DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

DAILY HANSARD

Edited proof transcript

6 June 2024

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

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

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

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

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

Legislative Assembly Standing Committees—Reference
Ruling by Speaker

MADAM SPEAKER (Ms Burch) (10.01): Members, before we move to ministerial statements, I wish to make a statement concerning the application of sub judice and the continuing resolution of the Assembly. This convention, as described in the sixth edition of *House of Representatives Practice*, states:

> … subject to the right of the House to legislate on any matter, matters awaiting adjudication in a court of law should not be brought forward in debate, motions or questions.

Continuing Resolution 10 of the Assembly provides that the Assembly shall apply certain rules where sub judice matters arise. The resolution states:

> Subject to the discretion of the Chair, and to the right of the Assembly to legislate on any matter or to discuss any matter, the Assembly in all its proceedings (including proceedings of committees of the Assembly) shall apply the following rules on matters *sub judice*:
>
> (1) Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

It also notes:

> Civil proceedings are active when arrangements for the hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance.

Yesterday, Ms Lee lodged a notice of motion and, in paragraph 3(a)(iv) of that motion, asked for the appropriate standing committee to examine:

> the impact, if any, of the Supreme Court action initiated by Ms Haire on the active Integrity Commission investigation

I note that the trial date has been set for this matter in the Supreme Court. Accordingly, I believe the motion is in breach of the continuing resolution. I am ruling that the notice is out of order, and it shall be removed from the notice paper. Of course, Members, it is open for Ms Lee to lodge an amended motion without reference to the active matter before the Supreme Court.

Dissent from ruling

MS LEE (Kurrajong—Leader of the Opposition) (10.04): I move:

> That the Speaker's ruling be dissented from.

I wish to dissent from your ruling on the basis of two factors. One is that the motion that I lodged yesterday, which is now on the notice paper, clearly, in "calls on", does not go to the issues that are actually before the court. What we are talking about is a matter of serious public importance.

The motion on the notice paper—and I drafted this incredibly carefully—asks for a referral to the appropriate Assembly committee to inquire into several matters. There is no doubt that, when you look at page 3, where it says "calls on", it specifically requires the Assembly committee to inquire into:

> (i) whether the Minister for Education … misled the public when she said on 21 May 2024 "I have no knowledge of the matter and the government has no knowledge of the matter";
>
> (ii) how much the legal fees are for Ms Haire;
>
> (iii) whether there has been a breach of the Law Officers Legal Services Directions 2023; and
>
> (iv) the impact, if any, of the Supreme Court action initiated by Ms Haire on the active Integrity Commission investigation …

The specific questions contained in the motion that I am seeking inquiry into do not go to the substance of the matters and questions that are being sought for determination by either the Supreme Court action brought by Ms Haire against the Integrity Commissioner or the questions before the Integrity Commission's investigation.

The Supreme Court action is very clear on two grounds in the application. One is on the basis of apprehended bias and the second is in relation to Ms Haire's lawyers being deprived, at the time, from being able to cross-examine Mr Green. The relief that is sought in the Supreme Court action is very clear. It is seeking to have the investigation stopped, for public examinations to be stopped, and for the Integrity Commissioner to not publish a report. That does not go to any of the questions in the substance of my motion that is on the notice paper.

The Integrity Commission's investigation is clearly looking at whether there has been corruption in the handling of the tender for the Campbell Primary School Modernisation Project, and the actions and decisions of both Ms Haire and the education minister are, of course, under investigation.

Madam Speaker, I also draw your attention to Continuing Resolution 10, which obviously talks about sub judice. Sub-clause (1)(d) says:

> But where a ministerial decision is in question, or in the opinion of the Speaker a case concerns issues of national importance such as the economy, public order or the essential services, reference to the issues or the case may be made in motions, debates or questions.

Madam Speaker, I move dissent from your ruling because I submit that, given the very specific questions that I have included for inquiry by a parliamentary standing committee, as outlined in my motion, they would fit squarely into that realm.

So, Madam Speaker, I move dissent from your ruling on those two grounds: one is that the questions that I have put and am seeking answers to from a parliamentary inquiry do not go anywhere near the questions that are currently before the Supreme Court or the Integrity Commission; and the second is that there is clearly an allowance under the standing orders and the continuing resolution about this very circumstance.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (10.09): Your ruling should be upheld. The Leader of the Opposition has been skirting around the issue of quite defamatory comments in this place in question time and her remarks on several occasions. Were she to repeat those outside of this chamber, she would find herself the subject of considerable legal action. The misrepresentation of the role of a witness to an Integrity Commission investigation, as opposed to someone being under investigation, is wilful, political and inappropriate, but those are the sorts of politics that the Leader of the Opposition is playing.

Ms Lee: Madam Speaker, on a point of order going to relevance: we are talking about a dissent from your ruling, and I ask that Mr Barr be relevant.

MADAM SPEAKER: Ms Lee, I will allow the Chief Minister to continue.

MR BARR: Wilful misrepresentation consistently, Madam Speaker. It really goes to the heart of integrity, in and of itself, to not come into this place and suggest that people who may have been called as witnesses in an Integrity Commission hearing are somehow themselves under investigation.

Ms Lee: There is evidence to suggest that the direct pressure came from the minister's office.

MADAM SPEAKER: Members! Mr Barr.

MR BARR: Thank you, Madam Speaker. The Leader of the Opposition has had her opportunity to speak on this matter. You have given clear guidance in accordance with the standing orders, continuing resolutions of this place and *House of Representatives practice*, on which we base our operations.

The Leader of the Opposition read out the elements of her motion that would be consistent with the standing orders, but then also read out the one element that was not.

All the Leader of the Opposition needs to do is relodge her motion without transgressing into the area in which she is perhaps most keen to smear the reputation of individuals, whether they are public servants or ministers. I know we are close to an election and I know everything is heightened at the moment, but this cannot be allowed, Madam Speaker—this repeated smearing of the reputation of individuals for simply being called as a witness to an Integrity Commission hearing.

It may be that we need to focus on our standing orders being clear about when matters are before the Integrity Commission. As when matters are before a court, they should not be subject to political debate in the way that the Leader of the Opposition has been pursuing this week. Your ruling gives guidance to the Leader of the Opposition as to how she can progress her motion, minus one element. Your ruling should be upheld.

MR BRADDOCK (Yerrabi) (10.12): The Greens will not be supporting the motion to dissent from your ruling, Madam Speaker. You have drawn—

Ms Lee: Surprise, surprise!

MR BRADDOCK: Sorry?

Ms Lee: Surprise, surprise!

MADAM SPEAKER: Members, please! Ms Lee, you have had an opportunity; others are allowed theirs.

MR BRADDOCK: Madam Speaker, you drew attention to one paragraph out of the entire motion, where it was in contravention of the standing orders in breaching the principle of sub judice between the powers that we hold in this place and the judicial system. It is open for the opposition leader to amend the motion for it to be in accordance with standing orders and bring it back for debate at the appropriate point.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 8	Noes 15	
Peter Cain	Andrew Barr	Laura Nuttall
Leanne Castley	Yvette Berry	Marisa Paterson
Ed Cocks	Andrew Braddock	Michael Pettersson
Elizabeth Kikkert	Joy Burch	Shane Rattenbury
Nicole Lawder	Tara Cheyne	Chris Steel
Elizabeth Lee	Jo Clay	Rachel Stephen-Smith
James Milligan	Emma Davidson	Rebecca Vassarotti
Mark Parton	Mick Gentleman	

Question resolved in the negative.

Planning—ACT Planning System Review and Reform Project independent review—update
Ministerial statement

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (10.17): In May last year, the Assembly passed a motion calling on the government to undertake a governance review of the new planning system within 12 months of the passage of the Planning Act 2023. The review was to be conducted by an independent expert who does not report to the Environment, Planning and Sustainable Development Directorate, and was to include consideration of governance issues raised in the Assembly Standing Committee on Planning, Transport and City Services' inquiry into the Planning Bill 2022.

The government had already committed to a review of planning system governance in April 2023 as part of the government response to that inquiry. The planning system governance review forms a final piece of institutional reform for this 10th Legislative Assembly. It was commissioned to make sure that the governance arrangements are best practice and fit for purpose for the new planning system.

As members would be aware, the planning system has undergone considerable change to ensure that it can continue to provide good community outcomes. The new Planning Act places a priority on sustainable development, which is in line with this government's world-leading approach to protecting the environment, such as through our ambitious actions to reduce emissions, new requirements in the planning system to protect and enhance biodiversity in the urban environment, and our approach to protecting and enhancing environmentally-sensitive areas of the ACT.

The process of sustainable development is, of course, complex and requires carefully balancing different objectives of the community. On the one hand, we have clear objectives in planning to enable housing for the community that is affordable, available and meets community expectations of high-quality design. On the other, we need to consider the critical need to preserve biodiversity and environmental outcomes in our growing city.

That is why the government has committed to a 70 per cent infill target which allows for gentle change in our urban environment and limits urban sprawl, whilst also ensuring housing for our rapidly growing population. For the past 13 years, the government has combined the environment and planning functions of government in one directorate to allow for experts to work together to find sensible solutions to how our city can grow in a sustainable manner. The review found that this approach is sound and points to observations of officials working together productively to facilitate shared outcomes for the benefit of the community.

The Chief Minister, Treasury and Economic Development Directorate appointed PEG Consulting as the independent reviewer in October last year. The review's terms of reference were finalised in mid-October after consultation with impacted stakeholders, the Chief Planner, the Conservator of Flora and Fauna, the Government Architect, and the National Capital Authority's Chief Planner.

The reviewers were asked to examine the governance framework for the new planning system, including key statutory positions and roles, and consider if it reflects good governance and is fit for purpose for the future. This included: considering the overall effectiveness of the governance framework for the new planning system; independence; ability to provide advice; accountability and responsibility in the decision-making process for roles, persons and entities within and overseeing the planning system; and the recommendations from the planning bill inquiry, including those specifically relating to governance. Those recommendations related to the current arrangement, where the role of Chief Planner and the role of the Director-General of EPSDD are held by the same person, to see whether better governance could be achieved by separating these roles.

It also included governance and administrative arrangements to ensure that entities and individuals that are intended to provide frank, fearless and independent planning advice to the Chief Planner can, in fact, do so; opportunities to employ an independent professional body of experts who can feed into the decision-making processes when overriding entity advice under clause 187 of the 2022 Planning Bill; whether a government landscape architect should be appointed to provide advice to the government; and whether a landscape policy for the territory should be introduced.

The terms of reference allowed the reviewers to consult with any stakeholder they considered would be of assistance in assessing the effectiveness of planning system governance. The review considered relevant input from previous Assembly inquiries and government consultation, including submissions from community councils and various residents groups to those inquiries, consultation reports, and Assembly inquiry transcripts. This included transcripts from the December 2023 hearings of the Territory Plan inquiry.

The review provided the *ACT planning system governance review final report* to the directorate in late March 2024. I thank the reviewers for their considered review of planning system governance and their understanding and consideration of the unique operating context within the ACT public service in developing their findings and recommendations.

Of utmost importance, the review has identified that the integrity of planning system governance is indeed sound. The review has considered that the commencement of the new Planning Act and associated policy provides an educational opportunity for stakeholders to better understand how decisions are taken and by whom. The current policy settings for the territory's planning system have been the subject of considerable commentary, as is always the way in our city, during the development and introduction of the Planning Act, including through the consideration of the Planning Bill by the Assembly's committee.

It is the usual business of government to consider policy settings and to consider whether these policy settings require improvement. Better governance does not suggest that the system is broken. In fact, the review found many sound governance practices which support the new planning system. The review focused on those elements of governance where they could identify opportunities for improvement.

The report includes several recommendations on how to enhance governance and improve transparency in the new planning system. The most prominent of these is recommendation 2, which relates to the dual role of the Chief Planner and Director-General. This arrangement has been in place for many years. The review recommends that a better governance arrangement could be achieved if these positions were not held by the same person.

It is critical to note at this point that the review did not identify any—and I repeat "any"—instances of concern in terms of the actions or decisions of the current Chief Planner. I repeat that: the review did not identify any instances of concern in terms of the actions or decisions of the current Chief Planner. However, it did find the potential—and I emphasise "the potential"—for the legislative responsibilities placed on the Chief Planner to conflict with duties placed on the Director-General. This represents a potential conflict of duties for these roles. This is clearly different from a conflict of interest.

The reviewers note that the dual role of Director-General and Chief Planner has ensured that treatments are in place to manage the governance challenges presented by holding the two roles, and, again, that there is no evidence that the integrity of decision-making in the planning process has been compromised by this dual role arrangement. I cannot reiterate enough that the review has not raised any concerns with integrity and, in fact, goes so far as to commend the current Director-General for their adept handling of any potential conflict of duties through arms-length delegations and a considered structure within the Environment, Planning and Sustainable Development Directorate.

Other recommendations go to more detailed operations of the planning system, such as the composition of internal committees and opportunities for greater transparency and coordination. The government supports the intent of all the recommendations. The government agrees to six of the eight recommendations. Recommendation 5 is agreed in principle and recommendation 8 is noted, pending further work. The government will undertake a number of immediate actions in relation to governance and administrative matters raised in the review, and I will discuss those now.

Recommendation 1 relates to the release of specific guidance on obligations, expectations and best-practice management of holding joint statutory and public sector roles. With statutory officeholders performing a wide variety of functions across the entirety of the ACT public service, the government agrees it will be helpful to provide guidelines to support public servants who are also appointed as statutory officeholders, as the review has suggested. These guidelines will be developed this year.

Recommendation 2, which I have already touched on, is about appointing a Chief Planner who is not also the Director-General. This will take effect from 1 July 2024.

Recommendation 3 is that the appointment of environmental referral bodies, such as the Conservator of Flora and Fauna and the Environment Protection Authority, should not be made by the Director-General when that person is also the Chief Planner. This finding is agreed, and I note that this is achieved through the separation of the Director-General and Chief Planner roles.

