



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

**DAILY HANSARD**

Edited proof transcript

15 May 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 **Wednesday, 29 May 2024**.

## Wednesday, 15 May 2024

Petitions:	
Higgins—footpaths—petition 19-24 .....	993
Richardson—shops—petition 20-24 .....	993
Ministerial response:	
Roads—Tralee—petition 31-23 .....	994
Motion to take note of petitions .....	997
Higgins—footpaths—petition 19-24 .....	997
Roads—Tralee—petition 31-23 .....	998
Children and young people—ACT Youth Week (Ministerial statement) .....	999
Justice—reinvestment (Ministerial statement) .....	1002
Palliative care—funding (Ministerial statement).....	1007
Remuneration Tribunal Amendment Bill 2024 .....	1011
Estimates 2024-2025—Select Committee .....	1014
Justice and Community Safety Legislation Amendment Bill 2024.....	1016
Civil Law (Wrongs) Amendment Bill 2024 .....	1018
Road Safety Legislation Amendment Bill 2023 .....	1023
Planning and Environment Legislation Amendment Bill 2024.....	1029
Ministerial arrangements .....	1033
Questions without notice:	
Light rail—federal funding.....	1033
Proposed stadium and convention centre—federal funding.....	1034
Proposed stadium and convention centre—federal funding.....	1035
Housing—debt to Commonwealth .....	1036
Economy—cost of living.....	1037
Economy—cost of living.....	1038
Planning—Stromlo and Denman Prospect .....	1040
Housing ACT—maintenance .....	1040
Housing ACT—maintenance .....	1041
Housing ACT—vacant properties .....	1043
Sport and recreation—facilities .....	1043
Migration—permanent residents .....	1044
Housing—rental affordability.....	1045
Infrastructure—federal funding.....	1046
Papers.....	1048
Building industry—regulatory impact .....	1048
Planning—Belconnen town centre school .....	1068
Papers (Motion to take note of paper).....	1081
Human Rights Commission (Child Safe Standards) Amendment Bill 2024.....	1081
Statements by members:	
Ginninderra electorate—West's Lions Rugby Club .....	1090
Government—Investments .....	1091
Adjournment:	
Hawker shops—development.....	1091
Environment—kangaroo management .....	1092
Domestic and family violence—resource funding .....	1094
Planning—Mawson group centre .....	1095

**Wednesday, 15 May 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.

## **Petitions**

*The following petitions were lodged for presentation:*

### **Higgins—footpaths—petition 19-24**

*By Mrs Kikkert, from 172 residents:*

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

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

- there is no formal footpath directly connecting the western side of Fullagar Cr and the Higgins Shops;
- people frequently walk this route anyway, having created a well-worn ‘desire line’ along the south side of Higgins Oval;
- because it is unsealed, this ‘desire line’ is often boggy and difficult to walk on;
- rehabilitation of the Higgins Oval has dramatically boosted its use, increasing the need for a sealed footpath in the area; and
- ongoing development of The Henry retirement village likewise strengthens the case for a safe, accessible footpath in this location.

Your petitioners, therefore, request the Assembly to call upon the ACT Government to prioritise the construction of a formal footpath to replace this ‘desire line’, which is currently just a heavily used dirt track.

### **Richardson—shops—petition 20-24**

*By Ms Burch, from 13 residents:*

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

The residents and supporters of Richardson draw the attention of the Assembly to the neglect and derelict state of the Richardson shops precinct. Residents note that:

- the local shops in Richardson have long been closed, with some retail space being empty for 9 years; the supermarket closed in May 2019, the last tenant closed in 2020
- the entire precinct is now empty and in a state of derelict neglect, covered in graffiti and a site for dumping of rubbish
- these shops are privately owned, and the owners should be more attentive to keep the area clean and also to seek new tenants or alternative uses for the precinct.

Petitioners and resident so Richardson therefore, request the Assembly to refer to this petition to relevant committee and to call on the ACT Government to:

- seek a full update from the owner on any future plans for the site
- provide advice on what obligations the owner has in terms of meeting all the conditions on the use of land agreement
- provide advice on what residents can do to compel the owners to provide a public good
- provide advice of what alternate use the land and site can be considered
- provide advice of what changes can be made to planning rules such as purpose clauses changes to the crown lease that would facilitate more timely responses and remedy for situations such as this and report any findings and progress back to the Assembly by 27 August 2024

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

### **Ministerial response**

The following response to a petition has been lodged:

#### **Roads—Tralee—petition 31-23**

By **Ms Cheyne**, Minister for City Services, and **Mr Steel**, Minister for Transport, dated 13 May 2024, in response to a petition lodged by Mr Parton on 6 February 2024 concerning access roads to connect Tralee to the Monaro Highway.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter regarding petition 031-23, lodged by Mark Parton MLA, regarding access roads to connect Tralee to the Monaro Highway. The ACT Government recognises the importance of an effective and productive relationship between the ACT Government and Queanbeyan-Palerang Regional Council (QPRC) as our closest neighbour. In addition to engaging with QPRC through

membership of the Canberra Region Joint Organisation, the ACT Government and QPRC engage directly under the ACT-QPRC Statement of Intent. The ACT Chief Minister and Mayor of QPRC also meet during the year to facilitate ongoing dialogue between the two jurisdictions. As our respective urban footprints continue to expand, ensuring compatibility of future development, transport linkages and associated infrastructure is critical.

In November 2023, the ACT Government held an ACT / NSW Regional Cross-border Transport Roundtable comprising the then-ACT Minister for Transport and City Services, the NSW Minister for Regional Transport and Roads, the QPRC Mayor and General Manager, local members and senior officials from the ACT, NSW, QPRC and the Australian Government. The Roundtable was held to discuss cross border connections between the Monaro Highway in Hume and new developments in Queanbeyan and surrounding area.

The ACT Government, through the Transport Canberra and City Services Directorate (TCCS), is delivering upgrades to the Monaro Highway within the ACT. Under this program, preliminary design will be completed for new interchanges at Hume and Isabella Drive, and a new interchange is under construction at Lanyon Drive including an extension of David Warren Road.

TCCS has had ongoing engagement with QPRC and the NSW Government agency responsible for planning of the proposed Regional Jobs Precinct (RJP) on the delivery of these upgrades over several years. This has included regular meetings, and sharing of traffic modelling data and information on development timing to inform works on both sides of the border.

The Roundtable recognised of the work undertaken by the ACT Government on the Lanyon Drive interchange to ensure the ACT network could accommodate additional demand from NSW, and acknowledged this interchange is designed to meet the future demand from development in the adjacent NSW region, including the new suburb of South Jerrabomberra. The new Lanyon Drive interchange has been designed with capacity for the 1500 residences in the NSW suburb of South Jerrabomberra (formally known as Tralee) via Lanyon Drive. This provides the north connection from NSW into the ACT network.

The Roundtable agreed that a second connection between the ACT and NSW network would be most appropriately located to the south of Hume connecting the future Dunns Creek Road in NSW, to be delivered by QPRC, through the new interchange at Isabella Drive (the Dunns Creek Road project). This south connection will also connect South Jerrabomberra (Tralee) into the ACT network however is dependent on delivery of the Dunns Creek Road project. A third connection was not identified as required.

A commitment was made between the jurisdictions at the Roundtable to undertake further work to better understand delivery, cost benefit analysis and funding requirements with a commitment to continue working together on cross border connections, including utilisation of existing mechanisms, including the Canberra Region Joint Organisation. Since the Roundtable was held, TCCS and QPRC have had subsequent discussions to further progress cross border network planning.

Options were investigated by TCCS for a connection from Environa Drive to Lanyon Drive, at the north end of the South Jerrabomberra development via Sheppard Street in Hume. This option is not feasible for several reasons: it creates

network failure of the Sheppard Street and Lanyon Drive intersection, there are significant safety issues with mixing Hume industrial precinct traffic and residential traffic, the cost and significant disruption caused by the requirement to relocate utility mains infrastructure that is directly underneath the existing road, and environmental constraints in the connecting corridor including a waterway and proximity to Jerrabomberra Creek. The network failure outcome and the costs are prohibitive, as well as the inherent safety issue with mixing high volumes of residential and industrial traffic, and significant constructability issues with the waterway and critical utility infrastructure.

I am also advised there is no existing formal road access into the ACT directly between NSW and the Hume Industrial precinct given access via Arnott Street is not formalised nor supported by Roads ACT for the above reasons.

Further, in 2023, TCCS undertook a feasibility assessment of an interim connection (within 5 years) from Dunns Creek Road, following construction by QPRC, into the ACT network. Two interim options were investigated to connect from Dunns Creek Road to the Monaro Highway: an at-grade connection into the existing roundabout at Isabella Drive; and a connection into Tralee Street and on to the Monaro Highway either at the Tralee Street or Sheppard Street intersection.

Options tested through the modelling are as follows:

- Base case: Monaro Highway Upgrade Package 1 (Lanyon Drive Interchange) completed and operational. Package 2 (new interchanges at Hume and Isabella Drive) and interim connections from South Jerrabomberra not constructed.
- Option 1: An at-grade connection from South Jerrabomberra to the end of Tralee Street, with traffic routing through the Hume industrial estate to access the existing intersections at the Monaro Highway (i.e. Tralee Street and Sheppard Street). Modelling in this option also represents outcomes for routing traffic through the Hume industrial estate via Anderson/Alderson Place.
- Option 2: An at-grade connection from South Jerrabomberra to the Monaro Highway / Isabella Drive intersection through the addition of a fourth leg to the roundabout.

The two connections (Option 1) were found to have unacceptable traffic impacts with the traffic modelling showing network failures through significant and unacceptable congestion in the PM peak, southbound on the Monaro Highway, and through the Hume Industrial Precinct. Traffic modelling concluded Option 1 resulted in overall reduced network efficiency as evidenced by increased Vehicle Kilometres Travelled and Vehicle Hours Travelled. Furthermore, Option 2 would result in significant queuing and congestion on the Monaro Highway southbound towards Tuggeranong as well as reductions to intersection performance and overall network performance. TCCS has shared this information with QPRC who are aware of the issues.

Ultimately, the delivery of the Dunns Creek Road interchange is required to support the second, south connection from South Jerrabomberra (Tralee) into the ACT network from South Jerrabomberra once the new Dunns Creek Road is constructed. The Dunns Creek Road interchange would provide significant benefits well beyond the ACT, including to residents in South Jerrabomberra and vehicles and freight travelling to and from Southern NSW and the Snowy Mountains.

Given the national significance of this project and the benefits to NSW, the ACT Government would require funding and support from a number of stakeholders before consideration can be made to possibly constructing the Dunns Creek Road interchange, including the NSW and Australian Governments, QPRC and the developer of South Jerrabomberra.

The ACT Government, including TCCS, will continue to work with our QPRC, NSW and Australian Governments counterparts to ensure effective cross border transport network planning. I trust this information is of assistance.

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

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

That the petitions and response so lodged be noted.

### **Higgins—footpaths—petition 19-24**

**MRS KIKKERT** (Ginninderra) (10.03): I seek leave to table an out-of-order petition along the same lines as the one just tabled.

Leave granted.

**MRS KIKKERT:** I present the following paper:

Petition which does not conform with the standing orders—Higgins—Construction of a footpath between the western side of Fullagar Crescent and the Higgins Shops—Mrs Kikkert (41 signatures).

I am pleased to present a petition calling on the ACT government to prioritise the construction of a formal footpath between the western side of Fullagar Crescent and the Higgins shops. There is currently no sealed footpath in this location, nor has there ever been, but the need is unmistakable. Over decades, millions of steps have trampled what the government calls a “desire line” between the local shops and a point opposite the laneway between 113 and 115 Fullagar Crescent.

Hundreds of residents live in the area bounded roughly by Fullagar Crescent, Ashburner Street and Cussen Street. For them, walking across the green space south of the oval is the only local way to access the shops. This has been the case for decades. I spoke to one older couple in the area who built their home more than 40 years ago and who claim that they would have used this dirt track thousands and thousands of times over the years. Another resident wrote that he had been helping form this desire line since 1971.

The need for this informal path to be upgraded has, however, increased significantly in recent years. Firstly, the quality of the track has worsened over time as it has been worn deeper and packed harder. It now floods whenever it rains. Beyond that, rehabilitation of the Higgins oval has brought large numbers of visitors to the area to both play and watch sport, increasing foot traffic. In addition, 46 new townhouses built in a new retirement village on the other side of the oval are now fully occupied. Another 54 apartments will be completed this year, and it is predicted that there will be about 73 more apartments in the near future.

For these older residents, many of whom supported the petition, a bumpy, uneven desire line that becomes boggy and impassable whenever it rains is currently the only option if they wish to walk the circuit of their complex or take the most direct route to access medical or other services at the local shops. This is clearly not an age-friendly situation and needs to be fixed.

In total, 172 people signed the paper version of this petition. Another 43 supported an online version with identical wording. One local resident wrote:

This route is often used by locals, including my family. An improved path is needed. I support the premise of this petition.

Another wrote:

We have been waiting for this for over 50 years.

A third let me know that she is the mum of 10-month-old triplets who struggles with inadequate footpaths, including this one. Another resident said:

This would improve accessibility for when I need to use my crutches.

Finally, I wish to point out that many people strongly appreciate the trees that currently line and provide shade to the unsealed footpath. Local residents uniformly wish for the formal upgrade of this path to be environmentally sensitive and to leave the existing trees in place. On behalf of 213 Higgins residents and their neighbours, I commend this petition to the Assembly and look forward to the minister's response.

### **Roads—Tralee—petition 31-23**

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (10.06): I rise to speak in relation to the government's response to petition 31-23, lodged by the Canberra Liberals' Mark Parton MLA, regarding access roads to connect Tralee to the Monaro Highway.

The ACT government recognises the importance of an effective and productive relationship between the ACT government and surrounding councils, the Queanbeyan-Palerang Regional Council, and the New South Wales and commonwealth governments.

We have been working closely with all of those governments in relation to cross-border connections, including around the South Jerrabomberra precinct. In November 2023 I chaired a cross-border transport round table comprising all of those representatives of our local governments to discuss those cross-border connections and new developments in Queanbeyan and the surrounding area. We have been working closely for some time. We have been undertaking significant modelling. Work is well underway at the Lanyon interchange at the moment, as part of the ACT and commonwealth governments' upgrades, which will accommodate additional demand from New South Wales. It is a significant project that we are already investing in to support cross-border connections, as well as improving traffic flow and safety for ACT residents on the Monaro Highway.



The roundtable agreed that a second connection between the ACT and New South Wales networks would be most appropriately located to the south of Hume, connecting the future Dunns Creek Road in New South Wales, to be delivered by QPRC and the New South Wales government, through a new interchange at Isabella Drive. That is, of course, a project that is dependent on the delivery of Dunns Creek Road. A third connection was not identified as required. I know that various other roads have been put forward in this petition, but it should be obvious to everyone, particularly those who are thinking about the interests of Tuggeranong residents, that some of those connections are not viable. The modelling confirms that.

Options were investigated by TCCS for a connection from Environa Drive to Lanyon Drive, at the northern end of South Jerrabomberra, via Sheppard Street in Hume. This option is not feasible for several reasons. It creates network failure of the Sheppard Street and Lanyon Drive intersections. There are safety issues with mixing Hume traffic—an industrial precinct—and residential traffic. There would be significant cost and disruption caused by the requirement to relocate utility mains infrastructure that is directly underneath the existing road. There are environmental constraints in the connecting corridor as well.

Further, in 2023 TCCS undertook a feasibility assessment of an interim connection within five years from Dunns Creek Road, followed by construction by QPRC into the ACT network. Two interim options were investigated from Dunns Creek Road to the Monaro Highway: an upgraded connection into an existing roundabout at Isabella Drive, and a connection into Tralee Street onto the Monaro Highway, either at the Tralee Street or Sheppard Street intersection. That included modelling of options that represented outcomes from routing traffic through the Hume industrial estate via Alderson Place.

The two connections were found to have unacceptable traffic impacts, with the traffic modelling showing network failures through significant and unacceptable congestion in the afternoon peak southbound on the Monaro Highway and through the Hume industrial precinct. This would significantly impact Tuggeranong residents who are travelling on the Monaro Highway every day. Ultimately, the delivery of the Dunns Creek Road interchange is required to support a second south connection from South Jerrabomberra into the ACT road network. That was not what was being proposed through this petition.

I was very surprised to see this petition brought forward by a member who claims to represent Tuggeranong, when the impacts of what is being proposed in the petition are totally unacceptable for the road network. It would delay Tuggeranong residents. I think it is time that the Canberra Liberals did not put Tuggeranong residents last when it comes to the Monaro Highway project.

Question resolved in the affirmative.

## **Children and young people—ACT Youth Week Ministerial statement**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and

Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.11): As Minister for Education and Youth Affairs, I welcome the opportunity to acknowledge ACT Youth Week, a 10-day celebration of young people in our community aged 12 to 25. This year ACT Youth Week was held from 11 April to 21 April, providing young people with the chance to express their ideas and views and to act on issues that impact on them and their peers. It was also a time to celebrate, to have fun and to highlight the positive contributions that young people make to our community each and every day.

This year the ACT government partnered with various entertainment and recreational businesses across Canberra to deliver large-scale, cost-free events for young people. Almost 600 young people and their families attended the free events, with the support of ACT youth services. One hundred and twenty-nine people enjoyed a day at the National Zoo and Aquarium; 168 people saw a movie at Hoyts Belconnen and Hoyts Tuggeranong; 97 people played tenpin bowling at Zone Bowling Belconnen and Zone Bowling Tuggeranong; 84 people burned off some energy at Bounce Belconnen; 61 people played minigolf at Yarralumla; and 45 people ice skated at the Phillip Swimming and Ice Skating Centre.

A family of three children who attended several of the 2023 ACT Youth Week events told us that ACT Youth Week gives them the opportunity as a family to attend movies and local attractions, something that they could not otherwise afford. A young person with a disability who attended a 2023 ACT Youth Week event said that it was nice to be part of an activity where they felt included and part of something fun. I was lucky enough to go along to the event at Bounce Belconnen. While I did not have a jump on a trampoline this year, it was clear that everyone was having a great time.

There are also community projects and events funded through the ACT government's ACT Youth Week Grant Program. These grants support young people and the ACT youth sector to develop and deliver their own unique Youth Week activity. ACT Youth Week grants fund projects that strengthen community ties for young people, including arts-based initiatives, youth forums, skills development workshops and resilience projects. The grants also support events promoting diversity during Youth Week—activities like sports and creative endeavours, and projects raising awareness of issues affecting young individuals.

ANU Thrive, a student-led initiative that aims to promote wellbeing at the Australian National University through community projects and health promotion, has told us how the ACT Youth Week grants have given ANU Thrive visibility and supported connection with the broader Canberra community. ANU Thrive project members recommended that everyone apply for grants. One member remarked:

It is such a great opportunity to be able to try and bring an idea to life.

In 2024 a range of projects were funded to be held during or in honour of ACT Youth Week. These include supporting the Australian Multicultural Action Network to deliver youth sport and wellness experiences; YWCA Canberra to deliver CreativityCon Canberra; the Canberra Youth Theatre to deliver a 12-hour theatre project; Celebration of African Australians Inc to deliver an African drum and dance workshop; Multicultural Hub Canberra to deliver the Kooky Olympics; and Hare Krishna Food for Life to deliver the Hare Krishna Canberra Ram Navami youth project.

It is wonderful to see how ACT Youth Week brings young people together in new ways and helps forge friendships and social connection in our community. The ACT government consulted and worked closely with the Youth Advisory Council to develop the program of ACT Youth Week events. The Youth Advisory Council reflects the diversity of young people living in the ACT. Members include young people who identify across the gender spectrum and within the LGBTQIA+ community, members who live with disability, young people from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander communities, all with different levels of education and employment status.

The Youth Advisory Council does a great job of providing feedback on the plans for Youth Week and helping to make sure it meets the needs of young people in the ACT. Again, I would like to acknowledge the immense contribution of our young people to shaping the city that they want to live in. I hope everyone had a great time at the Youth Week events. I present the following paper:

ACT Youth Week 2024—Ministerial statement, 15 May 2024.

I move:

That the Assembly take note of the paper.

**MISS NUTTALL** (Brindabella) (10.16): I would like to speak briefly to the ministerial statement on ACT Youth Week. I want to try and strike the right balance here, because I think the concept of Youth Week is awesome and we should do it all the time. At the same time I am still unclear on how many young people this information got out to. I know that we are a difficult cohort to engage, but I firmly believe it is incumbent on us, as the government, to do that work and reach out.

I am going to be completely honest: I had no idea this was a thing, let alone what it was, until I got a media release in my inbox. Genuinely, a reason for that could be that I live under a rock. I am a bit of a homebody. I then asked my friends, and my friends asked their friends, and still no-one knew anything about it. ACT Youth Week is designed to be a celebration of everyone aged 12 to 25. That is roughly one-fifth of Canberra's population. I get to be a part of that stat, too.

Looking at the event line-up, I would have been really keen to participate if I had known when it was on. Just briefly, I did hear that, while there was an intersection between the school and university holidays, we might have chosen a week when not everyone was on their school or university break, which might have also limited how many of our student cohort could participate. The Chair of the Youth Advisory Council said:

In addition to being an opportunity to enjoy a number of free events across Canberra, ACT Youth Week is an opportunity to spotlight the concerns, needs and ideas of young Canberrans.

From the first part of this quote, it looks like there were some fantastic events and opportunities for young people. The Youth InterACT grants seem to be a great enabler for young people, especially when they use them to get a D&D group up and running, like Ginninderra College did. In that respect, I take a point of inspiration.

A bunch of great community orgs like the YWCA, the Multicultural Hub, the Canberra Youth Theatre, the Hari Krishnas and Celebration of African Australians put on some awesome events, from a free festival to a youth-led creativity convention, the Kooky Olympics, the African drum and dance workshops and youth-led theatre. It is very easy for me to say, but I would love to urge the ACT government to put some oomph behind advertising these events directly to young people, maybe on social media and at their schools and campuses, to make sure that next year as many young people as possible can attend these awesome events.

Lastly, I want to reflect on the second part of the YAC chair's quote, on the opportunity to spotlight the concerns, needs and ideas of young people. I want to ask the politicians in this place: who heard our concerns, needs and ideas in that week? Who was listening out for them? Who caught a Youth Week event or chatted to a young person about their needs?

The biggest needs I have heard are often the most fundamental ones: "I would like more affordable, more frequent buses, in order to get school, catch up with friends and maybe work my job." "I would like to be able to afford the rent without falling below the poverty line." "I would like actually to afford a house at some point in my life." "I do not want to take on a debt I may never pay off for a job that feels like it will not pay me enough to live comfortably." "I would like to feel that I have any kind of future where the world is not rendered uninhabitable by climate change." "I would like to be listened to." These are some of the things we talk about as young people. Youth Week is good. Youth Week is great; but, above and beyond a celebration, it is really important that we listen to young people for all 52 weeks of the year.

I thank the minister for her statement. I am super keen about Youth Week next year, and I promise I will be more vigilant next time, too.

Question resolved in the affirmative.

## **Justice—reinvestment**

### **Ministerial statement**

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (10.19): I thank members for the opportunity to present a statement on government spending on justice reinvestment in the last five years. It would also be fitting to highlight some funded justice reinvestment initiatives which have had positive impacts on reducing offending and reoffending.

In the ACT justice reinvestment represents a smarter approach to improving criminal justice outcomes. It seeks to realise longer term savings through early intervention, diversion, alternative sentencing approaches and rehabilitation to prevent reoffending; that is, it seeks to prevent the underlying causes of crime and criminal offending.

The ACT has made justice reinvestment a key element of its approach to managing the criminal justice system for over a decade. However, in the last five years particularly, the government has provided significant and sustained funding to establish and continue

delivering a broad suite of justice reinvestment programs, including new funding to support reforms such as the increase in the minimum age of criminal responsibility.

The government's justice reinvestment approach is also pivotal to the plan for reducing recidivism in the ACT by 25 per cent by 2025. In the last five years around \$115 million has been committed to justice reinvestment initiatives. This equates to around \$23 million each year on the delivery of measures supporting justice reinvestment.

While the government has announced particular measures explicitly under the banner of justice reinvestment, I should be clear that a broader range of measures are directed to improving criminal justice outcomes and making longer term savings. As such, simply trying to calculate a total spend by reference to budget announcements that included "justice reinvestment" in the name will significantly underestimate the extent to which the government has invested in measures to support rehabilitation, to prevent reoffending and to divert people from incarceration where alternative supports can be provided.

Justice reinvestment funding has been provided to a range of programs. The first is intensive correction orders, which allow offenders to remain in employment and maintain their community ties, which is important to reduce the risk of future offending. This program also provides an opportunity for the offender to return a benefit to the community through community service work, which can be additional conditions imposed by the sentencing court.

Programs like Yarrabi Bamirr provide a family-centric model of support for First Nations families to prevent or reduce contact with the justice system. The program helps to keep families together, prevents homelessness and keeps people out of prison.

The Justice Housing Program recognises the lack of available and affordable housing for people released from custody and provides supported temporary housing. Residents engage with services and create pathways into medium, long-term or stable accommodation in public or community housing or in the private rental market. A recent evaluation of the program undertaken by the Australian National University found that the program is filling an important housing gap for people exiting from prison, and that clients were positive about the ongoing support that the program provided.

The Ngurrumbai Bail Support Program is designed to reduce the number of First Nations people on remand, and the time spent on remand. The program supports First Nations people who, without bail support, are at risk of not receiving or completing bail.

The drug and alcohol sentencing list provides an alternative approach to rehabilitating offenders whose crime is related to drug or alcohol dependency. Its aim is to improve people's health and wellbeing, reintegrate them into the community and reduce criminal offending. An outcome evaluation of the drug and alcohol sentencing list found that participating in the list has led to positive outcomes in psychological and physical health, quality of life, relationships, employment, emotional maturity, and hope and optimism about the future. It also found that participants who graduated from their drug and alcohol treatment order ceased offending post the program, and those who completed without graduating or had their order cancelled reduced their offending by 90 per cent and 81 per cent respectively.

Strong Connected Neighbourhoods is a program which undertakes activities at public housing sites to reduce crime and antisocial behaviour, increase community building and improve access to mainstream services. It works in partnership with residents to develop stronger connections in the community, develop self-confidence, boost residents' self-esteem and make pro-social decisions.

These are just a sample of the justice reinvestment initiatives that the government is funding to successfully support those in contact with or at risk of contact with the criminal justice system and to prevent reoffending.

I note that an element of some previous budget announcements for justice reinvestment was funding for the proposed reintegration centre. At the time it was envisaged that a purpose-built facility would support inmates in transitioning back to the community. However, changing circumstances and shifting accommodation priorities at the Alexander Maconochie Centre, the AMC, have meant that the government paused work on the reintegration centre.

The deferral of this project has allowed the government to focus on repairs and upgrades to existing critical infrastructure at the AMC, including repairs to accommodation units as a result of the storms in January 2020 and incidents which occurred in November 2020 and May 2021. For the latter two, repairs have been completed and the accommodation units have resumed normal operations.

However, the government has brought a fresh focus to the reintegration and rehabilitation program to support detainees to transition back to the community. Significantly, ACT Corrective Services has sought to optimise the use of the transitional release centre in this context. Arising from the 2023-24 budget process, the ACT government is currently developing a master plan for the AMC to inform longer term infrastructure requirements, including planning for a future reintegration precinct. The government will also construct a unit for staff accommodation at the AMC to repurpose space in existing buildings for use by detainees as program and education spaces.

This work, encompassing both building and program infrastructure, will equip ACT Corrective Services with the tools necessary to drive real improvements in therapeutic and reintegrative programs and facilities, aligned with the government's priority for reducing recidivism by 25 per cent by 2025, as well as supporting and aligning with efforts to address the over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system. The overall intent is to reduce the time a person may be detained in custody, including to increase the capacity of detainees to obtain parole and, once released, to successfully reintegrate into the community with the skills and strategies needed to address the causes of their criminogenic behaviours.

My statement would not be complete without highlighting the positive progress which has been made in reducing recidivism as one of the key aspects of achieving the objective of our justice reinvestment agenda. As members would be aware, the government's plan to reduce recidivism by 25 per cent by 2025 set an ambitious target. While a 25 per cent reduction in the recidivism rate by 2025, from 42.4 per cent to 31.7 per cent, remains an ambitious target, recent statistics show there continues to be

an overall downward trend in the recidivism rate, since 2018-19. The latest data from the *Report on government services* show that the recidivism rate decreased by a further 3.1 per cent, from 37.2 per cent in 2021-22 to 34.1 per cent in 2022-23, meaning fewer ex-detainees returned to prison within two years. This represents a decrease of 19.6 per cent from the benchmark figure in 2018-19 of 42.4 per cent.

While I recognise that we have more to do to reduce the contact of Aboriginal and Torres Strait Islander peoples with the justice system, this reduction is testament to the success of our justice reinvestment approach, including investments in alternatives to incarceration and post-incarceration supports. The positive progress that we are making towards achieving our recidivism target, off the back of the significant efforts in investment that I have outlined, sets us up well for considering how best to ensure that we continue to build on the success of our justice reinvestment approach.

