us to ultimately get to a very powerful piece of reform.

Most of all, I did want to thank our public servants—I think this was perhaps just an omission earlier—and the Office of LGBTIQ+ Affairs for their engagement, support and advice. Again this has been a long time coming, Madam Speaker, and people have stuck with it because we know how important this has been and it is very true of that office. I thank also the Justice and Community Safety Directorate, especially Ms Gabrielle McKinnon, who is here today. She might be a familiar face to some of you because she has been so much of a driving force in ensuring our human rights agenda has been progressive in this term of parliament. Nothing that I have done in this space could have been achieved without Ms McKinnon's advice, support, engagement and kindness when I have asked silly questions. Their policy contributions have been first-rate, as well as their support in briefing and in drafting in what has been an exceptionally involved process.

It is hard for me to explain just how much work has been done on this, in very complicated circumstances, and among what has already been an enormous human rights agenda with many simultaneous priorities. But it is people who are behind this, and it has been a collective effort. I also want to thank, on that note, Access Canberra for their patience and operational advice to ensure these reforms are not only achievable but workable. The passage of these reforms today, including the delayed commencement date, does now mean that there is some further work for Access Canberra, so our thanks is also for their future work.

Also, especially to the Parliamentary Counsel's Office, again their efforts have been first-rate. If I felt that it has been iterative, I cannot imagine how they feel! But I expect, despite this being a very trying period, they have been very committed to achieving a very well-drafted bill with very well-drafted amendments that ultimately improve people's lives. These reforms are the product of people. They are the product of advocacy. They are the product of advocacy and sharing lived experiences that are often very difficult to talk about. While this may be described as an administrative reform, it has a very real, very human impact and I commend it to the Assembly.

MS LAWDER (Brindabella) (12.34): Very briefly, you could make the point perhaps that the original amendment bill put forward by the minister was perhaps poorly-thought-out, given that we have seen so many amendments put forward, all of which the government has supported. I would like to reiterate that our opposition to this is based on the age—the change in the age. We are concerned about the lowering of the age from 16 to 14. That was the basis of our opposition to those clauses today and, given that the government has so wholeheartedly supported those amendments as well, we feel we have no option but to oppose the bill as a whole, which is a pity because we would have otherwise liked to support this bill.

Title agreed to.

Question put:

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

The Assembly voted—

Ayes 12		Noes 5
Andrew Braddock	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Bill, as amended, agreed to.

Sitting suspended from 12.36 to 2.00 pm.

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 advise the same acting ministerial arrangements as the previous two days.

Questions without notice

Light rail—economic analysis

MR PARTON: My question is to the Chief Minister. Chief Minister, in his response to the PAC inquiry into the Auditor-General's report into stage 2A of the tram, Minister Steel advised that, under the ACT government's capital framework, various detailed technical guidelines are applied in the economic appraisal of projects, including the New South Wales *Principles and Guidelines for Economic Appraisal of Transport Investment and Initiatives*. These New South Wales guidelines, which your minister cited, say:

> … a detailed breakdown allows the make-up of infrastructure costs to be better understood.

The guidelines prescribe that these infrastructure costs should include capital, planning and designing, surveying and preparation, set-up or establishment costs, annual operating and maintenance costs and contingency costs. Chief Minister, do you still maintain that the total cost of $1.46 billion for stage 2A is misleading, or are the New South Wales guidelines that your minister used also wrong?

MR BARR: I think you are conflating two different analyses there, Mr Parton, and endeavouring to attribute to the capital costs of a project a range of operational and maintenance costs that would obviously be for any transport infrastructure project. The

whole point of your particular political attack was to suggest that this project costs exponentially more than another form of transport project. There would be and are operational and maintenance costs for the public transport fleet that is electric bus, compressed natural gas bus or diesel bus.

MR PARTON: Chief Minister, by not publicly disclosing the full $1.46 billion, were you hoping that the true cost of light rail stage 2A would not be fully understood by Canberrans?

MR BARR: The fact that all of that information is disclosed and has been in the budget papers and is public—and has been for years in many instances—would suggest that the government has disclosed, rather than seeking to not disclose. I think there is clearly a contest over the extent to which certain enabling projects—for example, raising London Circuit—that clearly enable light rail but are not solely attributable to the light rail extension come into some political contest.

Mr Parton's analysis does not include commonwealth contributions, offsetting revenue from land sales and revenue from the fares that are associated with usage of the light rail, for example. So the totality of the economic outcome is broader than what you are suggesting, Mr Parton. You are attributing costs to the project that should not be solely attributed to light rail stage 2A. Again, the whole purpose of your exercise is a massive scare campaign. The government is focused on extending a very popular and effective form of public transport that also enables significant private investment in new infrastructure that our city needs.

MR CAIN: Chief Minister, is the reason that there are no publicly available procurement guidelines in the Capital Framework that it allows you to cherry-pick what you tell Canberrans?

MR BARR: No.

Economy—education market

MS ORR: My question is to the Minister for Trade, Investment and Economic Development, who also happens to be the Chief Minister. Chief Minister, could you please update the Assembly on the performance of the ACT's international education market?

MR BARR: I thank Ms Orr for the question. In short, the performance is incredibly strong. I think members are aware of Canberra's reputation as Australia's knowledge and research capital, and that international education is our biggest export. I am pleased to advise the Assembly that this sector has recovered to above pre-COVID levels and contributed $1.26 billion to our local economy in the most recent annual data. This is an increase of over 65 per cent over the last decade. I think it is a remarkable result, given how significantly COVID impacted the higher education sector.

Pleasingly, since the pandemic, we have seen increased diversification in our international student market. India is now the second biggest source market, with more than 3,600 Indian students studying in Canberra. But there has also been very strong growth out of South-East Asia, with Vietnam, the Philippines and Indonesia all ranking

in the top 10 sources of international students for Canberra. In total, there are now over 20,000 international students studying here in Canberra, and they are drawn from over 100 countries around the world.

MS ORR: Chief Minister, what will be needed to continue this growth into the future?

MR BARR: Clearly, international education is at the centre of our international engagement strategy. It is great to see the very strong partnerships between the ACT government, the University of Canberra, the Australian National University, the University of New South Wales Canberra, the Australian Catholic University and the Canberra Institute of Technology, who were all involved in the recent trade mission that I led to India.

The new UNSW Canberra city campus will contribute further to this growth. When complete, the billion-dollar campus will see around 5,000 more places for local undergraduate and postgraduate and national and international students. Our universities are ranked in the top four per cent in the world, and we have universities amongst the world's top 100 education institutions. Our universities also rank very highly on graduate employment. A continued strong performance in both research and education will help to further strengthen their international brands and make them attractive places to study.

In addition to supporting our universities through our international trade engagement, the territory government will continue to make Canberra an attractive place to study by boosting our city's reputation, already in the top 25 world cities to study in, as a high quality and safe destination for international students, whilst also being a fun and interesting city to study in.

DR PATERSON: Chief Minister, what benefits do international students bring to our community?

MR BARR: Canberra is a multicultural city, and having students from more than 100 countries around the world further enhances our city's diversity and culture. There are more than 20,000 international students in a population of about 470,000. It is a very big component of our city.

Around a quarter of Canberra's population was born overseas, so we have a wide range of cultural and community groups that assist these students to feel at home when they are studying here. International students studying in Canberra support thousands of local businesses and jobs, and the visiting friends and relatives component of our tourism market is clearly strongly linked to these 20,000 international students.

They support local businesses; they work in local businesses. We know that there is clearly demand for more skilled labour across our economy. After they complete their study, international students can access an extra year of post-study working rights in Canberra, compared to many other Australian capital cities.

Our ambition is that we can keep as many international students as possible in Canberra when they finish their study so that they can go on to contribute to our city and support key employment growth areas like health and education, as well as emerging

knowledge industries like quantum, cybersecurity and space.

Light rail—economic analysis

MR PARTON: My question is to the Chief Minister. Chief Minister, now that the true cost of light rail stage 2A has been revealed to be over $1.46 billion, which is a staggering 254 per cent more than what you have previously told Canberrans, and it is obvious that the federal government's commitment is far from fifty-fifty, what figure for 2B do you plan to release to Canberrans? Will it be the true cost, as advocated for by Minister Steel, or the sanitised version, as advocated by you?

MR BARR: Firstly, I reject the premise of Mr Parton's question. We will release capital costs, we will release preliminaries costs and obviously we will release, as we have in stage 1 and the augmentation of stage 2A, the public-private partnership costs associated with the cost of capital and with operations and maintenance. What we do not seek to do is to mislead the community by rolling operations and maintenance and a range of other costs together—

Opposition members interjecting—

MADAM SPEAKER: Members!

MR BARR: and purport them to be a capital cost and then seek to present that as a cost per metre. I think that was one of the latest gimmicks that Mr Parton was seeking to push out into the community, as part of yet another Canberra Liberals light rail scare campaign. Why change the habit of a lifetime? You want to keep on this track—boom, boom!—

Opposition members interjecting—

MADAM SPEAKER: Members!

MR BARR: It is a track that continues to lead you to that side of the chamber.

Mr Parton: You can feel the tide changing, can't you?

MR BARR: You guys are already so confident that you have won the election, we may as well just not bother from here on in. So confident are you. There you go! Time will tell. We are clear about our position in support of investing in high-quality public transport. Depending on which Canberra Liberal you speak to, Mr Hanson has always been opposed and Mr Parton was opposed, then supported it and is now opposed again, apparently. The people of Canberra can see all of that. I have heard the reaction to this Liberal scare campaign. People are just rolling their eyes.

MR PARTON: Chief Minister, now that we know the true cost of stage 2A, will you be going back to your federal colleagues to seek additional funding to make up the shortfall?

MR BARR: It is very clear that the commonwealth have contributed 50 per cent of construction costs towards the project. We would not expect the commonwealth to be

paying for operations and maintenance ongoing. They are contributing to the capital cost of the project. That capital component is the component that we have clearly published, and the commonwealth have significantly contributed in that regard.

We will of course be approaching the commonwealth for a further contribution to the further extension of the light rail network.

Mr Parton: Needing! Needing, I think, is the word.

MR BARR: I think it is important that we do, because it is going into the national triangle and servicing more than 50,000 commonwealth staff who work in that precinct. It is also going into the single largest tourism precinct for our city, where our national cultural institutions are located. So there is a very compelling reason to extend light rail further and for the commonwealth to make a contribution.

MR CAIN: Chief Minister, how can you tell Canberrans that you will get a fifty-fifty commitment from your federal colleagues when you only secured a 20 per cent commitment for 2A?

MR BARR: Again, I reject the premise of Mr Cain's question. We were not asking the commonwealth to contribute 50 per cent of ongoing operations and maintenance costs over the next 15 to 20 years. The maths involved in Mr Cain's calculations presumably includes the operations and maintenance component. What we are seeking is a 50 per cent contribution from the commonwealth towards construction. That is what we have achieved in stage 2A. I note that we did attract admittedly a smaller contribution out of the Abbott federal government—

Mr Hanson: He's a good man, Tony.

MR BARR: Put that on your campaign brochure and see how it goes.

Schools—teachers

MS CASTLEY: My question is to the Minster for Education and Youth Affairs. Minister, recent media reporting in the *Canberra Times* has revealed that, in a submission to the independent inquiry into literacy and numeracy performance in the territory, a group of ACT government schoolteachers said that some educators had been explicitly told not to teach phonics or use decodable readers. The media report goes on to say that the teachers said they felt a sense of "moral injury" because they were unable to help students who were "instructional casualties arising from the shortcomings of public schools" and that "this situation represents a breach of our ethical and professional principles, and it causes us significant distress." Minister, are you aware of any government schools in the ACT that have forced their teachers not to teach phonics or use decodable readers?

MS BERRY: Thank you for the question, Ms Castley. I have not been made aware that that is the case. However, I accept that there has been a representation by teachers to the inquiry, and the government will respond to the inquiry on literacy and numeracy in due course. I look forward to seeing the outcomes and recommendations that come to the ACT government from the literacy and numeracy inquiry—a request that was

made through a motion by Mr Hanson, retired education spokesperson of the Canberra Liberals, which I agreed to, and I added numeracy to that inquiry because—

Mr Hanson: Was I retired?

MS BERRY: That is a question for you to answer, Mr Hanson! I am looking forward to the outcomes of that inquiry because, in ACT public schools, we always strive to improve and do better where we can, and we do that based on the best possible advice from a range of different stakeholders. That is what this literacy and numeracy inquiry is showing us. We are getting a whole range of inputs, from students, parents, teachers, schools, school principals and others—not just one loud voice but a range of voices who are giving their own experiences and their own expertise and advice to the inquiry. As I said, I look forward to the outcome.

MS CASTLEY: Minister, will you undertake to investigate the specific extraordinary claims—not just the broader inquiry itself—made by these ACT government school teachers?

MS BERRY: I know the submissions are available now and are being publicised. However, I understand that these may be anonymous issues that these teachers have raised. But, again, I will wait for the outcome and recommendations of the inquiry before I make any decisions about any further investigations or recommendation responses.

MR PARTON: Minister, what action will you take to ensure that no teacher suffers significant stress as a result of being unable to do what is best for their students?

MS BERRY: The ACT government absolutely supports public school teachers, and we have shown that through our enterprise agreement negotiations to have some of the highest paid teachers in the country working here in the ACT. We support them not just in their wages but in making sure that we can provide them with support in their education in teaching and in honing their craft, and that we provide them with the tools that they need.

This inquiry will give us more advice on what other kinds of tools they need to provide the best possible education, and we will work with a range of stakeholders to ensure that they can deliver that and that they are supported—stakeholders like the University of Canberra, for example, which we have been working with and have a great relationship with, supporting teachers through mentoring and additional professional development. We will continue to do that. We will continue to do that by listening to a broad range of advice from experts—not just one expert but a range of experts—to make sure that we come through with the right information to support teachers to do their job.