The review stated:

> It is common and acceptable practice … that statutory office positions requiring the exercise of independent judgement are held concurrently with public service roles.

There is no default need to create separate independent offices to allow statutory officeholders who are also public servants to provide independent advice to ministers. As the review notes, ACT public servants hold statutory roles and exercise statutory functions, and they do so every day. In this context, the government will consider future options regarding the governance of environmental bodies, as raised by the review, including the Conservator of Flora and Fauna, the Government Architect, and the Environment Protection Authority. This work will require some detailed policy consideration. That will be a matter to be taken up in the next term of government.

Recommendations 4, 5, 6, and 7 propose the government implement administrative and governance changes to improve transparency in the planning system. This includes publishing information about planning decision-making roles and processes, establishing bodies to provide expert advice, and improving administrative processes to support decision-making. Work is already underway to implement these recommendations, with a number of key actions due for completion by 1 July 2024. This includes: publishing updated information about the role of the Assessment Advisory Panel in the new planning system; further progressing development of an evaluation framework for the inbuilt review periods contained in the legislation; publishing a range of informational products to improve transparency, including a planning system governance framework and additional information about decision-making in the planning system, including decision-making guidelines and the Territory Planning Authority integrity framework; changes to how decisions reflect the advice of entities and the Design Review Panel; and, finally, changes to data reporting to reflect the new planning system.

The government agrees in principle to recommendation 5, which calls for the establishment of a strategic advisory body that includes referral entities and relevant experts to support achieving the objects of the Planning Act. The government agrees that expert advice outside of the TPA is important to assist government in achieving the objects of the act.

There are already oversight and advice mechanisms in place to provide advice on strategic planning outcomes and support to achieve the objects of the act. The Environment and Planning Forum, which consists of community councils, industry representatives and professional associations, is an existing mechanism that provides advice and feedback on the planning system. The government will consider how these existing mechanisms and forums can support the provision of strategic advice to government on achieving the objects of the act.

Recommendation 7 suggested that the Territory Planning Authority produce a separate annexed annual report. The government will agree with this recommendation, and I have asked officials to prepare this change for annual reporting from 2025.

Recommendation 8 states that the Director-General of the entity responsible for the environment be made a referral entity for an environmental impact statement. This recommendation is noted and the government will need to consider future options for referral entities in response to this recommendation, including associated policy, legislative or future financial considerations. Advice on these matters will be provided to the incoming government of the 11th Assembly.

In conclusion, the planning system governance review confirms the integrity of our planning system. Governance is sound. The government acknowledges the importance of this review, and, as I have just outlined, is acting quickly to address its main findings.

I am pleased to present the following papers:

> ACT Planning System Governance Review—Final Report, prepared by PEG Consulting.
>
> ACT Planning System Governance Review (in response to ACT Planning System Review and Reform Project—Independent review—Assembly resolution of 31 May 2023)—Ministerial statement, 6 June 2024.

I move:

> That the Assembly take note of the ministerial statement.

MR CAIN (Ginninderra) (10.33): I will just make a few comments about the Chief Minister's statement on planning. I note that he recalls that in May 2023 the Assembly passed a motion calling on the government to undertake a governance review. It is perhaps disappointing, but not surprising, that the Chief Minister has not mentioned that this was instigated by a motion moved by the Canberra Liberals that I was delighted to move on 31 May 2023. The motion I moved had some "calls ons" that were eventually amended by Greens member Ms Clay. These "calls ons" have happened here today but to a lesser degree than what should have happened. I repeat my "calls ons" from 31 May 2023 in the original motion brought to this Assembly:

> (3) calls on the ACT Government to:
>
> (a) institute an independent review of the ACT Planning System Review and Reform Project by a panel of expert planners and architects to assess the necessity, operational effectiveness and efficiency of the Planning Bill 2022, the draft new Territory Plan and the draft district strategies; and
>
> (b) adjourn debate on the Planning Bill 2022 until the completion of the independent review.

I am sorry the Chief Minister is not here to hear my response to his statement, as my "calls ons" implicitly involved a review of governance. Why I say that is because when this planning reform was instituted in 2019 under the then planning minister, governance was ruled out of scope of the review. Remarkably! How would you not review governance when you are reviewing the ACT's planning system? Just ridiculous! The government is playing catch-up on a significant review of the planning

system in the ACT that has led to a new Territory Plan, a new planning bill and new design guides and technical specifications. How could it not think that governance within that framework was an important thing to consider? Yet, the community was misled. It had been plainly known by the combined community councils—

Ms Cheyne: Point of order.

MADAM SPEAKER: Ms Cheyne?

Ms Cheyne: Mr Cain just used the word "misled". That is unparliamentary and he should withdraw.

MADAM SPEAKER: It is; thank you. You withdraw or you move a substantive motion, but you withdraw, Mr Cain.

MR CAIN: I withdraw the word "misled". But, Madam Speaker, the community was not adequately made aware that governance obviously forms an important aspect of any legislative and regulatory framework. They were told governance was not part of the scope. That would have puzzled many, and it certainly did, particularly when, once this bill was passed, governance all of a sudden became an issue. I do not mind suggesting it was because the Canberra Liberals—and it was my delight to present this motion in May last year—called for a review of the whole project because there were so many deficiencies. We have even recently had the new Minister for Planning, Minister Steel, come out and call for a review of zoning. My goodness, who would have thought zoning was part of a planning system in a review started in 2019! This is a failed project and perhaps explains why the Chief Minister late last year decided to replace the planning minister.

Unfortunately, the replacement for Mr Gentleman, Minister Steel, is also the minister also responsible for nearly $80 million of waste in a failed payroll and human resource system; the minister who oversaw the approval by a board under his governance of nearly $8 million in contracts currently being investigated by the Integrity Commissioner; the minister who has failed to meet the commitment for diesel bus replacement; and the minister who has failed to tell the community actually how many electric buses are on our roads. That is the replacement in the planning space that this government seems to think is going to satisfy the needs of a proper planning review!

I look forward to reading through this governance report. I want to remind this Assembly that it was the Canberra Liberals who highlighted the deficiencies in this review from 2019 and called on this Assembly to institute an independent panel to assess the necessity, operational effectiveness and efficiency of the Planning Bill 2022—before it was law, of course—and to assess the necessity, operational effectiveness and efficiency of the new Territory Plan and the district strategies. Yes, in May 2023 an amendment to this motion was approved by this Assembly by Labor and Green members, but it was the Canberra Liberals who highlighted the deficiencies in this planning reform that have led to the government being compelled to review governance of the planning system—a review that should have happened from the very instigation of this reform in 2019. This is a sign that the government made a mess of the review of the planning system. I want to say that the Canberra Liberals remain committed to having an effective planning system in the ACT: one that meets the needs

of Canberrans; and one that engages appropriately with all of the relevant stakeholders. We will not have a piecemeal by piecemeal approach to such a significant area of our governance.

MS CLAY (Ginninderra) (10.40): I would like to thank the Chief Minister for his ministerial statement this morning and say a few words about the PEG review conducted into the governance of the new planning system. I am speaking in my capacity as planning spokesperson for the ACT Greens. We Greens have long called for a review of governance arrangements. We believe the ACT government should be a leader and an innovator in good governance. Reviewing the planning system without reviewing the governance arrangements did not make sense.

The planning system is an integral part of ensuring the people of Canberra continue to enjoy the benefits of what is one of the world's most liveable cities, but we cannot continue expanding outwards, losing important environmental areas and placing our flora and fauna at risk. We need to protect and enhance our environmentally diverse areas, and we can do that at the same time as growing our housing stock within our existing suburban footprint. The two can work together.

Our concerns about the need for a governance review were shared by the community. The community told us they wanted a planning system that had better transparency, decision-making and outcomes. Throughout negotiations with Labor, we amplified those community concerns. We ensured an independent governance review would take place and that the results would be published. So I welcome today's report and I look forward to reading the report in detail.

I do not understand why it took so much effort from so many people to review our planning system's governance. The Greens focus has always been on getting the governance arrangements right. We are not focused on individuals. The Greens push for this governance review came from a simple desire to set up good governance. We do not allege any misconduct, and we do not want to cast doubt on any individual's role or behaviour in the current system. I want to be really clear about that. The ACT Greens believe that getting the governance right will help build the trust and confidence that many people believe is lacking in our planning system.

I am really pleased that the report found there was no evidence of impropriety. The report has made recommendations designed to provide better governance, including splitting the role of the Chief Planner and the Director-General of the Environment Planning and Sustainable Development Directorate. The ACT Greens support this recommendation.

Planning and governance experts, and basic common sense, tell us that governance matters. It is one of the main elements we need to get right in an overhaul of our planning system. It is particularly critical here in the ACT. We only have one level of government because state and local government are combined here, and we only have one house—the Legislative Assembly. A lot of the scrutiny and the separation of powers that is available in other states is not available here. Our planning decisions are important. The biggest financial decisions our government makes are about land and development. Our only natural resource is our land. It is limited and it is precious. How

we use it affects our people, their homes, where they live and our environment, and it locks away options for the future. The Greens take this role so seriously that in September 2022 our Greens ministers left cabinet on the Planning Bill to ensure we could work with the community on the details of the planning system and move amendments to improve it. We need to get these planning decisions right and we need to have trust and confidence in how these decisions are made, and for that we need good governance.

The community has often raised concerns about governance in planning. They raise these with me all the time at stalls and in community councils and via email. I think they raise them with a lot of members here, but when the community raised governance issues at the start of the planning review, they were told governance is off the table. The community were told this repeatedly and firmly.

Mr Cain: Is that not misleading?

MADAM SPEAKER: Mr Cain, you are on thin ice.

MS CLAY: They were told that the planning review would look at every aspect of the new planning law and the Territory Plan except for governance, but the community persisted. Canberrans do that. It is one thing I really love about this town. We have passionate people, and they follow through.

I chaired the parliamentary committee inquiries into the planning review. We held two inquiries: one into the Planning Bill and one into the Territory Plan. Of the 65 submissions lodged in the Planning Bill inquiry, 21 raised issues of accountability; 16 were worried about the centralisation of power; 10 wanted more oversight from the Assembly; 10 wanted more rights to review; and five raised concerns about overriding entity advice. That is a lot of concerns about governance. The community raised those governance concerns despite the fact that government had told them clearly and repeatedly that governance was off the table. The community put governance back on the table.

Governance came up a lot during those hearings. One source of discomfort came from the fact that the same person holds the roles of the head of EPSDD and the Chief Planner. All of the entities and agencies advising on planning decisions, other than the ministers, report back to that same person. We saw this play out during the planning inquiry. In our first session we spoke to one of the advisory bodies, the National Capital Design Review Panel. The Government Architect, who is the chair of that panel, was our witness. The head of EPSDD accompanied her. We checked the capacity in which the head of EPSDD was attending, and he said he was there because he was responsible for the panel as part of his portfolio as head of EPSDD and because he provided secretariat support to the panel. We asked the Government Architect what would happen if the Chief Planner departed from her panel's advice. The head of EPSDD answered that question and took the follow-ups on notice.

Later in the hearings, Labor's Minister for Planning told us that:

> There are strict lines of separation … even in briefings in my office, for example. So, if there is a briefing where there might be an intersection between the Planning Authority and the Conservator, one side of that meeting will leave the office whilst we hear the other side of the meeting.

This issue stood out to my committee. We made recommendations that government consider splitting the roles. The government response to that committee inquiry said there was no need to review governance. It said government had full confidence in the independence, separation and governance framework. Given the committee's recommendation, however, the government did agree to look at it, but reluctantly. Government said:

> Notwithstanding the above, the Government will undertake a review to make sure that the governance arrangements are best practice and fit for purpose for the new planning system.

They indicated that timing of the review would be difficult. This reluctant government response worried the community and it worried the Greens. We did not know when this governance review would take place or on what terms, so we took further action. On 2 May 2023 the Leader of the ACT Greens, Shane Rattenbury, wrote to Labor's Minister for Planning to set out the Greens' expectations of the governance review. We asked that it be outsourced to an independent third party; that it be completed and tabled within 12 months of the passage of the bill; and that it consider the committee inquiry recommendations about governance. That is why we have the PEG review tabled today.

The planning minister agreed to the review on our terms on 19 May, and on 31 May we confirmed this arrangement publicly in the Assembly with the opportunity brought forward by Mr Cain. The independent PEG review has now been tabled. I commend the government for making sure this review was completed within the agreed time, and for giving me, my committee colleagues and many others the opportunity to raise concerns directly with the consultants. The PEG review has confirmed that we will achieve better governance by separating the roles of EPSDD and the Chief Planner. It has made several other recommendations to improve governance too. The government has chosen to act on some of those recommendations now and the Chief Minister's statement sets out why that it so.

I note that from 1 July 2024 the role of Chief Planner and the head of EPSDD will not be held by the same person. The PEG governance review makes it very clear that there is more work to do to establish the frameworks and processes for better governance. The Greens look forward to working on these issues because we believe the territory deserves the best planning system possible, one that is transparent and one that people can trust.

It is a really good result, but we should have had it earlier as part of the planning review. That four-year planning review has wasted so many opportunities. The planning review also failed to inquire into missing middle zoning reform. The Greens put up a motion to inquire into the missing middle zoning reform in March last year. Labor and the Liberals both voted us down. The Greens then launched our missing middle zoning plan in August last year. Labor's planning ministers did not implement this or any other major zoning reform in the planning review. Now Labor's latest planning minister has discovered a need to look at the missing middle zoning reform, and he has just launched a new inquiry into it. But why wait? Why run a four-year planning review that did not look at the missing middle? Why vote down a motion to inquire into the missing middle

16 months ago? Why wait until now to start this inquiry? It is disappointing. We are in a housing crisis, a climate crisis and an environmental crisis. We cannot afford to waste years and years and years running inquiries that do not look at the real issues.