The government is currently progressing work on phase 2 of the Reducing Recidivism Plan, and I look forward to making further announcements about this body of work in due course. The government remain committed to backing our policy with appropriate investments that will address the causes of offending and reoffending and deliver a safer Canberra for all of us. I present the following paper:

Justice reinvestment funding—Ministerial statement, 15 May 2024.

I move:

That the Assembly take note of the paper.

**MS DAVIDSON** (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (10.29): I would like to thank Minister Rattenbury for his ongoing work on justice reinvestment—work that he has been doing as a minister in this government for years across various portfolios. It is important that this government remains committed to the work of justice investment.

It is evident that corrections facilities alone are not enough to make our community safer. This is because, although prisons can keep people who have been engaging in harmful behaviour away from the community, they are not the most effective way of addressing the reasons people engage in that behaviour in the first place. This is because a sentence that includes incarceration is inherently disruptive, not just to the person involved but to the people around them as well. It is part of the reason children of people who have served custodial sentences are more likely to end up in the justice system themselves.

The disruption of incarceration is layered. Even a relatively short period on remand can be enough for a person to lose their home, job and even connections to their family. Once a person is released from custody, they may find it difficult to re-establish these positive aspects of their lives. We risk sentencing people to long-term homelessness, unemployment and isolation when they are given a prison sentence, even if it is short—often for harmful behaviour related to financial pressures, unemployment and unstable housing—and that is not going to make our community safer for anyone.

Corrections facilities are also not the ideal therapeutic environment for the treatment of alcohol or drug-use disorders, gambling addiction, mental illness or trauma. While we do the best we can to provide therapeutic supports during time in custody, it is vital that people are able to maintain their treatment in community-delivered services after their sentence is complete to avoid engaging again in criminal offending. We know that this approach is particularly harmful to Aboriginal and Torres Strait Islander people and contributes to over-representation of First Nations people in custody.

Justice reinvestment is a different approach. Justice reinvestment sees harmful behaviour and health and social services needs addressed in the community, where possible. It is the result of community members, community services and the government working together to identify how to engage people with the types of supports and guidance they need to break the cycle of harmful behaviour.

The recent evaluation by ANU of the Justice Housing Program shows that supporting people to maintain safe housing is effective in reducing harmful behaviour and keeping people out of prison and that this is a program that is worth continuing and expanding. Along with the evaluation of the Drug and Alcohol Court, the Justice Housing Program evaluation also found that there is a need for a single-unit housing program for people for whom the current group accommodation program is not suitable. This might include people with children who either live with them or visit regularly, and that is an important part of consideration of how we reduce recidivism, especially among women in the Alexander Maconochie Centre.

The work done in the second half of 2023 to implement the raised minimum age of criminal responsibility is also a form of justice reinvestment. By implementing a multitherapy panel for complex cases and funding for functional family therapy, and establishing intensive therapy orders and therapeutic corrections orders for young people, we have taken further steps to address the causes of a young person's harmful behaviour. I thank Minister Stephen-Smith for the work she has also been doing in this area.

If we can reduce the number of young people engaging in the justice system by referring the young people and their families to more appropriate health and social services at an earlier point in their lives, we can achieve transformational intergenerational change. It means that young people can go on to have better life outcomes, and their children and grandchildren will be less likely to go down the same route into the justice system.

Justice reinvestment helps families take care of each other, it helps people address their drug and alcohol dependence, it helps them engage with education and employment, and it does all of this while keeping people in their homes and in their communities or connecting them with housing and community when they are already isolated. In the community, people can build the skills and supports they need to address the reasons they have come in contact with the justice system without completely upending the positive aspects of their lives.

This approach can and does make communities safer. It is an investment in people, not prisons; an investment in building communities, not jails. And it pays off, not just in repurposing the high cost of imprisoning people but also in the improved lives for some of the most at-risk people in our community and in making our community safer for everyone. I join Minister Rattenbury in his support for properly funding this important evidence-based approach to justice and corrections.



Question resolved in the affirmative.

## **Palliative care—funding 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) (10.34): I rise today to provide the Assembly and the ACT community with an update on investment in palliative care in the ACT. In doing so, I respond to recommendation 15 of the *Inquiry into the Voluntary Assisted Dying Bill 2023* report, which seeks a statement from the ACT government to the Assembly regarding the provision of palliative care services in the ACT prior to the debate on the Voluntary Assisted Dying Bill.

Also, I acknowledge Palliative Care Week, which is taking place from 19 to 25 May this year. The week marks the nation's largest annual initiative aimed at deepening people's understanding of palliative care and encouraging action around end-of-life planning. I would like to acknowledge Palliative Care ACT's work and role in supporting our community's understanding of palliative care and empowering people to have greater control over matters of life and death.

We know that the ACT has a growing and ageing population, and with that the demand for palliative care services is increasing. The provision of coordinated and timely palliative care has rightly been a focus for Canberrans, as reflected in the Assembly's work in this area, notably the 2018 Select Committee on End of Life Choices in the ACT.

I am pleased to report that significant progress has been made on addressing the priorities and recommendations identified by the select committee in its 2019 report. This includes enhancing community-based palliative care, ramping up advance care planning and support, with a focus on culturally and linguistically diverse communities, enhancing respite care options for families, and assessing and projecting demand for palliative and end-of-life care services.

Every person approaching the end of their life should be provided with access to high-quality, person-centred and family-centred palliative and end-of-life care when they need it to minimise suffering and maximise quality of life. This is the foundation of palliative care. However, we know that, even with the best end-of-life care, some Canberrans with an advanced condition, illness or disease experience suffering as they approach the end of their lives.

To promote the autonomy and dignity of those people, the ACT government is progressing voluntary assisted dying legislation through the Legislative Assembly. This will provide eligible Canberrans with the right to make informed end-of-life choices that align with their preferences and values. I want to reiterate that voluntary assisted dying is not an alternative to effective palliative care; rather, voluntary assisted dying occurs in the spectrum of end-of-life choices. It is an additional choice that can be made by a person about the circumstances of their death.

Palliative care is holistic care for anyone who has a serious, incurable illness to assist them to have the best quality of life and to make each day as good as it can be. Palliative care in the ACT encompasses a spectrum of public and private services, including support, treatment, symptom management and end-of-life care, commencing at any stage in a person's life-limiting illness, disease or condition that is expected to cause their death.

The full spectrum of care includes managing physical symptoms such as pain; provision of emotional, spiritual and psychological supports; referral to respite care; supporting activities of daily life; and counselling, grief and bereavement support for family members, carers and loved ones.

In the ACT, we expect that growth in demand for palliative care will accompany our growing and ageing population. Currently, more than half of those using palliative care services are over the age of 70. Population projections for the ACT estimate that there will be an almost 50 per cent increase in the proportion of our population aged over 70 by 2030, with around 58,000 people in this age cohort.

The ACT government is committed to ensuring Canberrans, now and into the future, have access to high-quality palliative and end-of-life care. Our commitment to quality palliative care services across specialist, clinical and non-clinical services is reflected in longstanding and ongoing government investment, as well as significant additional investments to meet identified areas of need.

ACT government funding directly delivers clinical health services across hospital, hospice and home-based settings. The ACT government also partners with the non-government sector to provide important non-clinical and community-based supports, recognising the depth of palliative care leadership and expertise in the community and the importance of a holistic approach.

For example, the ACT government provides ongoing funding of approximately \$630,000 a year to Palliative Care ACT to facilitate peak body functions and to support ongoing training of volunteers in the ACT. These volunteers support palliative care patients by providing personal support and non-clinical services in both hospital and community settings.

In an important investment, the ACT government's 2022-23 budget provided almost \$2.6 million to fund Leo's Place on an ongoing basis. Leo's Place, run by Palliative Care ACT, is the territory's only non-clinical, home-like respite facility for carers and patients, providing day and overnight respite for people with a life-limiting illness. This funding commitment came after a successful 18-month trial of the concept which was an Australian first. With research telling us that most people in the ACT want to die at home, and recognising the incredible support carers provide to loved ones with life-limiting illness, Leo's Place meets an important need.

The ACT government is working in partnership with community organisations to support Canberrans to discuss and prepare advance care plans. In 2022, a revised advance care plan statement of choices was delivered, providing up-to-date and accessible information for the community on advance care plans. The government has

also partnered with the Canberra Multicultural Community Forum to develop and trial a multicultural volunteer educator program. This program is underway and set to support community engagement with multicultural communities on advance care planning.

The government also provides significant funding for non-clinical supports at home through the Community Assistance and Temporary Support Program, as well as nurse-led coordination of non-clinical, home based palliative care services provided by Community Options. We have an ongoing commitment to provide high-quality clinical and specialist palliative care and have made significant investments over recent years in this regard.

In the 2021-22 budget, the ACT government invested more than \$16 million to bring online an additional five inpatient beds at Clare Holland House over four years, with the final bed expansion occurring in the 2024-25 financial year. This investment included significant additional resourcing at Clare Holland House, increasing the staffing of the Home Based Palliative Care service with additional nursing and allied health staff. Altogether, more than 33 full-time equivalent staff will be brought on board over four years to support more palliative care services in the ACT.

Our additional operating capacity investment is built on the \$6 million collaborative investment with the commonwealth government and the Snow Foundation to expand capacity at Clare Holland House, with additional palliative care inpatient beds and associated infrastructure improvements. I was very pleased to deliver this investment in 2021 that provided not only an expanded number of bed spaces but also spaces for patients and their loved ones to come together. The new family lounge, private courtyards and spaces for family to stay overnight have been welcomed by those using the facility.

The ACT government also made a commitment in the 2022-23 budget to fund the design and delivery of a dedicated specialist acute palliative care inpatient unit at the Canberra Hospital, investing around \$15½ million in this new health infrastructure. This investment will deliver 12 beds, enabling patients to receive specialist palliative care as they approach the end of their life in an environment and service area that will help to ensure dignity and comfort.

Specialist palliative care services play an incredibly important role, and the team at Canberra Health Services support patients and families across a range of areas in both inpatient and outpatient settings. These services are provided by a team of more than 100 health professionals and support staff, including specialist doctors, nurses, nurse practitioners and allied health professionals.

The ACT government is committed to building capacity and upskilling our health workforce in palliative care. There are currently 20 nurses participating in the End of Life Champions program, which includes education modules on end-of-life care and face-to-face information and support sessions.

Clare Holland House is also engaged in the Program of Experience in the Palliative Approach, PEPA, and the Indigenous PEPA program, hosting placements of healthcare professionals to build their palliative care experience.

The ACT government is finalising negotiations with the Australian Nursing and Midwifery Federation ACT branch for the ACT Public Sector Nursing and Midwifery Enterprise Agreement to continue delivering on our agreement to mandated minimum nurse-to-patient ratios. The second phase of ratios will include Clare Holland House and will support nurses working in palliative care to deliver improved patient care and safety, while providing for an improved work environment and resources for nurses at Clare Holland House.

To increase access to quality palliative care in aged-care settings, the ACT government invests approximately \$200,000 a year as part of a \$2.2 million co-funding arrangement with the commonwealth government to deliver the Comprehensive Palliative Care in Aged Care measure. I was pleased to see the commonwealth commit in last night's budget to the next round of funding for this program.

This funding supports the ACT's Palliative Aged Care Specialists team, or PEACE team, which provides specialist palliative in-reach care to people in residential aged-care facilities and builds palliative care capability in the residential aged-care workforce. The ACT government also recognises the critical role of research in developing and innovating in palliative care.

Last year, at a critical time in palliative care and voluntary assisted dying policy development, I was pleased to announce that the Research and Innovation Fund provided funding to support one of CHS's clinicians, Dr Michael Chapman, to undertake important research with his project, "Dying, death literacy and voluntary assisted dying—Educating community responses to assisted dying in the ACT". This research is, of course, very topical, and I look forward to hearing about the outcomes of Dr Chapman's research.

The ACT government is committed to continual improvement of palliative care services, and we are working with key stakeholders, partners and experts to properly inform and deliver this work. To this end, the ACT Health Directorate undertook an external territory-wide palliative care service function review in 2023. The aim of the review was to detail existing palliative care and end-of-life services currently available in the ACT, including clinical and non-clinical services that are available to patients, their families and carers throughout their palliative illness; as well as to identify areas of unmet need, demand for services, service costings, barriers to care, and demographics of patients and carers. The *Palliative care service function review—final report* was released in October 2023. It has given the ACT government the opportunity to consider the best way forward with respect to supporting Canberrans who are approaching the end of their lives, irrespective of their end-of-life choices.

The whole of health sector ACT Palliative Care Governance Committee has already commenced work on priority actions from the report in its 2024 work plan. The work plan was developed to address key considerations raised in the final report of the service function review, as well as alignment with broader national palliative care policy and program development processes, including the National Palliative Care Strategy.

Priority areas for the ACT Palliative Care Governance Committee include: working with non-government and government stakeholders to improve palliative care system

coordination; improving the quality of palliative care data; identifying and addressing priority gaps in palliative care service provision; and supporting workforce development and innovation to strengthen our capability to provide excellent palliative care services to the population.

The ACT government is committed to continuing to provide comprehensive palliative care to all Canberrans who need it and ensuring that our services can grow and respond to people's needs. The ACT government's investments to date have helped to deliver on the ACT government's commitment under the National Palliative Care Strategy 2018 and the "Better support for older Canberrans and end-of-life care—partnering with Palliative Care ACT" 2020 ACT Labor election commitment.

The ACT government believes all Canberrans have the right to be treated with the utmost dignity and respect through their end-of-life journey. Alongside the introduction of voluntary assisted dying, the ongoing provision of accessible, comprehensive and high-quality palliative care support gives people the options and supports they need to live comfortably and to die with dignity.

I present the following paper:

Current investments into palliative care—Ministerial statement, 15 May 2024.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Remuneration Tribunal Amendment Bill 2024**

Debate resumed from 20 March 2024, on motion by **Ms Burch**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (10.48): I rise briefly to speak to the Remuneration Tribunal Amendment Bill 2024 and give a high-level summary. This amendment bill allows for additional remuneration to be payable to a member of the Legislative Assembly who acts in an office for a continuous period of 60 days or more. More specifically, currently, an MLA who acts in an office is not entitled to additional remuneration, even though this is out of step with HR practices across the ACT public sector, as well as community expectations.

This bill ensures that an MLA who acts in an office for a continuous period of 60 days or more will receive an additional amount of remuneration to reflect their additional duties. This bill also includes protections to ensure that, where a member is acting in two or more positions and is entitled to two or more additional salary amounts, they would only be paid the highest additional remuneration.

The Canberra Liberals, of course, are pleased to support this bill today.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (10.49): The government will be supporting the bill. It allows, as we have heard, for additional remuneration to be payable to a member who acts in an office for a continuous period of 60 days or more. I acknowledge that Mr Hanson brought this forward after what I may presume was the last time he would act as Leader of the Opposition.

**Mr Hanson:** Who knows? I didn't bring it forward. This was not brought forward by me, though; this was brought forward by the Speaker.

**MR BARR:** Indeed. Time will tell on that one. I think the history of this place shows that that is a great plotting seat to get back there, so we will see how you go, Mr Hanson! I regret to advise you that I am not proposing to move an amendment for retrospectivity!

I digress. A benefit of the proposed bill will also be consolidation of business continuity across government activities in the event of the extended absence of a minister from office. I can advise the Assembly that the proposed bill is determined to have minimal financial impact and has been endorsed by the Treasury and the Treasurer. I note there will no change to the function of the Remuneration Tribunal resulting from the proposal. On close consideration, we believe the impacts of the proposed bill are positive and support the continuity of services to the Canberra community. For these reasons, we are very pleased to support the bill.

**MR BRADDOCK** (Yerrabi) (10.51): Returning the favour to Mr Hanson, who nicknamed a Remuneration Tribunal bill after yours truly, I am nicknaming this bill the “Jeremy Hanson bill”!

Almost universally across workplaces, there is, or at least there should be, an expectation that, if you act in higher duties, you should be paid for it. Such provisions exist across both public and private sector enterprise agreements, and it is customary for there to be threshold periods before higher duties allowances become payable. The purpose is, of course, to account for the fact that the person acting in the role will have to make some substantive decisions while in the role, rather than just holding the fort for a short period of time.

It is good to see the Assembly will no longer be the exception to that principle. This should have been in place already, but it is good to be able to bring it forward here today. Having the higher duties allowance in place will hopefully incentivise capable people to volunteer to fill the gaps in important positions for extended but time-limited periods, lest they be filled by someone of questionable competency by default.

**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) (10.52): With the Assembly having a proud history of generous supports available for MLAs to take leave, including for extended periods of time, whether it is parental or sick leave, or any other relevant leave, the corollary is that someone does have to act in those positions when that person is

absent. Doing so for a short period of time, as we appreciate, has little impact, but doing so for an extended period of time can have a significant impact in terms of workload and other supports that a person may need to provide to their party, particularly if they are in a leadership role.

It is a well-accepted practice in other organisations, as Ms Lawder and Mr Braddock have highlighted, including the ACT and federal public service, that, when someone is acting in a position for a period of time, they receive remuneration that is commensurate with the position that they are acting in—higher duties allowance, or HDA. This is fair, and it reflects that higher workload. Essentially, that is the same principle that is being proposed here, bringing the ACT in line with, rather than out of step with, accepted human resources practices, fairly remunerating someone for the work they are undertaking and removing any perceived barrier to a person who would otherwise be effective in perhaps acting in an office and who may balk at stepping up to the position for fear of not being compensated fairly.

**Mr Braddock:** It didn't stop Jeremy!

**MS CHEYNE:** It did not stop Mr Hanson. That is right. We will forever remember those halcyon days! That is exactly what has driven this very detailed consideration by the Standing Committee on Administration and Procedure, which considered this issue on what was intended—that this is about fairness and accepted human resources practices, and that it brings the ACT Assembly into line with what would be expected in any other organisation. As the Chief Minister has stressed, it has minimal financial impact. I am pleased to have also spoken in support of this bill.

**MS BURCH** (Brindabella) (10.54), in reply: As has been said, the purpose of this bill is to amend the Remuneration Tribunal Act so that additional remuneration can be paid to members of the Assembly who act in an office for a period of more than 60 days. I thank members for their comments and support across the chamber.

There was a consulting process through party leadership and through the party rooms. I note that Mr Braddock has affectionately called this the “Jeremy Hanson bill”. I also note that the Standing Committee on Administration and Procedure determined this after Jeremy Hanson’s acting arrangements had ceased, so there is no backpay or retrospectivity with this.

**Mr Braddock:** It's a memorial bill, then!

*Members interjecting—*

**MS BURCH:** I thank the Standing Committee on Administration and Procedure, and members. I missed that interjection. It is probably a good thing. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Estimates 2024-2025—Select Committee**

**MS LAWDER** (Brindabella) (10.56): I move:

That this Assembly:

- (1) notes that:
  - (a) on 11 April 2024 the Assembly passed a motion relating to the establishment of the Select Committee on Estimates 2024-2025;
  - (b) the last day of Estimates hearings is on 31 July 2024;
  - (c) the report is to be tabled by 16 August 2024; and
  - (d) the committee will be unable to undertake its important scrutiny and oversight role within that short timeframe if answers to Questions on Notice, and Questions Taken on Notice have not been received and considered by the committee;
- (2) further notes that a shorter timeframe for answers to Questions on Notice and Questions Taken on Notice to be provided would significantly contribute to the considerations and deliberations of the Select Committee on Estimates 2024-2025; and
- (3) approve that for the Select Committee on Estimates 2024-2025, notwithstanding the provisions of Standing Order 254D:
  - (a) Questions on Notice from Members must be lodged by close of business on the day after the conclusion of the Committee hearing (in other words, within one business day);
  - (b) an answering entity must respond to a Question on Notice within one business day of the answering entity receiving the question; and
  - (c) an answering entity must respond to a Question Taken on Notice within one business day of the answering entity receiving the uncorrected proof Hansard.

The motion I have circulated for debate today relates to the time frames for estimates hearings. When we initially moved the motion establishing the Select Committee on Estimates 2024-2025, we had some debate in this chamber about the quite short time frames which were allocated, and that is what has given rise to this amendment today. Under the standing orders, standing order 254D talks about five business days for answers to be provided to most questions, so I suggested that one working day may be suitable. I can see that Mr Barr has circulated an amendment with a compromise position of three working days.

I feel it puts the committee members under pressure and the committee secretariat staff under a huge amount of pressure to get the report finalised in a short period of time. However, it is what it is. I also thank Mr Barr for correcting an error in my original motion relating to the date for the end of estimates hearings. I think when I looked at the sitting calendar I got a bit fixated on 31 July because that is my birthday, and I did



not go on to the next day. I apologise for that, and thank you, Mr Barr, for correcting that. The motion and the proposed amendment are quite self-explanatory. I will not labour the point.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (10.58), by leave: I move the following amendments together:

1. In paragraph (1)(b), omit “31 July”, substitute “5 August”.
2. Omit all text in paragraphs (3)(a) to (c), substitute:
  - “(a) Questions on Notice from Members must be lodged by close of business within three business days of conclusion of the Committee hearing or by 5pm 6 August 2024, whichever is earlier;
  - (b) an answering entity must respond to a Question on Notice within five business days of the answering entity receiving the Question or by 5pm 8 August 2024 whichever is earlier; and
  - (c) an answering entity must respond to a Question Taken on Notice within three business day of the answering entity receiving the uncorrected proof Hansard or by 5pm 8 August 2024, whichever is earlier.”.

As Ms Lawder indicated, the amendment to paragraph (1)(b) corrects the date of what I now understand to be the final day of estimates hearings, being 5 August, and puts in place a mechanism to address the issue of concern in relation to the time frame for answering questions on notice, particularly for the second week of the hearings.

Clearly, the usual time frames of answers within five business days mean that the answers to questions taken on notice or placed on notice in the first hearings at estimate hearings will arrive before the conclusion of the hearings process. I understand that the challenge for the committee will be the questions in the last few days, so the amendment seeks to provide a hard date and time cut-off for questions to be asked, and then a hard date and time cut-off for questions to be answered, to enable the committee to have its deliberations with questions answered.

I will make the obvious point that the time frame to answer questions depends a lot on the extent of information that is required to answer a question. Clearly, the earlier that a question is asked, the earlier a question can be answered. That is particularly why there is a hard cut-off regarding when questions can be asked.

In the spirit of endeavouring to get compromise on this issue, I make one commitment: ministers will endeavour to answer questions within the time frame that is sought. And I have one ask of committee members and those who participate in asking questions: ask them early, please; do not wait until 5 pm on 6 August, because that obviously creates the greatest risk in terms of being able to get an answer back.

There is an extended period from when the budget is delivered to when estimates start. Committee members and Assembly members have a longer period of time to develop their questions than would otherwise be the case, so the earlier they are asked, the earlier they can be answered. With that, I commend my amendments to the Assembly.

**MR BRADDOCK** (Yerrabi) (11.01): I would like to thank Ms Lawder for bringing forward her motion, which highlights some of the contradictions that exist between the standing orders and the estimates time frames that have been set by this Assembly. To be clear, the reason for this situation occurring is that the ACT is the last state or territory to hand down its budget. For reasons that are not entirely clear for me, a longer time is required in the ACT than in any other interstate counterpart to develop and deliver the budget.

Victoria and the Northern Territory have already released theirs before the federal budget dropped, and in every other state it is scheduled within the next month. This late delivery date, combined with the fixed election date, means the time frames have to be squeezed. It is less than ideal. The Greens will be supporting the Chief Minister's amendments. It ain't pretty, but it is the best we can do with the time frames available.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Justice and Community Safety Legislation 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) (11.03): I move:

That this bill be agreed to in principle.

I am pleased to present the Justice and Community Safety Legislation Amendment Bill 2024 to the Assembly. The bill makes minor and technical, but important, amendments to eight pieces of legislation and one regulation. All amendments contained in the bill are being made to improve the administration and operation of territory laws.

This bill amends the Civil Law (Wrongs) Act 2002 and the Civil Law (Wrongs) Regulation 2003 to remove outdated references in relation to court procedures for certain claims. Currently, the Civil Law (Wrongs) Act provides that the time limit for a party to add another party to litigation in personal injuries claims may be prescribed by regulation. The Civil Law (Wrongs) Regulation prescribes this time limit as the point when a certificate of readiness is filed. However, the requirement to file a certificate of readiness in personal injuries claims was removed in 2015. Consequential amendments were not made at that time, rendering the remaining reference obsolete, and potentially confusing. Amendments are proposed to the act and regulation to remove this outdated reference and to enhance the clarity and readability of the legislation.

The bill makes a minor amendment to the Court Procedures Act to confirm that the Aboriginal and Torres Strait Islander Children and Young People Commissioner is entitled to appear, be heard and call witnesses in proceedings related to and against First Nations children and young people. Ms Vanessa Turnbull-Roberts commenced as the inaugural commissioner in February 2024. This amendment clarifies her functions and will support her important work.

The bill makes a technical amendment to the Discrimination Act 2001 by omitting a duplicative provision. This is intended to rectify a previous drafting oversight in the Justice and Community Safety Legislation Amendment Act 2023 (No 3). The amendment concerns the special measure exception from discrimination law for religious bodies who provide accommodation for protected classes of people. The amendment will ensure that the special measures exception does not apply to religious bodies whose sole or main purpose is commercial.

The bill makes a minor amendment to the Domestic Violence Agencies Act 1986 so that the time frames for the statutory review of the Domestic and Family Violence Review will align with when the review became operational. The Domestic and Family Violence Review examines domestic and family violence related deaths in the ACT to assess system responses and their effectiveness, and to identify any gaps in service system responses.

The review became operational in early 2023, due to delays from COVID-19. Under the current provision, the statutory review would commence only one year after the review became operational, which does not provide sufficient time for a review to meaningfully assess operations and make useful findings. To remedy this and achieve the original intent of this provision, this amendment will delay the commencement of the statutory review so that it starts three years from the point that the death review became operational, on 31 March 2026. The bill also makes a consequential amendment to the sunset clause, so that it will expire on 31 March 2027.

The bill clarifies that the mechanism for community members to make complaints to the Human Rights Commission about breaches of public authority obligations under the Human Rights Act does not apply to complaints against police officers. The clarification seeks to avoid confusion, given the limitations on the powers of the ACT Legislative Assembly to bind the Australian Federal Police as a commonwealth entity.

It will also ensure that complainants do not lose an enforceable avenue for redress to the Australian Human Rights Commission in relation to a police complaint relating to discrimination. This amendment aligns with the view of the Standing Committee on Justice and Community Safety, communicated in their 2022 report on the inquiry into the No Rights Without Remedy petition.

The bill amends the Security Industry Act 2004 by inserting a positive disclosure obligation on people who are licensed to undertake security activities. Presently, the only time a licensee must provide information to the Commissioner for Fair Trading about their suitability to hold a licence under the act is at the time they apply for a licence, or seek a renewal of their licence. There is no ongoing obligation for licensees to notify the commissioner of information which would change their suitability to hold

a licence during their licence period. The bill will create an ongoing disclosure obligation, so that licensees who have been convicted of, or found guilty of, an offence during the term of their licence must notify the commissioner promptly so that the commissioner can take appropriate regulatory action.

A failure to disclose this information within 14 days of a conviction or a finding of guilt is a strict liability offence which carries a maximum penalty of 20 penalty units. This offence will ensure there is an appropriate disincentive for licensees failing to disclose relevant offending to the commissioner.

This change will provide better regulatory oversight and community safety outcomes. It will also strengthen the integrity of the security industry by providing for the cancellation of a licence when more serious offences are committed during the term of a licence.

The bill makes a minor amendment to the Urban Forest Act 2023 to correct a drafting error. The act was introduced to protect trees on private and public land in the ACT under a single piece of legislation, as part of our efforts to achieve 30 per cent canopy cover. The act intends that all trees that meet certain criteria are protected, but that a person can apply to remove a tree. The inclusion of the word “leased” in section 21 inadvertently resulted in there being no legislative mechanism to process an application to remove trees on public land, other than as part of a development application under the Planning Act 2023. The amendment in this bill ensures that the original intent of the act is achieved.

The bill also makes other minor amendments to the act, including to provide greater clarity in relation to the circumstances in which a person need not enter into a canopy contribution agreement.

I am pleased to say that the bill being introduced today is a human rights compliant bill, and one which improves the operation and effective administration of the laws in the territory. I commend the bill to the Assembly.

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

## **Civil Law (Wrongs) Amendment Bill 2024**

Debate resumed from 7 February 2024, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.10): The Canberra Liberals will be supporting this bill. The Civil Law (Wrongs) Amendment Bill 2024 seeks to strengthen model defamation laws in the ACT and, very importantly, bring the legislation into harmonisation with other jurisdictions.