Schools—teachers

MS CASTLEY: My question is to the Minister for Education. Minister, I refer to the same media article in the *Canberra Times*, which said:

> We have been routinely dismissed when we try to be heard. For this reason, we

> have not been able to put our names to the quotes in this paper because we are genuinely afraid about the professional ramifications for our careers.

Minister, will you guarantee that no teacher will suffer any adverse ramifications, professional or otherwise, for just trying to do their job?

MS BERRY: Yes, absolutely. I am concerned that teachers feel, through their submission to the inquiry, they have not been able to deliver an education they have been taught to. I take the job of teaching-professionals within all our schools, but particularly within our public schools, seriously. That is why this literacy and numeracy inquiry is so important, because it provides the government with the opportunity to hear from a range of stakeholders, including public school teachers in our schools, as well as school principals and students.

MS CASTLEY: Minister, why would some ACT government schoolteachers feel they cannot speak out publicly for fear of ramifications?

MS BERRY: Again, I am concerned to hear that that is the case and that teachers feel they may not be able to deliver an education that—in their view and in our view, obviously—individual students within their classes deserve, and the best possible education.

This is the first time I have heard that teachers in these circumstances feel this way. I work closely with the Education Directorate, with schools, with the school principals' association and with the Australian Education Union to make sure that our teachers are well supported in our school communities; so, yes, it does concern me that they feel like they will face ramifications as a result of raising these issues.

As I said, I will respond fully to the inquiry when the report is made, but I wish to ensure that if teachers feel like they are being held back, or that their profession is being stymied in any way—I would encourage them to speak with the Education Directorate, to speak with the education union, or to get in touch with my office.

MR PARTON: Minister, what culture have you created in the Education Directorate that would give these hardworking teachers the idea that they cannot speak out on such an important issue? How is it that, as the minister, the first you have heard about it is here in question time?

MS BERRY: I absolutely and completely reject the premise of that question about the environment that public schoolteachers work in in the ACT. We have absolutely backed them in for 100 per cent of the time, every time. That has been shown, as I said, through negotiations that we have been having with the enterprise agreement.

As far as my first-time hearing this—the first time was not during question time but through the submission to the inquiry. As I said, my office is always available to hear from teachers, to hear from school principals, to hear from students and to hear from parents. I encourage them to get in contact with me, the Education Directorate, their school, the education union or wherever they feel comfortable, and to ensure they are supported and backed in, wherever they fit within our public school system, because I am committed to that. I am absolutely committed to our public schooling system

providing the best opportunities to every student, and to do that teachers must feel supported. I absolutely back them in. I have proven that through the whole time I have been the education minister—100 per cent of the time.

Justice—sentencing

DR PATERSON: My question is to the Attorney-General. Minister, the first referral to the Law Reform and Sentencing Advisory Council is to look at sentencing for crimes involving dangerous driving. In answers to questions on notice, you have either been unable to provide the relevant data or only from 2019 onwards. What data will the Law Reform and Sentencing Advisory Council have available to them to conduct their inquiry?

MR RATTENBURY: The very point of the Law Reform and Sentencing Advisory Council is that they do operate independently of government. So they have a range of mechanisms available to them to access data.

I have recently met with the Chair of the Law Reform and Sentencing Advisory Council. She has provided me an update on their work and she has indicated to me they are obtaining a number of different data sources. They are working through members of the council. We have the Director of Public Prosecutions, the police and others represented on the council and so are using a range of data sources, as well as data that has been sent to them by members of the community. They are looking to work their way through all of that data to produce a more comprehensive picture.

This is the very point. I have provided the data that I have access to. There are contested views on the value of that data and that is the value of having this organisation to be able to look at these matters in greater detail.

DR PATERSON: Attorney, is the Law Reform and Sentencing Advisory Council adequately funded to conduct this type of data analysis and research?

MR RATTENBURY: As the member knows, this is the very first referral of the Law Reform and Sentencing Advisory Council. The council was funded with $800,000 for its first year of operations. One of the things I have been very clear with the chair about, is that we are seeking to establish something new and we need to, as we work through that, examine how it is performing and what the resourcing is like. There is a secretariat of three staff to support the council so there is quite a bit of capability there. In addition to that, there are, of course, a dozen-odd members of the council who also bring their own expertise and capability.

In terms of whether the resourcing is adequate, I think that is something we will need to examine as we work through the operation of the council, but certainly the Chair has indicated to me at this stage they have had excellent contributions from the members and she is very positive about the progress they are making on the referral that has been sent to them.

MR PETTERSSON: Minister, what are the timeframes and process of the public release of the council's first report?

MR RATTENBURY: The council is due to report back to the government by 30 July this year, 2024. Again the indications are they are on time for that. They believe they will meet that deadline. They have had a discussion paper out. I cannot remember the date that was released but it has been part of their process as well. That is probably the one out to the public at the moment that I can point the member to.

Planning—call-in powers

MS CLAY: Madam Speaker, my question is to the Minister for Housing and Suburban Development or, possibly, the Minister for Planning—but I am sure you will help me out as to who should answer. On 27 February, Labor's Minister for Planning, Minister Steel, called in and approved development on blocks in Denman Prospect on the western edge. This was done under the repealed act. The new act does not allow call-ins because they bypass the checks and balances in a planning system designed to operate at arms-length from ministers. For this development, the Conservator of Flora and Fauna initially objected to building 51 units on one particular area because it would destroy the Bluetts adjacent habitat and risk further endangerments and extinctions. The final decision places strict requirements on the developer to mitigate these impacts, including moving every single pink-tailed worm-lizard found in the area. Why did Labor's planning minister approve development for those 51 units on that area instead of requiring the developer to redesign and move those 51 units elsewhere on the site?

MS STEPHEN-SMITH: I will respond to this as acting planning minister. I can inform Ms Clay that the call-in powers were utilised because it was determined that the project will achieve the objectives of the Territory Plan, including the statement of strategic directions and objectives for each zone, and will provide a substantial public benefit. The development provides additional community facility zoned land that can be used to deliver services such as schools. In addition, the new estate will increase housing supply in the ACT, some of which of course will be affordable housing.

As Ms Clay has rightly indicated, the decision does include substantial requirements that need to be met, including satisfying the Conservator of Flora and Fauna of a very wide range of conditions, including in relation to pink-tailed worm-lizard habitat. The planning minister determined that the project would achieve, as I said, the objectives of the Territory Plan. Most entities provided conditional support for the proposal or advice that could be conditioned. Entities that did not support the proposal, partially did not support the proposal or required additional information included Icon Water, Transport Canberra and City Services, the Emergency Services Agency and the Conservator of Flora and Fauna and the Tree Protection Unit within TCCS. The conditions of the approval have been incorporated into the decision to ensure that all key matters were addressed.

In relation to Ms Clay's comment in relation to the use of call-in powers, my understanding is that the planning minister has indicated that this would be one of the last times, if not the last time, the call-in powers will be used. But he has publicly indicated his reasons for doing that.

MS CLAY: Does the minister have an intention to call-in for the developments that might meet those needs for housing or schools, or does the minister think that there are no further call-ins required?

MS STEPHEN-SMITH: I am clearly not the planning minister. It would be inappropriate for the planning minister to flag a potential call-in in advance, in any case, and it is not appropriate to be asking for future government decisions to be announced in question time.

DR PATERSON: Minister, will this call-in go some way to alleviating the housing crisis that we are facing?

MS STEPHEN-SMITH: I thank Dr Paterson for the supplementary. Of course, in determining the call-in, the planning minister has indicated that this would free up and expedite the development of additional housing, in line with our joint commitment to increase housing supply in the ACT while also ensuring that all of the conditions will be met by adding substantial conditions to that decision to ensure that the Conservator for Flora and Fauna and all of those other agencies are satisfied that conditions are met to enable this to go ahead.

This will allow the creation of 295,000 new single-dwelling blocks and 15 new multi-unit sites to accommodate approximately 839,000 dwellings, some of which will of course be affordable housing. That will therefore assist in increasing supply to support the inevitable population growth that is occurring in the ACT because it is such a fantastic place to live, work and raise a family. Of course, Molonglo is turning into an absolutely fantastic part of Canberra in which to do that. So the minister has balanced the need to ensure that there is increasing housing supply in the ACT with the requirements of all of those agencies to ensure that the proponent can get on with the work of delivering that housing while also meeting all of those requirements. That is exactly why the minister has taken the decision that he has.

Government—conduct

MR CAIN: My question is to the Minister for Sustainable Building and Construction.

Minister, on 28 February this year, you were quoted in local media criticising your colleague the planning minister for using call-in powers to approve the Stromlo Reach development, which of course we have just heard about. Government backbencher and your ACT Greens colleague Ms Clay was quoted as saying, "Labor is in bed with property developers." This is clearly a very serious claim against your party's senior government partner and insinuates an inappropriate relationship between ACT Labor and the property development industry.

Minister, are you aware of any inappropriate relationships between any members of ACT Labor and property developers, and could you name them?

MS VASSAROTTI: Madam Speaker, I thank the member for the question. The member would probably be aware that I am also on the public record as being incredibly disappointed by the decision that was made by the planning minister. It is something that I have actually spoken about. I think that the comments of my colleague, and in fact mine, spoke to the frustration of what transpired, particularly given some of our expectations in terms of discussions that would happen in a situation like this.

Certainly, in relation to what we are trying to achieve on good accountability, particularly for property developers, and having clear processes, it has been looked at in detail.

Mr Parton: A point of order, Madam Speaker, on relevance. The question is specifically about the insinuation of an inappropriate relationship between members of ACT Labor and property developers, and I would ask that the minister get to the point in her answer.

MADAM SPEAKER: She is responding in part, but maybe you could get to the point.

MS VASSAROTTI: Sure. The Greens for many years have raised the issue of our lack of comfort around call-in powers in particular, given that it is a political decision that is made around things such as developments. That is where the nature of the comment comes from. In terms of particular relationships with developers, we are working hard, particularly through the portfolio of sustainable building and construction, to ensure accountability and an understanding of how—

Mr Cain: A point of order, Madam Speaker.

MADAM SPEAKER: Resume your seat, Ms Vassarotti.

Mr Cain: The question was: are you aware of any inappropriate relationships between members of ACT Labor and property developers?

MADAM SPEAKER: Ms Vassarotti, you have eight seconds left.

MS VASSAROTTI: I have run out of time.

MADAM SPEAKER: You have concluded?

MS VASSAROTTI: I have concluded.

MR CAIN: Minister, are you suggesting that Ms Clay was deliberately misleading the public by saying that Labor is in bed with property developers?

MS VASSAROTTI: I thank the member for the question. My understanding is that the comments made were expressing frustration and were satirical in nature; and, actually, they were taken by the majority of people in that way.

MR PARTON: Minister, are ACT Labor and ACT Greens failing Canberrans by not being able to work constructively and productively with each other?

MS VASSAROTTI: I thank the member for the question. I think that, over the term of this government, and in terms before that, we have demonstrated between the two partners in government a good working relationship. We are two different parties. We have different perspectives on different issues which we work through.

Mr Cain interjecting—

MS VASSAROTTI: Often it is behind doors, but sometimes it is publicly. We are two different parties that have different perspectives.

Opposition members interjecting—

MADAM SPEAKER: Members, please stop.

Mr Rattenbury: Madam Speaker, it is also evident that Mr Cain's question is outside the standing orders. Minister Vassarotti cannot be responsible for Ms Clay's comments, in question time.

MADAM SPEAKER: Yes, I understand.

Mr Hanson: On the point of order, through deciding to take the question and answer it, she has made it in order, Madam Speaker. She has litigated the issue.

MADAM SPEAKER: She is responding. She has taken the question, and she is responding. I will ask Mr Cain to be quiet.

MS VASSAROTTI: I am not sure how much more I have to say. Partners in any relationship will have differences at different points in time. We will work through those. We have a very well-functioning government working right now, and we will continue to do so.

Suburban Land Agency—funding

MR CAIN: Madam Speaker, my question is to the Minister for Housing and Suburban Development. Minister, the 2023-24 budget review provides $50 million in funding for the SLA to, amongst other things, maintain prudent liquidity requirements. That $50 million is almost identical to the net cash shortfall identified in the SLA's audited financial statements. Reporting in the *Canberra Times* in October 2020 revealed that the SLA requested a $50 million lifeline, amid concerns that a dire cashflow situation could delay work on new land release and threaten its viability. Minister, do you maintain that this $50 million appropriation is not to bail out the SLA from a $50 million cash shortfall?

MS BERRY: Yes.

MR CAIN: Minister, how will the SLA support Mr Barr's much-needed land sales, given that the SLA recorded a $50 million cash shortfall and has stated publicly that this will impact the viability of the agency and cause further delays to new works?

MS BERRY: If I can just explain how land development occurs. It does not all happen in one go. The sale of land does not happen in one go.

Mr Cain interjecting—

MADAM SPEAKER: Mr Cain, that's enough.

MS BERRY: And the revenue from land sales does not appear in one go. It is lumpy,

so it means that there will be cashflow changes throughout the development process. This means that the SLA's cashflow figures will appear differently, depending on when land is developed and then when land is for sale.

MR PARTON: Minister, can you explain specifically what the $50 million will be spent on and whether any of the $50 million will go towards a single block being made available?

MS BERRY: This is to support the Suburban Land Agency to do its work, to do it faster, to provide more land for sale—developable land for the community to purchase. And it is to overcome the issues that I have just described around the lumpiness in the Suburban Land Agency's cashflow so that it can get on with the job of making more developable land available for Canberrans.

Legislative Assembly—number of members

MR BRADDOCK: My question is to the Chief Minister. This weekend, Tasmanians will go to the polls to elect the 35 members to their newly expanded Legislative Assembly. This is in addition to their Legislative Council and the other councils they have across local government. It has been recognised that an expanded Assembly is what is required to fulfill the duties of Tasmania's parliament. A 2013 report to the Eighth Assembly made the same recommendation for the ACT. Have you given any further thought as to when the ACT Legislative Assembly should expand to 35 members, as per that 2013 report?