Madam Speaker, it is vital that the ACT community has public trust in its government institutions and the public administration. The ACT Greens have supported the introduction of a new planning system and a new Territory Plan because we believe that Canberra deserves the best planning system. I welcome the report by PEG Consulting tabled today that provides us with the opportunity to make sure the government system is working to achieve that outcome.

Question resolved in the affirmative.

Environment—State of the environment report—government response

Ministerial statement

MS VASSAROTTI (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (10.50): I rise to table the government's response to the ACT *State of the environment* report 2023, pursuant to the Commissioner for Sustainability and the Environment Act 1993.

Members of the Assembly will recall that I tabled the ACT *State of the environment* report 2023 in March this year. The report fulfils the Commissioner for Sustainability and the Environment's statutory requirement to provide the ACT community and government with commentary and analysis about the environment and the progress towards sustainability in the territory.

The report presents 30 recommendations across a variety of themes including environmental governance, climate change, human settlements, air, land, biodiversity and fire. These recommendations prompt the government to reflect on the environment policies and programs and to consider opportunities where further focus or change may be needed.

I would like to thank the commissioner for her comprehensive and thorough review. The report highlights some of the significant challenges we face in responding to a growing city in the face of climate change and biodiversity loss. The government has given deep consideration to the recommendations made by the commissioner in the report. There is a lot involved in this process, which takes into account a wide range of factors. Protecting, conserving and enhancing the ACT's high-quality environment is a core responsibility of any government. We know the people of the ACT care deeply about our environment, with many taking extra care through volunteering, and the government relies heavily on their valuable work.

Overall, the government is broadly supportive of many of the commissioner's recommendations. I will address a few under the various themes of the report. The government notes the challenge of balancing the needs of a growing city against the requirements to protect the environment. The government is committed to carefully

considering and planning the growth of Canberra to promote sustainability and prioritise the protection of our natural environment. This *State of the environment* report highlights the challenges of getting the balance right, and many of the issues and recommendations will require ongoing consideration for this government and for governments in the future. There will be a need for ongoing review of key recommendations. I acknowledge current review processes that will be informed by the recommendations in the *State of the environment* report and recognise the importance of these in ensuring that this balance is right. We have already seen today the PEG review and there is also a review of the Nature Conservation Act going on right now.

The government recognises that the development of climate change adaptation plans will be important to guide and inform how the ACT responds to the ongoing risk and impact of climate change. The government is working to develop the ACT Health and Climate Action Plan, which will address health impacts of climate change from mitigation to adaptation and resilience. We are also developing an adaptation toolkit through codesign with community sector organisations to support their risk management and planning.

The government continues to invest in ACT parks and reserves as our critical conservation areas. The government will continue to explore where other high value conservation areas may exist and will consider under planning laws whether they should be designated as reserves. The government recognises the threat of extreme heat caused by climate change and what that poses to the environment. The government already has a range of plans for extreme heat and is now actively considering the impacts of extreme heat on Canberra's threatened flora and fauna when developing conservation management and action plans.

The government is supportive of addressing scope 3 emissions by prioritising measuring scope 3 emissions from government operations and considering scope 3 emissions in decision-making, such as for major projects. The government has made commitments and provided significant investment to increase the thermal comfort and energy efficiency of the ACT's public housing stock. The government recognises the use of offsets to compensate for impacts to the environment associated with development, and that these should always only be considered as a last resort. The importance of protecting our last remaining ecological communities and threatened species is becoming even more important as these critical habitats shrink. The government is continuing to pursue the work in reviewing the ACT Environmental Offsets Policy to support this premise.

As part of the ACT's new planning arrangements, commenced in late 2023, the government was pleased to prepare the Biodiversity Sensitive Urban Design Guide to provide information to developers on how development and the environment can best work in harmony. This design guide, as is the case of other design guides, is required to be considered by both proponents and decision-makers, and it is the expectation that these will drive much better environmental outcomes in our planning system. There is a need to monitor the outcomes delivered through this new system and gauge if there is a need for further reform. Improving the ACT's water quality will continue to be a significant priority for the government, including through the delivery of the new water strategy. In the ACT budget 2023-24, the government invested $8.2 million towards projects and initiatives that will help to improve the quality of the ACT's stormwater.

Finally, the government takes a very considered and planned approach to protecting ecological values during hazard reduction burns. The government processes and arrangements are maturing and continue to strengthen with nation leading work with the placement of an environment values officer within the Incident Management Team. Many of these measures have been put to practice during recent ecological and hazard reduction burns across the ACT. The government is also pleased, as part of the implementation of the new Territory Plan and district strategies, to have allocated additional resources to the Conservator of Flora and Fauna for the review and the regulation of construction environmental management plans. We will continue to review the capacity of the office of the conservator to undertake enforcement, compliance and ensure environmental protection during developments.

In summary, the government's response to the ACT *State of the environment* report 2023 welcomes the recommendations from the commissioner as to how we can strengthen our efforts and achieve better environmental outcomes. The response reaffirms the government's work and investments to protect, conserve and enhance the ACT's environment. However, this is not a set and forget exercise, and the recommendations of the commissioner's report will continue to influence us as we move forward. The government recognises that to be successful in our conservation efforts it will require ongoing attention, investment and prioritisation of environmental impacts across all of government, and sustained effort and collaboration by businesses and communities, noting the scale of the challenges we face now, and in the future. I encourage all Canberrans to be part of this journey.

I present the following papers:

> Commissioner for Sustainability and the Environment Act, pursuant to section 19(3)—Commissioner for Sustainability and the Environment—ACT State of the Environment Report 2023—Government response, dated June 2024.
>
> ACT State of the Environment Report 2023—Government response—Ministerial statement, 6 June 2024.

I move:

> That the Assembly take note of the ministerial statement.

MS CLAY (Ginninderra) (10.59): I would like to thank Minister Vassarotti for her work in this field and for tabling the government response on the *State of the environment* report.

We all want Canberra to be a place where everyone is able to live a healthy, fulfilling life, with strong connections to their community in a way that cares for our planet. We know that we are living through a period of multiple crises—the climate crisis, the biodiversity crisis, the housing crisis and the inequality crisis. There are so many that the word "permacrisis" became Word of the Year during this parliamentary term. Climate change is the defining issue of our time, and we are at a defining moment. Each year we are seeing more serious climate-related catastrophes across the world, and they are happening more often. Each year it becomes more challenging with every increment of warming.

The UN has said that the choices made in the next few years will play a critical role in deciding the future of our planet and the generations to come. We need to go further and faster. Within the ACT during this parliamentary term, we have seen hotter temperatures and lower rainfall. Our local environment is under more and more stress. Last month, we had the status of six native species uplisted to either endangered or critically endangered as the destruction of their habitat continues under climate change. We have seen progress on a range of issues this term, but the *2023 State of the environment* report shows that we need to go further and faster. Business as usual is not working.

The ACT Greens want a healthy and sustainable natural environment where existing natural assets and biodiversity are protected, decline and degradation is halted and redressed and management practices sustain and enhance environmental values. We are here to make sure that Canberra remains a sustainable, liveable city for future generations.

The *2023 State of the environment* report makes for sobering reading. I thank the Commissioner for Sustainability and the Environment and her office for their thorough and comprehensive work in assessing ACT progress. I thank them for their 30 recommendations for where we need to put our focus to address what the commission calls the "continued, relentless degradation of our natural environment".

It is important that we recognise and appreciate the progress that we have made on a range of issues during the last four years since the report, but it is also important to recognise that business as usual is not going to achieve the transformational change we need to respond to the climate and environmental degradation that we are facing globally and locally.

One of the things we need to do is change how we govern, both in parliament and in our government operations, and I thank the commissioner for highlighting how the ACT parliament and ACT government can do that. We can increase our transparency. Seven of the commissioner's recommendations are about increasing transparency and accountability to the Canberra community. That would enable greater trust and partnerships with the broader community, our business community, our academic institutions, our community sector and our volunteer organisations.

The commissioner set out how we can establish metrics and indicators to assess our ACT budgets and new initiatives to see if they are improving our environment and climate outcomes in the ACT; how we can set scope for emissions reduction targets for ACT government operations and report on them publicly; how we can conduct and publish waste audits of domestic kerbside waste, landfill and transfer waste and the materials recovery facility every two years; how we can provide publicly accessible, locally relevant, real-time assessments of air quality; how we can measure and publicly report on the actual areas of land use change, rather than desktop assessments that are reliant on planning zones instead of physical changes; How we can publicly evaluate the conservation outcomes of all environmental offsets in the public domain every five years; how we can publish the performance of offsets as a statutory requirement under the Planning Act; and how we can improve water quality in the Molonglo and Murrumbidgee Rivers downstream of Lake Burley Griffin by monitoring impacts of greenfield development on water quality and reporting these impacts and management actions publicly. The Greens are really, really happy to adopt all of these recommendations. They are sound.

We can also increase the independence of our key investigators and decision-makers to improve environmental governance. Recommendation 5 of the report is about strengthening the independence and accountability of the ACT's environmental statutory positions. For the Commissioner for Sustainability and the Environment, the recommendation is that that office should be reformed to enable the office to independently manage its administrative matters and strengthen the commissioner's powers to obtain information and conduct investigations. We have heard in here repeatedly that the commissioner asks for information and does not get it until after the deadlines that she has given. This is not a good way for her to do investigations.

It is recommended that the Conservator of Flora and Fauna should be established as a standalone and independent role that sits outside of ACT government directorates. We have heard this morning that there is actually some progress there in the reporting lines for the conservator, but there is still no indication that the conservator would become independent. The commissioner has also recommended a public inquiry to review the ACT's environmental statutory position holders, with a view to improving their independence from government.

Increasing the independence of all of these key investigators and decision-makers would bring us so many benefits. It would reduce the perception of bias and conflict of interest and any actual bias and conflict of interest that might be playing out; it would increase credibility and public trust in how we are making decisions; it would improve our decision-making quality; it would improve the quality of advice that goes into those decisions; and it would enhance our accountability, transparency and scrutiny. Independence will help the ACT to make sound, evidence-based decisions that are prioritising the long-term environmental sustainability and the wellbeing of Canberrans now and in the future.

The commissioner has set out how we could do this through a greater level of coordination and collaboration across the executive and government directorates too. The report talks about reducing siloed decision-making. It has been interesting this term to see the extent that key measures that would protect areas of national significance, that would prevent habitat loss and that would ensure new developments minimise environmental degradation, are outside the domain of the environment minister, and they sit with the planning minister. This report contains several recommendations that fall under the jurisdiction of the planning minister, the housing minister and many others.

The report recommends that climate change resilience-related design requirements should be mandatory outcomes in the development assessment process; that we should develop a mechanism to incentivise reuse and redevelopment of existing building structures and materials onsite in preference to a knockdown-rebuild approach; and that we should commit to achieving best practice thermal comfort and energy efficiency standards in the maintenance, repair, modification and construction of public housing.

There is a lot in this report. The summary report is a couple of hundred pages long, and there is a lot more data and evidence behind it. I would encourage anyone who has the time or has advisers to dig into that report and see how we could better shape ACT decision-making today to make sure that we are getting better environmental outcomes in future.

Question resolved in the affirmative.

Dhulwa Mental Health Unit—independent oversight board—report

Ministerial statement

MS DAVIDSON (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (11.06): I rise today to update the Assembly on work currently underway in progressing the recommendations made in the final report relating to Dhulwa. Dhulwa is a forensic mental health facility for people with complex mental illness or people with mental illness who have had contact or are likely to come into contact with the criminal justice system and who are unable to be cared for in a less restrictive environment.

In May 2022 I established an independent review into the legislative, workplace, governance and clinical frameworks of Dhulwa. The final report produced as part of this review outlined 25 recommendations, which the ACT government accepted and committed to implementing in full. As Minister for Mental Health, I have emphasised the importance of ensuring that the recommendations made by the board of inquiry are implemented in a way that is reflective of the sufficient rigour, independence and expertise necessary. As part of this, I appointed the Dhulwa Independent Oversight Board to oversee the implementation of the recommendations. I would once again like to extend my gratitude to them for the work they have done to ensure that this work is progressing.

I would like to reiterate that this work is incredibly complex, and the guidance of the board has been crucial in ensuring that the standards of care and safety at Dhulwa are as high as they should be. To date, Canberra Heath Services have completed 37 sub-actions, across 18 recommendations, which have been endorsed by the independent board. On 7 February 2024 the board met for a fourth time and considered a further 10 recommendations. Of this 10, the board signed off on eight sub-actions and have requested additional information in relation to two recommendations.

In particular, I want to draw attention to work that is being done to ensure that the model of care is reflective of the needs of people receiving care at Dhulwa and that staff are supported at work. The model of care is incredibly important to ensure that processes and procedures at Dhulwa encompass best practice, particularly regarding areas in staff training and education, good governance, legislative requirements, eligibility criteria and many other factors that influence positive outcomes for people currently receiving care at Dhulwa.

I am incredibly pleased to see that, as part of this work, the board has reviewed and endorsed the model of care and that it has been published on the CHS website. Work is ongoing with regard to communicating the model of care to ensure that staff are able to access it via the CHS intranet and that peak bodies and non-government organisations are aware of any updates and are able to provide input. This is incredibly important in confirming that the model of care addresses the needs of mental health consumers, carers and staff and to ensure the best outcomes possible.

This has been a significant piece of work, with a lot of time and effort put in by staff at Dhulwa and CHS, and I am really happy to see progress in these areas. It is incredibly important that we get this work right to ensure the best possible outcomes for people receiving care, as well as the staff employed at the facility. I want to thank staff again for their engagement with both me and my office and for taking the time to engage with us on this matter.

I present the following papers:

> Dhulwa Independent Oversight Board—Report 4—
>
> Report, dated 7 February 2024.
>
> Ministerial statement, 6 June 2024.

I move:

> That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Ethics and integrity adviser—continuing resolution 6A

MS BURCH (Brindabella) (11.10): I move:

> That continuing resolution 6A be amended at paragraph (6), by omitting "3 months" and substituting "6 months".