The ACT implemented stage 1 of the agreements of the Model Defamation Provisions Intergovernmental Agreement through the Model Defamation Law Working Party in 2021 with the passage of the Civil Law (Wrongs) Act 2021. The second tranche of the reforms, following the assembly of the Council of Attorneys-General in 2021, culminated with two further elements of the Model Defamation Law Working Party, part A and part B.

The bill will make the following amendments. It will amend the Civil Law (Wrongs) Act 2002 to provide greater avenues and protection for organisations and individuals who passively participate in arguably defamatory activity. The bill exempts third-party organisations, “digital intermediaries”, from liability for prosecution for passively sharing or storing media that might be considered as defamatory.

This is to prevent intermediaries being held accountable for sharing content, in alignment with other states and the territory. This provision creates a new defence, the “innocent dissemination” defence, protecting content hosts and service providers from culpability. As a mechanism to ensure that reputations are not unreasonably defamed, content hosts must provide a mechanism for individuals to report defamatory posts and take reasonable steps following a report to ensure general access is brought to a minimum.

The bill extends the right to absolute privilege for individuals in circumstances where persons engage with the police or any organisations from a prescribed list of statutory entities. It is anticipated that this will lower the barriers inhibiting individuals from raising with police alleged sexual assaults or other unlawful conduct that carries a damaging reputational effect.

The bill will also give a new power to the courts to compel digital intermediaries and search engines to block defamatory or problematic links from appearing online. It will require the courts to consider privacy, safety and public interest considerations when assisting plaintiffs in identifying potential defendants.

I want to again thank the minister and his department for the briefing I received earlier this year on this issue. As I have stated, the Canberra Liberals will be supporting this bill.

**DR PATERSON** (Murrumbidgee) (11.13): I rise today to speak in support of this bill and to speak to why such legislation is important for victim-survivors. This represents a modernisation and strengthening of defamation laws in the territory. There are already significant barriers which prevent victim-survivors from coming forward and reporting the offences committed against them. One of these barriers is the risk of defamation action being taken against them. Even when offences are reported, the perpetrators can still exert power over their victims by threatening them with defamation cases if they report crimes. With this bill, this can no longer occur.

This bill will extend the defence of absolute privilege in defamation law to disclosures made to the police, the ACT Human Rights Commission and other statutory bodies with functions that involve dealing with disclosures of criminal or unlawful conduct or that may receive disclosures of such conduct from vulnerable people. This is a major step in protections for victim-survivors. This gives them the power back to report crimes without fear of action being taken against them.

Victim-survivors will also get more power regarding information published online. Under these amendments, courts, in defamation proceedings, can make orders requiring a digital intermediary to remove or block access to defamatory content, regardless of whether the digital intermediary is party to the proceedings or is liable in defamation law.

These are just a couple of aspects of this law today that I am very happy to support. I would like to thank Minister Rattenbury for his work in this space and for bringing this bill to the Assembly today. Thank you.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.15), in reply: I thank members for their comments. I will start my remarks by tabling a revised explanatory statement. The Standing Committee on Justice and Community Safety, in its legislative scrutiny role, released *Scrutiny Report 39* some time ago, which included three comments on the bill. I have provided a revised explanatory statement which addresses the committee's concerns.

As members have noted, this bill will amend the Civil Law (Wrongs) Act 2002 to modernise and strengthen the ACT's defamation laws. The reforms in the bill have been developed under the auspices of the Standing Council of Attorneys-General. The amendments are informed by two significant national inquiries—the ACCC's digital platforms inquiry report and the Australian Human Rights Commission's *Respect@Work* report—and substantial public consultation which took place over a number of years.

There are two distinct purposes to the amendments in the bill. Firstly, the bill will update defamation laws for the online environment. In particular, the bill will introduce new rules to clarify when a person or entity can be found liable for content published by a third party, using their online service, website or platform. These rules will strike a better balance between protecting reputations and not unreasonably limiting freedom of expression when people publish content online.

Secondly, the bill will extend absolute privilege to communications to police and a prescribed list of statutory bodies. Absolute privilege prevents a person from suing another person for defamation. These amendments are intended to address the concern that defamation law acts as a barrier, or has a chilling effect, on the reporting of sexual harassment and other criminal or unlawful conduct to the police and other statutory bodies. I will speak to each of these distinct purposes in turn.

The amendments relating to the online environment will clarify the liability of digital intermediaries in defamation for the publication of third-party content. Digital intermediaries include internet service providers, content hosts, search engines, review websites and social media platforms. Individuals who use online platforms to host forums where a third-party may comment, such as an administrator of a social media page, are also digital intermediaries.

Recent long and costly defamation disputes have created confusion for digital intermediaries about when they are liable in defamation. For example, recent cases have found a news media company to be the publisher of comments posted on their forums about their news articles by third-party users, even where the company had no knowledge of the comments. There is widespread agreement from all stakeholders on the need to clarify the law in this area.

The reforms will provide clarity and certainty both for plaintiffs—that is, the person who has been allegedly defamed—and for digital intermediaries, through a number of new measures. The bill creates two new statutory exemptions for two narrow groups of digital intermediaries—search engines and conduit, caching or storage services. These intermediaries play a passive role in the transmission of information; that is, they are mere conduits. As such, they are too remote from publication to be considered liable. These entities will be exempt from defamation suits unless they take an active role in promoting the publication of matter, such as through commercially sponsored search results.

In a significant step forward, the bill creates a new innocent dissemination defence for digital intermediaries. To rely on the new defence, the digital intermediary must provide a simple and accessible complaints mechanism on their website so that individuals can report defamatory content. If a complaint is received, the digital intermediary must take reasonable steps to take down or prevent continued access to the content within seven days.

Courts will also be able to order digital intermediaries to prevent access to defamatory content online, even when they are not parties to defamation proceedings. To modernise the law, the bill will amend the requirements for offers to make amends so that in matters concerning online content an offer to remove or to block access to content is a suitable alternative to publishing a correction. Courts will also be required to consider safety, privacy and the public interest when making orders requiring digital intermediaries to disclose the identity or contact details of a person who has posted online content.

These reforms are a balanced, principled and pragmatic solution to the complexities posed by the online environment. The reforms are also compatible with human rights. Defamation laws often involve balancing the inherent tensions between the right to freedom of expression and the right to privacy and reputation.

Although the amendments in the bill may limit the right to freedom of expression, this is done for the purpose of promoting the right to privacy and reputation. In particular, the new innocent dissemination defence may incentivise digital intermediaries to remove online content in response to an allegation of defamation. This carries a risk that lawful content may sometimes be removed. However, this limit is reasonable and proportionate. In response to strong stakeholder feedback, the new defence prioritises non-litigious, timely resolutions. These amendments will create a safer online environment that promotes social connection and belonging, and an individual's right to privacy, for all Canberrans.

Turning to the second group of amendments, the bill will remove barriers to disclosures of criminal and unlawful conduct by extending the defence of absolute privilege to ACT Policing and certain prescribed statutory bodies. These reforms address concerns raised by victim-survivors of sexual assault that the fear of being sued in defamation is a contributor to low reporting rates. Victim-survivors also report that alleged perpetrators may weaponise the threat of suit in defamation, creating an additional deterrent to reporting.

With the national crisis of violence against women, this bill is an opportunity to take another step forward in making sure victim-survivors feel safe and feel heard. Absolute privilege provides a complete defence to defamation liability, and it can be determined

at an early stage in court proceedings. The extension of the defence will reduce the victim-survivors' exposure to the distress, cost and time of defending a matter. The reforms will ensure victim-survivors and witnesses can be confident that what they communicate to the police and other prescribed entities is protected, so that they cannot be sued in defamation.

In addition to ACT Policing, the bill will extend absolute privilege to communications made to other relevant statutory bodies. These are the ACT Human Rights Commission, the ACT Integrity Commission, the Inspector of Correctional Services, the Office of the Workplace Health and Safety Commissioner, the Official Visitors scheme, the Public Trustee and Guardian, the Sentence Administration Board, and the ACT Law Society and ACT Bar Association, for the purposes of their complaints-handling functions. Each of these prescribed entities relies on open and frank communication to be of service to the Canberra community. Reducing barriers to reporting will promote a safer community, where criminal and unlawful conduct is able to be appropriately investigated and sanctioned.

To promote consistency across jurisdictions, the Standing Council of Attorneys-General agreed to a set of guiding principles for states and territories to use in deciding when to extend the absolute privilege defence. Each of the bodies to be prescribed in the ACT is within the scope and intent of these principles.

This reform has the potential to engage and limit the right to reputation, as it will remove a person's ability to sue in defamation with respect to protected publications. However, this limitation is reasonable, as each prescribed body has specific characteristics which will act as a safeguard against any limitation on the right to reputation. For example, the prescribed bodies all have statutory restrictions on how they must handle personal information. As such, these bodies have the requisite expertise and processes in place to ensure that any false or misleading reports are managed in a manner that reduces the risk to reputation.

In September 2023 the Standing Council of Attorneys-General agreed to use their best endeavours to enact these amendments for commencement on 1 July 2024. While New South Wales is on track for this date, I understand that other jurisdictions may require more time. Given the significant benefits in these reforms, and the risks with the current uncertainties in the law in respect of online content, it is my intention for the ACT to commence these reforms from 1 July 2024, given the passage of this bill today. I will continue to engage with my ministerial counterparts through the Standing Council of Attorneys-General as their reform processes occur.

In conclusion, this bill ensures that the ACT's defamation laws remain fit for purpose in the online environment. They progress important changes which will enhance Canberrans' right to privacy and reputation and, by creating a safer online environment, will promote social connection and belonging. The amendments will also remove barriers to reporting criminal or unlawful conduct, increasing the effectiveness of ACT Policing and other investigative entities, and creating a safer community. I commend this bill to the Assembly.

Question resolved in the affirmative.



Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Road Safety Legislation Amendment Bill 2023**

Debate resumed from 29 November 2023, on motion by **Mr Steel**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (11.26): Canberra Liberals will not be opposing this bill. There are many issues we discuss in this chamber that should be above politics, and road safety is definitely one of them.

*Mr Steel interjecting—*

**MR PARTON**: It gives me great pleasure to be standing alongside and agreeing with Mr Steel on something in the chamber, because it does not often happen! One of the biggest changes coming about because of this bill is the ability for authorities to test for cocaine. I have to say there is—and the government concedes there is—some potential for mixed messages regarding illicit drugs. There are some in the community that have arrived at the false conclusion that if possession is not a criminal offence, “Then surely I can drive with some in my system.” Clearly, that is not the case. It will be fascinating to see over time the trend in numbers of positive roadside drug tests for the substances that have been decriminalised, but that is all to come in the future, and it is certainly not part of the debate on this bill.

This bill, at its core, is about making the road safer. It is about saving lives. The bill aligns impaired driving penalties with community expectations, but it is balanced against road safety outcomes. I think it is important to note that, where possible, this bill aims to divert first-time offenders from the criminal justice system but still imposes a penalty that will likely be a deterrent to dangerous practices.

When examining a bill of this nature, one of my first points of reference is to examine what is happening in other jurisdictions. This bill broadly supports the national alignment for impaired driving and the associated penalties. In practical terms, we are talking about increasing and equalising penalties for drink and drug driving offences. This bill creates a new low-range drink driving infringement notice for first-time offenders; creates a new offence for simultaneous drink and drug driving; updates the penalties of the offence designed to capture the highest risk and the most severe cases of impaired driving; and expands the detection capability of roadside drug testing to include cocaine.

There is no question that drink and drug driving is one of the largest contributing factors to death and serious injuries on Australian roads. It has been identified as one of the fatal five contributing factors to death on ACT roads. In the ACT, between 2019 and

2022, there were 2,608 people charged with a total of 2,833 section 19 drink driving offences. During the same time, there were 2,446 section 20 drug driving offences recorded against 1,738 people.

The amendments are designed to achieve one primary purpose: swifter, stronger, fairer and more visible penalties that are commensurate with the significant risk posed to the community. The implementation of an LRDD infringement notice, the creation of a new combined drug driving offence and the various penalty levy amendments are all designed to achieve the primary purpose. We absolutely support it. Thanks to Minister Steel and his office for the briefing. We are certainly supportive of the move to make ACT roads safer.

**DR PATERSON** (Murrumbidgee) (11.29): I am pleased to stand here today in support of the Minister for Transport, Minister Chris Steel, and the Road Safety Legislation Amendment Bill. I echo my colleague's sentiment that we, as Canberrans, all have a collective responsibility to make ACT roads safer. It is up to each and every one of us to look out for other people on our roads, to respect and adhere to our road rules and to take responsibility for our driving behaviours. Driving while under the influence of alcohol and or drugs is a decision each driver has control over when they choose to get behind the wheel. It is completely avoidable, it is fatally dangerous and it is entirely unacceptable in our community.

The ACT is committed to Vision Zero—that is, no deaths on Australian roads by 2050. Although we continue to maintain a lower number of road fatalities per capita than the national average, each and every one of those fatalities has severe and wide-ranging impacts on families, friends and community. Minimising the risk of this significant road trauma requires constant vigilance. We heard from Minister Steel in his introduction speech about how the risk of being involved in a fatal crash rises drastically when a driver is under the influence of alcohol, drugs or both. The ACT government remains committed to addressing this dangerous driving behaviour and is taking action to tackle and reduce this avoidable risk on our roads. With this bill we are sending a strong, clear message to Canberrans that driving under the influence of drugs and/or alcohol is not accepted in our community.

Some may have concerns about the severity of the proposed penalty levels for these offences, such as the new default automatic licence disqualification periods, but driving is a privilege, not a right. The risks of drink and drug driving are well known, and all licensed drivers have a responsibility to not bring these risks to themselves and other road users when they get behind the wheel. Drivers who make the decision to put others at great risk should, rightly, face the consequences of doing so.

This bill makes the ACT's overall drink and drug driving regime more robust. The new penalty levels are commensurate with the severe and fatal risks of driving under the influence. Through this bill we are introducing a new offence to tackle the enormous risk posed by combining drugs with alcohol and driving; introducing roadside testing for cocaine, a prevalent and growing substance of abuse in our community; providing the tiering of penalties and making these more appropriate to each specific offence; and introducing a traffic infringement notice for first-time low-range drink drivers so that they can avoid a criminal record and the lengthy burden of a court process.

We are taking action that will make our roads safer, and the amendments in this bill are balanced and fair. We are keeping open all pathways for an offender's individual circumstance to be considered. The court can consider these circumstances and it retains the discretion to set the financial penalty level and the licence disqualification period. Convicted offenders will still be able to apply for a stay of licence suspension or a restricted licence to use for certain purposes, such as maintaining their employment.

The ACT government remains committed to road safety and ensuring that Canberra has the safest roads possible. As a community, we expect our road and public transport networks to be safe and that we can live our lives free of uncertainty and unnecessary dangerous driving behaviours. It is essential that we do our utmost to prevent those negative behaviours which can result in catastrophic impacts. I commend the approach of this bill and commend this bill to the Assembly.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.33): I am pleased to speak in support of the Road Safety Legislation Amendment Bill 2023, which the Minister for Transport introduced in the Assembly last year. As emphasised by the Minister for Transport, road safety is everyone's responsibility, but the government has an important role to play in making sure our legal framework is well placed to respond effectively to these issues. This bill provides a suite of measures to improve the ACT's response to drink and drug driving, with a view to minimising the impact of these behaviours on the ACT community.

As the Attorney-General, the administration of justice and ensuring community safety are some of my main priorities. Effectively reducing crime is a complex issue. There is no single perfect answer that meets the needs and concerns of all. I am supportive of evidence-based measures, such as those legislated in this bill, that are proven to make a difference. Dangerous driving on ACT roads continues to claim the lives of Canberrans year after year. I have spoken with victims and their families and heard the significant and devastating impact of these crimes on their lives. While the government cannot undo the harm that has already happened, we can ensure that road safety remains one of our highest priorities.

It is clear from the evidence that being drunk and/or drug affected impairs the ability of a person to drive safely when on the roads. It is often combined with other risky behaviour, like speeding, and leads to an increased crash risk. There is plenty of evidence that shows this, but I think people also just know it. They know it and they understand it, and that is where it comes back to community responsibility. If you want to have a few drinks and/or take illicit substances, that is one thing, but then you do not have the opportunity, or the privilege, to also drive. You make the choice. You do one or the other. You do not get on the roads in that impaired state.

Responding effectively to the risks posed by drink and drug-related driving is vital to improving safety on ACT roads. This bill implements legislative measures that target and reduce dangerous behaviour on the road. The amendments contained in this bill will help make our roads safer by immediately removing impaired drivers from our roads; deterring alcohol and drug-related driving offending; and rehabilitating and reintegrating offenders successfully to address the underlying causes of offending and reoffending.

The bill also brings the ACT in line with other jurisdictions in relation to these issues, most importantly by making changes to our penalty regime to reflect the level of road safety risk we now know this kind of offending poses. The introduction of a new infringement notice scheme for first-time, low-level drink driving offences ensures that our enforcement regime is swifter and more effective and aligns to longstanding practice in New South Wales and Victoria.

A considerable effort has been made to ensure that this bill balances community safety with those individual rights preserved under the Human Rights Act 2004. The penalties, structure of offences and defences available to an offender in this bill balance offender rights with protection of the community from the harms of drink and drug-related dangerous driving. This bill also broadly supports the Standing Committee on Justice and Community Safety's inquiry into dangerous driving in terms of addressing dangerous driving behaviour caused by drink and drug driving.

Our community is entitled to, and expects to be able to, feel safe on our roads. The penalty framework is one aspect of the work to this end, and I commend the work that this bill does to improve our laws in this important area. However, it is not the only area where the government is progressing work towards this objective. I would also like to acknowledge the work the Law Reform and Sentencing Advisory Council is doing in this space. Since it was established I have made two referrals to the council: one concerning a comprehensive review of the Bail Act 1992 and the other relating to a review of sentencing and recidivism in dangerous driving matters. We are all looking forward to seeing the analysis and recommendations of the council and how they can guide the government to continue to improve our response on these issues.

I also acknowledge the ongoing work of the Minister for Transport, including through the ACT Road Safety Action Plan 2024-25. Having held these portfolios previously, I am conscious of the detailed work and the complexity of some of this work, and I appreciate the minister's continued efforts.

The primary purpose of this bill is to achieve swifter, stronger, fairer and more visible penalties commensurate with the considerable risk to our community posed by alcohol and drug-related driving offences. This bill reflects extensive contributions from across government, is informed by best practice from across Australia and is consistent with the ACT's longstanding commitment to human rights. Of course, any time one introduces new penalties there is a degree of uncertainty as to the impact they will have. I have spoken to my Greens colleagues about this. We are mindful of the need to monitor the consequences of this legislation very closely and to see how its implementation impacts across different cohorts as well.

As I have spoken to, there is a clear intent to send a strong signal to the community and to underline this Assembly's understanding of the risks involved in driving in an impaired manner. We also need to ensure that the consequences of this do not have disproportionate impacts, which is saying that we will need to continue to monitor as this bill takes effect and as these new regimes are used. I know that is something that was considered by the committee. They touched on this in their report into this bill, and

it says as well that we will, as an Assembly, need to continue to monitor. I thank Minister Steel for introducing this bill. The ACT Greens will be supporting it today.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (11.40), in reply: I thank members for their support for this road safety bill today, which progresses a suite of amendments designed to reduce the prevalence of drink and drug driving behaviours on ACT roads, to minimise the risk they pose to Canberrans.

The ACT government is committed to the realisation of Vision Zero, which means zero road fatalities, but also serious injuries, on ACT roads. Driving while under the influence of drugs or alcohol poses an unacceptable risk to the driver and other road users, and both substances are top contributing factors to death and serious injury on our roads. It is well known and understood that the risk of a crash increases exponentially with alcohol consumption. A driver with a blood alcohol content of just above the 0.05 limit is twice as likely to be involved in a crash, compared to a sober driver. This drastically increases to 25 times more likely for drivers with a high-range blood alcohol content level. There is also extensive evidence linking driving under the influence of drugs with an elevated crash risk. Driving while drug impaired can slow reaction times, reduce a person's attention span, severely distort the view of time and distance and play a significant role in drivers making dangerous decisions, increasing the chance that they will harm themselves, their passengers, other road users and pedestrians.

All licensed drivers are aware of their obligation to not drink or do drugs and drive. However, the number of people choosing to still do so is not insignificant and these behaviours pose a very real but completely avoidable danger on our roads. Between 2019 and 2022, on average more than 700 drivers every year were detected as having an illegal blood alcohol level. Of these, nearly half were detected as having a medium to high range BAC reading of 0.08 to 0.15, and nearly a quarter had a high range BAC reading above 0.15. Also during this period, on average ACT Policing laid nearly 450 drug driving charges per year.

This bill aims to address the behaviour of those drivers choosing to disregard the law by increasing the penalties which can be imposed if caught drink or drug driving. With this bill we are sending a very clear message to the community that choosing to drive under the influence of drugs or alcohol is a choice that is not tolerated on ACT roads. When, not if, you are caught, you will face a penalty that reflects the severe and deadly risk created for other road users. A key action of the ACT Road Safety Action Plan is to review the ACT's road transport penalties framework to ensure that they are operating as a sufficient and effective deterrent.

The Road Safety Legislation Amendment Bill 2023 implements the second tranche of these reforms. It follows the Road Safety Legislation Amendment Bill 2022, passed by the Assembly last year, which enhanced penalties to deter dangerous driving behaviours such as speeding and hooning, and strengthened the reporting and monitoring of driver licence holders' fitness to drive. This bill will enhance the penalty framework in the road transport legislation by targeting drink and drug driving; increasing penalties for drink and drug driving offences, including through traffic infringement notices for first-time, low range drink driving offences; creating a new offence for combined drink and drug driving; and including cocaine in roadside drug testing for the first time.

Through the penalties review, the bill will increase penalties for drink and drug driving offences across the board to ensure that they are, firstly and most importantly, commensurate with the notable road safety risk posed by these behaviours, and to bring the ACT in line with other Australian jurisdictions, particularly New South Wales and Victoria. Penalty levels for drink driving have not been amended for more than 2½ decades, while penalties for drug driving have not been amended since their introduction in 2011. This has resulted in the current penalties for drink and drug driving offences in the ACT falling significantly behind those in other jurisdictions. They no longer align with our knowledge and experience of the risk posed by these behaviours.

As an example of the new maximum penalties which can be applied to offences under this bill, if a person drives with a blood alcohol content level above 0.15 and they have previously been convicted or found guilty of a similar offence, a court can impose up to 150 penalty units, or \$24,000 currently, and 18 months imprisonment, alongside a default automatic licence disqualification period of 36 months. Drug drivers will also face significantly increased penalties, with the maximum penalty for repeat drug driving offences now up to 50 penalty units, or \$8,000 currently, and six months imprisonment, in addition to the current default automatic licence disqualification period of 12 months. All drug driving offenders can now also be given an immediate suspension notice by ACT Policing, following laboratory confirmation of the presence of an illicit drug.

The introduction of traffic infringement notices for first-time, level 1 and 2 drink driving offences mirrors the longstanding approach to comparable offences currently undertaken in New South Wales and Victoria. This will allow ACT police to sanction first-time, low range drink drivers swiftly and fairly by issuing an infringement notice instead of a court summons. Those drivers will be able to pay an \$800 fine and receive a three-month licence suspension as an alternative to attending court, which would result in similar penalties some time after the offence occurred. This will be swifter and fairer. Offenders will still be able to challenge the infringement in court. On the flip side, ACT police will retain the option to charge a first-time, low range drink driver with an offence, rather than issue an infringement notice.

This bill also introduces a new offence for combined drink and drug driving, a notably high-risk behaviour previously addressed through issuing separate charges. Even in small quantities, combining drugs with alcohol consumption increases impairment beyond what a person may experience if they drink or take drugs in isolation. One important statistic here is that between 2010 and 2022, 17 per cent of all drivers involved in fatal crashes had both alcohol and a scheduled drug in their system. Given the severity, penalties for the new combined offence are intentionally designed to significantly exceed those for separate drug or alcohol driving offences. ACT police will be able to issue an immediate suspension notice where both an illegal alcohol level and a scheduled drug are detected at the roadside.

In the most serious of cases, where a person is intoxicated to the point they are incapable of having proper control of their vehicle, the maximum penalty a court can impose for a repeat combined drink and drug driving offender, where BAC exceeds 0.15, or level 4, is up to 200 penalty units, or \$32,000, and 24 months imprisonment, as well as a four-year licence disqualification and a requirement for the offender to install an alcohol interlock device on their vehicle.

The bill introduces cocaine as a drug that can be screened for by police at the roadside. Cocaine is the second highest illicit drug used in the ACT after cannabis. New South Wales, Queensland, Tasmania and the Northern Territory already test drivers for the substance. Introducing roadside cocaine testing to the ACT sends a clear message to the community that we are committed to addressing the evolving landscape of substance abuse and its impacts on road safety.

This bill responds to calls from the community on the significant but preventable tragedies resulting from drink and drug driving, and I thank the community for their continued advocacy for safer roads. Every story of a life lost or irreversibly altered by an impaired driver is a sober reminder of our responsibility. Protecting lives on ACT roads is our duty, and we will never stand by when it comes to upholding our duty to prevent these tragedies.

This bill is only part of the overall picture. The ACT government is committed to ongoing education, behaviour change programs and safety initiatives to keep our local roads safe. Over the summer period the ACT government ran the “Stop it or cop it” community education and awareness campaign, highlighting the government’s zero tolerance stance on drink and drug driving. We will continue to deliver these road safety public awareness campaigns, invest in programs aimed at reducing dangerous driving behaviours and work with the community to spread the message of responsible driving and fostering a culture of safety on our roads.

This bill was drafted in consultation with many stakeholders, government and non-government, and it was examined by the Assembly’s Standing Committee on Justice and Community Safety. I thank members of that committee for their work on reviewing this bill, and all of those who have provided input, both to the Assembly committee and directly to the government. I would like to take this opportunity to thank officials from Transport Canberra and City Services, the Justice and Community Safety Directorate, ACT Policing and the Parliamentary Counsel’s Office for their input into this bill and their ongoing involvement in these reforms which will have a direct impact on the safety of Canberrans. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Planning and Environment Legislation Amendment Bill 2024**

Debate resumed from 10 April 2024, on motion by **Ms Stephen-Smith**, on behalf of **Mr Steel**:

That this bill be agreed to in principle.

**MR CAIN** (Ginninderra) (11.50): The Canberra Liberals will not be opposing this bill, which is an omnibus bill that amends various legislation relating to the functions of the Environment, Planning and Sustainable Development Directorate. The bill is part of the yearly amendments made by officials at EPSDD to contemporise the legislation and fix faults in the legislation. I accept that it does not represent a significant divergence from existing legislation and policy.

The bill will introduce a new legislative power for the Minister for Water, Energy and Emissions Reduction to determine fees under the Climate Change and Greenhouse Gas Reduction Act 2010. It clarifies a key function of the commissioner and contemporises the drafting of section 14, on the environment report, to make this a key function of the commissioner contained in the Commissioner for Sustainability and Environment Act 1993. It will insert in the legislation a requirement for the commissioner to provide the minister with the *State of the environment* report as part of their statutory responsibilities.

The bill will make changes to the complaints process and how the commissioner handles issues raised by complainants, providing clarity on how this function is discharged. It provides that the commissioner has the discretion to investigate complaints on an ad hoc basis, as complaints are received, once or a few times a year, as opposed to having a strict schedule. It also provides the commissioner with the discretion to not investigate complaints in certain circumstances. Complainants have a right to take a matter to court, in which case the commissioner does not need to investigate, as doing so would duplicate an investigative review process. The original legislation, I note, was drafted in 1993, and there is rewording of several minor phrases to reflect contemporary legislative language.

The bill will also enable the minister to notify a statement of priorities to assist the ACT Heritage Council to discharge its responsibilities under the Heritage Act 2004 and align its work with government priorities. It corrects a drafting error within the Nature Conservation Act 2014 to allow a conservation officer exercising a function under the act to enter a nature reserve after it is closed without unintentionally committing an offence.

The bill will amend the commencement date for not yet commenced provisions of the Professional Engineers Act 2023 from October this year to 6 March 2025 to support the transition period for applications for registration. It will update registration and renewal requirements for surveyors registered in the ACT following the commencement of the automatic deemed mutual registration amendment to the Surveyors Act 2007.

I again thank the minister and his officials for a briefing on 29 April. I note that the scrutiny comment drew the minister's attention to a few issues that did not require a response. As stated at the beginning of my speech, the Canberra Liberals will not be opposing this bill.

**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) (11.54): I rise today to bring attention to the positive changes that the Planning and Environment Legislation Amendment Bill 2024 will bring about in my portfolios of environment, parks and land management, heritage and sustainable building and construction.



This omnibus bill is a mechanism that allows government to be agile and responsive to changing circumstances and better enables our laws to remain clear, concise and up to date. This bill makes technical and minor policy amendments to the legislation within the environment, planning and sustainable development portfolio areas to provide clarity, increase efficiency and transparency and reduce red tape. Today I will speak to the amendments proposed for the Commissioner for Sustainability and the Environment Act 1993, the Heritage Act 2004, the Nature Conservation Act 2014 and the Professional Engineers Act 2023, and how they improve the transparency and efficiency of government.