MR BARR: I do not think there is a case at this time for a further expansion in the size of the ACT Legislative Assembly.

MR BRADDOCK: Chief Minister, does the government agree that a five-electorate structure should be maintained in any future expansions of the Assembly?

MR BARR: That ultimately would be a matter for the Assembly itself through the Electoral Act. You are asking me to announce an advance government policy, Mr Braddock. I will not be doing that today, but I do want to be absolutely crystal clear to the media: there will be no change to the number of electorates or the number of members, certainly ahead of the October 2024 election. What happens in the future is clearly a matter for a future Assembly, but there are obviously some practical realities around the size of this chamber and the office accommodation in this building that would mean that any decision in the future to expand the size of this place would come at considerable cost, beyond just the extra salaries of members and staff; a significant capital spend would also be required in order to accommodate additional members in this place or, indeed, in any new place. I suspect that will act as a very significant handbrake against any expansion of this place for the foreseeable future.

MISS NUTTALL: Would an expanded Assembly make it easier for independent members and minor parties to get elected?

MR BARR: Not necessarily, Miss Nuttall. It may well be that, after the weekend's election, Tasmania abandons the Hare-Clark system as it is quite likely to return a Star-Wars-bar like parliament, given the polling that we have seen in that regard! No. I

think the likelihood of Independent or small-party representation is based on the quality of policies and candidates measured against all other policies and candidates that are part of an election campaign. I think it is fair to say that the history of this place is that candidates who are well-regarded by their community and bring forward good policies tend to get elected.

Mr Parton: But I got elected!

MR BARR: There was a very strong temptation to echo that interjection, but, no, Mr Parton, you have campaigned well in your electorate, often in spite of your own political party, and have got elected—miraculously, on occasion!

Waste—styrofoam

MISS NUTTALL: My question is to the Minister for City Services.

Minister, I have had a number of Bonython residents reach out regarding the consistent dumping of styrofoam at the Tuggeranong recycling drop-off centre. I have heard that this dumping is pretty bad across the board, despite many clear signs every two metres or so that ask people not to do so. Other than signage, what has the government done to ensure styrofoam is not being abandoned at drop-off centres?

MS CHEYNE: I thank Miss Nuttall for the question. Polystyrene cannot be recycled at ACT government facilities; it does go to landfill. But there is a perception, I think, among some people in the community that it can be recycled, and people have been putting it in their recycle bins. As a result, several years ago there was a trial conducted at the recycling drop-off centre for people to dispose of their polystyrene there to keep it out of our recycling facility—our material recovery facility as it existed then. However, through that trial it was revealed that the skip bin that had been provided was being primarily used by nearby businesses and was quickly being filled to capacity. Once it was at capacity there was polystyrene left on the ground and then it was blown around and became a litter issue, so the trial was discontinued.

There has been a significant amount of dumping still occurring, regrettably. As Miss Nuttall reflected, there has been additional signage installed. The facilities are cleaned regularly. They are cleared of material every day, except for Sunday, to try to manage this situation, but ultimately it is the people who are dumping it in the first place who are responsible and who should not be doing this. The government does have significant powers under the Litter Act if this continues.

MISS NUTTALL: Does the government currently have any policies or plans to collect or recycle styrofoam given how common this material is in our waste streams?

MS CHEYNE: On 1 July last year, we actually banned expanded polystyrene, loose fill packaging and expanded polystyrene trays like those often used for fruit and vegetables. A ban on moulded polystyrene packaging for white and brown goods was also considered, but feedback from the community is that there is currently a lack of fit-for-purpose alternatives. Fortunately there have been many innovations in packaging materials in recent years that will support a move away from polystyrene in packaging, including air pillows, compostable mushroom or corn starch based packaging, carboard

voids and other non-plastic alternatives, which are becoming more widespread.

There is a packaging reform underway nationally, with the intent that all packaging available in Australia is designed to be recovered, reused, recycled and reprocessed safely, in line with the circular economy principles. I am not aware of technology yet that can appropriately recycle polystyrene, and in a few years, hopefully, this issue will not be as prevalent as it is, but we always welcome new innovation.

MS CLAY: Minister, do you have any updates on time lines of when the national reforms might be produced?

MS CHEYNE: My understanding is that we are working towards 2025.

Health—health workforce

MR PETTERSSON: My question is to the Minister for Health. Minister, can you provide an update on how the ACT government is supporting the health workforce to continue to grow now and into the future?

MS STEPHEN-SMITH: I thank Mr Pettersson for the question. Over this term of government, the Labor government has not only met our commitment to an additional 400 health professionals; we have delivered on that commitment early and have gone beyond it. We have brought on well over 500 additional doctors, nurses, midwives and allied health professionals to our public health services because we know how essential they are to the community.

The government has a comprehensive plan for public health services that will deliver health infrastructure for our growing city and ensure patients can access the right care, in the right place, with the right person at the right time. We are delivering state-of-the-art infrastructure because we have listened to our health workforce and will ensure they have great places to work.

We are also ensuring our health workforce remains amongst the best paid in the country with an additional $27 million investment in the recent budget review for initiatives to attract and retain talented staff. We have invested in wellbeing, professional development, research, growing positive culture and the ACT Health Workforce Strategy because we want our teams to be safe and happy at work and to be sustainable into the future. This includes an $8.5 million investment in the 2023-24 budget to develop and strengthen the junior medical officer workforce and have dedicated resources for our trainee medical officers to support and retain them in Canberra Health Services now and into the future.

We have supported students studying at our local universities and enhanced graduate programs and support for our newest health professionals. We have invested in nursing and midwifery ratios and are continuing to negotiate phase two of ratios with our industrial partner, the Australian Nursing and Midwifery Federation. The government will continue to focus on creating career pathways, investing in modern equipment and infrastructure, and supporting staff with initiatives that provide better wellbeing and professional development opportunities.

MR PETTERSSON: Minister, how is the ACT government supporting recruitment activities for health professionals to join Canberra Health Services ahead of the opening of the new Critical Services Building this year?

MS STEPHEN-SMITH: I thank Mr Pettersson for the supplementary question. It will be an exciting year for Canberra and our health service with the opening of the new Critical Services Building. Over successive budgets we have invested in expanding the health workforce to support the operation of the new building: more doctors; more nurses; more allied health professionals; and more support staff. It was a great pleasure, just the other week, to meet with some wardspeople from Canberra Hospital and to talk about their opportunities and how they can be engaged in the operationalising of the new building.

Recruitment is a priority, and a dedicated team at Canberra Health Services has been focussed on finding the right people to care for our community. An international recruitment campaign is underway, showcasing the benefits of working for Canberra Health Services and in Canberra—a place we all know is a fantastic place to live, work and raise a family. This is delivering promising results already and part of our recruitment strategies include streamlining the onboarding process to bring on more experienced staff even sooner. Our investment to attract and retain workers in our public health services through new initiatives in enterprise agreements means we can ensure our health workers can access some of the most competitive pay and conditions in the country.

We are also ensuring teams will be working with the latest technology in the new Critical Services Building. This includes the new interoperative MRI suite that will enable doctors to see real time images of the brain during surgery. This medical advancement is a significant step forward, positioning Canberra Hospital as a leader in neurosurgery, meaning better outcomes for patients and a major attraction for specialists.

As our health system grows, we have a plan to grow our workforce. We are recruiting more health professionals every day to work in our health services. We are supporting their careers and building state-of-the-art facilities, all while ensuring our health workers are some of the best paid in the country.

MS ORR: Minister, can you provide further information about the ACT government initiatives to support health professional students and graduates that will ensure the government can deliver on its commitments to expanded health services and infrastructure for the Canberra community?

MS STEPHEN-SMITH: I thank Ms Orr for the supplementary. We have listened and delivered a program to ensure students struggling with balancing their study, placements and work can access financial assistance to continue their degrees. The Nursing, Midwifery and Allied Health Study Incentive Program has ensured more than 200 local students could access cost of living and placement support, and it supports the next generation of health professionals who will be joining our health system. The program was developed in consultation with our university partners, and it is reducing the stress and worry of students who are undertaking essential placements. We are also seeing the program support students in critical workforce areas such as midwifery and

occupational therapy.

Ensuring we have a health workforce that is highly skilled and supported is critical as we continue to invest in the health system to meet the growing needs of our city and region. Last month the ACT public health workforce welcomed more than 360 new health graduate professionals, including more than 200 nurses and midwives, 96 junior medical officers and 59 allied health graduates, starting their first year of supported practice in Canberra Health Services.

Through graduate and consolidation programs, CHS is continuing to build and develop the health workforce, with expert senior staff providing guidance and support. We will continue investing in our health workforce and our students to ensure we are providing a great place for health professionals to study and work into the future.

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

Papers

Madam Speaker presented the following papers:

> Continuing Resolution 3—Broadcasting Guidelines—Speaker's guidelines for broadcasting, filming and photography in the Assembly precincts, dated 13 March 2024.

Ms Cheyne presented the following papers:

> ACT Aboriginal and Torres Strait Islander Elected Body Act, pursuant to subsection 10B(3)—ACT Aboriginal and Torres Strait Islander Elected Body—Report from hearings 14-16 August 2023—Eleventh Report to the ACT Government.
>
> Financial Management Act, pursuant to subsection 30F(3)—Capital Works Program—Progress report—2023-24—Year-to-date performance as at 31 December 2023.
>
> Lighting in public places—Assembly resolution of 27 June 2023—Government response, dated March 2024.
>
> Planning and Development Act, pursuant to subsection 161(2)—Statement by Minister—Exercise of call-in powers—Development Application No DA202341900—Blocks 11 and 12 Section 1 Denman Prospect and Block 8 Section 2 Denman Prospect, dated 27 February 2024, including Notice of Decision, together with a statement.
>
> Sexuality and Gender Identity Conversion Practices Act, pursuant to section 10—Statutory Review Report—*Sexuality and Gender Identity Conversion Practices Act 2020*, dated February 2024.

Commercial agents—licensing scheme

MR PETTERSSON (Yerrabi) (2.55): I move:

> That this Assembly:

(1) notes:

(a) commercial agents conduct activities such as debt collection, the process of serving legal papers, and the repossession of goods on the behalf of a second person or entity; and

(b) the definition of "commercial agent" varies between Australian states and territories.

(2) further notes:

(a) although commercial agents hold a position of significant power within the community, they are currently allowed to operate unlicensed in the Australian Capital Territory (ACT);

(b) all other states and territories regulate commercial agents in some way, either with positive or negative licensing schemes:

(i) in Victoria, a negative debt collector licensing scheme operates. Debt collectors do not need a licence unless they are deemed to be a prohibited person or corporation;

(ii) in New South Wales (NSW), commercial agents only need to hold a licence if they conduct face-to-face activities. Some commercial agents operating in the ACT maintain a licence under the NSW scheme to demonstrate their commitment to the proper regulation of their activities;

(iii) in Queensland, collection agents, process servers, and repossession agents are regulated by legislative eligibility criteria. They are not required to hold a formal licence;

(iv) in South Australia, any person or entity who carries on business or is employed as a security and/or investigation agent, must be licensed;

(v) in the Northern Territory, commercial agents, inquiry agents, private bailiffs, and process servers must be licensed;

(vi) in Tasmania, collectors, investigators, process servers, and repossession agents must be licensed; and

(vii) in Western Australia, anyone who carries on the business of, exercises the functions of, or in any way performs any of the functions of a debt collector, is required to be licensed. Conducting business as a debt collector without the appropriate licence is an offence; and

(3) calls on the ACT Government to investigate and assess the merits of establishing a commercial agent licensing regime in the ACT, with consideration of existing regulations in other states and territories.

I rise today to speak about commercial agent licensing. First and foremost, I welcome the amendment circulated by Mr Cain. Commercial agents hold an important and trusted position within our community. They commonly undertake work such as debt collection, the process of serving legal papers and the reposition of goods on behalf of a second person or entity who hired them. Technically, the definition of "commercial agent" varies from state to state in Australia. However, one thing is consistent across jurisdictions. Commercial agents are perceived by others as people of authority.

The nature of their work frequently revolves around the issuing of a demand, whether

that demand is to pay back a debt or to attend court or to return property that does not belong to you. Turning up at someone's house or someone's workplace unannounced immediately puts them on the back foot, even if it is done in the most polite way possible. It would not be remiss to assume that said person may be in a vulnerable position if they have a debt accruing and have not paid it to date. Inherent in the dynamic that commercial agents operate within is a power imbalance.

Given this, I believe that it is important that commercial agents operate under some kind of regulation. In all states and territories except the ACT that is what happens. Down in Victoria, what is in essence a negative licensing scheme operates. Under the regulations, debt collectors do not need a licence unless they are deemed to be a prohibited person or corporation. If they are a prohibited person or cooperation then they do need a licence. The system there essentially excludes, based on character.

Closer to home, in New South Wales, commercial agents that conduct face-to-face activities need to hold a licence. I have been told by a number of commercial agents that work in the ACT that it is their practice to maintain a licence under the New South Wales scheme to demonstrate their commitment to the proper regulation of their activities. More on that later.

Up in Queensland, collection agents, process servers and reposition agents are regulated by legislative eligibility criteria. Though they are not required to hold a formal licence, they are held accountable through legislation. In South Australia, any person or entity who carries on business or is to be employed as a security or investigation agent must be licensed. Similarly, in the Northern Territory, licences must be held by commercial agents, inquiry agents, private bailiffs and process servers.

In Western Australia, anyone who carries on the business and the functions of or in any way performs any of the functions of a debt collector is required to be licensed. In fact, conducting business as a debt collector without the appropriate licence is an offence. Finally, down in Tassie, collectors, investigators, process servers and reposition agents are required to be licensed.

As you can tell, there are a lot of checks and balances operating on commercial agents in different jurisdictions around Australia. But here in the ACT we are in a grey zone. There is no specific legislative framework in operation. Some commercial agents have actually gone so far as to describe it to me as a free-for-all.