This motion is quite a simple one and harmonises some elements of continuing resolution 6A, which revolves around the Ethics and Integrity Adviser, with resolution 5AA, which concerns the Commissioner for Standards. What we are looking to do in continuing resolution 6A is to amend line 6, which currently says:

> The Speaker shall, after each Assembly is elected, or whenever the office becomes vacant, appoint an Ethics and Integrity Adviser for the life of that Assembly and the period three months after each election.

The motion is proposing to change that to a six-month period, which is reflected in and consistent with what we asked the arrangements to be for the Commissioner for Standards in continuing the resolution 5AA. I commend the motion to the Assembly.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Report 28

MR CAIN (Ginninderra) (11.12): I present the following report:

> Justice and Community Safety—Standing Committee—Report 28—*Inquiry into immediate trauma support services in the ACT*, dated 29 May 2024, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 28th report of the Standing Committee on Justice and Community Safety. The report makes two recommendations, including that the ACT government urgently implement an immediate trauma support service in the ACT to fill the gap that currently exists in assisting people who have experienced a significant trauma immediately at the scene of an incident.

The committee received 12 submissions. On behalf of the committee, I want to thank everyone who contributed to this inquiry. I thank our professional secretariat and support staff. I want to thank Dr Paterson, as deputy chair, and Mr Braddock, as committee member, for this committee report being issued with no dissenting report or comments. Members can read into that what they may. I commend the report to the Assembly.

DR PATERSON (Murrumbidgee) (11.13): I rise to speak in support of the call for an immediate trauma support service. We have heard in multiple committee inquiries about the trauma at scenes of accidents, and we heard through this inquiry that trauma can be a health event for someone. We have seen incidents like that play out at the ANU, where lots of people were impacted, and we hear daily that domestic violence and sexual assault incidents are very traumatic for many people involved in them. We also heard through this inquiry about workplace trauma that can occur.

It is so evident that a gap exists. We know that, when people are going through the hardest times of their life, having that support and wraparound care to navigate the scene, the follow-up, and perhaps the next few days is critical. It allows individuals to deal with the trauma and potential grief associated with what has occurred without all the impost of processes, people, hospitals and unravels in the days following. I think this is really important.

One of the things that we identified through the committee inquiry is that there is a gap in terms of which portfolios this would fall into—for example, whether it is an emergency services response. The committee believed that this would be more of a community sector response to assist people. It would be good if, in the government response, it could be clearly identified where this sits, because at the moment it really feels like there is a significant gap there for people.

We heard that there is a trauma service for motor vehicle accidents in Western Australia. Their service works overtime and is incredibly beneficial to the Western Australian people. We have hundreds of accidents on our roads every year and many can be incredibly traumatic for witnesses, the people involved and family members. I really urge and call on the government to have a read of our report and respond to this.

Question resolved in the affirmative.

Public Sector Management Amendment Bill 2024

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

Title read by Clerk.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (11.17): I move:

> That this bill be agreed to in principle.

This bill makes necessary amendments to the Public Sector Management Act 1994 to ensure that the ACT, as an employer, remains compliant with recent amendments to the Fair Work Act 2009, which restrict the use of certain fixed-term employment contracts.

The Public Sector Management Act establishes the Public Sector and the Public Service. It is in accordance with this legislation that the territory government provides Canberrans with access to high-quality public services and engages and employs those who deliver those services. Currently, the Public Sector Management Act only allows an Australian citizen or a permanent resident to be appointed to an ongoing position. To ensure that Canberra receives vital public services, some areas of the service have historically engaged foreign visa holders, who are not citizens or permanent residents, on temporary employment contracts.

The recent amendments to the Fair Work Act 2009—which is, of course, a Commonwealth act—will limit our ability to enable this practice to continue. The Commonwealth recently amended the Fair Work Act to prevent an employer from engaging an individual on certain fixed-term employment contracts that exceed two years or from renewing an existing contract where the consecutive terms would either exceed two years or be two consecutive renewals.

This bill will remove the requirement that a person must be an Australian citizen or a permanent resident to be appointed to office. This will allow migrants who hold a legal right to work in Australia to seek appointment to an ACT Public Service position for as long as they hold that legal right work to in Australia. This is important because it will ensure that we have the workers to deliver the all-important services that our community needs.

The government is pleased to introduce this bill and anticipates that it will help the ACT be a destination of choice for migrants who are seeking employment opportunities in Australia. I commend this bill to the Assembly.

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

Health Legislation Amendment Bill 2024

Ms Stephen-Smith, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (11.21): I move:

> That this bill be agreed to in principle.

I am pleased to present the Health Legislation Amendment Bill 2024 to the Legislative Assembly. This bill is an omnibus bill which makes amendments across five pieces of legislation to support the efficient and effective functioning of our health system. The bill makes minor or technical amendments to laws falling primarily within my portfolio as Minister for Health. It also includes an amendment which falls within Minister Davidson's portfolio as the Minister for Population Health.

The amendments will improve the administration and operation of health-related territory laws and will provide clarity and transparency for those in our community who access various health services. The smooth functioning of government requires us to continually maintain our statutes, and although these amendments are small they are nonetheless important.

This bill amends the Assisted Reproductive Technology Act 2024 to correct a small technical error by substituting an incorrect reference to the "registrar" with the "Director-General". This amendment will ensure the effectiveness of the section and improve the consistency of the Assisted Reproductive Technology Act.

The bill also amends the Health Practitioner Regulation National Law Act 2010 to ensure that territory-specific provisions of the Health Practitioner Regulation National Law align with new changes to the national law which were agreed to by all health ministers in 2022. Changes to the national law in 2022 included introducing two additional kinds of actions that a regulator may take in response to a complaint or notification about a health practitioner. Under the Health Practitioner National Law, the national board and the jurisdiction's health complaints entity—which, in the territory, is the Health Services Commissioner—are required to attempt to reach agreement on how a complaint about a health practitioner is dealt with. If agreement cannot be reached, the most serious action is required to be taken.

In the territory, there is a specific provision which orders the actions available under the national law from most to least serious. The bill will amend this list so that it includes the new actions introduced into the national scheme in 2022—that is, the power of the national regulator to refer complaints to other entities and to issue interim prohibition orders. This amendment ensures that the territory-specific provisions of the Health Practitioner Regulation National Law are comprehensive and up to date. This will allow for better and more efficient management of complaints, for the benefit of health practitioners, regulators and members of the public who become involved in the complaints process.

This bill also proposes amendments to the Health Records (Privacy and Access) Act 1997 to clarify that CCTV footage taken at the premises of a health service may be disposed of in the same way as other kinds of CCTV footage captured in the territory. The legal issue to be resolved stems from uncertainty about whether CCTV footage is

a "health record", which must be dealt with under the Health Records Act, or whether it is dealt with under other laws governing surveillance footage.

If CCTV were to be treated as a health record, the Health Records Act would require the information to be stored for at least seven years and up to 25 years if the consumer is a child. This is a significantly longer storage requirement than the ordinary 30-day storage requirement for CCTV footage collected by agencies under the Territory Records Act 2002.

The amendment to the Health Records Act seeks to exclude surveillance footage, which includes CCTV footage, captured at the premises or in the surrounding area of health service providers from the storage requirements which apply to a health record. This amendment is carefully targeted, and the excluded footage will not include a video recording made for the purposes of a clinical procedure or investigation. This will ensure that a clinical recording, such as an automated magnetic resonance imaging recording, is not captured by the exclusion. Recordings of a clinical nature will still constitute a health record and be subject to the storage requirements of a health record.

To enable surveillance footage captured at a health service to be treated like surveillance footage captured at any other ordinary premises, the bill will create an exception for the destruction of surveillance footage captured at health services from the record-keeping requirements which usually apply to the destruction of health records.

This amendment recognises that the rapid advancement of video and camera technologies increases the risk that excessive or arbitrary surveillance, including storing such surveillance footage for unreasonable periods, has significant potential to interfere with an individual's right to privacy. Compiling and analysing surveillance footage can reveal a wide range of personal and sensitive information about an individual.

This bill promotes a person's right to privacy by providing clarity that the recorded image of a person via a surveillance device at the premises of a health service provider is treated the same way, and is subject to the same legislative requirements, as any other surveillance footage in the territory and is not stored for longer than is required to achieve its purpose.

This approach has been carefully thought through, including consultation with the Human Rights Commission. Importantly, the bill does not seek to exclude surveillance footage from the definition of a health record under the act, ensuring that other privacy principles and protections will continue to apply to surveillance footage captured at health services, to the extent that the footage constitutes a health record. This recognises that footage may constitute sensitive personal information purely by identifying that an individual attended a specific health facility or service.

The bill also amends the Medicines, Poisons and Therapeutic Goods Act 2008 to remove any legal ambiguity surrounding the ability of the territory to enter into an agreement with the Australian Digital Health Agency to share relevant information. This will support the implementation of the national real-time prescription monitoring system following changes made by the commonwealth to the entity overseeing the scheme. This amendment is key to ensuring that the territory can continue to participate in the national scheme to help avert harms to the community associated with high-risk medications.

The Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023 establishes assessment committees to review treatment plans for restricted medical treatments in line with assessment criteria set out in the legislation and to then either approve or refuse those treatment plans. Without a treatment plan in place, restricted medical treatment cannot go ahead.

The amendment proposed through this bill aims to address a technical challenge caused by current drafting that requires decision-making of assessment committees to occur by unanimity. Requiring decision-making by unanimity results in unintended consequences for the operation of the variation in sex characteristics act.

Currently, if a unanimous decision cannot be achieved in relation to an application, an assessment committee would be unable to either approve the treatment plan or refuse the treatment plan; that is, no decision could be made. This leads to an unintended consequence that individuals waiting on the decision may be put at risk of continuing to suffer harm, as treatment would continue to be prohibited until such time as the committee reaches a consensus.

The current drafting of the variation in sex characteristics act may also result in the unintended consequence that, until a unanimous decision is made, interested parties would not be empowered to exercise their review rights under the legislation by either applying for an internal review of the decision or for review by the ACT Civil and Administrative Tribunal.

The proposed amendment will resolve this legal issue identified during implementation of the variation in sex characteristics act. Clarifying that a decision is decided by a majority of votes of all committee members will allow all members of an assessment committee to contribute to the decision, while ensuring that a lack of consensus does not undermine the intended operation of the act.

Each of the amendments proposed in the bill will take effect on the date after notification, except where the amendment responds to laws which will not be in effect upon this bill's notification, in which case the amendment will take effect simultaneously with the law it amends.

It is critical that the territory's legislation is accurate, well maintained and cohesive. In this regard the Health Legislation Amendment Bill 2024 makes a variety of minor but important changes. The bill being introduced today is not a significant bill from a Human Rights Act perspective, but it is a bill that upholds human rights, particularly the right to privacy.

I greatly appreciate the engagement we received from relevant directorates and authorities to develop the bill. These amendments will ensure that the spirit and intention of our territory's legislation match the evolving environment around them. I commend the bill to the Assembly.

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

Crimes (Disclosure) Legislation Amendment Bill 2024

Debate resumed from 10 April 2024, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR CAIN (Ginninderra) (11.31): This bill reforms how evidence must be disclosed by the prosecution in criminal proceedings, obligating the prosecution to submit all available evidence, including sensitive or private materials, before the court. The Canberra Liberals will be supporting this bill.

The bill introduces a comprehensive and objective framework to clarify the obligation of disclosure owed by the prosecution in criminal proceedings. This bill amends legislation relating to criminal proceedings to extend the obligations of disclosure by prosecutors of material that may be relevant to future proceedings, and to provide for standing of complainants who may wish to appear or make a statement in sexual or family violence offence proceedings objecting to the disclosure of confidences provided in counselling.

The bill responds to recommendation 8 of the board of inquiry, the Sofronoff inquiry into the ACT criminal justice system, which recommended:

> … the government, in consultation with stakeholders, enact legislation to codify the scope and content of the obligation of disclosure owed by the Prosecution in criminal proceedings.

The Sofronoff inquiry found that key information relevant to the case was contained within disclosures made by parties but could not be used as evidence in the court. This bill will amend the Court Procedures Act 2004 and the Magistrates Court Act 1930 to introduce clearer rules for how evidence must be disclosed in criminal trials where the defendant enters a plea of not guilty. For trials where the accused pleads guilty or proceedings commence before the date of the amendments is effective, the existing provisions apply. At the same time, the bill introduces legislation to allow alleged victims to share with the courts the significance of the sensitive material to them and qualify its use in a trial.

The bill creates a new duty of disclosure for the prosecution, while introducing enforcement mechanism powers to allow the courts to ensure that these new obligations are met. This is intended to enhance criminal proceedings by clarifying and defining the scope of what information must be disclosed in criminal proceedings and in what time frames. The bill will also include time frames for disclosure of briefs of evidence so that briefs of evidence must be served by a specific time frame before a hearing, unless court approval has been obtained.

The bill introduces a time frame for disclosure of evidence to be forwarded to the defendant within such a time frame, namely, 28 days before the hearing date, unless otherwise determined by the court. Failure to meet these time frames may result in monetary fines and sanctions brought against the prosecution, which is a new power of the courts.

The bill provides the court with clear powers with respect to the disclosure obligations. The court may refuse to admit evidence if it is not previously disclosed to the defendant or grant an adjournment to them if the evidence would prejudice the case of the party.

As I have said, the Canberra Liberals will be supporting this bill to implement recommendation 8 of the Sofronoff inquiry. I again thank the attorney for the briefing from JACS staff in early May. The Canberra Liberals will be supporting this bill.

DR PATERSON (Murrumbidgee) (11.35): I would also like to thank the Attorney-General for bringing this bill forward. ACT Labor will be supporting this bill. Mr Cain provided an overall summary, which I will not repeat. We will be supporting this bill, too.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.35), in reply: I thank colleagues for their remarks and their support for this bill. The bill aims to improve our criminal justice system by introducing two important legislative amendments, as has been noted.