This bill makes amendments to the Commissioner for Sustainability and the Environment Act to clarify and affirm that a key function and role of the commissioner is the preparation of the *State of the environment* report. It will also move to redraft into contemporary drafting standards some of the existing discretionary powers of the commissioner, including allowing the commissioner to refuse to investigate certain complaints. At the commissioner's discretion, this can include complaints found to be frivolous, unrelated to the commissioner's functions, lacking in substance or information, or where a complainant may also be subject to judicial review. These amendments to the Commissioner for Sustainability and the Environment Act contribute to the bill's overall goal of increasing the transparency and efficiency of government operations.

Earlier this year I released the ACT Heritage jurisdictional review consultation report and the government response to the inquiry on ACT heritage arrangements. This was the culmination of a 12-month review and consultation process to address systemic challenges and restore the community's faith in how we value and protect our historical sites and objects. I am committed to making the changes that are required to deliver a modern and well-functioning heritage system for the ACT. The strategic reform themes identified by the consultant's report are: establishing ACT Aboriginal people as the determinants of their cultural heritage, strengthening the governance and administration of ACT heritage, and championing heritage as a compelling and valued consideration in the planning and development of Canberra. I am carefully reviewing the proposed actions from the consultation report and considering how to continue to deliver reforms of the ACT heritage arrangements.

Early in the review and consultation process it was identified that establishing a clear strategic expectation between the Minister for Heritage and the ACT Heritage Council would be beneficial. On 10 August 2023, after consultation with the Heritage Council, I released the first statement outlining the government's strategic priorities for heritage in the ACT. The purpose of this statement is to increase the lines of communication between the independent Heritage Council and the minister. The statement is intended to assist the Heritage Council's decision-making and operations and provide clarity around roles and responsibilities. Stating the minister's strategic priorities in writing increases the ability of the Heritage Council to align with those priorities and further strengthens the governance and administration of ACT heritage. From the community's perspective, it also enhances transparency.

This bill creates the ability to notify future statements of priorities on the ACT Legislation Register. The goal of publishing the statement is to improve public transparency on the expectations and the directions that are to inform the council's

operations and decision-making. Publication also allows for community understanding and certainty that the territory is continuing to make changes that are intended to improve heritage governance.

This amendment also reflects and reinforces the independence of the Heritage Council, outlining what the statement may and may not include. Importantly, the amendments make clear that this statement must not include a direction about the way in which a function of the council is carried out, and that the minister must consult with the council before making a statement of priorities. Under the amendments proposed, the statement must also include information on the options for council to report on any actions that it may have taken in response to the statement. Finally, the minister may include information that the minister believes will assist the council in responding to the statement.

The Heritage Council performs an important role in identifying, assessing and protecting historic and cultural sites and objects in the ACT. A strong heritage framework is critical to ensuring that heritage sites and objects are preserved for the benefit of not only the current community but also future generations. Ensuring that the council can continue to independently carry out these functions while aligning to the current priorities of the government will only strengthen the dedication to preserving the culture of the territory with a unified vision.

This bill also takes action to amend a minor drafting oversight that will provide better operational outcomes for conservation officers in the field. Section 260 of the Nature Conservation Act 2014 provides that it is an offence for any person to enter a nature reserve if the reserve has been declared closed by the Conservator of Flora and Fauna. The conservator closes nature reserves for reasons such as natural emergencies or vertebrate pest animal management, and usually as a tool for public safety.

Currently, when a reserve is closed, there is no overriding exemption in the Nature Conservation Act for a conservation officer who is exercising their role under the act to enter that reserve. Taking the case of a bushfire as an example, if a bushfire is raging in or near an ACT nature reserve then it is imperative that the conservator closes the reserve to ensure public safety by prohibiting people from entering the reserve. The conservation officer, however, may need to enter the reserve that has been declared closed to fight the bushfire or to support those who are.

As the law currently stands, this officer would be in breach of the Nature Conservation Act. This is obviously not an intended consequence of the drafting of 260. Up until now, the workaround for this less than ideal situation has been for the conservator to add a clause to a reserve closure declaration specifically exempting nature conservation officers who are exercising their functions under the Nature Conservation Act from the offence of entering a closed reserve. This mechanism is not sustainable and does not address the underlying unintended consequence of the current drafting. It adds uncertainty for conservation officers exercising their proper functions and is an unnecessary administrative hurdle to the operations of the Parks and Conservation Service during events when time is critical.

Inserting an overriding exemption for conservation officers to enter closed reserves provides certainty to the Parks and Conservation Service. This amendment will enable those officers to perform their duties without fear of unintentionally being in breach of

legislation and will remove the need for an administrative exemption whenever the conservator declares a nature reserve closed.

The Professional Engineers Registration Scheme commenced on 6 March 2024 with the intention of taking a phased approach for registration applications from different areas of engineering. To support the phased approach, an amendment is required to move the default commencement provision of the Professional Engineers Act. This bill proposes to amend the commencement provision of the Professional Engineers Act to move the default commencement from 11 October 2024 to 6 March 2025. This will enable a full 12-month phase-in approach for registration applications. The 12-month phase-in approach provides the engineering profession with a fair transition to the scheme prior to the commencement of any compliance and enforcement activity but still ensures the timely delivery of these important reforms to consumers. The proposed amendment also supports the government to manage the demands of the scheme, ensuring that it is manageable and responsive from commencement.

In summary, this bill makes amendments that increase the clarity and the transparency of several provisions and processes within the legislation administered by the environment, planning and sustainable development directorate portfolio. An omnibus bill such as this is an important tool for government to address issues early when they are recognised. This bill ensures that the statute book remains clear and fit for purpose. I commend the bill to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (12.04), in reply: This omnibus bill is largely technical. I thank members for their support and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.04 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): Minister Rattenbury is absent from question time. I understand he is attending a funeral. I will take questions in the water, energy and emissions reduction portfolio and Minister Cheyne will take questions in the Attorney-General, consumer affairs and gaming portfolios.

## **Questions without notice**

### **Light rail—federal funding**

**MS LEE:** My question is to the Chief Minister. Chief Minister, I refer to your media release yesterday which spruiks the \$50 million allocated in the federal budget for the

planning and detailed design of Light Rail Stage 2B. However, funding listed under “Major Projects Business Case Fund” in federal budget paper No 3 allocates \$25 million through to 2027-28. Chief Minister, where is the other \$25 million in the federal budget for the planning and detailed design of Light Rail Stage 2B?

**MR BARR:** In the outyear beyond that.

**MS LEE:** Chief Minister, why has funding for planning and detailed design been pushed out past 2027-28, given that you have announced that this project will be built between 2028 and 2033?

**MR BARR:** Obviously, the project has a number of different stages of design, development and approval. There is often a difference between financial completion and practical completion of particular elements of projects. The ACT government will of course be making its own contribution towards the project.

**MR PARTON:** Chief Minister, does this demonstrate that your federal colleagues are also not backing your plan to spend more than \$4 billion to extend light rail to Woden?

**MR BARR:** We have been able to secure commonwealth funding from the Abbott government, from the Morrison government and from the Albanese government towards light rail.

**Mr Parton:** I thought the Libs didn’t give money to that stuff.

**MADAM SPEAKER:** Just ignore the interjection, Mr Barr.

**Ms Lee:** Much more than what you got from Albanese.

**MR BARR:** No; that is not correct. The greatest contribution, over \$340 million, has been made by the Albanese government.

### **Proposed stadium and convention centre—federal funding**

**MS LEE:** My question is to the Chief Minister. Chief Minister, yesterday during question time, when asked about a new stadium, you said:

We are not yet at a point where we are seeking construction funding. Our infrastructure program is full for the next three years with existing projects.

Chief Minister, given you announced yet another feasibility study earlier this year, which was less than eight months out from the election, and sought funding from the federal Labor government less than six months out from the election, isn’t it true that you never had a plan to start construction on a new stadium any time during this term of government?

**MR BARR:** Once it became clear that a stadium would not fit on the CBD site, we looked at other options. That options analysis was funded in a previous territory budget. It considered Exhibition Park, Civic and, indeed, Bruce as potential locations. Some

locations have been ruled out; others remain in the mix. That is part of the work that we have received some commonwealth funding to support.

**MS LEE:** Chief Minister, why should Canberrans trust that you will follow through on any plan to build a new stadium, given your track record of promising flashy infrastructure projects only to fail to deliver them after the election?

**MR BARR:** We have never committed to building a stadium. We have committed to investigating the feasibility of that. We have looked at sites, and a number have been deemed not to be feasible. That is the point of a feasibility study.

**Ms Lee:** You needed seven of them to tell you. Seven!

**MR BARR:** There were not seven feasibility studies. We have undertaken an analysis of potential sites, and we have been able to rule some in and some out.

**Ms Lee:** To see if they are feasible? Is that what it is?

**MADAM SPEAKER:** Ms Lee, you have asked your question.

**MR BARR:** The government will continue the work that we have outlined.

**MR MILLIGAN:** Chief Minister, don't your comments yesterday confirm that, under your plan, construction of a new stadium was never going to commence until 20 years after you originally floated this idea, back in 2009?

**MR BARR:** I did not originally float the idea in 2009. In 2009, the then commonwealth government, in partnership with the Football Federation of Australia, were bidding for the 2022 World Cup. That is where a new stadium for Canberra originated. It was part of that process, not commenced by me. We looked in 2013, as part of the City to the Lake project, at the possibility of a stadium in the city, on the Civic pool site. Further feasibility has deemed that that is not feasible, and so we are pursuing other options.

### **Proposed stadium and convention centre—federal funding**

**MS LEE:** My question is to the Chief Minister. Chief Minister, earlier this year it was reported that you sent a letter to the Prime Minister asking for fifty-fifty funding for a new stadium in Bruce and a convention centre. In the federal budget last night, the Labor government did not allocate any money for these infrastructure projects. In relation to the new stadium, during question time yesterday you said:

We are not yet at a point where we are seeking construction funding. Our infrastructure program is full for the next three years with existing projects.

Chief Minister, how can you call these letters anything other than a stunt, given your federal Labor colleagues dismissed your letters and did not allocate any funding for your stadium or convention centre, and it is blatantly clear that you never had a plan to start construction on either of these projects?

**MR BARR:** When we released our infrastructure plan, we made the order of priorities for infrastructure clear. They have been outlined in our budget. The next major project is the theatre. I was very clear that the theatre was coming first and that, subsequent to that, the convention centre and stadium infrastructure would be considered but in the second half of the decade. That fact has obviously escaped the attention of the Leader of the Opposition. To be clear, what we have sought, and received, in relation to the Bruce precinct is a funding partnership with the commonwealth for the precinct planning and development.

In relation to the city convention precinct, we will seek to utilise the urban precincts fund—a \$150 million fund that the commonwealth announced in last year’s budget—that comes into effect in 2024-25.

**Ms Lee:** Are you actually going to apply for it?

**MR BARR:** We will apply for funding through that pathway for the convention precinct planning. Both stadium and convention centre construction are many years away. They are big, expensive projects that do require a funding partnership with the commonwealth, but we are not at the construction stage at this point.

**MS LEE:** Chief Minister, how can you continue to tell Canberrans—with any credibility—that you have a fifty-fifty funding partnership with the federal Labor government, given their public criticisms of your refusal, unwillingness or failure to provide a business case?

**MR BARR:** We are not yet at the point of providing detailed business cases for construction funding. We are at the precinct development phase, or the further due diligence and project scoping phase. As was clear when we released our infrastructure plan 18 months ago, the sequence for these infrastructure projects will be led by the theatre project. The theatre project is the one that is proceeding next.

**Mr Parton:** The theatre here, just quietly!

**MADAM SPEAKER:** Can you sit here quietly, Mr Parton?

**MR MILLIGAN:** Chief Minister, how will your government pay for a new stadium and convention centre now that it is clear that the federal Labor government has no interest in entering into a fifty-fifty partnership?

**MR BARR:** The premise of the question is not true. But, of course, the territory would have to undertake a significant financial burden to construct those facilities. Even in a fifty-fifty funding arrangement, we are talking about billions of dollars across those two projects. They are large and significant projects that will take time to deliver.

### **Housing—debt to Commonwealth**

**MS LEE:** My question is to the Chief Minister. Chief Minister, last night’s federal budget confirmed that the Albanese government will not be waiving the ACT’s historic housing debt to the commonwealth. Given Tasmania managed to get their

commonwealth housing debt waived and South Australia had part of their debt forgiven back in 2012-13, why have you failed to get our debt waived every year since you have been Chief Minister?

**MR BARR:** Our debt had two components, and one component I have had waived by Treasurer Frydenberg. We were able to conclude that. Unfortunately, it was the smaller amount of only several million dollars, but it was at an interest rate of 12 per cent, which was pretty outrageous. I am pleased to advise the Assembly that, as part of the national partnership, the commonwealth has provided the territory with \$25 million towards housing infrastructure-enabling activities that will support the next National Housing and Homelessness Agreement, which builds on the tens of millions of dollars that have been provided for additional public and social housing. Of course, the rate of interest on the existing but diminishing long-term housing debt is now below that of market interest rates and the RBA cash rate.

**MS LEE:** Chief Minister, if you have failed to persuade this federal Labor government, who, as we all know has a former ACT Chief Minister as finance minister, to waive our housing debt, what chance do you have of ever getting this debt waived?

**MR BARR:** A greater chance than you'll ever have!

**MR PARTON:** Chief Minister, are you disappointed and pretty embarrassed that your friends in the federal Labor government have ignored all of your pleas for more on this issue?

**MR BARR:** I will continue to advocate in this area, but in the interim I will also continue to secure funding to support housing and housing infrastructure in our city, as I was able to do in combination with the Deputy Chief Minister and her work through the National Housing and Homelessness Agreement, where the ACT has received another \$25 million this financial year to support the construction of new public housing in our city.

### **Economy—cost of living**

**MS LEE:** My question is to the Chief Minister. Chief Minister, earlier this year, the Canberra Liberals announced our \$65 million cost-of-living relief package which is aimed at providing real cost-of-living relief for every single Canberran. In addition to your clumsy and embarrassing response to our announcement, where you got our costings wrong, you also said:

... what the Liberals have announced is spraying money at millionaires, which isn't fair, and I don't think it is a principle that most Canberrans support."

Last night you welcomed the announcement by the federal Labor government that every household in Australia, regardless of income, would receive a \$300 rebate on their power bills. Chief Minister, have you changed your view on non-means-tested cost-of-living relief and, if so, do you now welcome the Canberra Liberals cost-of-living policy?

**MR BARR:** No, I have not changed my view. We will be providing targeted relief. Decisions taken by other governments are for those other governments.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR BARR:** I am not going to oppose Canberra households getting an extra \$300 towards their electricity bills, but this government's efforts in relation to energy rebates will be targeted.

**MS LEE:** Chief Minister, why do you consider \$65 million in urgently needed cost-of-living relief as “spraying money at millionaires”, but you have no issue with wasting \$78 million of taxpayer dollars on a failed HR system?

**MR BARR:** I reject the premise of the question—and \$78 million was not wasted; it was entirely—

*Ms Lee interjecting—*

**MR BARR:** The cash component of that figure is, in fact, less than half, so the representation of it in that way by the Leader of the Opposition is inaccurate.

**MS CASTLEY:** Chief Minister, what has changed your mind on this issue between when we announced our cost-of-living package earlier this year and last night? Is it just because a Labor government has announced it?

**MR BARR:** I have not changed my mind. As I said, decisions that other governments take are for them.

**Ms Lee:** You spruiked it on your own socials.

**MR BARR:** Yes. I am happy that they have made that decision, but it is not a decision that we will be making. We are going to provide targeted relief, because the circumstances of the federal government versus state and territory governments are somewhat different.

### **Economy—cost of living**

**MR PETERSSON:** My question is to the Treasurer. Treasurer, how is the commonwealth partnering with the territory in the 2024-25 federal budget to deliver relief to Canberrans?

**MR BARR:** The commonwealth initiative that we have just been talking about builds on the national partnership that was commenced in the 2023-24 budget. As we work towards the release of our budget, we will be considering further targeted relief for low-income Canberra households.

I am happy to advise the Assembly that, across the five jurisdictions in the national energy market, the ACT will continue to have the lowest standing offers in 2024-25,



after other jurisdictions saw an increase in their electricity prices of up to 29 per cent in the last financial year.

The two governments, commonwealth and territory, are working together to provide funding to ease pressure on hospitals and to give Canberrans more options to see a healthcare professional when they have an urgent but not life-threatening need for care. The federal government will provide funding to invest in territory initiatives to address long-stay, older patient challenges through avoiding hospital admission and earlier discharge from hospital.

I note that the federal government's redesigned stage 3 tax cuts provide relief for every worker in the ACT and that almost four in every five taxpayers in the territory will receive a larger tax cut compared to the previous Liberal government's plan, which was, of course, in true Liberal form, skewed heavily towards high-income earners.

**MR PETTERSSON:** Treasurer, how is the federal budget delivering both immediate and long-term support for tertiary students and graduates in the territory?

**MR BARR:** The territory does have both a large current tertiary student population and a high level of tertiary education attainment. There are approximately 57,000 people in the ACT with a HECS debt. This means that any support targeted towards students or those with HELP loans significantly benefits those Canberrans. We welcome the debt relief that was announced by the commonwealth. It includes reasonable changes to the indexation of loans that are a necessary intervention to avoid unfair outcomes for young workers. Additionally, the backdating of this measure to the previous financial year is an important step to address the pain that was felt by current and former university students.

Of course, beyond reforms to the Higher Education Contribution Scheme, the commonwealth has proposed key measures that will benefit current students and graduates, supporting Canberra's world-class tertiary institutions. A good example of this is the new commonwealth Prac payment for students, to help them manage costs when undertaking a mandatory placement. People studying to be a teacher, a nurse, a midwife or a social worker are eligible for this payment. It is a little under \$320 a week, which I understand is benchmarked against the single Austudy rate. They get that payment whilst they are undertaking their work placement. This is a really important initiative that will be very well received in the ACT and will certainly support those entering into the teaching, nursing, midwifery or social welfare workforce.

**DR PATERSON:** Treasurer, whilst the ACT is delivering the most new housing per capita in the country, how is the commonwealth working with the territory to deliver more housing for Canberrans?

**MR BARR:** From the data it seems very clear that the ACT is building the most new housing per capita of any state or territory in the country. The ACT completed almost 12 new homes for every thousand residents in the past year. The average across the rest of Australia was less than six, so it was double the national average.

Improving housing access and affordability is obviously a national problem, and that is why the further measures included in the commonwealth budget to work with the

territory to deliver more housing are so important. We welcome the additional \$25 million that I referred to earlier in question time for enabling infrastructure to expedite housing development and new social housing supply. This allocation is greater than our per capita share of this national pool, reflecting the fact that the territory is leading the nation in the delivery of new housing. We remain committed to delivering our share of the targets set out in the National Housing Accord.

### **Planning—Stromlo and Denman Prospect**

**MS CLAY:** My question is to the Minister for Planning. Minister, when you announced your decision to call in the Stromlo Reach development at Bluetts, you said you had requested advice about the next steps in protecting adjacent blocks 402 and 403 Stromlo, as well as the remainder of block 12, section 1, Denman Prospect, from future development. Have you received that advice and, if so, can you make that advice publicly available?

**MR STEEL:** No; I have not. I certainly understand the environmental values of the blocks mentioned in the question. That is why, separate to the decision that I made in relation to the call-in for Denman Reach, I also announced that I would be seeking advice from the planning directorate. That advice has not yet been provided. The planning directorate is currently working through that, and I look forward to receiving it in due course. Advice from the ACT Conservator of Flora and Fauna will also be included as part of the process. I am looking forward to working with the ACT minister for the environment on those matters as well.

The ACT government has been undertaking planning around the western edge of Canberra to look at conservation of areas of environmental value, as well as look at the opportunities for future development. It is my intention that the preservation of blocks 402 and 403 and the remaining part of block 12, section 1, Denman Prospect will be considered ahead of any planning being finalised on the western edge so that we can protect those blocks sooner rather than later.

**MS CLAY:** Minister, what progress has been made by the developer in meeting the conditions you imposed when approving the development application?

**MR STEEL:** I can seek an update from EPSDD in relation to that matter. There were certainly significant conditions attached to the decision, based on the advice from EPSDD, that were incorporated into the decision that I made. I am happy to come back and provide an update, if I can.

**MISS NUTTALL:** Minister, when do you expect the developer to start construction work?

**MR STEEL:** That will be up to the developer. I am happy to provide an update to the Assembly about when that occurs.

### **Housing ACT—maintenance**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, last week in Riotact a concerning story was published stating

Housing ACT was using State Emergency Service volunteers to have maintenance completed on properties. The Canberra Liberals have also received messages that this is occurring. For years, I have been raising concerns over the lack of maintenance being completed to an appropriate standard and fulfilling the Housing ACT policy's time frames of works to be completed. Minister, can you confirm that tenants have been directed to call the SES line when Programmed Facility Management do not have the capacity to complete jobs?

**MS BERRY:** I thank Mr Parton for that question, and I can confirm that that is not the direction that Housing ACT gives to Housing ACT tenants. However, it would be the case that Housing ACT tenants, like any other person in the ACT, might make a call to the SES to get support in an emergency. The SES do not pick and choose who they provide support for. Regardless of a person's background or where they live, they will provide that support in any case. I have also spoken with the Commissioner for the ESA, and he has confirmed with me that the SES supports anybody who makes the call and that he is not aware of a direction from Housing ACT to tenants that they should call the SES. As I said, however, in an emergency situation, in a storm event, of course Housing ACT tenants would contact SES to provide support to them during those circumstances.

**MR PARTON:** Minister, how many jobs have been completed by SES volunteers due to the mismanagement of Programmed Facility Management?

**MS BERRY:** I completely reject the premise of that question and refer Mr Parton to my first answer.

**MS LAWDER:** Minister, why does Programmed Facility Management, a contract managed by you in your department, continue to fail in their contract to get works completed in a satisfactory time and to a satisfactory standard?

**MS BERRY:** I do not agree with the premise of that question either—that Programmed are not trying to do the best that they can for Housing ACT tenants, and that Housing ACT staff and the CSD directorate are not doing everything they can to ensure that Programmed meet the requirements under their total facilities management contract to provide Programmed and emergency support through upgrades and maintenance of public housing properties.

However, I would say, and I have said this publicly, that the ACT government is considering moving the total facilities management contract to be insourced to the ACT government, which is part of ACT Labor's policy position to insource where it can be done by the ACT government rather than privatise that work, in a similar way we have done with contract cleaners in our public schools to ensure that our schools get the best possible clean and that workers in our schools are treated with the respect and dignity that they deserve, and there is the pride that comes with working for the ACT government in those circumstances. I will have more to say on the total facilities management contract in due course.

### **Housing ACT—maintenance**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, I refer again to the Riotact article last week which mentioned

Programmed Facility Management advising tenants to call SES volunteers to have work completed on their homes outside an emergency. We have been told that this was due to a lack of monetary resources to have certain jobs completed in line with their contract. This includes leaking roofs and trees needing to be trimmed. The article specifically mentioned:

Leaking roofs and the removal of overgrown branches are types of maintenance that Housing ACT regularly conducts through our maintenance policy.

Our sources tell us that this is not the case and that tenants are waiting months and years to have works of this nature looked at, let alone repaired. Minister, why are tenants waiting so long to get basic maintenance attended to?

**MS BERRY:** There is quite a bit in that question, so I will start with the premise that public Housing ACT tenants should call Programmed if they require any maintenance or repairs outside an emergency or a storm situation.

**Ms Lee:** They tried.

**MS BERRY:** Anyone who has been unsuccessful in contacting Programmed—Mr Parton has sent me numerous letters, and a number of those have already been acted on by Programmed. I think he would agree that that is the case in most circumstances. If the time for those repairs and maintenance is taking longer than the tenant has expected, there could be a number of reasons. I encourage them to contact Housing ACT or Programmed to follow up on the work. It has not been reported to me, and it is certainly not a direction from the ACT government, that Housing ACT or Programmed directs Housing ACT tenants to get general maintenance or other kinds of repairs to their homes done by the SES. It is our advice, and it is the policy of Housing ACT, that tenants contact Programmed for those repairs, unless, as I said, there is a storm or emergency situation, where, like anybody else, they are absolutely entitled to get support from the SES, and the SES will provide that support without judgement and without stigma.

**MR PARTON:** Minister, on average, how long does it take for roof repairs to be completed? And I ask again: how many of these jobs have been completed by SES volunteers due to the mismanagement of Programmed Facility Management?

**MS BERRY:** I think that question implies that Programmed have not been repairing roofs and that the SES are doing that work outside a storm event. That should not be the case. I have explained clearly through all of these questions that Housing ACT's policy is for Housing ACT tenants to contact Programmed for repairs work. As I said, during a storm event, of course, public housing tenants are entitled—

**Ms Lee:** They applied to us because they tried, and they got nothing.

**MS BERRY:** Madam Speaker, I think almost every answer to a question that has been asked in this place today has been interrupted by the Leader of the Opposition, Elizabeth Lee, backed in by those on the benches behind her.

**MADAM SPEAKER:** Members, I remind everyone of the standing orders.

**MS LAWDER:** Minister, are Housing ACT and Programmed Facility Management working together to prioritise works in progress, like getting vacant properties back online and refurbs, over on-call jobs?

**MS BERRY:** Yes.

### **Housing ACT—vacant properties**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development in relation to a property on Lowanna Street in Braddon, which I drove past this morning. It has been vacant, sitting empty, derelict and run down for eight years. In early 2016, tenants were relocated and the property was fenced off due to a construction concern, and fire and safety issues. We are now in May 2024 and the property has still not been touched. There are 10 one- and two-bedroom apartments which have been left in disrepair when there are over 3,000 applicants waiting to be housed. Minister, what is the current status of this property? Last year you stated that the tender process would happen in the first quarter of this year, with work starting soon after that. We are angling towards June. What is the current status of this property?

**MS BERRY:** I thank Mr Parton for his interest in this particular location. He is aware of the complex issues that surround this particular site. I am pleased to announce that the contract has been let and that construction should begin soon. I can get some more detail on who has the contract and the time frame for when that contractor will start construction on that site, but I can say that I was advised as recently as Monday this week that the contract has been let.

**MR PARTON:** Minister, how disappointing is it for you as housing minister that this prime location property with so many dwellings has been vacant for eight years?

**MS BERRY:** I am very disappointed in the outcomes of this particular incident. There were some serious issues around the original build. I am happy to say that now, with a range of legislation and requirements nationally and here across the ACT, those kinds of circumstances will not happen again for any builds. Unfortunately, like anyone else in the ACT, Housing ACT fell victim to a build that was not up to standard and certainly not up to standard for Housing ACT tenants. It has taken some time to overcome those issues, particularly around insurance and development applications et cetera. Happily, we are now in a position where we can move forward and get those homes built, with public Housing ACT tenants being able to move in.

**MR COCKS:** Minister, what will be the final estimated cost of this rebuild?

**MS BERRY:** I do not have that information.

### **Sport and recreation—facilities**

**MISS NUTTALL:** My question is to the Minister for Sport and Recreation. Minister, as the sports and rec adviser at the time, I was thrilled when the Assembly unanimously

agreed to the ACT Greens motion back in 2021 calling on the ACT government to, among other things, establish a comprehensive facilities management plan for sports and recreation in the ACT. My understanding is that that has yet to eventuate and that the two-page facilities road map released by the ACT government two years ago does not reflect the comprehensive nature of the original call. Minister, is it still the intention of the ACT government to release a comprehensive facilities management plan this term?

**MS BERRY:** The road map that Ms Nuttall refers to has been updated and will be released shortly.

**MISS NUTTALL:** Why has a comprehensive facilities management plan fallen off the radar when facilities have been one of the highest priorities for sports and recreation groups in the last four years?

**MS BERRY:** There has been considerable work by the government with the sport and recreation community in the ACT. We recently conducted a survey to understand the aspirations and needs of sports clubs in the ACT. The over 260 responses went to anything from a shipping container worth around \$20,000 to a stadium worth well over a billion dollars. As you would understand, the feedback that we have had is being worked through. A listening report is being developed right now and will be released alongside the road map document. We have continued to work closely with the sport and rec community to understand their needs within the ACT and what we can do to work with them in partnership or through the budget to provide facilities that meet the needs of growing sports here in the ACT, as one of the territories with the highest participation rates in the country.

**MS CLAY:** Minister, while waiting for this comprehensive facilities management plan to be put in place, what process has the ACT government been using to ensure that your facilities upgrades are going where they are needed most?

**MS BERRY:** We are listening to sports in the ACT.

### **Migration—permanent residents**

**MR BRADDOCK:** My question is to the Minister for Multicultural Affairs. Minister, how do you support permanent residents having a say on how their city is governed and the issues that impact them?