One story that sticks in my mind was shared with me by a former commercial agent who was employed by a larger collection agency here in the ACT. They told me that their agency was often hired out by companies that attract vulnerable Canberrans into predatory payday loans. The practice of other collectors at the agency was to turn up at the debtor's home and threaten them by saying things like, "If you don't pay your debt in the next 45 minutes, I will rip your car out of your driveway." That kind of aggressive behaviour is not okay. It is indicative, at least to me, of a person that may be willing to push people to the edge and do dodgy, inappropriate things. Their ethical compass is clearly off.

I am not saying that people who owe debts should never have to pay them back. Whether or not we like it, the processes of debt collection, the service of legal papers

and the repossession of goods are all things that need to happen to maintain order. What I am saying is that we need a legislative framework to draw some lines around who can be a commercial agent and the activities that they undertake.

A simple solution would be to adopt a regime that is similar if not identical to that of New South Wales. As I mentioned earlier, some commercial agents here in the ACT actually register themselves under the New South Wales scheme already. It is my view that creating a licensing regime here in the ACT that replicates that of New South Wales would probably make for an easier transition for local commercial agents, but, as I have said, there are lots of interesting schemes operating around the country and I think all of them are worthy of consideration.

It is for all of the reasons that I have raised today that I am asking this Assembly and this government to see the gap here. Support my motion calling on the ACT government to investigate and assess the merits of establishing a commercial agent licensing regime in the ACT. We cannot let the ACT continue to be a grey zone. Let's finally bring some accountability into this picture.

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) (3.01): I thank Mr Pettersson for the motion, and I support the exploration of the merits of establishing a commercial agent licensing scheme in the ACT. In that context, I want to briefly highlight the role that Access Canberra plays in implementing occupational licences, noting that the policy element sits with Minister Rattenbury.

ACT regulatory licence schemes allow for an entity or a person to engage in certain activities or to operate within a regulated industry. Access Canberra is already responsible for licensing over 45 occupations, and it regulates activity across more than 110 pieces of legislation. Access Canberra considers thousands of applications for licences and registrations every year, facilitating a wide range of career paths for an individual to seek meaningful and rewarding employment. This approach is supported through careful assessments to ensure that individuals are suitably skilled and qualified to work in their chosen field, maintaining the interests and safety of the broader community.

Access Canberra's regulatory efforts continue beyond the issuing of a licence, with education, engagement and enforcement underpinning this commitment to regulating in accordance with community interests. Access Canberra has a successful track record in implementing licence schemes. The introduction of any new scheme, though, requires thoughtful consideration of the key processes associated with the registration, licensing or entry of people or entities into a regulated industry or sector. At its simplest, this generally involves receiving an application, assessing compliance with requirements and making a decision about the granting of a registration or a licence.

It is a careful balance between regulating businesses and occupations and maintaining community confidence and safety in receiving goods and services. That is why the introduction of new occupational licences does require thorough examination. I certainly appreciate the examples and anecdotes that Mr Pettersson has put forward as warranting this to be explored. New licences also inevitably result in an increased

workload for Access Canberra, the effects of which can be immediate. As a recent example, applications for the registration of professional engineers commenced on 6 March this year and the first registration was processed the very next day.

Through Access Canberra, the government also implements new requirements for existing licence schemes or, in some instances, takes action to remove requirements determined by government to be outdated or overly onerous to licence holders. For example, earlier this year Access Canberra successfully introduced the first stage of the night-time economy reforms aimed at fostering a more vibrant hospitality sector. You heard about the associated bill, the second tranche of that reform, when I introduced it earlier this morning. Changes were made to the Liquor (Fees) Determination 2003 (No 2) to support a raft of changes aimed at reducing fees and encouraging extended trading hours for small Canberra businesses holding liquor licences. Access Canberra automatically reduced the fees of more than 100 eligible licence holders without the licence holder needing to do anything to receive the fee reduction.

Access Canberra is well placed in its expertise, flexibility and innovative approach to implement and manage licensing schemes, provided that there is merit in doing so and that it is are adequately resourced to do so. I commend the motion to the Assembly and, provided it is passed, look forward to the outcome of this exploration.

MR CAIN (Ginninderra) (3.05): I move:

> Omit paragraph (3), substitute:
>
> "(3) calls on the ACT Government to investigate and assess the merits of establishing a commercial agent regime in the ACT, with consideration of existing regulations in other territories and to report back to this Assembly during the last sitting week of the year.".

As Mr Pettersson has alluded to, it would appear that this is a friendly amendment to his motion, actually requiring the government "to report back to this Assembly during the last sitting week of the year". A review of this area is supported by the Canberra Liberals, in particular because the majority of other states and the Northern Territory already operate under a scheme requiring commercial agents to provide proof of licence through an operation. New South Wales, Queensland, South Australia, the Northern Territory, Tasmania and WA already have such a scheme.

It begs the question: why are we so late in adopting something that so many other jurisdictions think is worthwhile? It is certainly not just because other states think it is worthwhile, but, on its own merits, it also seems very worthwhile to bring some regulation to a particularly sensitive area in commercial negotiations where a debt is required. The community does deserve some sense of government oversight of the practices that are undertaken by people who are purporting to recall a debt for a business or agency. And it begs the question: why has this not come as an initiative from the office of the minister for regulatory reform? Why leave it to a private member to raise this idea? It begs the question, effectively, about how on top of her brief the minister is.

To close, the amendment I have suggested is a commonsense amendment. It supports the government to look into this area and report back to the Assembly by a particular time. The community deserves to see what the government thinks about this area and

how it would reform it, in particular leading up to an ACT election.

I do wonder—and some would think I have my tongue in my cheek in saying this—whether such a review will include whether the Treasurer himself should have his office door knocked on by debt collectors. We have heard—indeed this week—how badly in debt the ACT government is. We are paying $2 million in interest a day. What business would not be concerned about paying $2 million a day in interest? What business would not be outraged that they have to pay so much interest? We need a robust debt collecting agency to knock on Treasurer Barr's door and chase him down. That is what I hope comes out of this review. Surely, this should be a focus of this review. The biggest debt in the territory—hello! The biggest debt in the territory deserves a proper licensing scheme to look at it. Maybe it needs a bit extra to what is already there.

We might be leaving this question to the electorate in October, but I do wonder if Mr Pettersson's motion might stimulate some creative thinking about how to get this government's debt down. Maybe we need some robust debt-collecting mechanisms for this Labor-Greens government. I leave that as an open question as part of this review. It should be taken on board and a response should at least be given. I am raising the question, Mr Pettersson. This review should include knocking on the Treasurer's door and asking him to take care of this terrible debt that is a burden on the ACT community. I speak in support of my amendment and trust my colleagues are of the same mind.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.09): That is a hard act to follow, but I am pleased to advise that the government supports the motion to investigate the merits of a regulatory or licensing scheme for debt collectors, process servers and repossession agents in the territory, or, as those occupations are collectively referred to in the motion, commercial agents.

With the cost-of-living impacts being felt across the community, there is the likelihood that the services of commercial agents may increase over time. As Minister for Consumer Affairs, I welcome the opportunity to investigate whether there are any real and current issues with the conduct of these services in the ACT and, if so, whether further regulation of commercial agents is needed to ensure appropriate consumer protections are in place. I am cognisant that debt collectors, process servers and the like will often be interacting with people at a stressful time of their lives and when they may have significant vulnerabilities. It is important that our regulatory system upholds legal rights, such as the ability to recover debts and initiate legal proceedings, but this needs to happen in a way that is fair and reasonable.

As the motion itself notes, the regulation of commercial agents across the other Australian jurisdictions is a complex issue for which a range of different approaches are being taken. It is important to firstly recognise that the broad use of the term "commercial agent" can be used to describe a number of services that not only include debt collection, process serving and repossession of goods against which a loan is secured but can also include the seizure of goods for the purpose of debt recovery, as well as private bailiff or investigations work.

While most jurisdictions have either a licensing or regulatory scheme in place, these do differ considerably and the scope of what each jurisdiction covers is either quite broad

or very targeted. Further in-depth analysis will need to be undertaken to compare these to help understand the different types of regulations and licensing regimes in place across Australia. Before assessing solutions, it is always important to first understand what the problem is.

As part of a preliminary investigation of this issue, the government will need to undertake targeted stakeholder consultation to ascertain what issues, if any, currently affect these industries in the territory, as well as whether these issues are being felt across all types of services or just a few. Consideration will also need to be given to international and cross-jurisdictional impacts. For example, in modern commerce, debt collectors may often operate online rather than face to face. They may be located elsewhere in Australia or even overseas, seeking to recover debt from ACT residents. Conversely, local businesses and companies may need to seek to recover a debt from outside of the territory.

The introduction of any regulatory or licensing scheme may also have implications on a national level for existing and future legislation. Financial services and their associated debt recovery practices are jointly regulated by the Australian Competition and Consumer Commission, the ACCC, and the Australian Securities and Investments Commission, ASIC. ASIC and the ACCC primarily operate under the National Consumer (Credit Protection) Act 2009 and Australian Consumer Law provided under the Competition and Consumer Act 2010.

There are existing protections under Australian Consumer Law regarding the conduct of business, including the prohibition of using coercive or harassing tactics in carrying out services. Further, broader reforms are currently being implemented that involve unfair practices which will directly apply to debt collectors. These changes will need to be considered as part of the investigation. Utility service providers also have requirements in place that regulate the recovery of payments for electricity, gas and water bills, so any regulatory response would need to be cognisant of this potential overlap.

The opportunity to investigate the merits of a licensing or regulatory scheme for commercial agents is an opportunity to discover whether there are issues that must be addressed in the industry and, if so, whether further protections are needed for consumers to guarantee their rights. This is obviously the place to start, as I noted earlier. Identifying the scale, scope and nature of the problem is the first important step.

I note that Mr Pettersson gave a couple of examples in his remarks, and certainly, as we work through this, we will seek to garner more concrete evidence from around the city. If members do have reports that they are able to share or views on where to undertake those consultations, that would obviously assist in that process. Obviously, there is a range of organisations that the Justice and Community Safety Directorate will already have contact with, but, if members have particular examples, it would be very helpful to receive those.

In terms of the amendment that has been moved by Mr Cain, I am very happy to support that amendment. There was not a time frame in the original motion, but we obviously intended to get on with the work anyway. It calls for a report back by the end of the term. I can say to the Assembly at this point that, given the motion has not even yet

passed, I have not had a detailed conversation with the directorate on their sense of the amount of work involved or where this will fit in terms of other work priorities that are on the program at the moment. So I do not know how much progress will be made by the time we report back at the end of the term, but we will obviously prepare all the information that is available at that time. That may be a case of saying, "This is what we have identified and further work is needed," but I am very happy to report back in the time frame suggested by Mr Cain.

With those remarks, I am very happy to indicate my support for the motion and the amendment today.

MR PETTERSSON (Yerrabi) (3.16): In closing, I would like to begin by thanking all members of this place for their contributions. It is not every day that a contribution from the opposition gets a laugh or a smile out of everyone in the chamber, but I thank Mr Cain for his contribution. You genuinely made my day, Mr Cain. That was very funny.

I would particularly like to thank the current and former debt collectors that I have spoken to in recent times for helping me to understand this issue. For people to come forward and talk about inappropriate behaviours that they have seen in history can be challenging. They have asked me to bring this issue forward, but they are concerned about being identified through some of the behaviours that they have seen. To the industry associations that represent individuals like debt collectors, thank you for your contribution in helping me to understand this issue and the importance of regulation. Debt collectors, commercial agents, want to see proper regulation. It is a small fringe element of this industry that is fearful of regulation.

I would also like to thank the constituents that have come forward to me and shared their stories. They, too, have been very hesitant to be open about their experiences. People have received terrifying warning notices and fees; they have incurred costs and have experienced fear and anxiety about what is happening to them. That is not what I want to see in this city. People should be treated with respect. People should be given the ability to respond with due process to matters like this.

I am very hopeful that, given the opportunity to investigate this issue, there will be progress from the government and we will be able to properly regulate this space. It is clear to me that commercial agents should be licensed in some form, and I look forward to the day that is reality here in the ACT.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Police, Ambulance and Clinician Early Response Program—funding

MS CASTLEY (Yerrabi) (3.18): I seek leave to move private member's business notice No 2 on behalf of Mr Milligan with the amendment circulated in my name.

Leave granted.

MS CASTLEY: On behalf of Mr Milligan, I move:

That this Assembly:

(1) notes:

(a) that the ACT Labor-Greens Government has refused to commit to fund the expanded Police, Ambulance and Clinician Early Response (PACER) program past 30 June 2024;

(b) the PACER program, which has a dedicated paramedic, police officer, and mental health clinician in an unmarked car to respond to mental health incidents, is a critically important component of mental health care in the ACT; and

(c) comments by police that demand for the service has outstripped the two-car program and as a result, police are having to attend mental health related call outs without the support of clinicians;

(2) further notes:

(a) that the PACER program has attended 6,510 incidents since it was first established in December 2019;

(b) that mental health in the ACT is a growing problem with more than 44 percent of Australians between the ages of 16 and 85 having a mental health disorder at some point in their life;

(c) the Productivity Commission's *Report on Government Services 2023* shows that the ACT was 19 percent worse than the national average for mental health-related emergency department wait times, the worst in the country; and

(d) more than 70 percent of people seen by a PACER team do not need to be admitted to hospital as they receive the appropriate support; and

(3) calls on the ACT Labor-Greens Government to make PACER a permanent part of the Government's mental health response, and to expand the program to keep up with increasing demand.

I rise to bring forward the motion calling on the government to commit to making PACER a permanent part of mental health services in the ACT and to expand the program to keep up with increasing demand. We all know that COVID had a big impact on the mental health of Canberrans. Research from the Australian Institute of Health and Welfare showed that mental distress doubled over the two main years of the COVID pandemic and, whilst these numbers have declined more recently, they have not returned to the pre-COVID era, remaining at a significant high.