The first suite of amendments are to the Magistrates Court Act 1930 and the Court Procedures Act 2004 to codify the prosecution's duty of disclosure in criminal proceedings in the ACT. This bill implements recommendations of the report of the Board of Inquiry into the Criminal Justice System in the ACT to codify the scope and content of the obligation of disclosure owed by the prosecution in criminal proceedings.

With this bill, we are taking another important step in the government's response to the 10 recommendations of the final report of the Board of Inquiry into the Criminal Justice System, which are all aimed at improving the operation of the ACT criminal justice system and strengthening community confidence in the agencies that support a fair and just system for Canberrans.

Three of the 10 recommendations in the final report are about legislative reform. After the passage of the Victims of Crime Amendment Act in late 2023, we are now pressing ahead with legislating a duty of disclosure owed by the prosecution through this bill. The Magistrates Court Act 1930 and the Court Procedures Act 2004 will be amended by this bill to cement what the prosecution must disclose and when, clarify that the duty of disclosure is ongoing throughout the trial, and provide the court with a range of sanctions for noncompliance.

The obligation of the prosecution to disclose evidence in its possession in court proceedings is central to fair trials. Full and timely disclosure of evidence ensures that trials are fair, just and assist the courts to arrive at the truth. Disclosure enables the accused to understand the charges against them and prepare their defence. This is one of the basic rights of anyone charged with a criminal offence in the ACT.

Disclosure of evidence in court proceedings in the ACT is not new; however, until now the obligations have been spread across a range of sources, including legislation, policies, guidelines and the common law. With this bill, we will make the relevant

legislated obligations of disclosure clear and accessible to all. I would also like to note that, to achieve the bill presented for debate today, and to ensure that it responds to the needs of our community, the government consulted relevant justice stakeholders.

The bill that members are debating today has the following features: a robust disclosure regime on the prosecution, including better particulars as to what content is to be included in a brief of evidence; a requirement that the prosecution must serve the brief of evidence on the defendant, including time frames for such service; clarity that the duty of disclosure owed by the prosecution is ongoing and continues throughout the judicial process as new evidence becomes available; the ability for the court to use its discretion and, amongst other things, refuse to admit evidence that the prosecution seeks to adduce if that evidence has not previously been disclosed to the defendant; better protections to support the rights of privacy for those involved in criminal proceedings, with provisions stating that their contact details are not generally to be disclosed; and provisions which ensure that the disclosure regime will apply to all criminal matters regardless of whether they are summary or indictable offences being dealt with by the ACT Magistrates Court or the ACT Supreme Court.

When we established the board of inquiry, the ACT government wanted to ensure that the territory's framework for progressing criminal investigations and prosecutions is robust, fair and respects the rights of those involved. This bill is further evidence of that commitment.

The second suite of amendments provide that a victim-survivor of sexual assault has standing in a criminal trial to put forward their views on the use of their protected confidences. This important amendment shows the ACT government's commitment to hear and support victim-survivors and to restore faith in our criminal justice system.

Typically, in criminal proceedings, the parties to those proceedings are the defendant and the prosecution. The victim-survivor is not a party to that criminal proceeding. This means that the complainant is generally not able to put forward their views about some matters that may concern them during the criminal proceeding.

One such matter has been the access to and use of the complainant counselling communications, or protected confidences. For a variety of reasons, a complainant may not want these protected confidences released. When either the defence or prosecution want to access the complainant's protected confidences, and potentially rely on them as evidence, that party must apply to the court. During this application there is a process whereby the party must seek the leave of the court; the court will examine the protected confidence to determine if there is a legitimate forensic purpose for releasing the protected confidence; and the court will then make its determination.

Typically, in the third step, the prosecution may put forward the views of the complainant to the court. However, this can become problematic if the complainant's views and the views of the prosecution differ. This amendment seeks to address the gap in the legislation by giving the complainant standing to appear in court and the opportunity to directly tell the court of their views on using that protected confidence; thus, the amendment provides the complainant with agency over their protected confidences.

Further, the amendment allows the complainant to give this information by way of a statement to the court. This statement is to remain confidential so as not to unintentionally release the information that is contained in the protected confidence before the court has made its decision. It also provides flexibility in how complainants may choose to interact with the court in these types of proceedings.

While it is imperative to hear the voices of victim-survivors, we must also ensure that the rights of the accused are not unfairly limited. The right to a fair trial for the accused has been carefully balanced with the right to privacy of the victim-survivor. It is important to note that the views of the victim-survivor do not hold more weight than other considerations that the court must turn its mind to in these applications. The court may still decide to grant leave for the applying party to access and rely on the victim-survivor's protected confidence. The amendment does not change what the court considers in these applications and the decision to release the protected confidence will still remain with the court.

These amendments align the ACT with other jurisdictions that give complainants standing in these proceedings, such as New South Wales, Victoria and Queensland.

This Assembly has seen many progressive amendments introduced over the last few years to continue the government's commitment to supporting victim-survivors of sexual assault in a tangible way. These amendments continue that commitment. By introducing these amendments, we are sending a powerful message that victim-survivors deserve our support and deserve to be heard.

Ultimately, these amendments seek to promote a justice system that is both compassionate and just. 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.

Victims of Crime (Financial Assistance) Amendment Bill 2024

Debate resumed from 11 April 2024 on motion by **Ms Cheyne**:

> That this bill be agreed to in principle.

MR CAIN (Ginninderra) (11.43): This bill proposes six changes to the Victims of Crime (Financial Assistance) Act 2016. The Canberra Liberals will be supporting this bill.

The bill was drafted following the report handed down by the Projects Assisting Victims' Experiences and Recovery Review—the PAVER review—which was tabled

in the Legislation Assembly on 21 June 2021. The bill implements several of the recommendations from that report, among other provisions, that chiefly aim to expand eligibility for the scheme, smooth out complexities in applications for the scheme and reduce red tape in the administration of financial assistance for Victim Support ACT and victims of crime.

The bill will remove the obligation, for example, for bereaved persons who seek financial victim support from the scheme, either as an intimate partner or family member, to prove that they have a genuine relationship to the primary victim. This is recommendation 4 of the review. The existing legislative requirement to provide this proof will be removed, as presence of the relationship itself will be considered sufficient. Investigating the depth or nature of a relationship is insensitive and burdensome for victims' families.

The bill also removes the requirement to identify aggravating circumstances for recognition payments—a simplification of the application process for victims. This change follows PAVER review recommendation 10(e) to streamline payments and thus reduce complexity and processing times. The amendment will take effect on 1 July 2025, with applications submitted before that date assessed under the old criteria.

The bill also protects a victim's application and supporting application material held by Victim Support ACT from being subpoenaed and used in unrelated court proceedings. This is PAVER review recommendation 10(f). The bill will expand eligibility for financial assistance under the scheme to include offences previously excluded, such as intimate partner image abuse, and other offences that were committed against victims before the commencement of the act. The bill will make provisions to ensure the smooth transition of financial assistance from the act's predecessor, the Victims of Crime (Financial Assistance) Act 1983.

Finally, the bill will remove the obligation for the commissioner to provide a second notice of ineligibility that follows an unsuccessful attempt for a victim or a related party to apply for financial assistance, even where no objections were made to the original decision. The bill intends to contribute to the sustainability of the financial assistance scheme of the Victims of Crime Commission. The Victims of Crime Commissioner, I note, is supportive of these amendments and contributed to their creation.

I thank the minister for providing staff for a briefing in late April this year. As I said at the beginning of my remarks, the Canberra Liberals will be supporting these important changes.

MR BRADDOCK (Yerrabi) (11.47): This is a relatively straightforward bill. As Mr Cain has already alluded to, it responds to the recommendations of the ANU's PAVER review.

I want to take a moment to stress that the PAVER review was published in February 2021; that is, 38 months before this bill was presented to the Assembly. Not only that; the review had 17 recommendations, of which seven were classified as being recommended for immediate action. This bill responds to just one of those recommendations for immediate action and part of one of the recommendations for longer term reform.

Admittedly, not all of the recommendations for immediate attention required legislative action, but the fact that it has taken three years to get some basic and urgent reforms before the Assembly should be of concern. Recommendation 6, also proposed for immediate action, had some very specific recommendations for changes to regulation, which simply have not happened.

It is worth highlighting that the PAVER review seems never to have received a government response. I have had some correspondence with the review's co-authors, Dr Robyn Holder, Professor Lorana Bartels and Dr Helen Taylor. Together with Ms Kandie Allen-Kelly, they have made extensive recommendations for holistic change, including the consolidation of legal provisions into a single legislative instrument.

They have told me that what is in this legislation appears to be quite modest. Although they are encouraged by the uptake of some of their recommendations, they remain hopeful that other substantial reforms could still be implemented in the foreseeable future.

When we in the Greens talk about our frustration with the pace of change, this is the sort of slow reform we are talking about. Recommendations with an urgent imperative are being acted on in a piecemeal way, sometimes years after the fact. I am not sure exactly what the problem is. I do not know whether it is poor prioritisation in the JACS directorate; another part of me worries that it might simply be that the Treasurer does not wish to invest the money required to address the reform.

Nationwide there are a lot of welfare systems set up by design to be difficult to access, for fiscal reasons, and right-of-centre treasurers of both blue and red persuasions have repeatedly demonstrated their hesitancy to change that.

Putting those frustrations to one side, what this bill does is still entirely welcome. The Greens will be supporting it, even if we think it could have gone a lot further. Having a financial support application system which is a bit simpler to navigate will be very welcome for those accessing this service. Protections against applications for assistance being used in unrelated court proceedings will offer victims seeking support the peace of mind they need to not fear that their information is being used against them.

Like Mr Cain, I wish to thank the minister and her officials for the briefing I received on this bill. The bill is fine. The bill at least heads somewhat in the right direction, but it does leave unfinished business for the next Assembly.

MS CHEYNE (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (11.50), in reply: In closing, I thank Mr Cain and Mr Braddock for their engagement on this bill and for seeking a briefing and engaging through that. I am baffled and a bit bemused by Mr Braddock's comments. He notes that, yes, we did table the report in 2021. It does not require a response. Not all reports require a government response.

This is an incredibly important piece of work. It is also incredibly complex. I note that Mr Braddock was late to the party on this. I do genuinely appreciate that he has engaged

on this bill, but to engage at this late stage and then make those sorts of comments when I do not think Mr Braddock has ever talked to me about this—ever—really felt quite disingenuous and I did not appreciate that. This is a good bill. I will now correct the record against some of Mr Braddock's assertions.

This is a bill that affirms the government's ongoing commitment to ensuring that victims are well supported, following violent crime, to access supports that are responsive to their needs in a timely way. The bill achieves this through the reduction of red tape for victims of crime when applying for the scheme and through improving administrative efficiencies and decision-making processes for Victim Support ACT. The bill will deliver better experiences for victims accessing support. It creates greater access to the scheme and ensures that responses to victims are trauma informed.

As members are aware, the PAVER review was commissioned by the government. It identified a number of pressures and opportunities for improvement in legislation and the operation of programs assisting victims' experience and recovery in the ACT. Since the tabling of that review, we have been working closely with the Victims of Crime Commissioner to consider the review and develop a phased reform implementation strategy of the relevant recommendations. The approach has been to focus on those recommendations that will have the most tangible impacts.

I certainly greatly appreciate the Victims of Crime Commissioner and Victim Support ACT for their significant engagement and their ongoing work to make their services responsive to the needs of victims of crime in the ACT, especially in light of a great increase in reports. This is a team that is doing considerably more work in supporting victims, year on year, and also is dedicated to working with us so that the service is as responsive as possible.

That does, necessarily, require a balance and it does mean that it takes time. Mr Braddock's reflection about officials and what they are prioritising is wrong, and I can prove it, because considerable practical work has been progressed to improve the experiences of victims of crime. Recommendations 1 and 3 have been implemented, as have key aspects of recommendations 2, 6, 12, 13 and 14 to deliver immediate and practical benefits to victims of crime in the ACT.

The government has provided significant additional support for a range of measures, including an increase in additional permanent Victim Support ACT staff to support the increase in demand for services that I just mentioned; additional Victim Support ACT staff to support the implementation of the PAVER recommendations; additional investment into ICT solutions for Victim Support ACT's case management system; and work for Victim Support ACT to strengthen internal operations to deliver client-centred responses.

I think it is quite obvious that all of those require engagement with Treasury and the Treasurer. There were reflections just before about the Chief Minister not wanting to pay for it. Actually, there has been an enormous amount of investment, and I take particular umbrage at those comments.

Against the backdrop of this important practical implementation work, we have seen a sharp increase in applications, year on end, as I flagged. The most recent Human Rights

Commission report shows that the 2022-23 period saw an increase of 86 per cent in financial assistance applications from the previous year—an eighty-six per cent increase in a year. This is consistent with increases that we are seeing in other jurisdictions across Australia.

In this context, we have been working closely with the commissioner to determine the key priorities for implementation, as well as to identify the recommendations that sit within the broader long-term reform strategy. This balances the need for timely and practical responses to meet to the growing needs of victims of crime in the context of a broader reform piece and a changing context.

This bill provides for six amendments to the Victims of Crime (Financial Assistance) Act. Three of these amendments implement further recommendations from the PAVER review. The first PAVER review recommendation to be implemented by the bill is recommendation 4. This amendment will remove the requirement for a family member or intimate partner of a person who has died because of an offence to provide evidence of a genuine relationship with the primary victim. In its current state, this requirement not only undermines the beneficial nature of the scheme but places an unnecessary burden on related victims during a significant period of grief. The removal of this requirement will mean that the eligibility of a victim will be determined on the status of their relationship, rather than the proof of quality and the nature of that relationship, as the word "genuine" intimated.

The second PAVER review recommendation being progressed through this bill is recommendation 10(e): removing circumstances of aggravation from the act. The aim of this amendment is to streamline the provision of recognition payments, resulting in faster decision-making and significantly reducing wait times for applicants. The Victims of Crimes Regulation 2000 currently provides for 56 recognition payment amounts for victims, with such amounts determined according to the offence category, the number of circumstances of aggravation and whether the offence caused a very serious injury that is likely to be permanent.