**MR STEEL:** I will take that question in relation to the participation of our multicultural community in Canberra as it relates to democratic processes, for which I am responsible as Special Minister of State. There are, of course, many ways for Canberra residents to participate in our democracy, and one of those was on the weekend. I saw many Canberrans, including members of the multicultural community, go to the ACT Legislative Assembly for the open day to talk to politicians and learn more about the chamber here in the Assembly.

Of course, participation in our democracy is not just about one day of the year and voting on one day of the year; it is about engaging throughout the four years of the term in a variety of different ways. That includes joining a movement, a union or a political

party, petitioning the Assembly, witnessing debates in this place, or participating in media debates and committee processes. There are also the formal mechanisms that we have established through the Multicultural Advisory Council, which has now been formalised in an act of this place, as well as the various government consultation processes that we undertake throughout the term of government on various matters that relate to our multicultural community and our broader community as well.

We are very keen to have people involved. We understand that people have different status, whether they are a permanent resident, an Australian citizen or indeed on a temporary visa. It is certainly my expectation that we engage with all Canberrans about the issues that matter to them.

**MR BRADDOCK:** Minister, do you support permanent residents having a say at the ballot box as to who represents them in this place?

**MR STEEL:** I thank Mr Braddock for his question. I understand that, in order to potentially enfranchise non-citizens, it would require changes to the Electoral Act. There are constitutional questions that would need to be considered. There are also administrative challenges that would need to be overcome. The current legislative requirement for voting eligibility in the ACT is closely linked to commonwealth laws.

In practice, we rely on the commonwealth electoral roll. This has come up quite a bit. The ACT uses the commonwealth electoral roll, so any expansion beyond the commonwealth's enfranchisement would require the maintenance of a special electoral roll, with significant resourcing implications. It would require operational changes as well. Keeping a secure, clear and defined electoral roll is important for the strength of our democracy. The federal parliament considers this matter in detail during the Joint Standing Committee on Electoral Matters inquiries that they undertake following federal elections. The most recent report, in 2022, rightly identified complexities, including different community expectations. It is something that has some challenges to it, but voting is not the only way to engage in our democracy. There is a range of ways to participate, and we certainly encourage that.

**MISS NUTTALL:** Minister, why wouldn't you support this given that it is already, as I understand it, in the Labor Party's policy platform?

**MR STEEL:** I thank the member for her question. There are obviously some significant challenges associated with that. There are opportunities for permanent residents to take the next step and seek to become Australian citizens. There are key policy questions which are out of our control. The commonwealth government determines who a permanent resident is. That creates some uncertainty. The data exchange between the commonwealth and the ACT has not been established to enable our Electoral Commission to be able to properly manage a roll that is robust and subject to scrutiny. It is not something that we are currently progressing with, but I am sure that we will continue to consider it, as we do after every election, through an inquiry of this Assembly.

### **Housing—rental affordability**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, according to recent reporting by the *Canberra Times*, data from

the CoreLogic April rent report showed that the median weekly rent for a Canberra home was \$674, with rents increasing 0.6 per cent over the month. The report found that rents in north Canberra, south Canberra and Tuggeranong were at record highs. These increases are due to many factors, including high rates and land tax levied by your government, ongoing changes to residential tenancy laws and the increased cost on landlords for the minimum standard property upgrades. Minister, will you acknowledge that your government is a major driver of rental unaffordability in the ACT?

**MS BERRY:** No.

**MR PARTON:** Minister, why has the number of public housing dwellings per capita fallen dramatically under your watch, while private rentals have moved out of reach for so many?

**MS BERRY:** As I have previously said, and as Mr Parton is well aware, the growth and renewal program commits to 1,000 properties being redeveloped or renewed and 400 additional homes being provided for public housing in the ACT.

**Mr Parton:** There were 10 this year.

**MS BERRY:** Unfortunately, there have been some challenges faced by this program: COVID, construction supplies and industry issues. That has meant that the program has not immediately achieved what we were hoping it would achieve. It will increase public housing. You will start to see the number of public housing properties going up now. I have been doing my best to showcase some of the public housing builds across the ACT and the people who are moving into those homes. Soon you will see a change to the wait times on the public housing list as a result of the construction of these homes being completed.

While we are on the subject of public housing, I will provide some more information about the Lowanna Street property. I can confirm that ABA Construction have been awarded the contract. The contract is for eight two-bedroom units and two one-bedroom units. Construction should start in the middle of 2024. I look forward to seeing the outcome. Unfortunately, it was delayed due to some insurance issues and a development application matter going to ACAT. The designs are done now, so construction should begin within the next couple of months.

**MR COCKS:** Minister, what is your personal message to those who are finding it just about impossible to put a roof over their heads?

**MS BERRY:** I think we can all understand that there is a particular challenge within our community and across the country now due to the cost of living. I am pleased to see that the federal government has heard the challenges as well and has provided a range of cost-of-living measures to assist people in our community. In particular, there is increased funding to develop and build more public housing. I look forward to seeing that money arrive in the ACT government's bank account so that we can get on with spending it and building more homes for people who need them.

### **Infrastructure—federal funding**

**DR PATERSON:** My question is to the Treasurer. Treasurer, what key infrastructure investments have been made in the territory by the commonwealth in the 2024-25



federal budget as a consequence of the working relationship between the ACT and the federal governments?

**MR BARR:** I thank Dr Paterson for the question. There is obviously a lot of interest. I was pleased to see the commonwealth bringing forward funding for the Light Rail Stage 2A project. To remind members: there is a \$344 million contribution from the commonwealth, and in the budget they have brought forward that contribution in a number of financial years. I also note the \$27 million additional contribution to the William Hovell Drive duplication project, a commonwealth contribution towards the Belconnen busway feasibility project—

**Mr Parton:** That's my motion!

**MR BARR:** I have to say, colleagues, that the federal government pay very close attention to private members' motions moved by Mr Parton!

**Mr Parton:** I'm sure they do!

**MR BARR:** Absolutely. It is the clincher. It obviously is. Further, there is \$675,000 towards the planning and design of the east-west arterial road in Molonglo Valley. Of course, there is the \$260 million investment in the AIS that includes the \$10 million allocated to the broader AIS Bruce precinct planning. We will work with the federal government to create a great new precinct for Canberra. We look forward to the new and renewed AIS Arena opening. We look forward to additional housing, hotels, serviced apartments, community and medical facilities, restaurants, cafes and bars being part of this great new mixed-use precinct.

I also indicate that we will be submitting projects to the \$100 million federal government Active Transport Fund, and we will be submitting to the commonwealth's Urban Precincts and Partnerships Program, particularly in relation to the convention and entertainment precinct in the CBD and the Commonwealth Park masterplan process. (*Time expired.*)

**DR PATERSON:** Treasurer, after a decade of neglect from the previous commonwealth Liberal government, how has the National Capital Infrastructure Framework guided investment in the territory by the commonwealth?

**MR BARR:** We have been working closely with the commonwealth on a range of opportunities to invest in Canberra's future. The Prime Minister and I announced the National Capital Investment Framework, which provides the basis for working together on a range of investments for our city. This collaborative approach has resulted in commitments to infrastructure projects, both commonwealth and territory, as well as support for additional public and social housing. The National Capital Investment Framework provides the pathway for collaboration on shared priorities. That includes the Bruce AIS precinct renewal, the renewal of the Woden Town Centre through the new CIT campus, Commonwealth Park and the city convention precinct.

**MR PETTERSSON:** Treasurer, how are the investments made by the commonwealth in the budget reflecting a partnership in the delivery of the ACT's infrastructure pipeline?

**MR BARR:** I thank Mr Pettersson. Of course, we have a partnership on light rail. We have a partnership in relation to our national cultural institutions, the AIS, the CIT, in road and active travel projects, in rail projects—

*Opposition members interjecting—*

**MR BARR:** Members are aware of the extensive infrastructure pipeline that we have ahead of us. The opposition criticise the extent of our forward infrastructure pipeline, but we have a positive plan for Canberra's future. We are interested in our city's future. We do not spend all our time just talking the city down, like the Leader of the Opposition. We recognise that this city is fast growing and that it needs new infrastructure. We can work positively with the commonwealth—

**Ms Lawder:** On a point of order: as you well know, Madam Speaker, answers to questions should not include references to the character of other people.

**MADAM SPEAKER:** Thank you, Ms Lawder. Answer to the question.

**MR BARR:** Thank you, Madam Speaker. As indicated, we will continue to work collaboratively with the commonwealth to deliver on our shared key infrastructure commitments and social policy priorities. We have demonstrated a capacity to work with the federal government effectively, and I have demonstrated a capacity to extract funding out of federal Liberal governments, as those opposite deride! I do note, though, that most of that commonwealth funding was for projects that the Canberra Liberals opposed, so make of that what you will.

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

## Papers

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

Independent Review of the ACT's Eastern Grey Kangaroo: Controlled Native Species Management Plan, dated 12 March 2024, prepared by S Legge.

## Building industry—regulatory impact

**MR PARTON** (Brindabella) (2.52): I move:

That this Assembly:

(1) notes:

- (a) there has been a string of building company collapses in the Territory recently, with four businesses going into administration within the space of a month. The companies are Project Coordination, Rork Projects, Cubitt's Granny Flats and Home Extensions and Voyager Projects;
- (b) long-established company, PBS Building, also entered administration last year;
- (c) since July 2023, there have been 58 construction industry insolvencies in the ACT;

- (d) workers' compensation payments in the ACT are significantly higher than in NSW;
  - (e) the Lease Variation Charge remains a major stumbling block to much development in the ACT;
  - (f) commercial rates are much higher in the ACT than in NSW;
  - (g) this Government has introduced at least 120 different laws, rules, and regulatory requirements to the construction sector in the last 12 months;
  - (h) most of these changes require an additional spend on each construction and impose a redtape and paperwork burden that is often beyond the reach of smaller local firms;
  - (i) that the living infrastructure changes force many new dwellings to two storeys greatly increasing the cost of each dwelling and the timeframe for those builds;
  - (j) the average time to get a Development Application approved in the ACT continues to rise despite a drop off in construction activity;
  - (k) the industry consensus is that the Property Developers Bill 2023 will make it even more difficult and expensive to build things in Canberra; and
  - (l) that the ACT Government consistently fails to meet its own land release targets;
- (2) further notes that:
- (a) the importance of safety training for construction workers in the ACT;
  - (b) this is the only jurisdiction in Australia that has a mandatory requirement for every single construction sector employee to undertake silica dust training and that the only course that the 20,000+ participants were forced to take is licensed to a CFMEU subsidiary;
  - (c) the CFMEU wholly owned subsidiary is paid a fee of \$130 for each participant in the mandatory course;
  - (d) this has resulted in over \$2.6 million being funnelled back to the CFMEU; and
  - (e) the CFMEU is a major donor to ACT Labor;
- (3) calls on the ACT Government to acknowledge that the:
- (a) current regulatory environment has contributed greatly to "housing unaffordability" in the ACT; and
  - (b) avalanche of regulatory changes has contributed to the cost of doing business and therefore has been a major contributor to the recent liquidations; and
- (4) further calls on the ACT Government to:
- (a) seriously expedite the Development Application pipeline;
  - (b) put a moratorium on any further regulatory burden to the construction sector; and
  - (c) to table in the Legislative Assembly an update on the indicative Land Release Program 2023-24 to 2027-28 which details the number of single detached residential blocks of land released in the 2023-24 financial year by the last sitting week in June 2024.

It is a tough time to build things. It is difficult to build things anywhere in Australia, but it is even tougher here in the ACT. This motion is intended to focus on the Canberra-specific roadblocks to the delivery of an affordable product. It is intended to focus on the ACT-specific pressures on the construction industry and, hopefully, to convince the government to ease some of those pressures.

Both the government and the opposition had construction roundtable discussions recently to discuss these matters. By chance, they happened on the same day. Interestingly, the government's roundtable featured just industry umbrella groups, some of whom featured at my roundtable. The vast bulk of participants at my roundtable were industry participants from right across the spectrum of the industry, from the smaller subcontractors to the largest firms. They were all telling me the same stuff. They all talked about being crushed by taxes, charges, rule changes and regulatory requirements.

You cannot deal with a problem unless you admit that you have a problem. That is what addiction is like. If you are addicted to regulatory change and you are addicted to getting more money from taxes and charges, you have to actually admit that you have a problem with that addiction before you can deal with it. This motion begs the government to accept that it is a major part of the problem.

I am not asking the Minister for Sustainable Building and Construction to concede that the regulations that she has imposed are not designed to bring positive outcomes. I understand that they are designed to bring positive outcomes, and she is not going to walk away from that. I get that. I know that the minister is not going to stand in this chamber and roll back, in particular, the environmental components of the many regulations that she has imposed. I would just like her to concede that saving the planet is an expensive business and somebody has to pay. I do not expect the minister to say that changes to tree regulations, triple glazing and a myriad of additional boundaries and movements to goalposts are unwarranted. I understand the place that Minister Vassarotti comes from. I understand her ideological drive. I would just like her to admit that there is a price to pay for pursuing these agendas—that it does add cost; that it does add a massive regulatory burden; that it does eat into wafer-thin profit margins.

I heard Mr Pettersson's friend Zac Smith, from the CFMEU, chatting on ABC Radio some weeks ago after yet another major building collapse. Even Mr Smith spoke of the wafer-thin profit margins and said that not much has to go wrong for building firms to go belly up. So everyone is on the same page: that construction in the ACT is facing a tough time. I was asked again on ABC Radio and by Riotact yesterday about what regulations we wanted to roll back. This motion does not call for regulations to be rolled back; it calls for a moratorium on regulatory change.

We have seen a string of building collapses, big and small, and it is likely that there are more to come. Since July last year there have been 58 construction industry insolvencies in the ACT. I find it difficult to believe that this government is just going to sit back and watch that happen and, indeed, escalate the barriers. There are so many reasons that this space is more difficult here than it is in New South Wales—and I know that my colleague Ms Castley has been pursuing some of these issues in the business portfolio. It is much more expensive to do business in the ACT than in New South Wales. Again,

as I mentioned in a previous motion, I heard the guy who is the head of the Service Stations Association being asked on ABC Radio why petrol is more expensive here than in Queanbeyan, and his instant go-to was: "It's just more expensive to do business in Canberra." It is more expensive. It costs you more. The product that you deliver will cost more.

The workers compensation differential is massive. There are examples of businesses that would save hundreds of thousands of dollars. One that I spoke to would save \$750,000 if they could just get a crane, pick up their business and drop it over the border. I am not making any comment here on the merits of the various workers compensation frameworks, but the government needs to acknowledge that this is a major cost factor for ACT businesses and genuinely consider this when constructing policy in this space. The commercial rates are much higher here and, of course, the lease variation charge puts the kybosh on so many would-be developments before they even start.

The rule and regulation changes just keep on coming. The government has imposed 120 different laws, rules and regulatory requirements on the construction sector in the last 12 months. Most of these changes cost money in some way, shape or form, and those costs are either passed on or they are absorbed by struggling companies, some of which fold—58 of them in the last 12 months.

When it comes to the participants in our roundtable, you should have seen the reaction when we started talking about the development application saga. People are turning grey, they are losing their hair—sorry, Mr Cain—and they are losing their minds over the lack of urgency from the directorate and an inconceivable delay in pretty much everything related to the development application process. There has been a slowdown in construction and there are fewer development applications coming through, but somehow they are taking longer and nobody seems to care. At a time when construction has dramatically slowed in the ACT, it is inconceivable that there are such monumental delays in this process. That adds time and it adds enormous cost to pretty much every piece of construction.

Although this motion focuses on the construction industry, its focus should be on the outcome—that is, the ability or otherwise of our construction industry to deliver enough buildings at a price that the market can genuinely afford. When you combine all of this malarkey—a word that we do not use enough—with the inability of the government to meet its own land release targets, is it any wonder that we have an unaffordability crisis?

Then we get to the mandatory silica training. One of the reasons that this is in the motion is that it was mentioned at the roundtable. It was mentioned at the roundtable that, if there is a big project going on in Civic with a national firm, they make the call to bring in a crew from Sydney to move things along. Of course, they cannot initially because it is highly likely that all of the workers will not have the silica training ticket, and so there will be further delays. Eventually they say, "We will just work it out." There are a number of firms who do find it a barrier. I am not going to lie: I find some aspects of our mandatory silica training quite remarkable. We have noted in the motion the importance of training and safety in the construction industry. However, this is the only jurisdiction in the country in which the silica dust training is mandatory. Every single participant in the industry, from receptionist to chief executive officer, must complete this course.

The government mandated this training through WorkSafe and, although there were a number of courses available to the industry—I think there were about four of them available—they said, “Oh no, no, no; we are going to pick this course. This course here is the one that you all have to do. It is licensed to Creative Safety Initiatives. Everyone has to do this course. It is the law.” When we went through this at estimates last year, Michael Hiscox was listed as being the chief executive of CSI. At the time, he was the assistant secretary of the ACT branch of the CFMEU. Indeed, the address of Creative Safety Initiatives is the same address as the CFMEU. They have the same address. Creative Safety Initiatives is effectively the CFMEU under a different name.

The government mandated that every single construction worker had to do the mandatory silica training—not a requirement anywhere else in the country. There is a licence fee that goes back to the CFMEU for each of those participants. That licence fee is around \$130. More than 20,000 have been forced to take the course, channelling \$2.6 million directly to CSI, which is a wholly owned CFMEU subsidiary. That is \$2.6 million straight to the CFMEU, which happens to be a major donor to and supporter of ACT Labor, because of a course that the government mandated that everyone had to do. Never mind the optics of a major donor to the government receiving a \$2.6 million injection because of a government decision to force everyone in the industry to do the course, which is not mandatory anywhere else, but the full cost of the course is around \$400. So we are talking about \$8 million being squeezed out of this overstretched sector. Please understand that I am not questioning the importance of the training; I am talking about the process and I am talking about the money trail. People can draw their own conclusions from that, and I am sure that they will.

This motion calls upon the government to acknowledge that the current regulatory environment has contributed greatly to housing unaffordability in the ACT—because it has—and that the avalanche of regulatory changes has contributed to the costs of doing business and therefore has been a major contributor to recent liquidations. It calls on the ACT government to expedite seriously the development application pipeline, to put a moratorium on any further regulatory burden to the construction sector and to table in the Legislative Assembly an update of the Indicative Land Release Program. I commend my motion to the Assembly.

**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) (3.04): I rise to speak to Mr Parton’s motion on the building and construction industry in the ACT and to move the amendment circulated in my name. I move:

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

(1) notes:

- (a) building and construction sector insolvencies are a national problem reflecting a trend of rising insolvencies across the Australian economy;
- (b) a combination of factors contribute to pressures in the building and construction industry including supply chain issues, labour shortages, rising interest rates and fixed-price contracts;
- (c) the ACT has experienced similar pressures, leading to several construction companies entering administration in recent months;

- (d) the ACT Government held a Construction Industry Roundtable on 2 May 2024 to listen to industry about issues affecting business in the ACT;
  - (e) industry representatives said that the macro-economic environment, including interest rates, are the primary driver impacting construction businesses; and
  - (f) further issues raised at the Roundtable included current market conditions, impact of reforms, infrastructure pipeline certainty, and need for Government engagement;
- (2) notes that:
- (a) the ACT Government has undertaken a significant reform program over the last two years as part of its commitment to:
    - (i) protecting homeowners and the community;
    - (ii) addressing building safety and quality;
    - (iii) driving an accountable and transparent building and construction industry; and
    - (iv) delivering sustainable and climate resilient buildings;
  - (b) residential building defects in the ACT have an estimated cost of \$44.7 million;
  - (c) Australia's first licensing and regulation scheme for property developers will tackle the problems of defects and compliance failures in residential property developments, ensuring that developers are accountable to protect consumers and strengthen the construction sector; and
  - (d) it is estimated that the indicative price impact per new dwelling as a result of the Property Developers Bill is less than \$400;
- (3) further notes that significant change occurred for the construction sector through the introduction of the new *Planning Act 2023* and associated living infrastructure reforms in the *Urban Forest Act 2023*, on the basis that:
- (a) living infrastructure requirements ensure that trees and permeable surfaces are provided for in development to support sustainable development as the city grows, and ensure that through densification the city remains liveable in the face of a warming climate, protects green infrastructure and reduces heating and cooling costs for residents; and
  - (b) the planning system required fundamental reform, as it was not delivering the planning outcomes expected by the community and construction industry;
- (4) finally notes that the ACT Government sets ambitious land release targets each year as part of the Indicative Land Release Program; and
- (5) calls upon the ACT Government to:
- (a) continue identifying and progressing reforms needed to increase community assurance in the building and construction sector and adapt to future challenges presented by a changing climate;
  - (b) continue to work with industry to assess the current regulatory environment on business viability and options to streamline regulatory measures;
  - (c) appropriately balance business interests in the development of new legislation with community safety, protection, wellbeing and the environment;

- (d) continue to monitor assessment times for Development Applications under the new Planning System; and
- (e) table in the Assembly single residential block release data for 2023-2024 as part of the next Suburban Land Agency annual report.”.

The amendment that I have moved on behalf of the ACT government provides some additional information about the state of the building and construction industry in the ACT and the efforts the ACT government is going to in order to deliver better quality and assurance for consumers. It also corrects some factual inaccuracies in Mr Parton’s motion. I thank Mr Parton for his interest in this matter and his well-meaning advocacy for the building and construction industry in the ACT.

As Minister for Sustainable Building and Construction, I engage regularly with industry to understand the challenges they face here in the ACT and work with industry to deliver the regulatory improvements that we know are needed. Through working with my colleagues across the country in Building Ministers’ Meetings and in closely observing the economic challenges we have faced in recent years, we know that the challenges experienced by industry in the ACT are not a unique experience; they are being borne out across the country. Insolvencies in the building and construction industry are happening across the economy, reflecting a wider trend of rising insolvencies across industry sectors.

Recent data from the Australian Securities and Investments Commission shows that in the nine months from July last year to March 2024, a 36 per cent increase was observed in the number of companies entering external administration, compared to the previous period. It is true that building and construction companies feature prominently in the total number of insolvencies we are seeing. While this level of stress has not been observed for many years, it remains below insolvency levels from 2012-13. I would like to acknowledge the anxiety and burden being felt within the industry and the community as a result of these insolvencies. This is about people’s jobs and livelihoods and people who are waiting for their homes to be built. I take this very seriously and I know that my ministerial colleagues do as well.

A range of factors have contributed to the current challenging economic environment. Supply chain issues, high interest rates and labour shortages, partly driven or exacerbated by the COVID pandemic, have all contributed, and the ACT government alone cannot completely shelter firms from these global economic conditions. What the ACT government can do, and is doing, is to continue to work closely with industry to both identify what supports and conditions can reasonably be facilitated by government and enable necessary reforms to progress.

The ACT government works closely and in partnership with industry on all reforms that require a fundamental shift in industry practice and that require industry support to ensure effectiveness. The government convened a roundtable on 2 May to hear directly from industry across a broad range of sectors about how the government’s recent reform agenda has impacted industry operations and what additional supports might be needed. We heard that the macro-economic environment is the largest driver of the challenges faced by the industry currently. It is worth acknowledging that these challenging economic conditions are not only impacting the building and construction sector but also hugely impacting the people and communities who rely on the industry for the delivery of homes.



Our suite of reforms has been fundamental, to ensure that homes and buildings deliver for the people who use them, not just those that design and build them. Our reforms have gone through extensive consultation. They are constructed in a way to minimise unintended negative consequences on industry and to minimise unnecessary regulatory burden.

I acknowledge that reforms impacting the sector have occurred across a number of ministerial portfolios. Some of the feedback we received from the recent construction industry roundtable reflected the need for this work to take a more holistic, whole-of-government approach. Some of the reforms that have progressed in my portfolio include improved regulation for medical gas system installations, electrical installations, security of payment and the implementation of the National Construction Code 2022. We have established a professional engineers registration system to monitor and enforce quality in the engineering profession, and we are in the process of implementing a property developer licensing scheme. We have undertaken genuine consultation with industry throughout the design and implementation of these reforms to ensure that we get the balance right while achieving our intended outcome.

Significant reforms have been implemented in other ministerial portfolios, including to update our planning system and to ensure that living infrastructure is prioritised during the expansion of our city. The government's developer licensing reforms deliver on one of the most major commitments of the Parliamentary and Governing Agreement that was agreed to at the beginning of this Assembly: to deliver an Australia-first licensing scheme for property developers, including the creation of a "fit and proper person" test and a rigorously enforced penalty scheme. These reforms provide the community with confidence that, when they engage with a developer, the developer will act ethically and transparently to deliver quality buildings.

This is critical to ensuring the economic sustainability of the building and construction industry. It fills an important regulatory gap in the industry whereby almost all key professionals involved in building and construction are required to be licensed, including plumbers, electricians and builders. Property developers have substantial influence on the outcomes of the development process and their decisions influence the final development outcome.

Prospective homebuyers are inherently vulnerable in cases where they buy off the plan, often having few rights to inspection during construction and little ability to back out of a contract if they are concerned about defects. As a single mother said on the ABC's 7.30 program, "I have bought a promise—not a property, a promise." What about when that promise is not fulfilled? The options left for someone in this situation are legally complex and costly. Purchasing a home is, for most people, the biggest investment they will ever make in their lives. People deserve to know that there are appropriate regulations in place to protect that promise made by the developer to the customer. By making developers accountable for building and construction defects, we are able to ensure that the risk to consumers is minimised and to encourage good development management to deliver quality design and construction.

We hear the industry loud and clear when they say that these changes have been a lot to process and implement. I am committed to supporting the industry through these

changes. This is not a set-and-forget exercise. We will continue to engage closely with industry to find a way forward through the challenges that have been identified to date and the challenges that are to come.

I note the comment that Mr Parton made that many of these reforms are around ideology. I would like to reiterate that I am not about ideology. I am responding to the reality of things such as climate change and the fact that we need to build homes that are safe for consumers and appropriate both now and into the future.

Let's talk about costs. Reforms that we have done in areas including things such as accessibility and energy efficiency in the National Construction Code are not only around saving the planet but also around saving people money, time and heartache. We cannot continue to construct shoddy, poor buildings that are cheap to construct but cost the end owner so much more than they should have because they were not fit for purpose, particularly in responding to changes to climate.

In the industry roundtable I also committed to industry that policy and regulatory reform will continue to evolve, because our city, and the needs of our city and the pressures that it faces with regard to climate change and environmental needs, will also continue to evolve. We must be adaptive to future circumstances and work together to create robust and resilient systems so that our city does deliver the outcomes for people who need them.

**MR STEEL** (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (3.14): The ACT government understands that building and construction sector insolvencies are a national problem and reflect a trend of rising insolvencies across the Australian economy, and we are seeing some of that in the ACT. A combination of factors contribute to this, including pressures in the building and construction industry such as supply chain issues, labour shortages, rising interest rates and fixed-price contracts.

The ACT has seen similar pressures to what has been seen nationally, leading to several construction companies entering administration in recent months. The ACT government, in recognition of that, held a construction industry roundtable on 2 May this year, with five ministers attending to listen to the industry about the issues affecting business in the ACT. The first thing that industry acknowledged was that macro-economic factors, including interest rates, are the primary drivers that are impacting on construction businesses at the moment.

We were then able to discuss a range of other issues affecting ACT businesses, which included current market conditions, the impact of regulatory reforms, infrastructure pipeline uncertainty and the need for continued government engagement. There was acknowledgement of the very good engagement that has occurred, particularly through the COVID-19 pandemic, with many of these businesses, and there was a will both from ministers and from industry to continue engagement in relation to regulatory reform in the future and the range of issues being experienced by the construction industry.

The ACT government acknowledges that there has been a significant amount of regulatory reform in recent years. It has been a period of change, and necessary change. Each one of those regulations that has come through, whether it is through a piece of

primary legislation or through subordinate legislation, has had good reasons behind it. Obviously, the planning reforms are one significant part of that. That is about ensuring that we get better development here in the territory. The construction industry has been part of that discussion and the significant consultation that has gone into that. We understand the burden that consultation can place on industry, but it is really critical that they are engaged in that process.

There has been a lot of consultation in the development of these new planning changes. As Minister Vassarotti has said, this is not a set-and-forget proposition. As the new Minister for Planning, I have certainly been clear that we will continue to monitor the implementation of the new planning system. We are currently operating two planning systems side by side, with some development applications still being assessed under the old system. We will of course make sure that the intended outcomes of the planning system are achieved by looking at the development applications that we are seeing under the new system.

One of the reasons that we undertook this reform is that Canberrans and some people in the construction sector were not seeing the sorts of planning outcomes that they wanted to see. We have put design and outcomes at the heart of planning decisions, which will result in a system that is more flexible for proponents of developments as long as they meet the required performance measures. We know this is a new system. They are still getting used to that, but we are looking forward to working with them to make sure that it does achieve its outcomes, including providing those proponents with, hopefully, a more streamlined process but one that achieves better outcomes.