The most recent data from the institute shows that, in fact, more than 44 per cent of Australians between the ages of 16 and 85 have had a mental health disorder at some point in their life, with many of them stating that they experienced an episode in the last four years. Knowing that this is the situation, I am sure the government is not blind to these statistics. I was surprised to hear the government would not commit to ongoing funding for the PACER program.

PACER, for the benefit of those who are not familiar with the program, is the Police, Ambulance and Clinician Early Response program. This comprises a dedicated paramedic, a police officer and a mental health clinician working in an unmarked car

to respond to mental health incidents in the territory. They operate for 10 hours a day in a single shift, covering the key afternoon and evening hours. PACER is, according to the police and paramedics, a critically important component of mental health care in the ACT.

PACER is not a territory innovation, having begun in England. The ACT introduced a single PACER car and crew during a trial in 2019, and, as we heard on Tuesday, thanks to the efforts of Deputy Commissioner Neil Gaughan, has been funded ever since, increasing to two cars from the 2023-24 budget onwards.

During that time, the PACER crew have responded to 6,510 incidents. Statistics about this service show that the crew attend between three and six calls per day in their 10-hour shift. There is a real need for this service, and the service works. Ms Davidson recently stated in the media that 70 per cent of patients seen by a PACER crew do not have to attend hospital, taking a further load off our overwhelmed hospital services.

Given that the Productivity Commission's recent report on government services shows that the ACT was 19 per cent below the national average for mental health related emergency department wait times and has the worst ED wait times for mental health patients in the country, it is surprising to hear the government state that they would not commit to funding the service beyond June 2024.

We have heard from the police how vital the service is to them as well. Deputy Commissioner Neil Gaughan stated: "Demand for this service has outstripped the two-car program. As a result, police are having to attend mental health related call-outs without the support of clinicians." He revealed that a staggering 40 per cent of police attendances were mental health related. They want to see this service continue and increase. The police have indicated that they are already stretched beyond the resources available to them, as we have heard again and again in this chamber. Last year, Mr Hanson gave the vital statistics about the need for more police in the ACT.

To have half their staff out responding to mental health calls when they should be working on reducing crime is, well, a crime itself, especially when, as they say, they are not trained to deal with mental health concerns, or not at the level required. The result has seen a stretched workforce, and, as a flow-on, a stretched hospital system. It is crystal clear that the PACER program must continue and also expand.

I am aware that in New South Wales there have been some problems associated with the program—primarily the police presence that accompanies the medical profession—but data from the institute shows that mental health episodes in males may result in alcohol abuse, drug use and social phobias, which may lead to aggression. A mental health trained police officer can support the medical profession in managing the person whilst ensuring the safety of the team.

The answer is not to remove the police or even to cancel the program; it is to work with the teams and find a solution. Canberra needs the PACER program. This is not the time to run shy and decrease mental health support in the ACT. The PACER program needs to become a vital part of the mental health response in the ACT.

The 2023-24 budget shows that the cost of a vehicle and crew is $1.238 million, though

more than 50 per cent of the cost of staffing PACER is offset by the health funding envelope and the JACS Directorate, yet, as I have said before, 70 per cent of those responded to do not end up in hospital. That has to be a significant saving for the health system. We know the cost of someone being admitted to hospital is really high. Noting that 70 per cent figure, it is a huge saving. We know that mental health patients admitted to hospital are seldom there for just one day—it is often a few days—making the intervention of the PACER program even more important for supporting the mental health needs of Canberrans.

It is for these reasons that I am calling on the government to commit to funding the two PACER program cars beyond June 2024, but, more than that, to make the PACER program a permanent part of the mental health services in the ACT and expand the program to keep up with increasing demand.

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) (3.25): I move the following amendment that has been circulated in my name:

> Omit all text after "That this Assembly", substitute:
>
> (1) notes:
>
> (a) that by introducing the PACER program the ACT Government implemented an innovative service, which has had a significant impact on the delivery of urgent mental health services;
>
> (b) the PACER program has a dedicated paramedic, police officer and mental health clinician in an unmarked car to provide care and support to people experiencing a mental health crisis and is a critically important component of mental health care in the ACT; and
>
> (c) the integrated, tri-service model of the PACER service, with police, paramedic and mental health clinicians represented and the respective skills that they bring, is of critical importance to the effectiveness of the PACER model;
>
> (2) further notes:
>
> (a) that the PACER program has attended more than 6,500 events since it was first established in 2019 until 31 December 2023;
>
> (b) that the PACER model in the ACT has attracted interest from other jurisdictions as an example of good practice; and
>
> (c) that PACER fulfils a crucial role in the ACT's health system in providing care and support closer to home and contributes to reducing the stigma for people who need care and support; and
>
> (3) calls on the ACT Government to:
>
> (a) reaffirm its commitment to the tri-service PACER model and trialling new ways of providing health care; and
>
> (b) continue to consider innovative investments in effective mental health services.".

I am very grateful for the motion that Ms Castley, on behalf of Mr Milligan, has brought

to this place. It is not often that a minister is really pleased to see the content of an opposition member's motion, but in this case I am overjoyed to have the opportunity to discuss PACER. It is genuinely a wonderful thing to see tripartisan support for one of the most successful programs in mental health services in the ACT in the last decade, so I say thank you. Ms Castley, please pass on to Mr Milligan that I owe him a cake when he is back in the building.

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. As of December 2023, the PACER team had attended more than 6,500 call-outs.

For people in the ACT community experiencing acute mental distress, previously there was only one method of receiving assistance—calling triple zero, being attended to by police, and then being taken to hospital while in a highly distressed state.

PACER is a multi-agency service by 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. It 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 people that 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 are there if there are concerns for immediate safety and welfare.

The PACER model has been recognised as good practice by other jurisdictions. When I went to Tasmania last year to visit a range of mental health services, clinical teams were commenting on how good the PACER team in the ACT was and how they were planning a visit to Canberra to see it in action.

One of the things that makes PACER so effective is that each part of the team—paramedic, police officer and mental health clinician—is able to focus on delivering their specialist skills for the benefit of the person that they are assisting and the wider community. Personal and public safety, physical health care and mental health care are all looked after by specialists in the respective field. The fact that they literally share a vehicle and are one team on the road is crucial, and it is what has been striking for people that we have spoken to, including NHS leaders in London.

The balance of those skills contributes to a team that is more than the sum of its parts and delivers huge public value as a result. Any effort to undo the interagency nature of the team would clearly result in poorer outcomes and a reduction in effectiveness, and we should be very wary of any attempt at this.

My understanding is that police officers cycle through the PACER team, where they serve for a period of time and then return to general police duties. Police officers have

spoken to me about how the opportunity to work in the PACER team alongside an experienced mental health clinician has a lasting effect on them in understanding acute mental illness and how they can approach that in their general police duties. Paramedics have also spoken to me about the trauma-informed care skills that they have further developed through their work in the PACER team, and how much they appreciate being able to share those skills and work on developing those skills across the other professions involved.

We know that PACER is highly regarded and has had a significant impact on how people can be supported. Since its inception in 2019, it has become an established part of what we do here. PACER enables more people to de-escalate from crisis and receive care in the community, rather than ending up in hospital. Like most successful service developments, it has demonstrated where we can improve and what we need to do more of.

One of the important things about the way in which we bring in innovative new services in the ACT is that we pilot them, we learn from that pilot, and maybe expand it and evaluate it; and that will then give us the information to better understand what we should make permanent, what kind of resourcing that would need, and whether we might want to change the model that we are using when we go through that change.

As effective as PACER has been, and continues to be, it is not the only service that is important to people in a crisis, and it cannot address ongoing care or the causes of crisis. We have been looking at services in other parts of Australia and in the UK for people experiencing mental distress. One of the things we have noticed is that having mental health clinicians take the lead but with police and paramedics there to do the physical health care and community safety work that only they can do so well is a big part of what makes the ACT's PACER service so successful.

We are looking now at how people can be supported with follow-up care after an interaction with PACER, and how it connects to other services. We want a health system, not just a series of different services. It is important that they are integrated and connected. We also need to consider the impact of social determinants, such as financial pressures, relationship issues, grief and loss, and experiences of violence, as contributors to mental health crisis, and the existential risks of the climate crisis. We are in a community that is dealing with that existential risk of climate crisis, as well as an economic inequality crisis, and we need to work on those causes of mental distress. We heard about the importance of this in Adelaide, Tasmania, London and Glasgow. It is something that we know is happening around the world.

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 services like PACER that are saving lives and enabling people to receive mental health crisis care at home rather than in hospital. We do that in an evidence-informed way, by looking at the evaluations and by looking at what is happening in other jurisdictions, and what we can learn from that.

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) (3.32): I rise to speak in support of Ms Davidson's

amendment. The Labor Party will be supporting the amendment this afternoon. But I want to thank Mr Milligan and Ms Castley for bringing this motion to the Assembly and giving us an opportunity to talk about the innovative PACER model of care and its success.

I recognise that this is, as Ms Davidson indicated, an initiative that has tripartisan support. Indeed I understand that, in the 2020 election, the Canberra Liberals also supported PACER, saying:

> The Canberra Liberals will guarantee funding for a further year of the PACER program. During this time, we will review the program with a view to increasing funding to allow for two teams and longer operating hours or both.

At the time of the 2020 election, the Canberra Liberals recognised that the way these things happen, as Ms Davidson talked about, is that you implement things, you pilot them, you test them, you evaluate them, and you expand them. But they also recognised that funding for a certain period of time does not preclude ongoing funding.

Mr Milligan's motion is fundamentally flawed in suggesting that the government has refused to commit funding past 30 June 2024. That is absolutely not the case. We have continued to extend funding for PACER over this period of time. As Ms Davidson indicated, we strongly support this innovative model of care, which provides a rapid therapeutic response to people in acute mental health crisis.

The PACER evaluation showed it has proven its ability to respond quickly to calls for service from people in acute mental health crisis. It is an effective team-based model that reduces the use of restrictive practices. We know that PACER interacts with a broad range of community members across a variety of mental health presentations, and the tri-service response structure of PACER was viewed positively amongst stakeholders. Importantly, PACER is improving system-level outcomes by reducing reliance on other emergency services, including, as Ms Castley indicated, emergency departments.

Other outcomes noted in the evaluation of this service included improved PACER response times to calls from north and south Canberra from the expansion, reduction and mitigation of hospital admissions from emergency responses; reduction and mitigation of re-presentations and admissions post interaction with PACER; reduction of demand on police, ambulance, emergency departments and acute mental health inpatient units; reduction of restrictive practices for people experiencing acute mental health concerns; and improved health outcomes for Canberrans experiencing mental health crises.

As a result of PACER, fewer apprehensions are being made by police, as well as a reduced rate of patient presentations to hospital. Four in every five patients who are seen face to face or contacted by PACER are being diverted from hospitalisation.

All of these reasons are why ACT Labor committed to the PACER model at the last election, and why we are committed to ensuring its future while additional supporting models are being developed and while there is more investment in early intervention in mental health services, as well.

We know that mental health crises do not happen in a vacuum. People who are experiencing mental health challenges, especially young people, have these challenges alongside the impacts of childhood trauma, disability and/or drug and alcohol abuse and addiction issues. Too often, people are referred between these services within the system. That is why it is so important that we continue the work that Minister Davidson has been doing and that we have been doing collaboratively over the past more than three years, to improve the interaction of these systems for people who are experiencing two or more of these often interrelated challenges.

ACT Policing has seen a 27 per cent increase in mental health-related cases over the past 10 years. Going to Ms Castley's point that police have to respond without the support of PACER when PACER is not available, that is exactly what has occurred for many years, and it is exactly why the PACER team was put in place. It is not a new phenomenon that police are requested to respond to people who are experiencing acute mental health crises in our community.

What PACER recognises is that it is often not the most appropriate response that it is police responding, certainly on their own, to these acute mental health crises. It is important, as Ms Davidson's amendment indicates, that we continue to consider innovative investment in effective mental health services beyond PACER, as well as continuing to support the PACER model.

One of those services is, of course, the Safe Haven cafe. Some people in acute mental health crisis will need a response that comes to them. Other people who are having an acute mental health experience can get themselves to support. Some people will present to the emergency department, but that is not a great outcome for a lot of people, and it is not the right place for a lot of people.

Madam Speaker, I do not know whether you or other members of the Assembly heard a couple of peer support workers from Safe Haven who were on the radio this morning, talking about the incredible service that they provide in the Belconnen region. It is not just about PACER. PACER is important, but it is about having a range of models of care and supports that are available in the community. That is exactly what this government has been investing in. The PACER teams themselves have been a welcome improvement on the status quo that existed before they were established.

We know that it is not a crime to need mental health support. We know that sometimes a police response at these incidents can exacerbate situations. As Ms Castley and others have said, we know that is something that is recognised by police. PACER is good. PACER is a great innovation, and we need to do more beyond that. We need to ensure that we can improve people's mental health before they get to crisis point, alongside the other, often co-occurring conditions and harms that they experience. We need to ensure that we have a range of responses that are available to people when they are in crisis so that they are receiving the right response at the right time to support them.

Labor members in this place will be supporting Ms Davidson's amendment. Again, I want to reiterate my thanks to Mr Milligan and Ms Castley for enabling us to have this debate. It is really good to see that we have tripartisan support for innovative models of care in the mental health space, and all of us supporting not only Policing but also our ambulance and mental health workers who are responding to people in our

community who are in crisis.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.39): I rise to make some reflections on this motion. I am very pleased to see the PACER model being discussed in the Assembly this afternoon, and to hear the positive feedback from right across the chamber. It is a great recognition of what has been an important innovation in mental health service delivery in this city.

As members will recall, I was mental health minister in the previous term. When we started talking about this matter with the ACT public service, they said, "There's this model that they've developed in the UK; we think there's something in it." I was fortunate enough to travel to the UK for a range of reasons, and I spent a session with a PACER equivalent in the UK, in Birmingham. It underlined how valuable the service was.