These payment categories and subcategories are an unnecessarily complex barrier to victims trying to access payments, and they increase application processing times. This bill streamlines recognition payments, reducing the evidentiary burden on victims to prove aggravating circumstances. This will result in faster processing time and receipt of payments.

The final recommendation from the PAVER review that this bill will implement is recommendation 10(f): adding additional safeguards to the legislation that protect victims' applications and supporting material held by Victim Support ACT from being subpoenaed and used in unrelated court proceedings. This amendment will reassure victims that submitting their personal details as part of the application process can be done without the fear that this information may be later used in unrelated court proceedings to the detriment of the victim. The application and other documents will still be accessible in certain circumstances, including for the purposes of an appeal or review of a decision regarding financial assistance or in certain circumstances where an applicant is seeking, for example, their own information.

The bill includes a new provision which replaces the right to apply for a recognition payment under the repealed Victims of Crime (Financial Assistance) Act 1983 with the right to apply for such payment under the current act. This ensures that victims of historical acts of violence are eligible for financial assistance pursuant to the current act. It provides for delayed commencement for the amendments that seek to remove circumstances of aggravation and the new provisions replacing the previous rights to apply for a recognition payment from the repealed act to the current act. This delayed commencement of 1 July 2025 is to allow for sufficient time for the implementation of these amendments.

This bill will also address two key issues that will improve the experience of victims of crime in accessing the scheme. The first includes the removal of the requirement for the commissioner or delegate to provide a second notice of ineligibility for financial assistance to applicants who are ineligible in circumstances where the applicant has not responded to the initial notice. Receiving a second notice of ineligibility, Mr Deputy Speaker, as you might well appreciate, can compound an applicant's experience of trauma, with a further notice that they are not an eligible victim. Eligibility for financial assistance will also be expanded to victims of intimate image abuse offences, acknowledging the significant harm caused by this crime.

This bill does demonstrate—and I think that is patent—the ACT government's strong and ongoing commitment to improve the experience of victims of crime and their recovery in our community and in the context of more applications and an increasing workload for the commission. We are working through both of those realities at the same time. It does mean that it takes time. It does mean that it takes an extraordinary amount of effort from our officials and the Justice and Community Safety Directorate.

The people in there who have been working on this have given so much of themselves to this. This is hard work. This is complicated work. It is so vitally important for us to get it right and to not have any perverse consequences from it that might make application processing times longer. I, for one, am enormously grateful for the priority that has been given to this work. It may be that it is not something that attracts an enormous amount of attention in this place. That has not detracted from how important it has been for me, as minister, and for the Treasurer, the ACT government and our cabinet to support this work, support victims of crime and support Victim Support ACT and the commission. I certainly commend the bill to the Assembly.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.03 to 2.00 pm.

Questions without notice

Canberra Institute of Technology—Chief Executive Officer

MS LEE: My question is to the Chief Minister. Chief Minister, I refer to the recent decision by the ACT Remuneration Tribunal to grant the stood-down CEO of CIT

another substantial pay rise. This now brings her annual salary to $383,278, despite being on leave pending the outcome of an Integrity Commission investigation into serious allegations. Chief Minister, did you write to the Remuneration Tribunal urging them not to grant this further pay rise to the CEO whilst she has been stood down due to the investigation by the Integrity Commissioner into her conduct in the awarding of certain contracts? If so, will you table the letter? And, if not, why not?

MR BARR: I met with the Remuneration Tribunal on the matter. I understand they have also corresponded with the Leader of the Opposition. I believe that they have made clear their responsibilities under the legislation and have acted in accordance with that.

MS LEE: Chief Minister, is the ACT taxpayer footing the bill for the CEO of the CIT's legal fees in relation to the investigation which is examining whether the conduct of certain CIT officials, including the CEO, amounts to corrupt conduct and/or serious or systemic corrupt conduct? And, if so, how much?

MR BARR: That is not a matter I am aware of, but I presume it would be subject to the same legal direction that applies across the ACT public sector.

MR MILLIGAN: Chief Minister, will you direct the Remuneration Tribunal to stop any further pay rises going to the stood-down CEO, given she has been on paid leave for the last two years?

MR BARR: Mr Milligan would be asking me to breach the current law. No; I will not, despite the kind invitation of Mr Milligan to break the law, which is a pretty consistent trend I am seeing from opposition questions this week—to totally disregard the legal separation between my role and that of the independent Remuneration Tribunal. And Mr Milligan suggests that someone who appears before the Integrity Commission or is a subject of an Integrity Commission investigation is guilty before the commission has even completed its work, which is another recurring theme of the opposition's remarks. If and when the Integrity Commission makes a finding in relation to that matter, that finding will, no doubt, precipitate a range of outcomes, Mr Milligan. I will not be speculating on those. It is not appropriate for me to do so.

Chief Minister—conduct

MS LEE: Madam Speaker, my question is to the Chief Minister—speaking of breaking the law. Chief Minister, photos of your car parked in a disability parking spot—

MADAM SPEAKER: I would ask you to rephrase that question and to be mindful of an accusation or an allegation that someone is breaking the law.

MS LEE: I literally said, "…speaking of breaking the law".

MADAM SPEAKER: Can you start your question again.

MS LEE: The question is: Chief Minister, photos of your car parked in a disability parking spot at the geocaching mega event earlier this year—an event which you opened as Chief Minister—have been circulated on social media, including being sent

around to me by a number of angry people, and blasted by some living with a disability attending the event, as shameful and inconsiderate. I seek leave to table pictures that have been going around.

Leave granted.

MS LEE: I table those pictures:

> Disability parking—Copy of a social media post, dated 29 March 2024, including photos (x5).

Mr Cain interjecting—

MADAM SPEAKER: Mr Cain, there is a colleague of yours on her feet asking a question. That would be enough.

MS LEE: Chief Minister, why did you think you were entitled to park in a disabled spot, depriving those with a disability who were attending the event from parking in accessible spots?

MR BARR: I was guided to that spot by the event organisers. It was 7 pm on Good Friday at a private venue at an invitation-only event. The event organisers provided that car-parking spot.

Opposition members interjecting—

MADAM SPEAKER: Members, enough!

MR BARR: They were the parking instructions provided to me by the event organiser at a private venue.

MS LEE: Chief Minister, do you go and break the law if anyone else asks you to do it and use that as an excuse for doing so?

MR BARR: I was following the instructions of the event organiser on Good Friday at a private, invitation-only event.

Ms Lawder: It is like the Nazis during World War II; they were following instructions.

Ms Cheyne: I have a point of order.

MADAM SPEAKER: I assume your point of order is about the interruptions and the interjections.

Ms Cheyne: No, it is not. Ms Lawder was just comparing the situation that we are talking about with Nazism.

MADAM SPEAKER: I did not hear it. I will take your point of order, but I make a general comment: if you think these matters are serious enough to raise in question

time, consider being silent so that you can hear the answer. The next person to continually interject will be warned.

MR BARR: I was parked in that spot for about 25 to 30 minutes. I apologise if the directions that were provided to me and the sign that was put in that spot, meant that anyone else was not able to park there. I do not believe that that was the case, given that it was Good Friday at 7 pm. But I understand, given the issue that has been raised, that in future, instructions will be given to any organisation that invites me to attend an event that if they intend to set aside a carpark, that it be one that does not disrupt any other person from being able to park to attend the event.

MR MILLIGAN: I have a supplementary question. Chief Minister, will you pay the fine of $3,200 for parking in that spot, or will you donate that amount to a local charity?

MR BARR: I do not believe that that is the fine, and no fine has been issued.

Housing—Social Housing Accelerator Fund

MR PARTON: My question is to the Minister for Housing and Suburban Development. Minister, you have often stood in this chamber and spoken strongly about how urgent the need is for more social housing and how the election of the Albanese government would finally—finally!—give you the power to house more people. In federal estimates hearings, it was revealed that the ACT government has yet to use a single cent of the $50 million Social Housing Accelerator Fund offered by the federal government. This is despite the fact that the ACT is in the midst of a housing crisis, with over 3,000 people on the waitlist for public and social housing, and that every other jurisdiction has utilised that funding. When will the government get serious on social housing and use the funds available under the Social Housing Accelerator fund?

MS BERRY: I thank Mr Parton for his question regarding the $50 million that was provided by the Albanese government to the ACT to be able to purchase off-the-plan housing in the ACT. As I said when I was asked a question about that funding and why it had not yet been spent, it is because it is not just for purchasing houses off the market; they need to be homes that are purchased off the plan and are built by contractors. Those contracts are being arranged, and, once those contracts are let, I can then let the community know that that funding is being spent.

The funding was not just for picking houses off the market that were available. It needed to be for suitable homes built for public housing tenants who need them, and homes that were built off the plan—not just existing homes. They needed to be homes that were not built yet and that were for Housing ACT tenants.

MR PARTON: With the ACT in the midst of a housing crisis, is your foot on the accelerator or the brake?

MS BERRY: It is, absolutely, on the accelerator. It is also about making sure that we build homes that meet the needs of our tenants. We are not just picking homes out of the blue; we are making sure that they are sustainable for our public housing tenants now and also into the future. The whole point of our public housing renewal program

is to remove older, unsustainable homes that are harder to heat and cool and that do not meet the needs of our tenants now and to make sure that when we are building or purchasing homes we can, as much as possible, meet adaptable building requirements so that as people age they can live with the requirements they need for accessibility and mobility.

MS LAWDER: Minister, when will any new dwellings created using this federal fund actually be handed over to any new tenants?

MS BERRY: As I said, we are in the process of signing contracts for these homes to be built. The build time is usually around nine to 12 months, and that takes into account other issues that might impact on the construction industry: construction supplies, weather et cetera. But those homes—those beautiful new homes that are affordable to heat and cool and that are accessible to all tenants, regardless of their abilities—should be available for tenants to move into next year.

Canberra Health Services—staffing

MR PETTERSSON: My question is to the Minister for Health. Minister, at the last election, ACT Labor committed to an additional 400 health professionals in our public health services. Can you provide an update on progress against that commitment in this term of government?

MS STEPHEN-SMITH: I thank Mr Pettersson for the question. Yes, ACT Labor did make a commitment at the last election, in 2020, to 400 more health workers—and we have more than delivered on that commitment. Indeed, the ACT Labor government has made record investments in health. Some of our biggest investments have been in our health workforce. We not only achieved the commitment to 400 additional healthcare workers earlier but also exceeded it. We have funded more than 580 additional positions over this term. That means more doctors, nurses, midwives and health professionals across the ACT's public health services.

Our priority is growing and retaining our health workforce so that Canberrans can access the right care at the right time and in the right place. We are ensuring that our health workers remain amongst the best paid in the country and that those on the lower wages get the biggest leg up during these cost-of-living pressures. We are supporting future health professionals through cost-of-living payments and placement support. We are continuing to invest in long-term planning, alongside increased training and support, enhanced career pathways and improving the safety and wellbeing of health workers.

ACT Labor will continue to focus on making our health services great places to work, with state-of-the-art infrastructure and appropriate workloads. Unlike the Canberra Liberals, we support initiatives such as nursing and midwifery to patient ratios that make our health services safer for consumers and for our nurses and midwives. ACT Labor know that our health workforce is fundamental to the success of our health system. That is why we have now committed to an additional 800 health workers as our first major election commitment—more nurses, more health professionals, more doctors, specialists, midwives and support staff—because we know that every health worker is essential to ensuring Canberrans can get the best health care in the ACT.

MR PETTERSSON: Minister, where have you made the biggest investments in additional health professionals across our public health services and how is this benefiting the community?

MS STEPHEN-SMITH: I thank Mr Pettersson for the supplementary question. As part of our record investments in public health services we have brought on more health professionals across our hospitals, our very successful nurse-led walk-in centres, our community services and everything in between. We have invested more than $139 million to expand services in the new critical services building, opening in August. This includes more emergency department staff, an expanded medical emergency team, increased medical imaging support, more operating theatre staff and a significant boost to our support teams.

Over this term, we have funded more than $50 million for phase 1 of the nursing and midwifery to patient ratios; $8.6 million for junior medical officers; and more than $16 million to expand the allied health workforce. In the 2023-24 budget, we invested more than $200 million over the next four years to deliver more support for health workers, more health services and better resourcing for our health system. This includes $15.7 million to expand paediatric services, with more specialist medical officers, more paediatric nursing positions and a new paediatric hospital-in-the-home service.

We listen to health workers and the community to target our investments on supporting positive outcomes for consumers and our teams. These workforce investments aim to reduce lengths of stay in hospital, decrease wait times and complications and improve staff satisfaction through fairer workplaces and a safe environment. We have invested more than $8 million to continue workforce planning and improve workforce data to ensure the ACT continues to have a sustainable health workforce into the future. Labor governments invest in public health services, and that is what we will continue to do, by investing in our most valuable resources—our health workers.

DR PATERSON: Minister, how are you continuing to ensure we can attract, recruit and retain health workers in the ACT's public health services to support the health and wellbeing of Canberrans?

MS STEPHEN-SMITH: I thank Dr Paterson for the supplementary question. The government has continued to show that we are committed to growing and developing our health workforce to provide even better health outcomes for Canberrans. Canberra Health Services have been running national and international recruitment campaigns that have resulted in more than 500 expressions of interest and more than 100 nurses being offered positions so far. They have also established a dedicated team to recruit more specialists to the ACT. These ongoing recruitment activities ensure we are building our workforce as well as building the capability of our existing teams and state-of-the-art infrastructure for them to work in.

To assist our health workforce in the future, we have invested more than $3 million to support students with cost-of-living pressures and to undertake clinical placements. Of course, we welcome the federal Labor government's investment in prac placements, which will further strengthen our local workforce and that around Australia. We have

invested more than $27 million on top of the core offer under the enterprise agreement bargaining process to improve benefits for nursing, midwifery and allied health professionals as part of enterprise agreement negotiations. This ensures our teams remain amongst the best paid in the country.