It will reduce the reliance on hard metrics within planning codes, which was a significant feature under the old planning system, and it means that proponents have more flexibility to achieve the outcome. It provides greater scope for urban designers and architects, who were part of that roundtable discussion and are part of the construction industry, to deliver developments through good design and planning. It provides a strong basis for the construction industry, going forward, providing a social licence for further development of our city as it grows. We are going to be growing considerably, and this is about making sure that the development that we do have is accepted by the community, is sustainable, is affordable and is delivering good outcomes in our urban context.

This is an important reason that we have also put in place some of the regulations around the urban forest and living infrastructure requirements, which are also baked into the new planning system. There are very good reasons that we have undertaken those measures—climate change being one of them, but also to try to provide lower costs for people who live in housing. We know that when there are permeable surfaces and when there are trees it reduces people's cost of living. It also makes sure that we can continue to keep the character of Canberra as we grow and as there is more development, and that it will be supported in the future. Again, this is another regulatory process subject to significant consultation with industry and a piece of legislation where we have been very clear with industry, including at the roundtable, that we will be willing to work with them to make sure that it is achieving its intended outcomes and that it is not unduly holding up work on construction.

When we are making regulation, we do not just consider the interests of business; we consider a whole range of factors, including community wellbeing, the environment and worker safety. We consider a whole range of factors. It is the role of government to balance all of those different interests when making regulation. We consult with all of those different groups as we make it and we monitor the implementation. If there are improvements that need to be made then we will make them.

What is most galling about this motion is that it does not simply raise the issues of the construction industry but brings in a range of ideological tangents which I think are quite unhelpful for this debate. We have seen the Canberra Liberals say one thing and do another. We saw that in Mr Parton's comments in relation to silica dust, which makes up a major part of his motion. On the one hand, he says he supports worker safety and, on the other hand, he says he does not support this. Well, which is it? This is a critical part of keeping workers safe. There are good reasons that those regulations exist.

*Opposition members interjecting—*

**MR STEEL:** It has happened on more than one occasion. I think one of the most significant moments of this term in relation to business policy has been the work that we have done with the Better Regulation Taskforce to look at how we can streamline government regulation and make it easier to do business in the ACT through that taskforce since 2020. I brought to the Legislative Assembly the Government Procurement Amendment Bill 2023, which was debated in February. That was a bill that would have supported small business to align quotation and tender thresholds with New South Wales, to make it easier to do business in the ACT and our region, with consistency, and to provide certainty for businesses. It was opposed by the Canberra Liberals.

They say they support small business, but then they come in here and they vote differently. We saw the same with the Urban Forest Act, when they came in here and voted on the Urban Forest Act. They said that they supported the aims of protecting trees and supported sustainable development, but then they came in here and attacked the Urban Forest Act and the objectives of it. We know that the Liberals did support the Tree Protection Act before, but that was years and years ago. This current Canberra Liberals come in here and say they support something—that they will vote for something—and then they go and attack it two seconds later. There are good reasons that this regulation exists. That is not to say that the regulations cannot be improved. We are going to work with industry on doing that.

There are a range of other things that are part of Mr Parton's motion, but one of the things he forgot to include were the issues raised by industry in relation to the construction pipeline. Industry told us that they want certainty in relation to the construction pipeline in the ACT. Our government has a priority infrastructure agenda. We are setting that out and providing as much information as we can to business through the development of infrastructure plans in a variety of different infrastructure areas, including transport, so that we can give them certainty about the forward pipeline and so that they can plan for the labour and the skills that they will need to be able to support those government projects, as well as the private sector projects in the market.

Mr Assistant Speaker, let me put it to you that the biggest threat to the infrastructure pipeline of the territory is the Canberra Liberals getting into government and cutting projects. They have already committed to do that with light rail stage 2B, a project that will create thousands of jobs for the construction sector. They opposed stage 1, which of course supported \$2.3 billion worth of investment in the stage 1 corridor and 6,100 homes. They would also put into jeopardy all of the construction industry jobs and the work for businesses in that industry, as a result of cutting that project, let alone all of the other things that they would cut as part of their secret agenda to cut infrastructure projects and services. We see that ideologically driven approach with other coalition governments around Australia, and we expect the same. The Liberals should be up-front about what they would do. They have already been up-front about cutting jobs with light rail. What else would they cut? That is the biggest threat to the construction industry and the infrastructure pipeline in particular.

We will of course continue to work with industry over the coming weeks. There is a real interest in trying to bring together several different portfolio ministers to work through those issues. But it is really important that we are specific about each individual regulation and what could be improved there, rather than talking broadly. We are keen to get into that detail with the construction industry. We will of course continue to provide a pipeline of new housing and we will continue to work through our new planning system to do that. We know that a lot of the construction industry works in the housing field. We have a big plan for new housing. Support was provided, in terms of skills, through the federal budget last night. We will also support that with funding for more people to get into the construction industry, because there are some skills challenges there that we will need to confront together.

There are a range of different things that we can work on. I really appreciate the construction industry's willingness to engage with us. It certainly was more constructive than some of the ideological tangents that were put forward by Mr Parton. I support the amendment to Mr Parton's motion that was moved by Minister Vassarotti.

**MS LEE** (Kurrajong—Leader of the Opposition) (3.27): I thank Mr Parton for bringing forward this important motion for debate this afternoon. In the last sitting week, when we debated the issues that are facing the construction industry, there were some pretty extraordinary claims made by Labor and Greens ministers, who, incredibly disappointingly and almost shockingly, also hold the power to alleviate some of these pressures that the industry is experiencing.

The contributions that we have had from Labor and the Greens so far have demonstrated the go-to response that we normally get, which is, of course, to deflect and blame everybody else. It is not like we have once said that the ACT controls 100 per cent of the factors that are plaguing the construction industry or businesses doing it tough. What we have said, however, is that there are substantive levers that are in the control of the ACT government that Labor and the Greens are refusing to pull.

It is well known that this Labor-Greens government has a disdain for business, especially our hardworking local small and medium business. Every day each member of the Canberra Liberals is hearing from local businesses, who talk to us about how Labor and the Greens do not care, do not understand and do not respect or value the contribution that small and local businesses make to the capital.

This government has sent a clear message through extortionate fees, taxes and over-burdensome regulation, which has caused many to leave the ACT because it is not viable anymore. They feel that they are told, “You should be grateful that we allow you to do business in this jurisdiction.” Those are some of the sentiments that are coming from local businesspeople, many of whom were born here, have raised a family here and want to contribute to our city and our economy, but they cannot continue.

During the last debate, the former minister for business and minister for regulation said:

Unpaid liabilities are a significant concern. At best, they provide businesses with a significant competitive advantage compared to businesses which are servicing their debts.

Most of all, it concerns me that businesses have got to this point. If you cannot pay on time, there are ... many support options available to you through the tax office—managing payment plans and tax debt deferred repayments—and they have that in easy to read information.

It is audacity on the part of a minister of this government to blame businesses and to state that it is simply a matter of saying, “If you need some help paying your liabilities, go and find some easy to read information.” It is audacity on the part of a minister of this government to lay the blame at the feet of local businesses. Let us not forget that this is a member of the government who does not even adhere to their own contract to pay local businesses on time; we were forced to move a motion calling them out on it.

Let us not forget that this is a government that, under the stewardship of Treasurer Barr over the last decade, has plunged the ACT into the worst financial situation in self-government history—\$18½ billion in debt in the forward estimates, with an interest bill of more than \$680 million a year. That is almost \$2 million a day on interest repayments alone; yet a minister in this government has the audacity to say, “Hey, you businesses, there’s some easy to read information; go sort out your debts.” It is disgraceful and utterly unacceptable.

This year the construction industry has reached its breaking point. Again, there are many factors that are putting the pressure on, but a lot of them are within the control of the ACT government. Last year this government introduced 125 new pieces of legislation or rules which impacted the building industry. As Mr Parton said, the least that the minister for sustainable building can do is admit just a bit that they know it will add a cost. The result of this regulation agenda can be clearly observed in the ABS figures which relate to the cost of construction. The ACT saw a 13.3 per cent increase throughout 2023, which is more than three times the national average of a 4.1 per cent increase.

This is not just a matter of a few builders who have failed to pay their debts, even if they were accessing easy to read information; it is the result of years of mismanagement and disdain by this Labor-Greens government. It is the result of years of mismanagement of the ACT’s finances, and the utter lack of respect that they have shown for our business community. In fact, the minister for regulation, during the same debate last week, also said:

It is important to zoom out of recent reporting, which is largely focused on short-term data.

She went on to say:

But what we are actually seeing is insolvency levels returning to levels akin to what was being experienced in pre-COVID times.

That is not actually accurate, is it? The ACT government's submission to the inquiry into micro, small and medium businesses in the ACT region shows that, between 2018-19—pre COVID—and 2023-24, the percentage of construction firms that are becoming insolvent has increased by more than five per cent. This is symptomatic of a government that would—and we saw it again today—rather deflect and make excuses than, as Mr Parton said, at least understand and acknowledge that they are part of the problem.

Some of the issues that the construction industry has raised include the extraordinary delays in receiving development application approvals. In addition, of course, there is the restricted release of land. The 2022-23 Environment, Planning and Sustainable Development Directorate annual report shows that one in three development applications are not made within statutory deadlines, with the average processing time taking 64 working days.

The reality is that it is a lot grimmer. I had a conversation with a business owner only a few months ago who said they had submitted an application and were waiting for ACT approval. A couple of months later, they submitted a DA in another jurisdiction and, two years down the track, in the other jurisdiction the building is built and he has opened the doors, and he still has not received approval for his development application here in the ACT. That is what we hear each and every day about this ACT Labor-Greens government.

It is not just businesses that are being impacted. We know about the flow-on impact that this will have on renters, first homebuyers, small business contractors and, of course, our workforce. If people cannot afford to live here, where do our nurses go? Where are our police officers? Where are our doctors? Where are our teachers? This is having a major impact on the livability of Canberra.

The ACT is in a unique situation because it can use the advantage of having both territory level and local council powers to create more opportunities for affordable housing, and it has failed—and failed for a long time—to do that. The fact is that the government are addicted to wasting taxpayer money. They are not seeing, and are refusing to see, the value of businesses in the ACT. When it comes to the blame game, they are the experts. It is always someone else's fault and never theirs.

I thank Mr Parton for organising the roundtable, where we heard from so many people across the entire spectrum of the construction industry. We know that these people are hurting, and hurting badly. I support the motion from Mr Parton today. The amendment from Ms Vassarotti shows once again, very clearly, that this Labor-Greens government has no idea about and does not value business in the ACT.

**MR CAIN** (Ginninderra) (3.37): I rise to speak in support of Mr Parton's motion and to oppose the amendment moved by Ms Vassarotti. I want to commend the work that Mr Parton has been doing in his role as shadow minister for sustainable building and construction. Mr Parton has been at the forefront of engaging with the building and construction industry in the ACT. It was a delight to be part of the roundtable, along with Ms Castley and Mr Cocks, that he hosted recently, in order to hear firsthand from industry professionals—not just the umbrella representatives but small to medium business representatives as well.

This motion touches on the reality that so many builders and construction workers are facing in the ACT, particularly those small and medium enterprises. It is tough being in the building and construction industry under Labor and the Greens. As the motion points out, four businesses went into administration in the space of a month. The companies are Project Coordination, Rork Projects, Cubitt's Granny Flats and Home Extensions, and Voyager Projects. Late last year PBS Building entered administration, and the flow-on effects are still being felt in the ACT. It is a damning fact that 58 construction industry insolvencies have occurred in the ACT since July last year.

Why is it so tough to work in the building and construction industry under Labor and the Greens, particularly for the small and medium enterprises? There is never-ending red tape, courtesy of this Labor-Greens government, that restricts everyday builders and ties them up with having to work out what these rules mean when they are building something or putting in a DA. I have heard about this directly from builders. They have to work out what these new regulations mean, how they impact them and what they have to do to conform.

Mr Parton's motion highlights many significant facts that are causing challenges, particularly for our small and medium business enterprises. Workers compensation payments in the ACT are significantly higher than in New South Wales. The lease variation charge remains a major stumbling block to much development in the ACT, specifically halting virtually all potential second dwelling builds on RZ1 blocks. It is my understanding that the number of DAs submitted that take advantage of the government's RZ1 policy is in the single digits. Perhaps the government should have taken our advice after all, with our more generous approach to respectful suburban renewal.

Commercial rates are much higher in the ACT. The government has introduced at least 120 different laws, rules and regulatory requirements for the construction sector to get their head around in the last 12 months. Many of these changes require an additional spend on each construction and impose a red tape and paperwork burden that is often beyond the reach of smaller local firms.

The living infrastructure changes have forced many new dwellings to two storeys, greatly increasing the cost of each dwelling, the time frames for the build and, ultimately, housing affordability. The average time to get a DA application approved in the ACT continues to rise, despite a drop-off in construction activity. Not only do development approval times continue to rise but they are not even meeting their own statutory time frames.



In answer to question on notice No 1652, the then acting planning minister informed me that 42 per cent of DA assessments were made outside statutory time frames for this financial year to date, and 47 per cent were made outside the statutory time frame over the last five years. That is incredible.

The industry consensus is that developer licensing will make it even more difficult and expensive to build things in Canberra and is likely to discourage interstate firms from entering our market. The ACT government has consistently failed to meet its own land release targets.

It is a long and damning list, and it shows that Minister Vassarotti and the ACT Greens cannot be trusted to look after this industry. It shows that ACT Labor do not care about this industry, as long as they are satisfying their friends at the CFMEU.

While ensuring the health and wellbeing of construction and building workers is of the utmost importance, it is interesting that the only licensed training provider for silica dust is a CFMEU subsidiary. Where is the spirit of competition that would allow such training to be more diverse? \$2.6 million has gone to CFMEU as part of this scheme; arguably, it is much more than that. In an industry that is battling to stay afloat under the draconian measures of Labor and Greens, this money may well have gone a lot further with businesses other than that one. I want to commend Mr Parton's "calls on" to ensure that the truth of this situation finally prevails.

Builders and construction workers in the ACT have been forced to suffer over-regulation and excessive red tape for long enough. It is time for a change, to ensure that businesses can not only survive but thrive in the ACT. An Elizabeth Lee-led Canberra Liberals government will stand with our businesses, particularly our small and medium businesses, rather than work against them, as this government seems intent on doing. An Elizabeth Lee-led Canberra Liberals government will ensure that builders and construction workers have opportunities, rather than facing administration, as is currently the real risk. The Labor-Greens red tape is crushing this important industry, and the Canberra Liberals are committed to looking after the interests of our building and construction workers.

I want to touch briefly on Ms Vassarotti's amendment. Again, it basically takes the guts out of this worthy motion. It will "continue to continue"—and we know what is going to continue. The minister may as well have added, in her amendment, "We will continue to watch while more construction businesses, especially small to medium enterprises, collapse." She may as well have added, as part of the amendment: "We will continue to burden these businesses with regulation upon regulation, irrespective of the cost and pressure that it puts upon them." Really, that is what the amendment actually means. That is what this amendment is really about.

There was an extraordinary rant from Minister Steel. My goodness! I was not quite sure which item of business Minister Steel was talking about in most of that speech. There was an extraordinary rant from a minister who blew nearly \$80 million on a software project. Hypocrisy! This minister ignored the fact, during our procurement debate, that our whole intent was to make it easier for small and medium enterprises to compete for government contracts. It was a broad-brush, ideological attack. Where was his

amendment? His speech was really leading into an amendment that would say, “We don’t like the Canberra Liberals at all.” That is really what it all meant: “We really don’t like you.”

I think there are a lot of people in our community who do like what we are going to offer to the ACT community, who are actually looking forward to the opportunity to have a say in October this year, and have a say on the Elizabeth Lee-led, fresh approach of the Canberra Liberals government in the ACT.

**MS CASTLEY (Yerrabi) (3.46):** It is “Parto appreciation day”. Like my colleagues here, I would also like to thank Mr Parton for his work in listening to and gathering all of the information that we have heard about from the construction industry. And the round table was telling. That afternoon, I had a mobile office at Crace, and one of the people that attended the round table at lunchtime came up to me and said, “Thank you for bothering to take the time to chat to the little guys.” These are not little guys in Canberra, but they were blown away that we would bother to sit down and listen to them. Well done, Mr Parton; I thank you for that.

Back in March, around the time when construction industries and cafes were closing down, it was a time of quite a bad climate for business in Canberra. My motion back then called on the government to report back to the Assembly on measures that it would take to support businesses in the ACT and actions it had taken to ensure that services were responding to small business. The “report back” date was actually tomorrow. Of course, the government amended my motion, and they will be reporting back by 30 June. We will have to wait and see what the response is. No doubt, knowing this government, they will be “maintaining a watching brief”!

Here we are again, with another motion calling on the government to support an industry that is suffering in Canberra. The fact is that businesses are struggling. Many find themselves having to shut the doors voluntarily to avoid further losses; they are entering into administration or liquidation. As we have heard, they are leaving town because it is so much cheaper to do business across the border.

Those that have stuck it out have done so because they really want to have a go here in Canberra. However, they continually tell me how hard it is because of the huge burden that regulation plays. We have heard about workers compensation rates and the like, DAs, and all of those things—rising costs.

I have said many times in this chamber that business is not a thing; it is people. When businesses close their doors, the impact that that has on families, friendships and the broader industry is huge. It is massive, and we are seeing that now.

Don’t just take it from me. Let us review some of the statistics that we have heard from the peak bodies. Since my motion in March, we have updated figures with regard to the business climate in the ACT. The latest Business Beat published by the Canberra Business Chamber shows a worsening of conditions and continues a negative trend from the previous quarterly result that I spoke of. The Canberra Business Chamber reports that 65 per cent of respondents to their Business Beat survey did not meet their business targets in the first three months of this year. This is a significant increase on

49 per cent in the last quarter, and 19 per cent in the quarter before that. To have gone from 19 per cent not making their targets to a shocking 65 per cent of businesses, in six months, shows the scale and the speed of this decline in business conditions that we are experiencing under this Labor-Greens government.

The survey also noted that the cost of all aspects of doing business continued to increase in Canberra, and the high burden of regulation is what impacts business, which is what we heard at the round table. In terms of forward expectations, the survey shows that a staggering 30 per cent of businesses expect to shrink, which is a sustained trend that is getting worse, and an increase on the 26 per cent from the previous quarter.

These results are not a surprise to the business community, who are doing it tough. They are on the ground and they see it, and it should not be a surprise to this Barr government. The government has not listened. It has stuck its head in the sand. The impact of the government's failed business policies is, unfortunately, showing up, with insolvency statistics from ASIC showing that, in the nine months up to March 2024, insolvencies in the ACT have increased to 124. We heard the statistic that 58 of them, from July to now, are in the construction industry. The 124 insolvencies are a 40 per cent increase from the same period in the last financial year.

Back in March, I highlighted the work of the Parliamentary Library. They have recently released their State Statistical Bulletin, and I am sad to say that it outlined a concerning fall in business investment in the ACT by the Labor government. The ACT was the only jurisdiction in the country to record a fall, and at negative 9.5 per cent it was a full 10.2 per cent lower than the next lowest jurisdiction, Tasmania, who nevertheless still recorded a positive result. To highlight just how bad things are, the average mainland state reported a 7.2 per cent increase in business investment. We had a 9.5 per cent decrease. This is not good enough. No wonder we are seeing businesses close or leave town.

We know that the government has a glossy business strategy for 2023 through to 2026. It is full of pictures, inspirational quotes and aspirational goals. The minister's message sets the tone, saying:

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

A thriving business community! That sounds great. That is exactly what we want. But where are the results? The results are 124 insolvencies, with 58 in the construction industry.

The government's strategy outlines five priorities for delivery. The first is:

Priority One  
Improve the business experience when dealing with government

But we know that the most recent 2024-25 budget submission by the Business Chamber noted that making it easier to deal with the ACT government was one of their three priority asks, and it is not currently happening. In their submission they said:

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

What a joke! The Business Chamber has said that they would like the phones answered, they would like calls returned, and they would like emails sent from named individuals. We heard that at the round table as well—if only they could speak to someone who is supposed to help with the thriving business environment. That is what the government said it wants to do. As I said back in March, businesses are failing. They are people. They are being hurt and their lives are ruined, and this government cannot even manage to answer the phone.

The government needs to go back to the drawing board and actually deliver a business climate that is conducive to successful business. Canberra businesses need this government to acknowledge that its policies are failing. The regulation burden is crippling, especially in the construction industry. That is why I fully support and commend Mr Parton for calling on the government to expedite the application pipelines and impose this moratorium. It is not just about a delay with DA approvals; it is about the expense. Businesses have to go back, rewrite and redo. Those expenses grow and grow. After months and months of not being able to get those projects underway, it is just terrible.

That is it from me. Mr Parton, thank you so much; I appreciate it.

**MR COCKS** (Murrumbidgee) (3.55): We have heard today from two ministers who seem to be insistent on making it ultimately clear to the Canberra people how wilfully blind they can be to the impact that their massive increase in regulation can have on Canberra businesses and families—people just trying to get by day to day.

The regulatory burden in the ACT has been increasing disproportionately under this government. I have come into this place time and again; I have asked questions in estimates and in annual reports about the burden of this government's regulatory regime, and perpetually it falls back on, "Well, we like regulations; we want more regulations."

They fail to understand that, every time they introduce a regulation, it has an impact. They do not get the amount of harm that their regulatory regime introduces for those people who are just trying to navigate the 7,000-odd regulations that businesses have to try and understand every day.

This government does not get that, every time they introduce a new regulation on the construction sector, that flows on to the people who are just trying to get their own home built. I have heard stories of builders who now have to contract out any expense related to the increasing regulatory burden coming from the government. I have heard stories of people slugged with \$50,000, \$100,000 and more, just to comply with the increasing regulations and standards that this government keeps stacking on top of everything else that a business has to deal with.

It is astounding that a government that thinks it is good at getting stuff done, good at building stuff, could ever believe that the regulations and the changes, the turbulence that they introduce, could do anything but form an absolute blockage in any pipeline of construction in the ACT.

This government is absolutely blind to the effect they are having. In fact, I have no doubt that they want to see more of it. They want to see more regulations, slower construction and slower approvals, because that is what their actions show, and that is why everyone in this place should be supporting Mr Parton's motion.

**MR PARTON** (Brindabella) (3.58): I do not know where to start. I might start with my friend Mr Steel. Mr Steel talks about the pipeline of infrastructure. This is a very long pipeline. Minister Steel talks about the pipeline of infrastructure, and he talks about the certainty—the rock-solid, concrete certainty—that is provided by Labor and the Greens.

The Chief Minister has been talking about delivering a new stadium since 2009. How long is this pipeline? We have had seven feasibility studies. It has been 15 years since Mr Barr started creating certainty on this piece of infrastructure, and we are no closer. We are no closer at all.

We are told that federal Labor will go fifty-fifty. Let me tell you, Mr Assistant Speaker, that I reckon the Barr-Albanese catchcry on these certain things—this pipeline of infrastructure—should be, “Fifty-fifty by 2050.” I reckon they can promise that. I reckon they can deliver a stadium by then. We could push the tram out to 2050. We have already pushed it out enough.

I would point out that, in his creation of certainty on infrastructure, the Chief Minister has very publicly stated in the past—just before the last election, indeed—in his creation of infrastructure certainty that the tram would be in Woden by 2025. That is certainty for you, isn't it? That is certainty for you! I reckon you should go with “fifty-fifty by 2050”. Again, when it comes to certainty about the pipeline, I am sure the Canberra Liberals, if elected in October, will be responsible for building many things in this town, but the tram will not be one of them.

I am not satisfied with the minister's amendment and we will not be supporting it. We fully understand that there is pressure on the construction industry nationally, but this motion is specifically focused on the pressures that are created here in the ACT by this government.

Your amendment, Minister, admits that the extra regulations cause additional cost to building anything in Canberra. There is an admission in the amendment that extra regulations cause additional cost to building. There have been 120 regulatory law and regulation changes in the last 12 months. The minister mentioned one upcoming change, the developer licensing bill. Her amendment suggests that this one single change will result in an additional \$400 cost per dwelling.

I do not think that the minister's assessment is correct. I think the impact will be much more, but let us work on \$400 as the figure that she has gone with. That is the only one that is mentioned, in terms of the figure attached to an individual regulatory change. I cannot go to the directorate and ask them to do some sums for me on how much each regulation will cost, so the only one we have to work with is the one that the minister has gone with in this amendment.

Let us multiple that vastly underestimated figure by 120, that being the number of regulatory changes in the last 12 months. \$400 by 120 equals 50 grand—\$50,000. There will be \$50,000 extra on each build, just based on the extra regulations in this financial year. Based on recent comments from the minister, there will be a lot more. There will be an escalation of regulatory changes, so I can only assume that the price of each dwelling will increase every year by about \$50,000.

In regard to the government's round table, what I take from the minister's comments today, and I understand that she is not speaking again in this debate—I sort of wish she were; I might seek to suspend standing orders—but based on her comments today, my understanding is that she spoke to industry participants at the construction round table. They got together and they loudly complained about the impact of regulatory reform and the impact it was having on builds. I know that the minister is not speaking again in this debate, but what I am taking from her comments is that she responded to the industry participants by telling them to strap in for the ride; under her watch there will be a continuing avalanche of regulatory changes because we need to deal with the climate emergency—which, of course, according to the minister, is not an ideological position.

I say this genuinely. I genuinely admire the minister's honesty in this space. I like it that when she is asked a question, she genuinely tries to answer, but I am not sure that this is the answer. We will not be supporting the amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 15

Noes 8

Andrew Barr

Laura Nuttall

Peter Cain

Yvette Berry

Marisa Paterson

Leanne Castley

Andrew Braddock

Michael Pettersson

Ed Cocks

Joy Burch

Shane Rattenbury

Jeremy Hanson

Tara Cheyne

Chris Steel

Elizabeth Kikkert

Jo Clay

Rachel Stephen-Smith

Nicole Lawder

Emma Davidson

Rebecca Vassarotti

James Milligan

Mick Gentleman

Mark Parton

Question resolved in the affirmative.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Planning—Belconnen town centre school**

**MS CLAY** (Ginninderra) (4.08): I move:

That this Assembly:

(1) notes:

- (a) the ACT Government's 2019 Infrastructure Plan identified new or expanded P-6 schools with early childhood centres and new or expanded 7-10 high schools as longer-term priorities for areas across Canberra, including the Belconnen Town Centre;
- (b) in the 2023-24 Budget Estimates hearings Education Minister Berry stated "During the last hearings when we talked about this, at that time there was no decision or no plan to build a new school in Belconnen.";
- (c) the ACT Government's 2023 Infrastructure Plan Education update identified that the central Belconnen district, including the town centre, is forecast to grow over the next decade, and additional primary and high school places may be required to meet demand as the population grows and new suburbs come online;
- (d) the 2024 Standing Committee on Education and Community Inclusion report into the Future of School Infrastructure in the ACT recognised the opportunities presented by vertical schools and recommended the government build them in the ACT, committee witnesses identified the Belconnen Town Centre as an area suitable for this type of development;
- (e) the ACT Council of Parents & Citizens Associations have recommended the ACT Government build a new primary school in the Belconnen Town Centre in each of their budget submissions since 2021-22;
- (f) the Belconnen Community Council have recommended the ACT Government prioritise resources for school planning and design work in the Belconnen Town Centre in their 2023-24 Budget Submission; and
- (g) ACT Policing have identified that they intend to move from Winchester Police Centre to a new location in Central Canberra, presenting an opportunity for a large scale, holistic redevelopment of the 41,840 square metre Section 31, Block 7, Belconnen police site, as well as the adjacent 4,459 square metre Roads ACT surface carpark and this might be one suitable site for a future school; and

(2) calls on the ACT Government to:

- (a) commit to undertaking feasibility work for a new primary and secondary school in the Belconnen Town Centre, including investigation of potential sites;
- (b) commit to exploring a "vertical school" model which prioritises maximising ground space on campus for sports facilities and provides ample green space and outdoor playground areas;
- (c) commit to delivering a new primary and secondary school in the Belconnen Town Centre, subject to the outcomes of feasibility work and the identification of a suitable site; and
- (d) report back to the Assembly on progress on these measures by the last sitting day in May 2025.

I rise today to speak about the motion circulated in my name regarding a primary and secondary school for Belconnen town centre. Belconnen town centre is growing fast and it is changing. It is not what it used to be, which was a lot of big, concrete office

blocks separated by hectares of surface car parks. It is now home to lots more businesses and residents, and those people are asking when their facilities will keep up.

There are, of course, a lot of good things about the town centre. They have the library, the community centre, the incredible Belconnen Arts Centre and some great playgrounds down by the lake. I was pleased recently to join Minister Rattenbury and the Ginninderra Catchment Group at the launch of a new wetland on the old Belconnen oval. But there are also areas where we should be seeing improvement, like Maggie T park, which has not yet lived up to the hopes of the 2016 master plan.

Another area that is really lacking is the provision of schooling. I have been pulling on this thread for a few years. The minister has provided information in multiple hearings about how these decisions are being made, but a lot of this information is a bit opaque to people who are outside the system.