In chatting to the members of that team, they reinforced the value of having this tri-service model. Having police, ambulance officers and mental health clinicians in one team provides a comprehensive service response that can deal with a range of situations in which people experiencing a mental health crisis can find themselves. Obviously, the police provide that degree of security response—unfortunately, at times, that can be a necessary element—and the potential use of force. Ambulance officers are there because often there is a physical injury involved, through self-harm or other activities. Of course, the mental health clinician is there as a specialist, to bring a treatment focus and a mental health support focus to the visit.

I have also had the opportunity to spend time with teams here in Canberra since we started the PACER model, having spent one evening on the road with the team here. They share the same feedback as the teams in the UK do. What is really important about the tri-service model is that they are very clear that the mental health clinician is the lead. That is the first point of contact for most clients when they arrive.-

What I particularly value, from having had those conversations with the team, is how much each team member respects the role of the other. They understand very clearly each specialist's skills and the contribution they can make to the process. They also have a deep recognition and respect for how their respective skills fit together in delivering a better service response to a person in crisis than might otherwise be offered.

There has been some discussion of the fact that, in the previous model—in some cases it is still the case—it was police who attended. It is important to reflect on how the police perceive that role. That is the historical model, and the creation of PACER and other alternatives recognises that that is far from ideal in many circumstances.

It is fair to reflect, and we have seen some recent public commentary from police, that they see alternatives like PACER—it is not just PACER, as Minister Stephen-Smith touched on—as being far preferable. If you talk to police who are involved in this, and police who have not been involved in the PACER team and that are on the beat, they are the first to say that they are not specialist mental health responders. They get some training. They are making the best efforts they can, but they do not have the skills of a mental health clinician. I think there is a clear recognition in Policing that they will, of

course, turn up to support people, to provide safety and to respond to crisis situations, but I think there is really good respect in the services of the roles that people can play.

Here in the ACT—and this goes to the point in the motion from Mr Milligan, moved by Ms Castley—we started out with one team. When you are doing these things for the first time, you are working out how it will go, the best way to do it, the best operating hours and all of these questions. The success of the team and a recognition of the strength of the model has been reflected in the creation of the second team.

What we see in the motion is some suggestion of the government not continuing the model. This simply reflects a question of timing, and perhaps a lack of appreciation of where we are, because there is a budget coming up. The government will consider these questions in the budget process, of course. Without being overly dramatic about it, there are a range of government funding programs that expire at the end of this budget and that need to be reassessed during the budget process. That is a reasonably normal cycle. We need to be mindful of not overstressing some suggestion that PACER is about to run out of funding, which I think was implicit in the motion and in the comments put by Ms Castley today.

There is a clear recognition of the strength of this model. As the government works its way through the budget process, that strength will obviously be taken into account. I am not in a position, and nor is any other minister, to walk in here and say, "The budget is locked in and it's sorted." Of course, these questions will be resolved through the budget process over the coming months.

I particularly appreciated the comments that Minister Stephen-Smith made around Safe Haven, another innovation in the ACT and one that we have picked up from other jurisdictions who have had similar approaches. The observation she made around the need to weave these service offerings together, and for them to fill different parts of the service need, is really important.

Certainly, in the UK, PACER is connected to a place of safety model. What we have seen from the data is that many people that PACER goes to support actually do not end up having to go to hospital, which is a great outcome in itself. They are able to stay at home, where they are comfortable and where their support network might be. Some do still need to go, and that is a clinical decision.

With the clinical decision, hospital may not be the right place for some people, and the place of safety model offers one model of care in which people can spend up to 12 or 14 hours in a place where there are nursing staff, peer workers and the like. Safe Haven is a similar approach—much more peer worker driven. The point that the minister made around having a spectrum of service offerings in the mental health space is a very good one.

I wanted to offer those remarks today. This is a really important issue to discuss. The amendment moved by Minister Davidson accurately reflects the current state of play. It notes the implementation of the innovative model. It picks up the data that was cited in the original motion and indicates the government's commitment to the tri-service PACER model and the trialling of new ways of providing health care. This is important, as PACER is such a great innovation.

There is more to do. This is clear in the mental health space, with the recent comments from the police about how many calls they are still making—the volume of calls that police are taking. From speaking with police about this just last week, there are estimates of between 30 and 40 per cent, in jurisdictions across Australia, of police call-outs being mental health related. It tells us that, in Australia generally, including here in the ACT, we need to continue to consider how we address mental health crisis in our community.

I am a firm believer that we should do much more work to ensure that we do not even get to the crisis point. So much of mental health is actually about early intervention and about providing the services earlier in the process, so that, ideally, people who do have difficulties with mental health problems do not reach the crisis point. We would all love to see a system where we did not need the police for call-outs, or PACER or any of those things. That will never be the reality, but we can certainly minimise the need for those sorts of services and ensure that those who experience difficulty with their mental health can experience a better quality of life by not even reaching these points.

I am very pleased to support the amendment moved by Minister Davidson this afternoon.

MS CASTLEY (Yerrabi) (3.48): It is crystal clear that we have tripartisan support for the PACER program in this Assembly. Where we do not have tripartisan support is on a wishy-washy amendment that does not stick up for the program as it stands, like our frontline workers want. It is a common-sense motion to continue to fund the successful PACER program that had wonderful outcomes for those with mental health issues in the ACT—not only to commit to funding but to improve it. We wanted that firm commitment.

Mr Rattenbury said, "There is a budget cycle"—rah, rah, rah. We are three months out. Surely someone has made a decision to commit, and they have just chosen not to, with our motion today, for whatever reason. The police need this. The Canberra community needs this.

Members interjecting—

MS CASTLEY: You all got your chance in silence. This amendment is a pat on the back for the government, but it is an absolute slap in the face to our frontline PACER team. They do not have certainty. Minister Davidson noted in the *Canberra Times* on 25 January that she would like to see permanency, stability and clarity. Well, she had her chance here today and did not take it; "We have got this review and we reaffirm" but no solid commitments. If there is money in the budget after June, fabulous. Just come out and let people know. Let them have that certainty. The Canberra Liberals will not be supporting this amendment, because we wanted that firm commitment from the government today on this incredibly important program for Canberrans and our frontline workers. So we will not be supporting this amendment.

Question put:

> That **Ms Davidson's** amendment be agreed to.

The Assembly voted—

Ayes 12		Noes 5
Yvette Berry	Marisa Paterson	Leanne Castley
Joy Burch	Michael Pettersson	Jeremy Hanson
Tara Cheyne	Shane Rattenbury	Elizabeth Kikkert
Jo Clay	Rachel Stephen-Smith	Nicole Lawder
Emma Davidson	Rebecca Vassarotti	Mark Parton
Laura Nuttall		
Suzanne Orr		

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

Papers
Motion to take note of papers

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

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

Call-in powers—Blocks 11 and 12 Section 1 Denman Prospect and Block 8 Section 2 Denman Prospect

MS VASSAROTTI (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (3.55): I rise to speak to the tabled paper on the exercise of call-in papers on the Stromlo Reach development in Denman Prospect. I would like to make clear my immense disappointment in both the decision to use the defunct call-in powers and the way in which the decision was made. I have written directly to Minister Steel and Minister Stephen-Smith, as acting planning minister, to clarify my frustration and seek a commitment that this incident is not indicative of future planning decisions for the remainder of this term.

We know that we are in a housing crisis, with eye-watering rents, inflated house prices and a public housing waiting list that is only getting longer. We know that we need more housing, in particular more public and affordable housing. We are also in an unprecedented environmental crisis, with more plant and animal species being added every year to the list of those that are vulnerable, threatened and even extinct. I know that I am not alone in being distressed by those situations. And I am certainly not alone in expecting our government to take strong measures to address both crises. The truth is that we can absolutely not pit these crises against each other, and any attempt to do so with damaging environmental activities where we think we must deliver some more housing is unacceptable. We can and must find other ways to deliver more housing without detrimental environmental impacts.

As Minister for Environment, Parks and Land Management, I have a critical role to play

in ensuring the environmental interests are represented in the planning process. In practice, the way this plays out is through the brilliant people in the Office of the Conservator for Flora and Fauna, participating in planning processes. I am extremely grateful for the fearless and tireless work in this regard.

As a shared government partner with a personal commitment to open and genuine collaboration with my colleagues, I have had numerous conversations with Minister Steel to discuss Bluetts Block and the western edge investigation area, alongside other issues where planning and environment intersect. Hence, I was astonished and offended that this good-faith collaboration was disregarded with the use of defunct call-in powers to approve a development that carries huge risks to the environment.

The Greens have longstanding concerns about the use of call-in powers for removing valuable community oversight over our planning decisions. For this reason, the removal of call-in powers was the subject of significant negotiation between our parties when the new planning system was being developed. Removing appeal rights, risks breaching the trust that is placed in our government to prioritise a range of objectives and concerns that stakeholders have on any proposed development, and on this one in particular.

It is clear that modest adjustments to the development design could have shifted 51 houses off highly sensitive habitat for the vulnerable pink-tailed worm-lizard. Additionally, there was no real evidence that calling in the project would expedite the delivery of more houses. Rather, it only seems to increase the potential for the developer to cause irreversible environmental harm.

Canberrans deserve a government that can work together to deliver a strategic plan for fixing both the housing and environmental crises. I want a liveable city that has abundant affordable housing for everyone, a city that is filled with greenspace and provides home that are close to jobs and services. I want a sustainable vision for our city that caters for everyone in our growing population. This is what I am working towards, and I hope and expect all my colleagues are willing to work towards this vision with me. I am committed to working with the planning minister for the rest of this term to ensure that we can deliver more homes for Canberrans but in a way that respects and protects our environment.

MS CLAY (Ginninderra) (3.59): When the Minister for Planning announced his decision to call in the development application for the next phase of Denman Prospect, he said the approval struck the right balance between providing homes for our growing population and considering our natural environment and our local heritage. I disagree. I believe the decision was the wrong decision to make.

The ACT Greens have campaigned long and hard against the discretionary call-in power. It lacks openness and it overrides ordinary rights of appeal, including environmental appeal by community advocates. That is why the call-in powers have been revoked under the new Planning Act. This call-in was made under appeal powers. It was legal, but I do not believe it was the right decision, nor do I think it was necessary. When speaking about this issue, the minister has pitted the environment against housing. This lets down Canberra and our environment. It is a false dichotomy. We do not need housing or a healthy environment; we need both.

The ACT Greens have long advocated for greater protection of the environmental values of this area. The Western Edge area is particularly important. As noted in the *State of the environment report* released today, it contains several threatened ecological communities and protected species, including the pink-tailed worm-lizard and box-gum woodland. There are 47 rare and uncommon flora species. There are 12 threatened bird species. There are 513 hectares of superb parrot breeding habitat. There are the nests of little eagles. It has irreplaceable environmental value and we need to look after it for its own right and for our children. That habitat extends beyond artificial borders. The particular area that is subject to the call-in touches Bluetts Block and is intimately connected with it.

The minister has imposed environmental conditions on the approval, and they are extensive. They try to reduce clearance of habitat, reduce sedimentation, protect water, reduce permanent displacement of animals from the area and reduce soil disturbance. And they require the developers to pick up pink-tailed worm-lizards and move them from one area of habitat to another. Does that sound like an easy thing or a normal thing to do? Will they be found? Will they survive the transfer? The habitat in question is around one hectare out of a 47-hectare development. It is just one hectare. If that is what we need to do to avoid an extinction, why couldn't we just reduce the size of the footprint by about two per cent and put those units somewhere else?

The length of these conditions is not reassuring. The conditions speak to the delicacy of the area. These issues should have been addressed in the DA and in the design. They should not have been approved as they were. We are not talking about 1,000 homes. That has been the conversation in the media. Those 1,000 homes are the entire development. The area of real concern is for 51 units. There is much more space in the rest of the 46 hectares where those 51 units could be built. Canberra has clever designers. We do not need to ram through a poor design in such a risky place and in such a small area.

It is really time that Canberra needed city limits. We also need more housing. We in the Greens all understand this. We want to finish building what we have started. We want to make sure that suburbs and districts that have begun should be completed. But there are areas where we should not build, and we need to follow good environmental protections. We need to make good decisions too. We need to address our housing crisis. It is incredibly hard for people to buy affordable housing at the moment. We need the right housing and we need to put it in the right place. Housing that is close to the city will be delivered much quicker than housing out in Denman Prospect. A compact Canberra is also going to give us housing closer to jobs, services and public transport. Smart density is good planning.

I will be writing to the Minister for the Environment, Parks and Land Management and the Minister for Planning and asking them to do what is necessary to turn blocks 402 and 403 and other undeveloped areas into nature reserves so that we can protect them. I am really pleased to hear the Greens minister for the environment advocate for this issue and speak up for the protection of Bluetts and the Western Edge. I am really reassured when I talk to Canberrans about this issue. Many people in our community understand that we need to protect our environment and build housing. It is not one or the other; it is both.

DR PATERSON (Murrumbidgee) (4.03): I would also like to speak to the same statement. ACT Labor is committed to delivering more homes for Canberrans and providing more opportunities to build, rent and buy. I commend Minister Steel for using the call-in powers. He has clearly, loudly and cleverly moved to address both the housing crisis and the environmental crisis simultaneously.

I find it fascinating that the Greens come in here week after week, when we sit, calling these crises and saying that we must do something urgently to address them, yet, when the minister does, suddenly there are all sorts of issues, problems and complications, but I think Minster Steel has landed this in the right place.

The approval for the next stage of Denman Prospect will secure 1,000 new homes to support our growing Molonglo Valley community. This essential project is known as Stromlo Reach and was called in by Minister Steel to supply more homes and create more jobs. Importantly, as part of this decision there will be 200 affordable homes built. This project, like all development applications, was subject to stringent environmental and technical studies by the proponent and rigorous assessments by the Commonwealth and the territory.