We have focused on professional development opportunities, enhancing career pathways, training and education, research opportunities and recognising advanced skills across professions. We have continued key projects to make our environments safer and healthier, with more than $7 million going towards safer culture work and more than $8 million for co-designed wellbeing initiatives.

We are committed to working closely with our health workers and their union representatives to grow and support Canberra's public health workforce. ACT Labor has put in place a range of incentives to attract, retain and recruit our highly valued healthcare workforce—because only Labor is truly committed to protecting public health care.

Light rail—vehicles

MR PARTON: My question is to the Minister for Transport. Minister, I refer to comments made by an ACT government spokesperson in a recent *RiotACT* article about the Spanish-built tram vehicles. When asked if the battery range would be sufficient for the wireless section between Alinga Street and Hopetoun Circuit, the response from your government was that it "will depend on the specific attributes of the stage 2B route". The suggestion was that, depending on the design of stage 2B and depending on how many stops there are and for how long the tram actually stops, it may or may not make it to Deakin, or it might just peter out somewhere along Adelaide Avenue. Minister, how could there possibly be any doubt at this stage about whether or not the battery range of the tram would be sufficient for any proposed alignment of stage 2B?

MR STEEL: I thank the member for his question. We are currently consulting with the community on the design of light rail stage 2B, and I encourage the community to have their say. Of course, that will inform further design development of the light rail extension from Alinga Street through to Commonwealth Park.

There are a range of approvals processes that this consultation is informing, including third-party decision-making about things like where the stops are located, and the design of the light rail extension, including the wired connection, which we do expect to start from Hopetoun Circuit, with a new stop there. The five new light rail vehicles, with their onboard energy systems, are being delivered, which will allow us to then utilise them on the existing stage 1 alignment so that we can retrofit the existing fleet of light rail vehicles with those onboard energy systems.

Of course, light rail can make it down to Woden. We have the technology to do it, and the only people that think we cannot do it are the Canberra Liberals.

MR PARTON: Minister, is a contingency plan being developed in the event that the tram runs out of battery? Will the passengers have to get out and push or will you provide a fleet of e-scooters strategically placed along Adelaide Avenue?

MR STEEL: It is not surprising that I reject the premise of the question, because the onboard energy systems will allow wire-free running and, as appropriate, they will then be charged on the wired component of the route. That is in design at the moment. This is what you do with infrastructure projects: you go through a design process to establish all of the technical requirements for the route.

We have an experienced provider, through the Canberra Metro consortium and their partnership with CAF Australia, to deliver this technology, which is well established; it is used in other cities around the world. We are no different. We will deliver this wire-free technology here in Canberra, and that will support the delivery of light rail from Alinga Street right through to Woden. The only people who are selling the south side short are the Canberra Liberals.

MR COCKS: Minister, as well as doubts over battery range, are you concerned by the risk of cracks in the wheel arches of trams once heavy batteries are placed on the roof directly over the suspect wheel arches?

MR STEEL: I thank the member for his question. He may not be aware of the conversation we have had in this place previously about the CAF Urbos 3 and the very detailed work that we did, in working with CAF Australia, CAF's subsidiary here locally and Transport for NSW to understand the issues that they were experiencing with their different fleet of CAF Urbos vehicles.

We do not have the same issues that they have. We have a different model of light rail vehicle. It has updated strengthening in key components, and that has been tested in relation to the onboard energy systems. In fact, the CAF Urbos 3s for light rail stage 1 were purchased with onboard energy systems being fitted in the future in mind. So they were futureproofed for this future potential technology being fitted, and that is the option that we are taking up. They are built for this onboard energy system to be fitted, and that is what we are doing.

Planning—zoning

MS CLAY: Madam Speaker, my question is to the Minister for Planning. Labor's planning minister and former planning minister completed a four-year review of the Territory Plan and planning system earlier this year, but the review did not deliver any significant reform for zoning to encourage missing-middle housing. Last week you announced an inquiry into zoning reform for missing-middle housing. I am confused about the timing. The parliamentary committee recommended zoning reform, but the planning ministers did not want that.

Last year the Greens sought an inquiry into missing-middle zoning reform, but Labor and the Liberals voted us down. Last year the Greens released our plan for missing-middle zoning reform. Minister, why did you wait until after finishing your four-year planning review and several requests to examine missing-middle zoning reform before starting this new inquiry into missing-middle zoning reform?

MR STEEL: I thank the member for her question. The new outcomes-based planning system was not established. Now that it is established we can use the mechanisms in

the new planning system to undertake this next stage of planning reform, potentially looking at future development, including missing middle within existing residential zones. The mechanism of establishing design guides enables us to work with the community, and with architects and planners, to develop a new design guide for the missing middle to make sure that we get the design of these buildings right before we then allow them, through a change to the Territory Plan and through a change to zoning.

We are going to do that detailed work with the community. It has been welcomed by many parts of the industry, including the Institute of Architects, because it is really important that we have a design-led process. The whole intent of the new planning system was to put design at the centre, to make sure that we have better outcomes in mind for the Canberra community when it comes to planning.

It is very logical to have the foundations of the system that Minister Gentleman established, through the planning system review, and now to use those foundations to undertake further reform. We are looking at more housing across different parts of Canberra, missing middle being one part of that. In my statement of planning priorities, I have also indicated that a priority will be to look at the opportunities for more housing along transport corridors and at our shopping centres.

MS CLAY: Minister, could the consultation and wholesale review of the Territory Plan have looked at missing-middle zoning and housing reform?

MR STEEL: I thank the member for her question. As she knows, there was a significant piece of work done, through the planning review, to establish district strategies. That was part of the outcomes-focused approach of wanting to look at different scales, from the city level through to a local area, and what might be improved in terms of planning and built form outcomes. The district strategy plan identifies a range of change areas, key sites for renewal and potential regeneration areas that might be suitable for more housing and non-residential uses in the future.

Now that we have done that consultation, through the planning review, and established those district strategies, we can undertake the detailed work that is required and further investigations of those sites that were identified in the district strategies. Indeed, we have already started consulting on some of those change areas. One of those is the north Curtin site at Yarra Glen. There is an opportunity to provide up to 1,300 new homes. We have started consulting with the community and the National Capital Authority about what planning conditions might be provided for that particular site.

MR BRADDOCK: Minister, what is the earliest date that your new inquiry process could deliver more housing by?

MR STEEL: I thank Mr Braddock for his question. It is not an inquiry; it is the development of a new missing-middle design guide. We will work with the community, planners and architects on the development of a draft guide. We will consult with the community on that draft guide. I expect that to happen next year. Following that, we will use that to inform future consideration of potential changes to the Territory Plan to allow things like townhouses, duplexes and row houses on existing residential blocks in Canberra.

Of course, that is only one small part of other priorities that we have. We are looking at opportunities for more housing along transport corridors and at shopping centres. We are looking at opportunities in our greenfield suburbs and growing regions, like Molonglo, in particular. There are a range of different pieces of work underway at the moment. We are looking forward to working with the community on those.

Planning—RZ1 changes

MR CAIN: My question is to the Minister for Planning. Minister, your government's policy to allow dual occupancy developments on RZ1 blocks of 800 square metres with a maximum 120 square-metre second dwelling was brought in in late 2023. At the time, industry representatives claimed that the size limit of the second dwelling would deter people from taking up this initiative. Minister, how many development applications have been submitted for dual occupancies in the ACT since 27 November 2023?

MR STEEL: I will take that question on notice to get the specific number. What we do know is that it is relatively early days in the new planning system. We are monitoring the development applications that are coming through. Our government has been pretty clear that we did not expect large number of applications to come through in relation to that. We expect that the majority of housing will come from other areas that have been identified through the district strategy process—for example, the change areas in the future. That will enable us to potentially provide, over the next 25 years, up to 148,000 new homes in Canberra. That has been very clearly outlined through the district strategies.

Of course, we are working on the development of a new missing-middle design guide which will look at opportunities that there might be beyond the current settings to provide opportunities for more low-density housing in existing residential zones as well. That will involve discussion with industry, but it will also involve discussion with community to make sure that they understand what the changes might look like down to a street level, what the view might be from their neighbour's window, and what the green space might look like on a block where more than one home might be delivered.

MR CAIN: Minister, is it not the case that five applications have been received? How can you not know, given this is your primary infill agenda?

MR STEEL: I thank the member for his question. As I said, I will come back on notice with the specific number.

MR PARTON: Minister, what modelling has the government conducted to assess the potential take-up of a dual occupancy policy that did not impose an arbitrary size limit, like the one the Canberra Liberals have proposed?

MR STEEL: I thank the member for his question. As I mentioned in the answer to Ms Clay's question, the planning system review did not start as an exercise in zoning reform or by looking at the missing-middle reforms; it started as an exercise in establishing a system that is outcomes-focused. That has resulted in us also developing district strategies and looking at where future development can occur. Some minor changes were made to the system to allow dual occupancies, but now we are undertaking the detailed work—now that we have the foundations of the system in

place—to work with the community, architects and planners to get the settings right before we make further changes. That is the difference between our government and the opposition: we want to make sure it is well-designed before we change the law.

Members interjecting—

MADAM SPEAKER: You are on your feet, Mr Cocks?

Mr Cocks: It was to raise a point of order, and it would have been a good one.

MADAM SPEAKER: And I would have responded with: "I can hardly hear you because of the interjections."

Gambling and Racing Commission—performance

DR PATERSON: My question is to the Minister for Gaming. Minister, you have recently suggested that there be a review into the length of time taken for the Integrity Commission to complete investigations. Given there is an ongoing investigation of four years at the Gaming and Racing Commission, are you considering legislative changes to ensure timely investigations are conducted by the GRC?

MR RATTENBURY: Yes, I am considering that. I am aware of the matter that Dr Paterson is referring to, relating to a complaint that has been lodged about two members of a family who gambled a significant amount of money through the Hellenic Club. I understand that the family is very distressed by the amount of time that it has taken to undertake that investigation. I have met with family members of the two individuals who were involved in that—

Mr Hanson interjecting—

MR RATTENBURY: and I think they have raised two important points about the lack of—

Mr Hanson interjecting—

MR RATTENBURY: Madam Speaker!

MADAM SPEAKER: I know it is hard. Can everyone on my left be quiet for a bit.

MR RATTENBURY: Mr Hanson is back; I think he has just interjected eight times in a row as I have endeavoured to give a serious answer to a serious question.

Mr Cain interjecting—

MADAM SPEAKER: Mr Cain, I think you are up to about 12.

MR RATTENBURY: Madam Speaker, this is a serious matter. I am very concerned about this, and I think the family members involved are right to be dissatisfied with both the amount of time this has taken and the amount of information that they have

had access to in terms of the updates that have been provided to them through the course of this investigation. I have asked the incoming chair of the Gaming and Racing Commission and the CEO of the Gaming and Racing Commission to review this matter. And as the policy minister responsible for this, I have asked them to advise me whether there are legislative or policy changes needed to improve this process.

DR PATERSON: Minister, is it satisfactory that, after four years, the family at the centre of this investigation are no closer to having any answers?

MR RATTENBURY: As Dr Paterson knows, there is a limited amount of information that I or she or any of us can have relating to the conduct of this investigation due to the secrecy provisions that apply to the Gaming and Racing Commission. So, on that basis, there are some questions that I cannot answer on this, but I think it has taken a long time. I am advised that it is a very complex matter, that there are a large amount of documents involved and that, because of the requirements of natural justice to be able to put matters back to the parties that are having a complaint lodged against them, there has been some time. But I think that this is an excessive amount of time, and that is why I have sought advice on whether there are legislative steps that the government might take to improve the conduct of these investigations.

MS ORR: Minister, how long do victims of gambling harm need to wait to receive answers?

MR RATTENBURY: As I have touched on already, I think an important thing is that, whether it is an individual or family members of individuals, they should have an opportunity to access updates on the investigations and that they are kept informed. I think that certainly one of the points of frustration in this matter has been that the family is not aware of where the investigation is up to. That is the first thing. I think Ms Orr's question is obviously a very open-ended one. Some matters can be dealt with quite quickly; others will take longer, depending on the level of complexity.

Respiratory syncytial virus—vaccines

MS CASTLEY: My question is to the Minister for Health. I refer the minister to the fact that New South Wales, Queensland and Western Australia all have programs up and running to provide infants with Beyfortus RSV vaccine over this autumn and winter. I also refer to comments from an ACT government spokesperson, who told the ABC in March that the government has "no plans to adopt such a program for the 2024 season" but that Canberra Health Services gives "access" to another vaccine, Synagis. Minister, why has the government deliberately failed to provide Canberra's infants with Beyfortus RSV vaccine?

MS DAVIDSON: As Minister for Population Health, I have responsibility for this part of the admin arrangements. The ACT government does acknowledge the recent changes with Beyfortus programs for eligible infants and young children in some states like West Australia, Queensland and New South Wales. Beyfortus is helpful for providing protection from RSV to vulnerable children and there is a program run in New South Wales for which we are able to get access to some vaccines for the ACT.

Ms Castley: For New South Wales babies though. What about Canberra kids?

MS DAVIDSON: The ACT is Canberra.

Ms Castley: So Canberra kids can access the New South Wales—

Mr Rattenbury: Madam Speaker, please—

MADAM SPEAKER: Members, please. You have asked the question, Ms Castley. Allow the minister to answer.

MS DAVIDSON: Parents of babies who are born in ACT hospitals during the 2024 RSV season and meet the eligibility criteria for the New South Wales babies program will be offered Beyfortus for their baby before leaving hospital. All babies entering their first RSV season who meet the eligibility criteria and are residing in the ACT or are residing in New South Wales and their closest paediatric service is Canberra Hospital, can be referred by their GP or paediatrician to Canberra Health Services for Beyfortus as part of the catch up program. This particular vaccine is only available through this program at the moment because it is not available on the private market, but we are making sure that we do everything possible to ensure those babies that are most at risk are able to get access to that vaccine.