My office has been looking at some of the numbers for growth in the town centre and the itinerancy of the population. We have seen how many young people already live in our town centre. We can extrapolate from there how many might live there in future, based on the current pipeline of construction.

In 2016, when the town centre master plan was completed, there was no real mention of a school. In that year's census we saw 3,311 homes already in our Belconnen town centre. By comparison, the suburbs of Cook, Aranda and Macquarie, where I live, had a combined 3,474 homes in the same year, and we already had more schools. Belconnen was a bigger suburb than that, and it was growing fast.

By 2021, those three suburbs had grown to 3,769 homes. Cook, Macquarie and Aranda got 295 new homes in those five years. By comparison, the Belconnen town centre grew to 4,731 homes. They got almost 1,500 new homes in that five-year period. Our Belconnen town centre is growing much faster than its surrounding suburbs. Anyone who has looked at the Belconnen skyline can see that.

Our town centre already has more homes than Yass and Murrumbateman combined. Yass and Murrumbateman already have three public primary schools and a public high school, with fewer homes than we already have in our Belconnen town centre.

Since that 2021 census, we have seen a lot more buildings completed. By the count in our office, that includes two new apartment buildings with 560 additional homes since 2021. The current pipeline includes more than 3,300 homes in the planning approvals process or in the future land sale pipeline. That means in Belconnen we are on track to have around 8,600 homes as soon as the coming decade.

We also have the neighbouring University of Canberra planning more than 3,000 homes on the west side of their campus, and that is really close to our town centre. I imagine most of those residents would be looking to the Belconnen town centre, not Kaleen, to provide the schools and services they need. So we are looking at about 11½ thousand homes in Belconnen town centre, and no school on our planning books.

We have been interested to look around our region and see what is normal, and we had a look at Goulburn. Do you know how many homes Goulburn has right now? They



have only 10,872 homes. They have fewer homes than the number we are planning on having in Belconnen very soon. Goulburn has nine primary schools and two high schools.

In the 2021 census, we had almost 600 children under the age of 10 in our Belconnen town centre. Most of those kids were under five. That was 380 kids who were looking to enter a school. That is already a school full of children. But what we have seen in the numbers is that something really strange is happening. There is a really steep decline once you get to kids who are aged from five to nine. The numbers drop off. It is really pronounced. It is very different to the pattern that is happening in our other suburbs in Canberra. Almost three-quarters of the kids who were aged nought to four in 2016 and lived in the town centre had moved to another suburb by 2021. That is a really transient population, when you compare it to the other suburbs in our region.

I am sure there are many factors that lead families to decide to change their housing. Maybe they have changed jobs; maybe they decide for other reasons to move out of the town centre. But I am also absolutely certain that, for any parents of four-year-olds who are looking around and seeing that there is no school there, that is one of the factors in their decision about where they will live with their kids. They will want to live near a local school.

We have some really great schools in this region. The problem is that if the school is two or three kilometres away, we cannot expect our five-year-olds to be able to walk there. I tested this recently. My daughter goes to the local primary school at Macquarie, so I tried walking from the Belconnen town centre to Macquarie. It took me 26 minutes to get there. That is a really long walk, and I walk really fast. That will be 52 minutes for a kid to walk, and I think most five-year-olds probably would be walking with their parents. You could spend an hour and a half walking your kids to school to get them to their local school. It is not what we would like for active travel.

I am really lucky. My daughter rides to school. She has been riding to school since she was three. That is because we live really close to our school, and that is why it works. We have a school, a preschool and a day care really close to us, so we can walk and ride there.

It is actually the way Canberra was meant to be. Canberra was originally designed to have schools close to where people live. We have seen in the data, over and over again, that kids who live close to their local school will walk or ride there. Some kids who live further away use the bus, and we in the Greens are working hard to try and make sure that that is easier for more kids. Some kids will use the bus. But Canberra was not really meant to be a city where every kid gets driven to school.

Our habits form really early, and giving kids good habits to walk, ride or catch public transport is an important part of growing up. It is good for all of us to have more people choosing to walk or ride. It is great for the government to make that an easier choice. It is great for the independence of our kids, to be able to move around and be able to get to the local areas and the local services that they go to.

I have had quite a lot of people raise this issue with me—constituents living in the area, and in Belconnen town centre. I refer also to quite a lot of our local community groups.

The ACT Council of Parents & Citizens Associations have recommended that the ACT government build a new primary school in the Belconnen town centre, and they have made that recommendation in each of their budget submissions since 2021-22.

The Belconnen Community Council have also recommended in their 2023-24 budget submission that the ACT government prioritise resources for school planning and design work in the Belconnen town centre. I got a copy of their 2024-25 budget submission after we had already lodged the wording of our motion, but they have repeated that call. They would like to see some planning work on this.

I would like to quote a short section of this submission because it sums up a lot of the thinking that we have heard on this. They state:

It is well established that there is simultaneously decreasing land availability combined with new residential developments in the Belconnen Town Centre. Despite this, there is limited activity in relation to securing and developing a school site in the Belconnen Town Centre.

As more residential developments rise into the Belconnen skyline, the need for a local school becomes increasingly urgent to cater to the growing number of families. A centrally located school will reduce travel times, alleviate traffic, and serve as a modern community hub.

It is pretty self-evident but it is worth reiterating. Belconnen town centre is not a greenfield estate. We have a finite amount of land, that amount is decreasing every year, and people are starting to get a little alarmed as new land releases of old car parks make way for new neighbours. It is great for our wonderful Belconnen community, but we do need to make sure that we have set out a site and made the plans for the facilities we need, like a local school, before all of those opportunities are gone.

We need the services and amenities that come with buying a new home, just like people in new suburbs do. It is great town planning to ensure that these decisions are being made with future development in mind, and to be looking at our current population and our future expected population—our pipeline. We need to give people a bit of certainty on the direction in which our town centre is going. We need to let residents plan for their future and know what they will have in their region.

I was really pleased to develop this motion, which is asking the government to do the work that needs to be done, and to do that work now, and get it on the books. We need to plan for a Belconnen town centre that will soon have almost 9,000 homes. We need to give families who are planning to move to the town centre, or who already live there right now, some certainty about where they can send their kids in the future.

While the current population will have to attend nearby schools, those schools are not close and they are not easily accessible without a car. That is a really poor sustainability outcome. It is a poor social outcome for our kids and for Canberrans. We need to think about what we need today, but we also need to plan for the future that is coming—the families that are already moving into the town centre, and more families that we want to move into that town centre. We should be aspirational. We should be thinking about the future that we want to build for that town centre.

We should be thinking about a future where Canberra families are happy to choose a public school over a private school because there is a great school right there; they can walk to it, and they are really happy to use that. We are keen to make the right decision for current and future Belconnen residents, and plan for a vibrant, walkable, connected, well-serviced Belconnen town centre for people of all ages, and particularly for the kids of the future.

I have been really happy to work with my counterpart, Minister Berry, on this. I think that we will get a good decision today. I thank my colleague Ms Lee for circulating her amendment. The Greens have had a careful look at the amendment, and we are not keen to back that amendment. The amendment does two things. It brings forward the reporting date to the end of these sittings. I do understand that, but we are quite keen to give government the time they need to do some of the work on this feasibility study before they come back and tell us what happened. We do not think there will be a huge update to give in a few months. It is too short a time frame. We are actually happier to stick with the original time frame.

We are comfortable with it. Assemblies make decisions all the time. One Assembly may make a decision; another government may or may not choose to honour that. We trust the good people elected in Canberra, and that somebody will come back and tell us next year exactly where we are up to with that feasibility study.

The other thing that would be achieved with the amendment that we are not so certain about is stepping back from the commitment to a Belconnen town centre. It is already clear that we have the need for this. It has been in the government infrastructure plans in the recent past. Our numbers in Belconnen are skyrocketing. We are looking at a catchment that is similar to that of Goulburn, a town that has nine schools for primary age, and high schools as well.

We are absolutely certain that, when a feasibility study looks at this really hard, it will look at where we should put the school, how we should build the school and what kind of school we need. That is all good and important work. We do not think there is any chance that anybody will look at this and decide whether or not we need a school for an area of this size, given how many people we have there. We are pretty nervous about missing the opportunity to reassure residents in Belconnen that, yes, they will get a school; that, yes, work has commenced on this; and that, yes, if you make long-term plans to move into this area, you will one day be able to send your children to school here. I commend this motion to the Assembly.

**MS LEE** (Kurrajong—Leader of the Opposition) (4.21): I have to confess that, given Ms Clay is a member of the party in a governing partnership with ACT Labor, it is pretty telling that she was forced and resorted to bringing a motion to the Assembly to get her own party to push for action on this important matter. I understand that the issue of a new school in Belconnen has been raised for many years. As Ms Clay's motion itself notes, this government's 1999 Infrastructure Plan included a strategic proposal for a much-needed early childhood education and primary school in the Belconnen town centre. But, given this government, of which Ms Clay's party is a governing partner, has an appalling record when it comes to delivering major infrastructure projects, I am not at all surprised that there has been no movement on a new school in the Belconnen town centre.

According to this government's own figures, the Belconnen area will see the second-largest growth in population over the next decade. This government itself says that ACT education infrastructure requirements are primarily determined by population growth, and that "the ACT government aims to ensure that every Canberra child has access to a great local school close to home". Obviously, according to Ms Clay's motion and some other Belconnen residents, that is not the case for that region, despite the evidence. As Ms Clay's motion points out, the education minister admitted in estimates last year that "there was no decision or no plan to build a new school in Belconnen".

The ACT Council of Parents and Citizens Associations has recommended a new primary school in the Belconnen town centre over the last few years. In their 2024-25 budget submission, the association raised concern about permanent increases in capacity in a number of schools, including in Belconnen. Their submission says:

... we remain concerned that the ACT Government's commitment to building new schools, and expanding others is too slow and places an unreasonable capacity pressure on existing schools. P&Cs, parents and carers continue to identify that capacity pressures at a number of schools are compromising the educational experience of students.

I repeat: capacity pressures at a number of schools in the ACT are compromising the educational experience of students.

The Belconnen Community Council have also expressed its disappointment in the education minister's delay in relation to a new school at the Belconnen town centre. They said: "It is with great concern that we observe the lack of progress and uncertainty surrounding the realisation of this crucial project, especially the minister's response in estimates that no decision has been made on this project." The BCC went on to say: "The absence of a school within close proximity places an undue burden on families, negatively impacting access to quality education and community cohesion."

This echoes the concerns raised by the ACT Council of Parents and Citizens Associations. Both of the submissions contain very worrying statements, especially, of course, on the back of the recent release of the final report from the Literacy and Numeracy Education Expert Panel, which highlights how this government has failed Canberra families, failed our students and failed our hardworking teachers, and they seem to be certainly failing the people of Belconnen.

In relation to Ms Clay's motion, the Canberra Liberals will support it in principle, but I move the following amendment circulated in my name:

Omit all text after paragraph (2)(b), substitute:

"(c) report back to the Assembly on the feasibility work by 5 September 2024."

My amendment is minor in the sense that it does not quite make sense for Ms Clay to call for a feasibility study—which we support—in relation to this project, but, at the same time, also call for it to be delivered. It just does not quite add up. Obviously, the prudent thing for any government to do, if a feasibility study is committed to, is to wait

and see what that says before going ahead. That is the reason for the amendment: to remove subclause (c) under “calls on” in Ms Clay’s original motion—not because we oppose the project but because it just does not make sense that, at the same time as you are calling for a feasibility study, you are calling for a project to be delivered. If, as Ms Clay has mentioned, she is absolutely certain that it is a goer, perhaps she should have just called for the delivery of it. She has had, of course, 3½ years to do so. That is the reason for that.

The other aspect is to bring forward the report-back time, because, as we know, we will be entering into a new Assembly by the time Ms Clay’s original report-back time frame comes. Whilst I understand that she is very idealistic that whoever is in this chamber after the October election this year will pay attention, the fact is, of course, as we all know, there is no binding tie. So I think it is important, given that she is bringing this motion in this term of the Assembly, that the government affords her some certainty, before we wrap up the term, about where that is up to. That is why I have moved that amendment.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.27): The ACT government will be supporting Ms Clay’s motion today and we will not be supporting Ms Lee’s amendment. I should clarify that it is subject to feasibility work, not because of feasibility work, that a new school might be built in the Belconnen area. That is the nature of the motion, and that is why we are not supporting Ms Lee’s amendment. I need to be very clear on that part.

I welcome the chance today to update the Assembly on the work the ACT government is doing to ensure that every child in the central Belconnen area can go to a great public school, and, importantly, to clarify how the ACT government makes evidence-informed decisions about where and when to build new public schools. As the territory continues to grow, the ACT government is constantly undertaking feasibility, planning and design work for new and expanded schools. This is important because family make-up changes and suburb make-up changes, so constant work is needed to understand where children are in Canberra and where children need to go to a school.

The ACT government has a strong pipeline of investment of more than \$1 billion in public education facilities over the coming decade. Back in 2019, the ACT government’s Infrastructure Plan identified that new or expanded school capacity would be required in the long term for the Belconnen town centre. In school planning terms, the long term means 10 or more years down the track. Subsequently, it might be remembered that, in the 2021-22 budget, the ACT government invested \$9 million in feasibility studies, master planning and forward design works for new and expanded schools across Canberra, which included central Belconnen.

However, since 2019, the rate of residential growth, development progress and school enrolments in central Belconnen has not actually grown as quickly as was originally projected in 2019. The number of school-age children from central Belconnen attending ACT public schools has only increased by around 60 students since 2019. The two existing local public schools, in Macquarie and Florey, are also projected to remain well under capacity into the next 10 years.

I heard about Ms Clay's walk and thought that was an interesting way to describe the experience. She could have just gone onto the Transport Canberra website and mapped her journey, but obviously the excitement of watching the walk stopped her making that decision. I am sure everybody enjoyed those moments of watching the walk from Margaret Timpson Park all the way to Macquarie Primary School. The local high school in that area, Canberra High School, which is much closer, is also projected to see a decline in enrolments over the next 10 years. This is part of the natural fluctuation in enrolment projections. These projections are developed using a range of sources, including population, residential development and enrolment trend data.

While, of course, additional capacity will be needed for students living in central Belconnen into the future, the data is telling us right now that this remains a longer term investment. These projections might change again, as I have just described, with more construction and more families moving in, and for that reason they are being watched really closely. With respect to the numbers Ms Clay has been looking at in her office, the ACT government develops these enrolment projections in collaboration with the ANU School of Demography. They are robust and supported by independent expertise.

Despite some rhetoric from the ACT Greens, the ACT government did not back away from this work when the 2023 education infrastructure plan update was released. Shortly before the education infrastructure plan update was released, I met with the chair of the Belconnen Community Council to discuss public education planning. We ran through some of the sites the ACT government has already looked at in central Belconnen that were deemed unsuitable, and we discussed our ongoing commitment to continuing this work and to early, proactive planning to ensure the long-term prosperity of the Belconnen town centre.

I would also note that there is no-one in this place that understands the Belconnen town centre more than Tara Cheyne. It is her backyard, after all. I know that she carefully listens to her neighbours regularly about concerns that they have and what they love about the Belconnen town centre. I know that she will be able to deliver the advice she hears regularly from the community to the government to make the right decisions, based on the data and the expert advice.

I know the community and stakeholders, like the Belconnen Community Council, are worried about the fact that our city is getting denser and that there is less land available to build new schools than there perhaps was in the past. I understand and I have heard these concerns. I would like to reassure those parents and community members that land investigations for a potential future new school have been ongoing. They are still ongoing, and that work will continue following today's motion.

Ms Clay's motion today made reference to one possible site, the Winchester Police Centre. I briefly note that the ACT government has not made any decisions about new police headquarters. There is no plan to close or relocate the Belconnen Police Station. This does not mean that this site could not potentially be reconsidered in the much longer term, but right now it is fanciful to suggest that this is a realistic option.

The ACT government does not make decisions on where to build new schools based on motions passed in the Legislative Assembly. In closing, I would like to make it really

clear that the ACT government is not announcing today that we will build new primary or secondary schools in the Belconnen town centre. It would be irresponsible to make such a promise to the ACT community before we first identified land that is appropriate for a new school and clearly understood the expert advice from the ANU and the story that it tells us. I absolutely emphasise this to parents who might have heard unsupported claims about what the ACT government is or is not doing in this space. I welcome the chance today to clarify this.

I will update the community on what the ACT government is doing to ensure every child in central Belconnen can go to a great public school. The ACT government will complete the current and ongoing feasibility work on a new school in central Belconnen. That work must occur before the ACT government makes any commitment to the community about delivering a new school.

I finish by saying again that we do not support the amendment that has been proposed by Ms Lee, but we will support the motion that has been brought forward by Jo Clay, from the Greens, today. I point specifically to the advice that I have provided in my speech which clarifies the ACT government's position and, importantly, how decisions are made when a new public school is built.

**MISS NUTTALL (Brindabella) (4.35):** Thank you for the opportunity to speak on this excellent motion moved by Ms Clay. We know that a good education system is critical to empowering young Canberrans. Schools are community assets where our children learn, interact, develop meaningful relationships and discover their path. In other words, this is where the magic happens.

One of the surest ways of achieving equity is ensuring accessibility. We know from census data that an increasing number of people are settling down in Canberra. We have known for a while that Belconnen town centre is one of the regions experiencing strong population growth, especially of families with school-going children. As recently as 2019 the ACT government seemed to have, at least sheepishly, acknowledged this, based on the 2019 Infrastructure Plan. Yet here we stand, five years later, and the children of Belconnen town centre will not be walking to a local school any time in the next five years. This motion is asking the ACT government to change that.

Right now, parents and carers living in the Belco town centre have to send their kids out to Florey and Macquarie. Apart from the burden of finding reliable transport out to these suburbs, if we put off developing schools in the town centre then we create capacity pressures in the nearby schools in Florey and Macquarie in the coming years, making a larger section of the community worse off.

The government might respond to this by saying that we are monitoring the capacity of nearby schools which are currently underutilised. I would like to draw the chamber's attention to the AEU's submission to the future schools infrastructure inquiry. It expressed concerns about the formula used to calculate school capacity, noting that schools which were technically under capacity, according to the formula, still reported issues with overcrowding. In other words, we may have a systemic problem of capacity under-reporting. In our capacity formula for schools, we are not currently accounting for the current and projected enrolment of students with a disability and their likely

infrastructure needs; for usage of specialist facilities like science, tech and drama spaces; or for the need for non-teaching spaces such as withdrawal rooms and sensory gardens, let alone proper staffrooms and teachers' offices.

Our understanding of the spaces that students and teachers need to learn and teach properly is evolving. We have seen this in the Assembly's recent school infrastructure inquiry. We need to be responsive and set up our schools for success. I urge the ACT government to consider these aspects while planning for all new schools. Further, at a time when land is at a premium and our planning footprint should be conscious and forward-looking, we have a great opportunity to make the best use of the land in Belconnen town centre by building futureproof vertical schools, with access to all necessary outdoor facilities and proper green space.

I also want to focus the conversation about school infrastructure on an often ignored matter, which is upgrading existing school infrastructure. We have heard stories from teachers and principals, business managers, parents and carers about the paint peeling off walls, a lack of even basic facilities like washrooms, and classrooms where the kids and teachers are shivering, sweating or breathing in stale air. Sometimes it is a choice between getting the roof fixed or getting necessary bathroom upgrades. There is a point at which it becomes important to protect the dignity of staff and students, who need to use these facilities for most of their waking hours. Often our students, our teachers and all our staff are being expected to deliver 21st century outcomes in 20th century buildings. And guess what: these older public schools still deliver amazing learning outcomes.

I want to be really clear here: I understand that this motion is not playing into a zero-sum game. A new primary school and high school for the Belconnen town centre should be delivered through additional funding, not funding for repurposing any sort of existing infrastructure. School infrastructure should not be a choice between new schools which exceed standards and old schools with longstanding community connections and crumbling infrastructure. Let us give those older schools some love. We should design our new schools properly up-front, and we should at the same time be systematic, strategic and ambitious when we upgrade older schools. We can and should do both.

Let us not forget Canberra's oldest schools, in the reflection of swanky new buildings. Let us ensure that we get high-quality school infrastructure to all schools, all kids, all teachers and all staff. We need to make sure that, when we fund new schools, we fund them properly and we do not fund them at the expense of older schools that are overdue for upgrades. I firmly believe my colleague Ms Clay's motion is true to the spirit of these priorities. I know this because when I asked her if I could get on my old school infrastructure soapbox she said words to the effect of: "Absolutely; go for your life."

In conclusion, I would like to recall a phrase that we all learnt back in school: "A stitch in time saves nine." It is time that we walked the talk on this one. Let us not forget our old schools and the students, teachers and staff who toil away in them to make magic happen. I wholeheartedly support the motion.

**MR CAIN** (Ginninderra) (4.40): I rise to speak in support of Ms Lee's amendment to Ms Clay's motion. I note that Ms Lee's amendment really keeps the heart of Ms Clay's



motion: to call on the government to commit to undertake feasibility work for a new primary and secondary school in the Belconnen town centre. It is not a radical change at all. In fact, the only substantive change is to ask the government to be a bit quicker in responding—that is, to respond to this Assembly by 5 September.

It is not surprising that Minister Berry does not want that brought forward. I urge my Greens colleagues to rethink that. Surely, we want to see an outcome on this prior to the next ACT election. Surely, you would want to see an outcome of a feasibility study prior to the election. I note, as Ms Lee has done, that you cannot actually tell the next Assembly what to do. I call on Greens colleagues to rethink that part of Ms Lee's amendment.

I will read from a Belconnen Community Council media release from August last year. I will talk a bit more about this subsequently. The Belconnen Community Council notes:

The ACT government infrastructure plan released in 2019 included a strategic proposal for an early childhood education and primary school in the heart of the Belconnen town centre.

That was in 2019. What has happened since then? I do not believe anything has happened since then. Ms Clay is calling for something that seems to have been a government commitment in 2019. I am not aware of that being overturned by the current government.

The tardiness of Minister Berry is not unexpected, unfortunately. I note that yesterday it became apparent that Ms Berry has had a watching brief on coercive control since 2020. Despite us calling for some action in this area, the government opposed Ms Castley's motion. Again, it is delay, excuse and delay. It is just not good enough. I really do urge the Greens MLAs in this place to support at least bringing forward the reporting date on this feasibility study. Do we not want to know sooner, rather than later, about something that has been on the cards for many years?

As shadow minister for planning and also as a member for Ginninderra, I note that the Belconnen town centre is one of the fastest growing areas in the ACT. Increasing density means changing habits, which means that different needs and services are required. The absence of a school within close proximity places an undue burden on families that live in the town centre, which has a growing population. According to the Belconnen Community Council, there are approximately 250 primary-age schoolchildren already living in the Belconnen town centre. Those children attend schools in nearby suburbs. Lake Ginninderra obviously is a catchment for many who may live closer to that area. Colleges have generally been placed in ACT town centres, rather than primary schools and high schools. That has worked so far, but obviously things are changing.

I want to commend the work and advocacy of the Belconnen Community Council and its chair, Lachlan Butler, in calling, in strong terms, as per their media release last August, for the government to make a commitment to a public school in the Belconnen town centre. Obviously, Ms Lee and the Canberra Liberals support what Ms Clay is driving at here. The government should look at this and report back. But how about reporting back sooner than the election?

Locating a public school in the town centre obviously will also enhance and benefit the businesses in that area. We will have end-of-school-day pick-ups by parents, and older children leaving the school. The shopping centres are there, the grocery stores are there and the retail stores are there. Even during lunch breaks there might be some benefits flowing on from establishing a school in that proximity.

The idea of a vertical school deserves to be investigated as Canberra's town centres grow and adapt to densification. Sydney, Singapore, Hong Kong, New York and many other cities have vertical schools. It is not out of scope for Canberra to do the same. With the University of Canberra nearby, as well as Lake Ginninderra College, that part of our city could become a real education hub. It is something that should be looked at closely and in a speedier manner than the minister would seem to suggest.

I stand with the Belconnen Community Council and the ACT Council of Parents and Citizens Associations in their call for the government to be looking at the feasibility of a public school in the town centre of Belconnen. I thank Ms Clay for moving this motion. I urge her and her Greens colleagues to get the government to report sooner, not later, on this important initiative.

**MS CLAY** (Ginninderra) (4.47): Thank you, colleagues; it is great to see that we have so much support to look at this issue of a school for Belconnen town centre and progress it. It is really good to see this. I appreciate the amendment moved by the opposition. I have worked in ACT government as a public servant—I think that many people in Canberra have when they get to my age—and 3½ months is not a very long period of time in which to conduct a feasibility study that is not already on the books.

We are quite content to ask our directorates to do the work that needs to be done and for them to report back to the Assembly when they have had a chance to do that work. We are very content to leave it at that. Three-and-a-half months is too short a time frame in which to tell us anything useful other than: “Yes, we’ve had a look at this again.”

It is good to hear that we will get support for this motion today and that it will progress. I am really keen to see this commitment to a feasibility study go ahead. When we are approaching 11½ thousand homes in our town centre, when we are already looking at being a township that is bigger than Goulburn—a town that has nine primary schools—I am pretty sure that any long-term feasibility study will result in saying, “Where do we need the school?” not “Do we need the school?”

We are quite happy to lay out the milestones that we need to go through. There is quite a lot to look at in this feasibility study; it will be interesting. We have set out one site that we think might be a good site to look at and that looks to us to be available. Of course, there are probably a number of sites there. We think it is an excellent opportunity to look at having a vertical school. We kicked this around in our office. Arguably, we think Canberra already has a couple of vertical schools. We certainly have high schools that already have multiple storeys.

It is an excellent prospect and, with a parliamentary committee recently recommending that Canberra start looking at vertical schools, this is another really good thing to

explore in the feasibility study, as well as making sure that we lock down that site and take the steps we need to take to plan it, to get that site put on the books, and to give everybody in the Belconnen township a bit of reassurance about when, where and what kind of school they will be getting.

It is good to hear of the support. I am pleased to bring this forward. It has been raised with me by many members of the community. I know it has been a concern of the P&C councils association and Belconnen Community Council. They have put this in paperwork to government several times, so I am happy that we can give them a bit of reassurance that this will now progress.

I am delighted to hear such strong support for this initiative from everybody here. That clearly means that whoever is in government next year will be happy to come back and report to us on the results of the feasibility study that the directorates will have had time by then to conduct.

It was great to hear from my colleague Miss Nuttall, who is making sure that we continue to look at the overall school funding envelope and that we are looking at the infrastructure upgrades and the overall strategic picture which, obviously, needs attention too. I am very pleased with today's result. I think that Belconnen will say thank you to all of us.

Amendment negatived.

Original question resolved in the affirmative.

## **Papers**

### **Motion to take note of paper**

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

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

## **Human Rights Commission (Child Safe Standards) Amendment Bill 2024**

Debate resumed from 19 March 2024, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MS CASTLEY** (Yerrabi) (4.51): I rise today to speak on the Human Rights Commission (Child Safe Standards) Amendment Bill 2024. The purpose of this bill, which the Canberra Liberals will be supporting, is to amend the existing Human Rights Commission Act 2005 to allow for child safe standards to be prescribed which will be mandatory for organisations providing services for children and young people and will strengthen the role that the Human Rights Commission has in providing capacity-building support to organisations in implementing these standards.

The bill that is before us comes about as an outcome of the Royal Commission into Institutional Responses to Child Sexual Abuse and reflects commitments made in the wake of that report that governments would require organisations engaging in child-related work to meet child safe standards—recommendation 6.8; establish an independent oversight body to monitor and enforce compliance with child safe standards; and provide information, advice and training on child safe standards.

The Canberra Liberals note that in February 2019 the Chief Minister, on behalf of the government, endorsed the National Principles for Child Safe Standards. These provide a nationally consistent approach to help uplift organisational cultures that foster child safety and wellbeing.

I will say that again, Mr Deputy Speaker: it was 2019. That was when this government joined with other states and territories to endorse a national approach. Frankly, if the other states and territories were to know that it has taken this long, I am not sure they would ask the ACT to join in any further national approaches. We heard in the debate yesterday how we are lagging behind other jurisdictions when it comes to social justice reform, how it took over eight years for information sharing, and how this government is walking away from coercive control measures.

The delay in enacting child safe standards is just another addition to the long rap sheet that this government holds. It has not been because of a lack of calls for action. I understand that the Children and Young People Commissioner has been advocating for these changes. The Canberra Liberals, and my colleague Peter Cain in particular, have also been pushing for the government to act. I note from the transcript of the estimates committee hearing in September 2022 that Mr Cain asked Minister Cheyne to provide an update on the child safe standards and was told:

At this stage, and subject to meeting delivery time frames, we hope that a scheme would be established in the second half of 2023.

The minister may want to correct the record there. It turns out it might be more like the second half of 2024, although I would not put much stock in that.