The main impact of the call-in is that third parties cannot seek ACAT review of the decisions made by the Planning Authority. In practice, this means that the government has avoided expensive litigation that may otherwise prevent the delivery of 1,000 new homes indefinitely. There is substantial evidence of this happening in other parts of Canberra.

The decisions make environmental protection a central element of all future development steps. The minister has imposed a range of conditions the developer must comply with, including those related to the pink-tailed worm-lizard, creek and water connectivity and tree replacement, and a focus on burrowing animals such as wombats, which I am very pleased to see.

With the Molonglo Valley district set to grow to more than 70,000 people by 2050, this approval will ensure we continue to provide adequate housing for those who wish to call the Molonglo Valley home. The government's commitment to deliver more housing supply needs concrete actions to ensure housing is actually delivered. To support these new residents, the approval also includes 14 open-space blocks for community recreation, community facilities, transport services and land to deliver a new school in this area.

As the only Murrumbidgee MLA who is speaking to these things, these are things that the Molonglo Valley wants to see. I find it very interesting that a member for Kurrajong and a member for Ginninderra do not want to see this development. Molonglo Valley needs these community spaces and facilities. We need to future-proof this area and ensure that construction is completed at Stromlo Reach and includes 295 new single dwelling residential blocks and 15 multi-unit sites to accommodate approximately 839 dwellings. This decision strikes the right balance by providing this new area with appropriate mixed dwellings to align with broader planning strategies and establish areas of higher density, reducing the overall footprint of the development, which, exactly as Ms Clay said, fits well into her idea of constraining city limits.

This approach reflects ACT Labor's commitment to gentle urbanisation, which will result in more people living in our CBD, town centres, group centres and around our local shopping centres, but with the addition of some new suburbs. The minister has also rightly requested advice about the next steps to protecting adjacent blocks 402 and 403 at Stromlo, as well as the remainder of block 12, section 1, Denman Prospect. So I find it very interesting that the Greens are coming in here trying to muddle this when the minister has been very clear on this.

I would note that, also, this follows a petition that I tabled two years ago seeking to protect Bluetts Block. A lot of people have done a lot of work out there and the minister has recognised this. The minister has listened to the Greens, the minister has listened to me, the minister has listened to the community and the minister is seeking advice on how to protect this area. We need to have that pretty clear because I think the Greens are trying to fudge that, acting like the minister is not doing that, which is causing some level of community concern. I am very pleased to speak on this and to see this move by Minister Steel. *(Time expired.)*

Question resolved in the affirmative.

Statements by members

Community organisations—Belconnen Lions Club

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) (4.09): For almost four decades, the Belconnen Lions have been synonymous with the Canberra Balloon Spectacular, serving hot breakfasts for the early morning pilots, flyers and those who delight in the visual spectacle. After setting up the day before, they are a constant presence before 5 am each morning. In nine days, shifts of up to 22 people cook hundreds of kilos of bacon and thousands of sausages, and serve hundreds of kilos of baked beans, hundreds of loaves of bread and hundreds of litres of orange juice. This morning we heard on ABC Radio that a local Belco cafe serves 160 eggs a day. The Belconnen Lions were serving more than double that each day this year! Pancake mix becomes pancake batter in enormous vats and Ron Skeen has been flipping them for 27 years, even taking time off work to do so before he was retired.

This is a labour of love. They are volunteers and the entire effort is to raise money to fund projects that support our community. I feel very lucky to be an honorary Belconnen Lion and that I am able to support their efforts from time to time, whether serving or at a barbecue. A very big thank you goes to founding member of Belconnen Lions John Neil for generously allowing me to be his apprentice on the eggs for a few days for the second year running, and especially to Gary Jones and to Brian Inall, who I am proud to call my friends and who give so much of themselves in organising fundraisers throughout the year and are no less instrumental in making those nine days a success.

Faith—BAPS Hindu temple

MR CAIN (Ginninderra) (4.10): I want to speak, obviously briefly, to congratulate our Hindu community for their successful inauguration festival for the BAPS Shri Swaminarayan Hindu Mandir and community centre in Taylor. If you want all of that shortened, that is the new temple in Taylor. It is a spectacular building. I and many of my Assembly colleagues attended over, I believe, four days. I attended on Sunday. This building is worth a drive to see in Taylor. It has imported facades from India, it is a beautiful rose-pink colour and it is a real standout piece of architecture in Gungahlin.

I wish the community well in using this building for, obviously, their religious practices and education, but also thank them for making the building and its facilities available to the community for broader use. I thank in particular Sitesh Bojani for shepherding me around, being my guide and making sure I was at the right place at the right time. I was chauffeured through the event, as were many others. I thank Hiren and Parag as well for their very helpful administrative support.

Legislation—Residential Tenancies Amendment Bill 2024

MS CLAY (Ginninderra) (4.12): I just want to mention briefly that the Standing Committee on Economy and Gender and Economic Equality has resolved that it will not be inquiring into the rent freeze and rent cap bill. I was disappointed but also heartened by that. It is actually a really important topic. We hear a lot about the rent crisis in here and I was expecting a committee inquiry. Having said that, the Greens have put this squarely on the table. Clearly, the bill is completely non-contentious and there is probably no room for amendment, so that is actually really good news. We are looking forward to bringing it back in here and having it pass without amendment.

Schools—St John the Apostle Primary School fete

MRS KIKKERT (Ginninderra) (4.13): I want to give a big shout-out to St John the Apostle Primary School for hosting a wonderful school fete last week, on Friday. As I volunteered and helped at the biscuit decorating and showbag stand, the atmosphere was filled, as you can imagine, with laughter, excitement and a true sense of community spirit. I extend my heartfelt congratulations to the school principal, Matthew, whose exceptional leadership that I saw at night paved the way for the gathering. I also want to acknowledge the incredible efforts of individuals like Rebecca, who had the very best sign-up sheet for volunteers I have ever seen, and I have seen and volunteered at many school fetes, having five kids over the last 19 years.

I also want to thank Josh, Louise and Katie, and everyone else who worked tirelessly behind the scenes to make the school fete a resounding success. Their passion, creativity and hard work left everyone attending the fete very happy. It was a great, successful fundraising event for the school. I thank everyone who contributed to the unforgettable event, and here is to many more moments of joy and success in the school.

Discussion concluded.

Adjournment

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

That the Assembly do now adjourn.

Faith—Ramadan and iftar

MR CAIN (Ginninderra) (4.14): I have an intern in my office at the moment—a young man with a Muslim background. I want to thank him for drafting a speech to read to explain the month of Ramadan, fasting and the practice of the iftar dinner. I thank him for that contribution.

As members would be aware, we are in the midst of the month of Ramadan, which commenced just over a week ago. It is a celebration in which Muslims around the world fast from dawn to sunset for a month, from a bit over a week ago to the second week of next month, to build gratitude for everything they have and to show humility and patience in progressing their future. For our Muslim community, it is a moment of spiritual building and religious contemplation. I have been and will continue to be involved with their iftars, which are their post-sunset dinners. They have a meal prior to the sun rising called suhoor and then they have the iftar, which is the breaking of the fast at the end of the day.

The first event I attended was last Sunday at The Link in Ginninderry, in West Belconnen. I thank in particular HelpingACT and Mohammed Ali, a champion of community engagement and contribution, along with the Uniting Kippax community who served the food that was provided by a local cafe-restaurant. I want to thank as well Imran and Jess from Ginninderry who helped make that whole facility available for seating more than I have ever seen seated at The Link in Ginninderry. I look forward as well to attending the Gungahlin mosque next week for what will no doubt be a very large iftar gathering, and Uniting Kippax the week afterward.

My engagement will cover not only attending and participating in the breaking of their fast with them but also understanding the needs and concerns of our Muslim community. As shadow minister for multicultural affairs, it is my privilege to partake in such events to show support for our Muslim community and obviously other religious and cultural groups within our city. I believe that there is much more that we as a community can learn from engaging with other cultures and religious practices. There is always something to learn and always something to be observant about.

I wish our Muslim community the very best during this Ramadan season. It can be a taxing season, of course, giving up food for the sunlight hours, and I do wish them all the best of health during that exercise. I am very keen and happy to participate along with them on this special occasion for them.

Environment—*State of the environment* report 2023

MS CLAY (Ginninderra) (4.17): Mr Deputy Speaker, the *State of the environment* report 2023 was tabled today, and I had a chance to look at it over lunch. You should not judge a report by its cover, but the cover of this one is pretty striking. It is a shot of the fires, so it is a bit of a look at our recent past and our future, and I suspect that that has shaped the entire report. It is an excellent report. We are fortunate in Canberra to have a great independent commissioner who looks at how we are doing across the board on environmental matters.

There is a big section on Canberra's urban boundary, which I thought was interesting. The Greens have been talking about this a lot. The commissioner's first recommendation is that we need to legislate for an urban growth boundary. We need city limits in our laws. I will quote directly from the report:

> The environmental costs of expanding Canberra's footprint are immense—clearance of habitat, disturbance of ecological communities, increased urban edge effects, and increased sedimentation and erosion from such developments.

This is the damage that we are doing every time we do more greenfields development. The report goes on to note:

> Conversion of land from any natural, semi-natural or rural state into urban development typically results in adverse environmental impacts.

There is no truly sustainable way to do this. That is why the very first recommendation is that we should set city limits and an urban growth boundary.

Canberra's population is growing. The report notes that we need 100,000 more homes, but the report also notes that we are not really building these as infill at the moment. Between 2012 and 2018, 37 per cent of these new homes were greenfield and only 63 per cent were infill. We have the balance very wrong here. There is an excellent map on page 106 that shows the ACT's urban expansion. It is a good, useful map. It is probably a really good guide for when we might start to draw up those city limits.

The report talks about some other matters apart from setting city limits. It talks about our transport emissions and our climate emissions. We are doing pretty well, and the report gives quite a lot of good news on a lot of our direct climate emissions. We have done very well on our energy transition, but our transport is not going so well. Transport represents over 60 per cent of our tracked emissions at the moment. The report notes that public transport, cycling and walking make up only 13 per cent of all travel to work.

Not many Canberrans are using our public transport, or walking or cycling. That is probably because we have not invested enough in these. But if we want more than 13 per cent of our population to use public transport, and to walk and ride, we need to do a much better job of making those forms of transport much easier.

The report also talks about scope 3 emissions. Those are the indirect climate emissions—all of the emissions that go into making our stuff. It recommends quite strongly that we set reduction targets and start reporting on these publicly. We have not started doing that here in Canberra. We have done really well on our direct climate emissions but we have not yet started on our indirect ones.

It is a problem that we have not yet started on indirect emissions. We probably need to do so. They make up the vast majority of our emissions here in Canberra. That is just a sideline of being a fairly wealthy city; we consume a lot. It ties into the need for a circular economy. Every single product that is made has an impact. It requires energy to be made. It requires water and natural resources to be made. That is why those scope 3 emissions and the lack of a circular economy have a big impact. It is really about our consumption.

The report notes the recent UN declaration that unsustainable material consumption and production are the root cause of our triple planetary crisis of climate change, biodiversity loss and pollution. We cannot think of these things as being merely one issue; they are at the heart of most of our environmental problems. Australia is the third highest material consumer in the world. The ACT is a high consumer as well. We are really high amongst that list. That is because we have a lot of money, and we are not living in a particularly circular way at the moment.

There is a kind of backdrop to all of this. The IPCC tells us we are headed for over two degrees of warming. Every time I look at the media, there is more bad news about the Great Barrier Reef. The report notes the impact of the fires, with over 80 per cent of Namadgi burnt in Black Summer. This is pretty familiar content for most of us. But it does pull together a lot of different strings and it gives us a clear pathway for how we can move in a different direction.

I thank Dr Sophie Lewis and all of the many experts and reviewers who contributed to this report. I am really grateful that, here in the ACT, we have such excellent sources of environmental advice.

Fraser—restaurants

MRS KIKKERT (Ginninderra) (4.22): I rise today to give another massive shout-out to someone who is truly leaving a footprint in west Belconnen—Greg, the owner of the new, fantastic shop in Fraser called Pop Pizza. Greg is not just your average pizza chef. No; he is an Italian man with a passion for cooking pizza that runs deep in his veins.

What is even more impressive is that Greg made a bold decision to follow his heart and pursue his love for pizza, even after initially embarking on a career in medicine. Talk about dedication to chasing your dreams. And we are the luckier for it. Greg's pizzas are not just really good; they are downright mouth-wateringly delicious. I had some last night with my family, and we all loved it so much that we are already planning our next pizza night with Greg at Pop Pizza.

On behalf of the community, I want to express our deepest gratitude to you, Greg, and your team. Thank you for bringing such great tasting pizza into our neighbourhood.

Ms Karen Greenland—tribute

MR RATTENBURY (Kurrajong) (4.24): I rise this afternoon to acknowledge the passing, late last year, of dedicated wife, mother and public servant, Karen Greenland. Karen retired in 2022 after 27 years of service in the ACT public service, most recently as Executive Branch Manager, Criminal Law Branch, in the Justice and Community Safety Directorate. Across these many years of service, Karen worked tirelessly on a number of reforms which shaped the way that our transport, road safety and criminal justice systems and laws work today.

These included delivery of a transport planning framework and investment program for the ACT, Transport for Canberra; the major expansion of the ACT taxi fleet through several taxi license releases; implementation of national road transport reforms; review

and reform of drink driving laws; development of the Model Criminal Code and the introduction of the ACT Criminal Code; establishment of the ACT's Drug and Alcohol Court project to legislate for the establishment of the court; expansion of the Restorative Justice Scheme to sexual assault and family violence offences; delivery of the ban on greyhound racing in the ACT; and the development and implementation of the Disability Justice Strategy.

Amongst a range of professional achievements in her career, I know that Karen was very proud to have led the JACS work on the response to the Royal Commission into Institutional Responses to Child Sexual Abuse. Most recently before her retirement, Karen was the key part of delivering on the government's commitment to raise the minimum age of criminal responsibility, which is an important reform in this jurisdiction.

Karen's colleagues remember her for her fierce intellect, unflappable professionalism and dedication to public service, and particularly the service of the Canberra community. Karen was a mentor, supporter and friend to so many in her years of public service in the territory, always demonstrating immense kindness, patience and empathy. Through the portfolios I have held, I have had contact with Karen over many years, as Minister for Road Safety; Minister for Justice, Consumer Affairs and Road Safety; and now as Attorney-General. I have worked with her on a range of the reforms I have just spoken about and I always found Karen to be very engaging. Her colleagues spoke of patience. I certainly appreciated that patience with the many questions I would ask her. She always seemed to have the answer. On the very few occasions that she did not, they very quickly appeared afterwards, having whipped off, done the research and come back with the answer to the question.

On a lighter note, I am reliably informed that Karen's baking activities were legendary within the office and through JACS generally. Her Christmas time melting moments will live long in the memory of many of her colleagues. When I heard this, it explained the spread at Karen's farewell and retirement function. I was fortunate enough to go to the event, held next door at 220 London Circuit, and when I turned up I saw the most extraordinary catering I have ever seen for a retirement event. Clearly, JACS colleagues felt a need to match the standard that Karen had set in the agency over a period of time.

Also legendary was Karen's compliance with every road rule in force in the territory, whether in a vehicle or as a pedestrian. After years of leading road transport regulation, her colleagues have reminded me of their experiences walking across the city to the Legislative Assembly with Karen and her steadfast refusal to cross Northbourne Avenue, or any other road, in the absence of a solid green pedestrian signal. This was regardless of the purpose of the journey across the city, whether it was for a ministers meeting or an estimates hearing. As they came across from the former JACS site in Moore Street, there was no breaking of the road rules just to be here on time.

We are joined in the chamber today by Karen's husband, Rohan, and her daughters Nicola and Caroline. I am delighted that they have been able to hear about Karen's professional achievements and her contribution to the Canberra community, how much she was deeply valued by her colleagues and how much they will miss her. We are very sorry that they join us in the Assembly under these circumstances, but we do offer our deep condolences to Rohan, Nicola and Caroline. On behalf of the ACT government,

we thank Karen Greenland for her extensive and dedicated service to the territory.

Seniors—Pets and Positive Ageing Inc.

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) (4.29): The past weekend marked Pets and Positive Ageing celebrating 10 years of existence, and ACT Pet Crisis Support for five years. These are two organisations I have had the pleasure of having an association with for almost as long as their respective existences.

On Sunday, 17 March, patron and former MLA Mary Porter AM and I, as a former patron and Minister for City Services, were very pleased to join with Di Johnstone AM of PAPA and Dr Eloise Bright of ACT Pet Crisis Support, their committees and their supporters to mark the occasion. We were welcomed to former president Jan Phillips' home, where we shared in the history of the organisations and the differences that they have made. As Jan noted in her speech, the support for pets and their owners existed long before but not quite in the form that they now exist and with so many members and supporters. We enjoyed speeches, unveiled PAPA's new logo and enjoyed the most amazing cake which had hand-painted edible images of owners and pets.

Both organisations aim to keep pets and their owners together and not see them separated from each other or, worse, for pets to be euthanised due to economic, health or arbitrary reasons. PAPA's advocacy has resulted in many retirement villages changing over the past 10 years from not allowing pets to being pet-friendly, and indeed going out of their way to advertise this. They have also developed simple cards that anyone can carry on them that make clear that, if an unhappy circumstance occurs to the person and they are hospitalised or worse, the person has a pet at home that needs care. Unsurprisingly, these have been enormously popular.

ACT Pet Crisis Support helps pets in our community by providing subsidised veterinary care for disadvantaged, low-income pet owners who have no other options to care for their pets. With the support of Petstock Foundation, ACT Pet Crisis Support has developed the mobile Tiny Vet Clinic to bring veterinary services to pet owners who may have trouble accessing the care due to lack of funds. I understand this model of service for disadvantaged pet owners is the first of its kind. This may sound familiar to you because Tiny Vet Clinic was featured on *The Sunday Project* earlier this month. The converted caravan visits areas across the Canberra region regularly and does home visits as well. The service for those with a healthcare card is free, with clients asked to donate what they can afford if medication is dispensed. They have established a GoFundMe to help meet their aim of expanding from a small caravan into a much larger Winnebago so that they can provide surgeries.

Canberra is very fortunate to be supported by so many organisations which prioritise pet care, including our very own Domestic Animal Services and the exceptionally hardworking staff there, Pets In The Park, the Rainbow Paws Program, Canberra Pet Rescue, the Canberra Street Cat Alliance, ACT Rescue and Foster, and the RSPCA.

Di Johnstone is also celebrating another anniversary this month: 20 years as a volunteer dog walker at Domestic Animal Services. This is a program she helped develop and

expand and is central to the welfare of dogs at DAS who require exercise and enrichment. Di has also adopted dogs from DAS, including a special-needs dog and another who required ongoing medical care. Di would have words with me if I did not use this opportunity to promote the volunteer walking service and to encourage more volunteers to sign up, so I will acknowledge that this is a role that requires a person who is physically fit, strong, energetic and passionate about dogs, not unlike yourself, Mr Deputy Speaker. You will be required to take dogs out on a 1.6 kilometre bushwalking track next to the shelter. During this walk, you have the opportunity to exercise the dog while teaching it basic commands like sit, stay and drop. By volunteering for DAS, you will be assisting in improving the quality of life of our dogs and improving the chances of eligible dogs finding a lifelong home.

Obviously these services and this commitment from both Di and Eloise is pretty extraordinary, and especially when you consider that this is on top of their careers of serving the community, with Di's career in assisting people across the world in very vulnerable communities and Eloise's career as a vet. We are very lucky to have such passionate people, their committees and their supporters in our community. I congratulate them on 10 and five years, respectively.

Question resolved in the affirmative.

The Assembly adjourned at 4.34 pm until Tuesday, 9 April 2024 at 10 am.

Schedules of amendments

Schedule 1

Births, Deaths and Marriages Registration Amendment Bill 2023

Amendments moved by Miss Nuttall

1

Clause 2

Page 2, lines 6, 10, 15 and 19—

omit

4 to 7 and 20

substitute

4 to 7, 11A, 18D and 20

2

Proposed new clause 11A

Page 5, line 20—

insert

11A Change of name entries in register

New section 21 (4)

insert

(4) Also, a birth certificate issued by the registrar-general for the person must not show the person's former name if—

(a) the person's name was changed under subsection (2) (a) (i) (A); and

(b) any of the following people requests, in writing, that the person's former name not be shown:

(i) the person;

(ii) if the person is a child—a parent of, or a person with parental responsibility for, the person;

(iii) a person prescribed by regulation; and

(c) the registrar-general is satisfied that the request is made to protect a person's privacy; and

(d) for a request that relates to a child who is at least 14 years old—the registrar-general is satisfied that the child either consents to the request or cannot understand the meaning or implications of the request.

Note Section 27 deals with showing a person's sex on a birth certificate.

3

Proposed new clauses 12A and 12B

Page 5, line 26—

insert

12A Section 24 (1) (c), except notes

substitute

(c) the person believes their sex to be the sex nominated in the application.

12B Section 24 (2) (c)

omit

4

Proposed new clause 14A

Page 6, line 14—

insert

14A Section 25

substitute

25 Evidence in support of application

An application under section 24 must be accompanied by—

(a) documents confirming that the person was born in the ACT or has had their birth registered in the ACT; and

(b) for an application under section 24 (2)—a statement that the applicant believes that altering the record of the child's sex is in the best interests of the child; and

(c) any other documents and information prescribed by regulation.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

5

Clause 15

Page 6, line 15—

omit clause 15, substitute

15 Section 27

substitute

27 Showing information about sex on birth certificate

(1) The registrar-general may issue a birth certificate for a person that includes information about the person's sex.

(2) However, information about a person's sex must not be included on a birth certificate if—

(a) any of the following people requests, in writing, that the information not be included on the certificate:

(i) the person;

(ii) a parent of, or a person with parental responsibility for, the person; and

(b) for a request that relates to a child who is at least 14 years old—the registrar-general is satisfied that the child either consents to the request or cannot understand the meaning or implications of the request.

(3) If the registrar-general issues a birth certificate that includes information about the sex of a person whose record of sex has been altered, the birth certificate—

(a) must show the person′s record of sex as altered; and

(b) must not show any word or statement to the effect that the person′s record of sex has been altered.

(4) However, the registrar-general may issue a birth certificate that includes information about a person's sex before, or both before and after, the alteration of the person's record of sex if any of the following people requests, in writing, that the information be included:

(a) the person;

(b) a child of the person;

(c) a person prescribed by regulation.

Note Section 21 deals with showing a person's former name on a birth certificate after registering a change of name.

6

Clause 16

Page 6, line 21—

[oppose the clause]

7

Clause 17

Page 7, line 1—

[oppose the clause]

8

Proposed new clauses 18A to 18D

Page 7, line 11—

insert

18A Section 29A (1) (d)

substitute

(d) the person believes their sex to be the sex nominated in the application.

18B Section 29A (2) (d)

omit

18C Section 29B

substitute

29B Evidence in support of application for recognised details certificate

An application under section 29A must be accompanied by—

(a) documents confirming that—

(i) the person to whom the application relates is domiciled or resident in the ACT; and

(ii) the person's birth is registered in a place other than the ACT; and

(b) for an application under section 29A (2)—a statement signed by the parents of, or a person with parental responsibility for, the child stating that a recognised details certificate for the child is in the best interests of the child; and

(c) any other documents and information prescribed by regulation.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

18D New division 4.3

insert

Division 4.3 Nominating sex in applications under this part

29DA Nominating sex in applications under this part

(1) A person making an application under this part (an applicant) may nominate the sex of a person in the application by stating the nominated sex using any term other than a prohibited sex descriptor.

(2) The registrar-general must ensure an application allows an applicant to state the nominated sex of a person using any term other than a prohibited sex descriptor.

Examples

1 an electronic interactive form used for altering the record of a person's sex shows a blank space in which the person may state their nominated sex

2 a paper form used to apply for a recognised details certificate includes an open- text field in which the applicant may state their nominated sex

(3) In this section:

prohibited sex descriptor means a term describing a person's sex that—

(a) is obscene or offensive; or

(b) could not practically be established by repute or usage—

(i) because it is too long; or

(ii) because it consists of or includes symbols without phonetic significance in the English language; or

(iii) for any other reason.

9

Proposed new clause 19A

Page 7, line 18—

insert

19A Dictionary, definition of *birth certificate*

omit

section 27 (2)

substitute

section 27

10

Clause 21

Page 8, line 9—

omit clause 21, substitute

21 Section 7

substitute

7 Showing information about sex on birth certificate—Act, s 27 (4) (c)

The following people are prescribed:

(a) a parent of, or person with parental responsibility for, the person;

(b) an executor or administrator of the estate of the person;

(c) a lawyer authorised by a person mentioned in—

(i) paragraph (a) or (b); or

(ii) the Act, section 27 (4) (a) or (b).

Questions without notice taken on notice

Government—skilled migration

Ms Berry *(in reply to a question by Mr Braddock and a supplementary question by Ms Steel Tuesday, 22 March 2022)*:

Recognition of overseas qualifications is the responsibility of the Australian Government. As part of the ACT Government's submission into Australia's migration system review the ACT Government requested that the Australian Government makes it faster and easier to recognise international qualifications and work experience in Australia, particularly in priority sectors such as health and education.

Housing ACT—maintenance

Ms Berry *(in reply to a question by Mr Parton on Tuesday, 6 February 2024)*:

As of the end of Q2 2023-24, $28.1 million worth of works and $7.6 million worth of work is in progress. This includes 8,895 work orders for reactive repairs and 3,060 planned work orders. The planned work orders involved upgrades to 13 kitchens and 11 wet areas, as well as internal painting for 26 homes and disability modifications for 209 homes.

Housing ACT regularly undertakes property condition assessments. Since May 2023, 76 per cent of the portfolio has had a property condition assessment completed.

The Report on Government Services result referred to in the question reports on public housing tenant responses to whether they believe the property they are living in meets an 'acceptable standard', by having at least four working facilities (for washing people, for washing clothes/bedding, for storing/preparing food, and sewerage) and not more than two major structural problems. Tenant responses represent a sample size 5% of the Housing ACT portfolio. Responses provided are anonymous therefore Housing ACT is unable to report on how many of the respondents' properties are undergoing scheduled works.

The ROGS data showed an improvement of 2.6% from the 2020-21 result with, 76.0% of public housing tenants who responded to the survey stating they believed they were living in houses of an acceptable standard.

Minister for Sport and Recreation—correspondence

Ms Berry *(in reply to a question by Mr Milligan on Thursday, 8 February 2024)*:

I can confirm that the constituent in question was contacted by phone by ACT Property Group on 30 November 2023 and again on 19 January 2024. Following these conversations, the constituent received a written reply from myself on 23 February 2024. An internal administrative error led to a longer than normal response time for written correspondence.

Ms Berry *(in reply to a supplementary question by Mr Milligan on Thursday, 8 February 2024):*

The transition from the five sites operated by YMCA NSW to Belgravia Leisure was undertaken in a staged approach, with the transition for Gungahlin Leisure Centre completed on Tuesday 21 November 2023.

All personal and financial membership data was handled consistently with privacy legislation and the terms of agreement between YMCA NSW and the ACT Government. During the transition from YMCA NSW to Belgravia Leisure, financial and personal data of YMCA NSW members was not transferred to Belgravia Leisure. Instead, Belgravia Leisure initiated a campaign to re-sign all existing YMCA NSW members to the Belgravia Leisure membership system.

This process ensured that members were controlling the extent and level of information they provided directly to Belgravia Leisure.

To ensure all existing members retained access to programs and swim school lessons, no new enrolments were accepted by Belgravia Leisure until after 15 January 2024. This gave existing members the opportunity to join Belgravia Leisure and retain existing programs / lessons.