As important as these standards are for the protection of our most vulnerable, it is also true to say that the lack of legislative powers to enforce these standards reduces the protection of our most vulnerable. These continued delays represent a lack of legislative powers. If there is one thing that I will never understand, it is why there is an attitude by this government of simply keeping a watching brief or having a go-slow attitude when it comes to enacting changes to keep our most vulnerable safe.

The Canberra Liberals will always seek to protect the most vulnerable in our community. We support this bill today because it is the right thing to do, because it reflects the wishes of the community and because we actually believe in backing our word. When the states and territories get together to back a national approach, we will then undertake to enact that national approach in a timely manner.

Given the existing powers and functions of the Human Rights Commission, we support the regulatory powers being given to the Human Rights Commission to both allow for

efficient oversight of these powers and to avoid the unnecessary creation of more agencies and oversight bodies. It is noted that this will increase the burden on the Human Rights Commission, and there will be a need for both further resourcing and efficient use of existing resources. We will be taking a close look to ensure that the government provides the Human Rights Commission with adequate resources so that they can effectively roll out child safety standards across the ACT.

This bill today represents an important step in increasing the safety of children in our society. However, we know that the work has only just begun. There will need to be an effective rollout of the scheme, and the Human Rights Commission has an immense task ahead to focus on capacity building, raising awareness and developing resources for organisations to implement child safe standards. The Canberra Liberals will do whatever it takes to help to implement this important reform. I commend the bill to the Assembly.

**MISS NUTTALL** (Brindabella) (4.56): The Human Rights Commission (Child Safe Standards) Amendment Bill 2024 represents a significant stride forward in our commitment to ensuring that every child in the ACT grows up in a safe and nurturing environment. The ACT Greens firmly advocate for the rights of children and young people to flourish in a healthy, safe and sustainable environment, free from physical and emotional abuse, neglect, exploitation and discrimination.

By having a regulatory scheme for child safe standards in the ACT and by making it mandatory for all organisations providing services for children and young people to implement these standards in their daily operations, we are taking a proactive step towards strengthening our ability to prevent instances of harm and abuse and to uphold the rights and dignity of some of our most vulnerable Canberrans.

This bill seeks to embed child safe standards into the fabric of organisational leadership, governance and culture. It empowers children and young people by informing them of their rights and involving them in decisions that affect their lives. It recognises the pivotal role of families and communities in promoting child safety and wellbeing, and it upholds the principles of equity and inclusivity, ensuring that diverse needs are respected and catered to.

The child safe standards underscore the importance of equipping individuals working with children and young people with the necessary knowledge, skills and awareness to keep them safe. This emphasises how critical it is to create physical and online environments that promote safety and wellbeing while minimising opportunities for harm. The bill mandates regular review and improvement of an organisation's implementation of child safe standards, thereby fostering the culture of continuous learning and enhancement.

This work aligns with national efforts to harmonise child safe standard schemes, ensuring consistency and coherence across jurisdictions. By adopting a proportionate, risk-based regulatory approach, this scheme strikes a balance between accountability and flexibility, recognising the unique circumstances and needs of different organisations.

The Human Rights Commission (Child Safe Standards) Amendment Bill 2024 is a testament to our unwavering commitment to the protection and welfare of our children and young people. It represents a collaborative effort between governments, organisations and communities to create a safer, more nurturing environment for our future generations.

**MR BRADDOCK** (Yerrabi) (4.59): As we all know, this bill implements recommendations made to state and territory governments by the Royal Commission into Institutional Responses to Child Sexual Abuse. This is good. I fully support the remarks that Miss Nuttall made about the bill and why we support the bill.

I want to reflect on how this bill also supports lessons learnt from the Royal Commission into the Protection and Detention of Children in the Northern Territory. We all remember the harrowing images of children being grossly mistreated at the Don Dale Youth Detention Centre—which, by the way, is still open. Don Dale, to me, represents the worst kind of way to treat children in detention. Fortunately, our own Bimberi Youth Justice Centre is no Don Dale, but I have also been wary that, without the right kind of ongoing leadership, Bimberi or any other youth detention centre in Australia could be at risk of becoming like Don Dale.

To me, the implementation of these child safe standards serves as an additional bulwark against that ever happening. We would be foolish to presume that it is impossible. Some of the backsliding reforms we have seen coming out of Queensland recently are particularly concerning, including the use of solitary confinement and police watch houses, and deliberately overriding their own Human Rights Act in order to implement them. I do not want to see those sorts of things ever potentially happening here in the ACT.

Members will also be aware of my opposition to the use of spit hoods. At various times during this term, Minister Davidson, in her former capacity as the minister responsible for Bimberi Youth Justice Centre, confirmed that Bimberi does not use, and has never used, spit hoods on a person because they are unhelpful in supporting young people who typically have complex needs in the youth detention system. We have a regulatory instrument that prohibits their use, and now we will have the child safe standards, adding a preventive layer to all of the instruments and tools which makes it absolutely clear that the physical and emotional safety of children must not be threatened in places of detention.

I would like to thank Minister Stephen-Smith for the briefing provided to me on this bill. I recognise that this bill is not an enforcement mechanism; rather, it is a cultural and preventive tool. I think it will have a profound effect, well beyond the surface-level issues that it purports to address. I mean that in a very good way. Spit hoods are a form of torture, and we are now one step further towards ensuring that they never come back.

**MS CHEYNE** (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (5.01): I rise to speak in support of this bill, naturally, having worked closely with Minister Stephen-Smith on its development. With the changing of our administrative arrangements at the end of last year, it now sits more neatly within Minister Stephen-Smith's responsibilities, but the Human Rights Commission Act remains with me.

Ms Castley, in her contribution, asked me to correct the record, and I am happy to do so. I am sure she will enjoy it. I think Ms Castley quoted from 2022. Madam Speaker, as has been explained many times—and you will hear it again—child safe standards have been a regular topic of conversation with Mr Cain. Mr Cain, and the Liberals more broadly, would know that—and we have put this in writing as well—because these are nationally agreed standards, the support for organisations can, and did, commence separately from legislation being progressed.

We thank the Human Rights Commission, particularly Karen Toohey, for engaging in that way and bringing that work along. But we never shied away from our commitment to legislate for it. Indeed, I will read from a transcript of 21 November 2023, last year, because I think it is important. Mr Cain, as chair, said:

I am actually looking at the child safe standards?

Even though we had discussed it many times, I said:

Child safe standards is me, with Minister Stephen-Smith.

The chair said:

As per the principles from the royal commission, that is with you?

I said:

Yes. You have asked me about this before, Mr Cain.

Mr Cain said:

I do recall you saying at budget estimates hearings that it is intended to introduce the legislation late this year or early next year to establish the Human Rights Commission as the oversight body regarding the child safe standards legislation. What progress has there been on that legislation?

I said:

We are in the middle of working through those legislative models to implement that aspect of the commitment, along with defining the timing that is going to give the organisations the certainty they need and the time to prepare. I am still expecting the introduction of that legislation will be early next year.

Mr Cain said:

Will that lead to some resourcing adjustments at the Human Rights Commission?

I said:

Mr Cain, as we talked about in budget estimates, there has already been budget funding of \$3.3 million over four years to establish the scheme and that funding is being allocated to the ACT Human Rights Commission to administer it.

I thank Ms Castley for the opportunity to correct the record. I do not know why she said we are getting on with this in the second half of 2024.

**Ms Castley:** Well, it is May. It is not the first half of the year. It is not the beginning of the year; it is May.

**MS CHEYNE:** Ms Castley, I said that it would be in the first part of 2024.

**Ms Castley:** The first part. Good job, okay—barely, by the skin of your teeth.

**MS CHEYNE:** Ms Castley, if you want to have a go at me about this, you can. Guess when it was introduced, Madam Speaker? March. By anyone's reasoning or rationale—

**Ms Castley:** But here we are and it is May.

**MS CHEYNE:** Yes, we have had one sitting week in between. Seriously! Goodness me—and this is the deputy leader! Anyway, I clearly hit a sore point. I am sorry that the Liberals cannot have a conversation about what they have engaged with. They cannot even look at their own *Hansard* transcript.

**Mr Cain:** A point of order, Madam Speaker: I think Ms Cheyne's comment to Ms Castley is derogatory of her character, and I ask her to withdraw it.

**MADAM SPEAKER:** I did not hear it. I heard that there was an exchange between the two members. I would just ask you to reflect. You can explain what you said or you can just reflect on positive language—

**MS CHEYNE:** I will reflect privately, Madam Speaker. This new legislation—

*Mr Cain interjecting—*

**MADAM SPEAKER:** I did not hear it, Mr Cain. I am quite happy to take some advice and go back to the *Hansard*.

**Ms Castley:** Under her breath is not private reflection.

**Mr Cain.** Thank you, Madam Speaker.

**MS CHEYNE:** I did not say it under my breath.

**Mr Cain:** A point of order: Ms Cheyne said “and this is the deputy leader”—so it was very derogatory.

**MADAM SPEAKER:** If they were the words, there is no point of order.

**MS CHEYNE:** It is a high-risk position. If they want to correct the record about who is the deputy leader today, Madam Speaker, they are welcome to.



**MADAM SPEAKER:** Let us get to the end of the debate.

**MS CHEYNE:** As we know, we will be lucky to get through to the end of the year without a new one.

This new legislation applies to providers of services to children and young people. It is a positive further step to strengthen and guide a proactive, whole-of-community approach to child safety in the ACT. The requirement to implement the child safe standards will apply to organisations that are included in section 8A of the Human Rights Commission Act.

The ACT Human Rights Commission are also well placed to provide oversight of this scheme. The existing powers that they have, such as complaint handling and advocacy, already cover these organisations. As I have reflected, the government has already provided funding to the ACT Human Rights Commission in the most recent budget—\$3.3 million over four years—to provide capacity-building support to organisations to implement the child safe standards.

The commission has started initial preparations for commencement of the scheme. The commission's work has focused on building organisational capacity, and it will continue to do so to implement the standards. The commission will be using its existing powers to handle complaints and provide advocacy in response to child safety concerns.

The standards also encourage continuous improvement over time, not immediate leaps in progress. This continuous improvement will build child safe organisations where children are valued and abuse of children is better prevented, responded to and reported. Organisations will be well supported to implement the child safe standards. They will have access to guidance materials, tools, resources, training and other support from the ACT Human Rights Commission and the National Office for Child Safety to think through how the standards will apply to their service.

The ACT scheme will have minimal regulatory burden for organisations—which I am sure the Canberra Liberals are cheering for. This is because we realise that there is a need for flexibility in how organisations apply the standards, depending on their size, the nature of their interactions with children and young people, and the administrative resources available to them. The commission will work closely with other regulators to avoid duplication and to offer support for organisations providing services and supports to children and young people in the ACT and across jurisdictions. Consistency across jurisdictions is a valuable method of minimising burden on organisations. So the scheme will be following that principle. But, if an organisation is complying with another jurisdiction's scheme that also aligns with those national principles, that organisation will be seen to be complying with the ACT's child safe standards—eminently sensible, I think you would agree, Madam Speaker.

This bill is a step forward in ensuring that children and young people can be safe and feel safe in organisations in the ACT. In many ways, it formalises the terrific work that the Human Rights Commission has been undertaking for some time now, with these principles having been agreed a few years ago.

I commend this legislation to the chamber, and I thank Minister Stephen-Smith for bringing it forward in the first quarter of 2024 and for passing it in the first half of 2024. It has been a terrific process. Most especially, I thank the Human Rights Commission. Ms Toohey, as I said, is a remarkable human being who has absorbed an enormous amount of responsibilities in the last few years. Her engagement on this, together with the rest of the Human Rights Commission, has been nothing short of terrific, and we are very grateful to all of them.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (5.10), in reply: I want to start by thanking everyone who has spoken on the bill today and all parties for their support of this bill. I thank Ms Cheyne for explaining some of the background to how we got here.

Of course, the Human Rights Commission (Child Safe Standards) Amendment Bill establishes a new Child Safe Standards Scheme for the ACT. Establishing child safe standards in legislation will strengthen our approach to keeping children and young people safe in our community and enacts a key recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. It is not, however, the only thing that we have done in this regard, and that is something that I will come back to.

In February 2019, as others have said, the National Principles for Child Safe Standards were endorsed by all commonwealth state and territory governments in direct response to the recommendations of the royal commission. These standards are underpinned by a child rights approach and based on standards that were recommended by the royal commission. Fundamentally, they are designed to build capacity and deliver child safety and wellbeing in organisations, families and communities. In some ways, the name “child safe standards” really underplays what they are intended to do, because this is really about child safety and wellbeing, and the child safe standards really speak to building a child-friendly community right across all organisations and parts of our society and economy.

The ACT child safe standards replicate the national principles and represent the ACT’s implementation of a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing. I will not run through what all of the 10 child safe standards are, because everyone here has the bill and can read those for themselves. But I do want to emphasise that the child safe standards start with the commitment, “Child safety is embedded in organisational leadership, governance and culture.” This is about much more than just the bare bones of keeping children and young people safe and responding when there is an issue. It is about uplifting the voices of children and young people in our community and everyone in our community working together to enhance the wellbeing of children and young people.

In replicating the national principles, the ACT’s child safe standards aim to address all forms of harm to children and young people and to promote their wellbeing. They will help organisations to incorporate more holistic and child-friendly approaches to safety and wellbeing into their daily work.

This bill also puts the ACT in line with other jurisdictions who have already established child safe standards in line with the national principles, as Ms Castley spoke to. While there are some minor differences between jurisdictional schemes, efforts have been made to ensure this does not represent an administrative burden on organisations who operate across jurisdictions. To that end, if an organisation operating in the ACT is complying with another jurisdiction's scheme, that organisation will be considered to be complying with the ACT child safe standards.

I will respond to Ms Castley's comments in relation to the order in which different states and territories have legislated the child safe standards. This is an area where there are a range of measures in place, and different jurisdictions have moved earlier and later on different measures. The ACT, for example, in my understanding, was one of the first jurisdictions to move on reportable conduct and to establish a reportable conduct scheme, and that has now been in place for some years.

Indeed, when the horrific news came through about the person who was identified as having allegedly committed countless—thousands—of acts of child abuse in Queensland, and having worked in Queensland and New South Wales, the advice I received was that the ACT's mechanisms for protecting children and young people were amongst the strongest, if not the strongest, in the country.

However, as I said earlier, these child safe standards are about more than protecting and responding to child sexual abuse or indeed to abuse and neglect more broadly. Guided by the standards, an organisation can make incremental improvements to culture, strategies and actions that better protect and empower children and young people in their care. Within child-safe organisations, children are valued and abuse of children is better prevented, responded to and reported. But, importantly, the organisation more broadly seeks to ensure that children and young people can be safe and that they feel safe. This is something that Jodie Griffiths-Cook, our Children and Young People Commissioner, frequently speaks about. Critically, the child-safe standards are a mechanism that supports and promotes proactive efforts to prevent institutional child abuse as well as uplift the wellbeing of children and young people.

I want to comment briefly on Mr Braddock's comments about spit hoods. I am a little confused. While I agree with his commitment to not seeing spit hoods used in the ACT, I am a little bit confused about the obsession with spit hoods. I found it somewhat jarring in this context, given the range of restrictive practices that have the potential to cause harm to young people, including, for example, restraint chairs—which we saw in the same report on Don Dale—which never seem to rate a mention and which, I think I can say, have never been used at Bimberi Youth Justice Centre.

I am pleased that Mr Braddock acknowledged the commitment of Bimberi Youth Justice Centre and its staff to supporting young people in line with their human rights and dignity. That is absolutely a commitment that I share. Having returned to the youth justice portfolio, I was very pleased recently to visit Bimberi and to talk to some of the staff and some of the young people out there, and to talk to the directorate about how we continue to improve services and deliver a nation-leading youth justice centre that we know is being used as a model by other jurisdictions to understand how they can deliver human rights compliant youth justice centres in their own jurisdictions.

The requirement to implement the child safe standards will apply to organisations that are captured in the current definition of a service for children and young people in section 8A of the Human Rights Commission Act—“a service provided in the ACT specifically for children, young people, both children and young people, or their carers”. The ACT scheme will have minimum regulatory burden for organisations and will enable a flexible approach to meeting the standards, depending on the specific context—and I know Ms Cheyne spoke to this a bit as well.

Regulation of the ACT Child Safe Standards Scheme will be proportionate. It will use principle-based standards, focus on capacity building and continuous improvement over time and rely on existing compliance and enforcement mechanisms. Organisations will also be supported to implement the child safe standards. They will have access to guidance materials, tools, resources, training and other support from the ACT Human Rights Commission and the National Office for Child Safety to think through how the standards will apply to their service.

Protecting children and young people from harm and abuse is a fundamental responsibility not only of governments but of society as a whole. We are continuing the important work of keeping children and young people safe by regulating child safe standards in the territory.

Finally, I want to thank the scrutiny committee for its consideration of this bill; the Human Rights Commission for its work on helping us to establish the bill and, of course, the ongoing implementation; and, again, everyone who has spoken today. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Statements by members**

### **Ginninderra electorate—West's Lions Rugby Club**

**MR CAIN** (Ginninderra) (5.19): I would like to speak briefly about a beloved local Rugby Union club in my electorate of Ginninderra, the West Lions. Last weekend signified round 5 in the John I Dent Cup, which is the first-grade Rugby Union competition in the ACT and surrounds. In a great start to the season, the West's Lions won the first four games of the season, only to register their first loss last Saturday in round 5 against Queanbeyan.

West's Lions have a fantastic community that provides opportunities for fun and fitness for kids, men and women across Belconnen and the ACT. As a testament to how special this club is, ACT Brumbies coach and West's legend Stephen Larkham pulled on the Lions jersey in the recent fourth-grade game against Royals on Old Lions Day in round 4.

I want to pass on my best wishes to all the Wests teams for the 2024 season, from junior grades to the senior men's and women's grades. As their Facebook page cheekily proclaims, they are "probably the greatest rugby club in Australia, if not the world". While I may not be able to confirm that statement, I do wish them all the very best for this season.

### **Government—Investments**

**MR BRADDOCK** (Yerrabi) (5.21): Last week, as reported by the ABC and numerous other media outlets, Israeli military seized control of the Palestinian side of the Rafah Border Crossing. The act closed off the flow of humanitarian aid arriving via Egypt. The risk of a humanitarian catastrophe has elevated even further, with the State of Israel telling those who have taken refuge in Rafah, on their advice, to further evacuate towards the coastline as they invade Rafah. Imagine telling a million people to take refuge at the National Arboretum. No sane person would do such a thing. The genocide and ethnic cleansing continue as though the Geneva Convention never mattered.

By the end of August, the Treasurer will need to respond to my motion calling on the ACT government to divest from companies involved in the State of Israel's illegal occupation of Palestine. It is, frankly the bare minimum that the ACT government should be doing. Today I reiterate those calls. I remind the Chief Minister of the support he would receive from the community if he had the courage to go further, faster and fairer.

### **Adjournment**

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

That the Assembly do now adjourn.

### **Hawker shops—development**

**MR CAIN** (Ginninderra) (5.21): I rise to speak about the Woolworths Hawker redevelopment proposal in my electorate. As many in the south Belconnen community are aware, there is change brewing at the Hawker group centre. They would be aware that the Woolworths Group has submitted a direct sale application to the ACT government to purchase areas adjacent to the existing Woolworths Metro supermarket, including part of the eastern car park.

The Woolworths Group currently already owns parcels of land at Hawker group centre, with a total ownership of 2.3 thousand square metres. It is worth knowing that the existing Woolworths Metro is not a full-line supermarket, meaning it does not provide the full array of services that full-line Woolworths supermarkets provide. The proposed Woolworths development would amalgamate seven existing land parcels, demolish the existing Metro supermarket and buildings between it and Hawker Place, and build a larger, full-range supermarket, space for retail and hospitality tenants, underground parking and a new children's playground.

On the surface, this is certainly an option for a reinvigorated Hawker group centre, and it is no secret that, in south Belconnen, the Hawker group centre is crying out for a facelift. Past attempts to redevelop areas of the Hawker group centre have not succeeded and have failed to meet community expectations. This is one of the most important aspects of this issue: meeting community expectations. Any changes to the Hawker group centre should be in line with what that part of our community actually wants.

It is likely that there is a silent majority of Hawker and nearby residents who support the proposed redevelopment simply because the shops are at a stage where they do need something done to them. However, the only source of data that supports this is a round of community consultation conducted by the Woolworths Group itself. I do not disregard the consultations that the Woolworths Group has performed, but it really begs the question: what has the government done to connect with the community on this important issue?

There are very vocal parts of our Hawker community that do not feel they have been brought along on this journey by this government. For example, the Belconnen Way Hotel and Serviced Apartments are reported in the media to be very opposed to the development. A number of local residents have contacted my office with their own concerns about how this development will proceed and the merits of a direct sale. It has also been a significant topic of discussion at mobile offices and shop visits that I have held at Hawker and other nearby centres.

It is of the utmost importance that these concerned residents and businesses are brought along on the journey, which is really the point of why I am speaking about this issue this evening. They need to be brought along on the journey for this development to proceed appropriately.

I hope that the Deputy Chief Minister and the planning minister are paying close attention to the feedback that is coming out of this part of our community. The Hawker community and surrounds deserve genuine consultation and government engagement, just as they deserve a revitalised and fit-for-purpose retail and community amenity at the Hawker group centre.

I wrote to the previous planning minister on this issue, and I will be seeking a briefing with the new planning minister about where the government's thinking is on the application for a direct sale and a revitalised group centre. While I wait for information from the government, it does not prevent them in any way from reaching out to our community with appropriate collaboration and fulsome consultation to find out what the community would like to see in this important group centre.

### **Environment—kangaroo management**

**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) (5.26): I would like to take a few moments to speak briefly and inform members about some of the details of the independent review of the ACT Eastern Grey Kangaroo Controlled Native Species Management Plan that was undertaken by Professor Sarah Legge and tabled today, and it was also released publicly today.

This plan was published in 2017 following the declaration of the eastern grey kangaroo as a controlled native species under the Nature Conservation Act 2014. The plan describes the goals and the policies related to maintaining wild populations of kangaroos in the ACT while managing their potential to cause negative environmental, economic and social impacts. The independent review also fulfils the Conservator of Flora and Fauna's responsibility to review the controlled native species management plans every five years.

Professor Sarah Legge was commissioned to undertake the independent review because of her expertise in ecology, research and conservation management. Professor Legge consulted widely with ACT government staff, relevant scientific advisory committees and external stakeholders, including rural landholders, ParkCare groups, managers of national lands, ecologists, shooting contractors, and animal welfare and advocacy groups. The result is an extremely thorough review that considers the diverse perspectives of interested parties. I thank Professor Legge for her comprehensive and informative review and acknowledge the many stakeholders that contributed to this process.

The management of kangaroos is a complex and sensitive matter. While the decision to undertake population management is not taken lightly, it is the most effective way to manage the negative impacts on our ecosystem from overgrazing. The review is complementary to the ACT government's approach to kangaroo management and states that the planning, implementation, monitoring and reporting for kangaroo management in the ACT are extremely impressive and outstanding exemplars of adaptive management.

The report presents 34 recommendations to contribute to the continuous improvement of kangaroo management in the ACT. These include recommendations related to the environmental, economic or social impact of kangaroos. The majority of recommendations will be considered in detail during the drafting of the new management plan next year; however, progress is being made to implement recommendations immediately where possible.

Kangaroo management is one of the suite of programs implemented across the ACT's lowland nature reserves to promote grassy ecosystem health and biodiversity. The review notes the ACT government's long history of investing in research on the ecology of kangaroos and grassy ecosystems and the detailed monitoring programs that guide kangaroo management. Professor Legge concludes that the kangaroo population estimates undertaken annually by the ACT government are sound.

The review acknowledges that kangaroo welfare is a strong focus of conservation culling in the ACT. The program far exceeds the requirements of the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes. In line with the review recommendations, the involvement of ACT government veterinarians in the program will be increased this year.

I am pleased to advise the Assembly that, over the next 12 months, additional options to utilise carcasses resulting from the cull will be explored and a standard operating

procedures document which consolidates and communicates the very high standards of the current culling practices will be prepared. To further strengthen the management program, the review recommends monitoring and reporting of the status of grass-sensitive species and the development of a strategic translocation program for grazing-sensitive plant and animal species to accelerate ecosystem restoration.

As I noted earlier, the directorate will be implementing some of the recommendations in the 2024 operations. Of note, the recommendation to offer the mandatory shooter proficiency test annually rather than every two years will be implemented this year. The ACT government looks forward to seeking feedback for the next draft Eastern Grey Kangaroo Controlled Native Species Management Plan in 2025.

### **Domestic and family violence—resource funding**

**MS DAVIDSON** (Murrumbidgee) (5.32): This year’s federal budget gives \$175.4 billion in tax concessions to property investors, \$50 billion in subsidies to fossil fuel companies, and \$754 billion over the next decade to Defence and nuclear submarines, but no new money for frontline domestic and family violence services.

We need frontline services resourced to support victim-survivors. DVCS help victim-survivors identify when they are experiencing violence, make safety plans before they leave and run behaviour-change programs for men who want to stop using violence. CRCC provide counselling support for victim-survivors who have experienced sexual violence, and I note that one-third of sexual assaults occur within the context of domestic violence. The Women’s Legal Centre provides legal support to women who have experienced violence. Beryl and Toora provide a safe place to stay for women and children leaving violence. The funding for these organisations often flows from the federal budget and through national funding agreements with the states and territories.

We know that these organisations are not resourced adequately to deal with the real level of demand in our community, but even the money for crisis housing in this year’s budget is a repurposing of existing funding at the expense of long-term social and affordable housing funding. The Women’s Electoral Lobby has called for the Housing Australia Future Fund to be doubled to build more social and affordable housing. They tell me the billion dollars for crisis and transitional accommodation for women and children escaping violence is coming out of social housing in the National Housing Infrastructure Facility and was already announced in MYEFO.

On the funding in the National Agreement on Social Housing and Homelessness, National Shelter say that they are “concerned that there is no significant uplift in a five-year housing and homelessness agreement—this is not a scaled investment to the demand that exists”. They go on to say:

... the additional funding in homelessness has come at the expense of the housing component of the agreement, specifically repairs and maintenance.

Crisis housing services for women here in Canberra tell me that the slow rate of increasing the number of public houses means that women are staying in crisis housing for many months longer than they should, because there are no safe, long-term homes



they can move into. We know from research by DVCS in Canberra that 54.6 per cent of home owners and 62.5 per cent of families in private rentals lost their homes within 12 months of separating as a result of domestic and family violence.

I saw the federal government congratulating itself on its \$9-billion-plus surplus last night, and I know women experiencing violence who cannot get through to under-resourced frontline services to call for help are not congratulating the federal government. Women lining up at food pantries to get something for their kids' lunchboxes—because you pay unaffordable private market rent as a single parent in this city if you have to leave because of domestic violence—are not congratulating the federal government. And the mostly women on low community sector award wages who work in those frontline services and are getting no new money to deal with their rapidly increasing workload are not congratulating the federal government, and neither am I.

### **Planning—Mawson group centre**

**MR COCKS** (Murrumbidgee) (5.35): The Mawson group centre is a commercial, community and cultural hub that is deeply important across southern Woden and beyond. People in suburbs like Isaacs, Farrer, Torrens, Pearce, O'Malley and, of course, Mawson itself depend on the shops, restaurants and other facilities at that group centre, and it is home to multiple clubs that bring Canberrans together.

In 2015, the ACT government released the Mawson group centre master plan. Supposedly, this plan was going to be the vision and the catalyst for already overdue upgrades and improvements. The plan called for urgent repairs, a new car park and land for a future supermarket. It envisioned Mawson Place as a shared pedestrian zone with ground-level shops and cafes, and offices and residences above. It would be a Lonsdale Street of the south. But all of this was nine years ago. That is more than two terms of government. It has been nine years of continued decay, delay, disappointment and broken promises; nine years of the government running in circles on consultations about what the community needs, when the community has already told the government exactly what it needs.

The community could not be clearer. The community needs the government to end the neglect of Mawson. The community needs a government that listens and, after all these years, needs action. But multiple Labor ministers have repeatedly failed to listen and repeatedly failed to deliver for Mawson. They have left Mawson mired in neglect when it could be so much more.

That is why, at the end of last year, I launched a community campaign calling for “A New Vision for Mawson”, one that delivers on the promises outlined in that 2015 plan: a well-maintained centre with enough car parks for the community, upgraded facilities, a wide range of shopping options, and improved pedestrian and cyclist connections. For too long we have been missing out in the south. The government continuously lets us down, abandoning or delaying its promises for construction and infrastructure in our area.

The response to the campaign has been overwhelming. The community wants to see the campaign, “A New Vision for Mawson”, succeed. Canberrans should be able to

take pride in our city, including community spaces like the Mawson centre, and, as the population around Mawson continues to grow, we must have places to come together and grow as a community. Overcoming the inertia of neglect needs a new vision. That is why I will continue to push for an end to the neglect and the delivery of that new vision.

Question resolved in the affirmative.

**The Assembly adjourned at 5.38 pm.**