MS CASTLEY: Minister, isn't it unforgivable that the ACT government's webpage on RSV, as late as last month, was telling people that there is currently no vaccine available to protect against RSV, when Beyfortus was approved by the TGA last November?

MS DAVIDSON: I understand that we now have access to the Beyfortus vaccine and it is being offered to those babies who are most at risk. The levels of access that we have to vaccines are dependent on a number of factors around availability of the product in the market, and various programs that we can access it through as part of the national immunisation program as well. That information does change regularly and when it changes, we do update the information that is provided to the public.

MS LAWDER: Minister, is it not also unforgiveable that ACT Health's website now says:

> The Therapeutic Goods Administration has approved Beyfortus™ (nirsevimab) for babies and children up to 2 years old who are vulnerable to severe disease.

But in fact it is also approved for all neonates and infants born during or entering their first RSV season?

MS DAVIDSON: The ACT is participating in a NSW Health program for access to Beyfortus for babies who are particularly vulnerable and we are using the same criteria as New South Wales.

Mr Cocks: Point of order, Madam Speaker.

MADAM SPEAKER: Mr Cocks?

Mr Cocks: On relevance. The question here was about TGA approval versus the information. It was not about eligibility for the New South Wales scheme.

MADAM SPEAKER: You have one minute 30; do you have more to answer Ms Davidson?

MS DAVIDSON: No, I have nothing further to add.

Ms Castley: So Canberra kids can get it?

Ms Stephen-Smith: It actually says that on the website, Ms Castley.

Ms Castley: It does not actually.

MADAM SPEAKER: Members, members!

Ms Stephen-Smith: It says that on the website. Have a look!

Ms Castley: It does not. I have looked. I have it here in front of me!

Suburban Land Agency—Home Energy Rebate Program

MR BRADDOCK: My question is to the Minister for Housing and Suburban Development. Minister, the SLA Home Energy Rebate Program for Whitlam includes a requirement for lighter coloured roofs with a solar absorptance of 0.5 or less. Anecdotally, there are a lot of lighter coloured roofs in Whitlam. I would be interested in what the take-up of the scheme has been and what benefits have been realised.

MS BERRY: There have been 120 applications approved in Whitlam.

MR BRADDOCK: Minister, has there been any evaluation on the impact on these lighter coloured roofs in reducing the urban heat island effect in Whitlam?

MS BERRY: Whitlam is still being constructed. A test or a study of the impact on the absorptance of lighter coloured roofs in Whitlam is going to being considered. I understand that EPSDD is working with the University of New South Wales to research the impacts of cooler roofs with lower absorptance. It means that your home can be cooler in summer. However, the climate in the ACT also has very cold winters. So understanding the impact of that and our current climate, as well as climate modelling for the future, will be part of that study.

MS CLAY: Minister, is the ACT government considering incentives for lighter coloured roofs in other parts of the ACT?

MS BERRY: This incentive also applies in the suburb of Jacka, which will be Canberra's first new all-electric suburb, with a community battery as well. Some of the programs that will be available there will be similar to the ones that are in Whitlam. We

also have a range of other sustainable household grants and scheme, including the Sustainable Household Scheme, the Energy Innovation Fund and solar for apartments programs. We are also making sure that we can reduce energy bills for public housing tenants by ensuring that they have insulation within their roofs and electrify older gas and unsustainable and unviable heating services. So there are a range of sustainability measures that the ACT government already have in place.

Women—Domestic and family violence

MS LAWDER: My question is to the Minister for Women. Minister, findings from the YWCA Canberra's Our Lives: Women in the ACT Survey 2023 revealed a deeply concerning trend that women in my electorate of Brindabella report feeling the least safe compared to other areas of Canberra. This is an alarming indictment of the government's failure to prioritise the safety and security of women, especially in Tuggeranong. According to the same survey, women across the ACT expressed less optimism regarding their feelings about future safety. This underscores a broader issue of neglect and failure in ensuring the wellbeing of women throughout our region. Minister, given these distressing results, why aren't you doing more to make women feel safe in Canberra, and in Tuggeranong in particular?

MS BERRY: It is alarming to hear that women are feeling unsafe in the ACT. Ms Lawder has identified her electorate as being an area where women are feeling particularly unsafe. The ACT government, through City Services, works very closely with the Women's Centre for Health Matters on their safety map so that we are applying different initiatives to ensure that women feel safe when they identify issues, as Ms Lawder will know, including lighting upgrades or additional lighting across the ACT.

It does concern me, and I know Ms Lawder will have seen, that a number of women, when a survey was conducted, said that they would feel safer with a bear than with a strange man. That is something on which we as a community have much more work to do, to ensure that women feel safe. We need to change the culture of gender inequality across our city, as well as ensuring that we continue to work with organisations like the YWCA and Women's Health Matters so that we hear from women who are feeling unsafe and we can take action to ensure that they do feel safer. As a cultural issue, there is a lot more that we need to do to ensure that there is a change in the way that gender inequality is understood in our community so that women feel safe, regardless of where they are.

MS LAWDER: Minister, how do you justify the government's neglect of women's safety and wellbeing in the ACT when you hear about these disturbing findings?

MS BERRY: I do not agree with the premise of that question. As I have just identified in my previous answer, the ACT government is working with a number of organisations to ensure that women feel safer. But the government cannot do it on its own. That is why that message needs to be very clearly sent out by leaders in our community, such as those in the Assembly here today, that the way women feel in our community needs to change. They should feel safe wherever they are, whether they are in their homes, on their streets, in parks or in playgrounds. Women should feel safe wherever they are, and that is an issue that our community needs to deal with.

MS CASTLEY: Minister, have you failed the women of Canberra, given women across the ACT have expressed less optimism regarding their feelings of future safety?

MS BERRY: No, I have not.

Health—nurse-led walk-in centres

MR CAIN: Madam Speaker, my question is to the Minister for Health. Minister, I recall ACT Labor's commitment, made on 14 September 2020, to establish a new local walk-in health centre in west Belconnen, amongst other places. Your media release says:

> The centres will be rolled out progressively between 2021-22 and the middle of the decade.

Minister, 2024 is almost the middle of the decade, yet there has been no word of any progress regarding a west Belconnen centre. Minister, why have there been no updates on the progress of a walk-in health centre in west Belconnen since your party's announcement four years ago?

MS STEPHEN-SMITH: I am always happy to talk about ACT Labor's commitment to new health centres across the ACT. We committed to a new centre in Molonglo, which opened in partnership with primary care, as a new model. We committed to a new centre in south Tuggeranong, in Conder. The detailed design and planning work is underway and the funding is available for construction. We have committed to the inner south, north Gungahlin and, of course, west Belconnen. We will have more to say formally about the locations for the inner south, north Gungahlin and west Belconnen very soon. We have also allocated funding for the detailed work to design for the inner south and north Gungahlin.

We were clear in relation to that that there was an order in which these things were going to happen. Because west Belconnen also relates to the development of Ginninderry, which is in the relatively early stages of ongoing suburban development, that will be the last of the five to be rolled out. But I am pleased to say that people can expect—

Opposition members interjecting—

MS STEPHEN-SMITH: I am not going to be making an announcement in question time. Indeed, it is inappropriate to ask for one. But I can advise the chamber to expect some further details quite soon in relation to the inner south, north Gungahlin and west Belconnen.

MR CAIN: Minister, when can west Belconnen residents expect to be able to walk into a west Belconnen walk-in health centre? This decade?

Ms Berry: Well, never, if the Liberals get in.

MS STEPHEN-SMITH: I think the Deputy Chief Minister makes a good point: probably never, if the Liberals are elected in October.

Mr Cocks: A point of order, Madam Speaker.

MADAM SPEAKER: Minister, resume your seat, please.

Mr Cocks: Madam Speaker, this is a point of order under standing order 118. On a number of occasions today ministers have decided to make suggestions about what the Canberra Liberals do or do not support. I seek your advice. Under 118(d) there are a number of things which should not be contained in questions, including inferences and imputations—

Members interjecting—

MADAM SPEAKER: Thank you, Mr Cocks. I also draw your attention to 118(d)(iv), which is ironical expressions in questions. Continue, Ms Stephen-Smith.

MS STEPHEN-SMITH: Thank you, Madam Speaker. As I was saying, I think the answer to Mr Cain's question is: if the Liberals are elected, probably never. The answer in relation to the ACT Labor government is as I have given in response to the first question—there will be more details available soon.

MS CASTLEY: Minister, why are you leaving west Belconnen residents behind, and what do you have to say to them, knowing that they are still waiting for an announcement?

MS STEPHEN-SMITH: I reject the premise of Ms Castley's supplementary question. We have services around the city. The biggest health centre in the city is in Belconnen town centre. Belconnen has a walk-in centre. West Belconnen has a child and family centre, which is a fantastic facility, out of which are delivered maternal and child health services.

Mr Cain interjecting—

MS STEPHEN-SMITH: As I indicated in my response to the first question, the west Belconnen commitment was specifically related to the continued expansion of west Belconnen, through the Ginninderry development, which is currently in the relatively early stages of suburban development. I did see some statements from the Deputy Chief Minister: I think there are 2,000 residents now in Ginninderry, but it will continue to grow. That is the reason we have made a commitment to west Belconnen, which will be delivered under this government if re-elected.

Gungahlin—emergency services

MR MILLIGAN: My question is to the Minister for Fire and Emergency Services and Minister for Police and Crime Prevention. Minister, in the last sitting week, and also again yesterday, you said that the Gungahlin Joint Emergency Services Centre would

be open by the end of May. Over the weekend, we saw a fire truck return, but the ACT Policing website still states that the station is closed. Minister, what is the hold-up? And why is the Gungahlin Joint Emergency Services Centre still closed?

MR GENTLEMAN: I thank Mr Milligan for the question because I was not getting much love over here, I must say! The Chief Minister has been getting most of the questions. I thank him for his interest in policing for Gungahlin. I can say that police have been operationally active in Gungahlin during the whole period that we have been doing the remediation on the JESC. It now has a certificate of occupancy, as I said yesterday, and police have contingency plans to move back into the JESC. Some wiring work is being done at the moment, as I understand it, but they will be back in the JESC very shortly, and it is the same with the city police station.

MR MILLIGAN: Minister, when can the Gungahlin community expect to have the Joint Emergency Services Centre fully open, with all the services that were previously there?

MR GENTLEMAN: In the next week or so.

MS CASTLEY: Minister, what has the response time for call-outs been to Gungahlin in the time the centre has been closed?

MR GENTLEMAN: The same response time. Police have been active in patrolling in Gungahlin, as they did previously.

Transport—active travel

MISS NUTTALL: My question is to the Minister for City Services. Constituents have expressed concern around the lack of active travel facilities in and around my electorate of Brindabella. You stated previously in a question on notice that a shared path for the Monaro Highway will be built after the entire project, including all future stages, is complete. Why must cyclists on the Monaro Highway wait until the entire Monaro Highway project is complete for safe separated cycling paths to be built?

MS CHEYNE: I know that Mr Parton has an interest in this as well, and I thank Ms Nuttall for the question. The earthwork formation for the off-road shared paths is underway and is being delivered with each stage of the project. If you are near the area you will see that the earthworks for the path around Lanyon Drive are currently being delivered. However, delivering the surface sections during each project stage would result in a shared path with disconnections or isolations and, alternatively, delivering a fully-surfaced share path at the beginning of the project would lead to abortive works as the future interchanges were constructed.

We also need the work on other interchanges to get underway, and delivery of those is required to support safe crossings on the corridor for cyclists—for example, by providing a bridge across the high-speed Monaro Highway from Hume to Chisholm. That is why, while these preparatory earthworks are able to get underway as part of this project, the construction and the completion date of a possible shared path is subject to future consideration of possible stages of the Monaro Highway upgrade at Hume and Isabella Drive.

MISS NUTTALL: Where is active travel currently being prioritised in Tuggeranong?

MS CHEYNE: You may have noticed the foreshore upgrades, for starters, but, equally, Sulwood Drive is somewhere where there is going to be a shared path. In fact, this is the reason that that road needs to be closed for this period—for safety and for the construction work to begin for that shared path to be delivered. That is a significant investment, as is the upgrades at Tuggeranong foreshore, which have reached another milestone this week. I certainly commend Minister Steele for his advocacy in this place and for ensuring that this work is done. In the case of Sulwood Drive, it is well underway, and in the case of the foreshore it is almost complete.

MS CLAY: I have a supplementary question. Minister, when do you expect the cycleway on Monaro Highway will be complete on your current time frame?

MS CHEYNE: I addressed that in my first answer.

Environment—Sustainable Household Scheme

MS ORR: My question is to the Minister for Climate Action. Chief Minister, can you please provide the Assembly with an update on the Sustainable Household Scheme?

MR BARR: I thank Ms Orr for the question. I can advise the Assembly that, as at the end of May, there had been 18,691 Sustainable Household Scheme loans completed and installed. The loan amount settled is now more than $200 million, and the program has seen 107 megawatts of solar installed across the ACT. I am advised that this is the equivalent of nine Williamsdale Solar Farms, for those looking for an equivalent.

MS ORR: Chief Minister, can you update the Assembly on the popularity of the products available through the scheme?

MR BARR: Solar heating and cooling, solar and battery hot water heat pumps and battery storage have been the overwhelming areas that households have taken up.

MR PETTERSSON: Chief Minister, how many of the loans are for constituents in Yerrabi and what are the most popular products for those constituents?

MR BARR: Thank you for the question, Mr Pettersson. It is broken down by region, so I can advise that it is 4,745 in Gungahlin. Belconnen has also had a strong take-up. I note there are several suburbs in Yerrabi that are in the Belconnen district. I will do a little bit of rough calculation, but I would presume that around 21½ per cent of the program has been taken up by Yerrabi residents. Solar, again, is the most popular. Heating and cooling, household batteries and hot water heat pumps have dominated.

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

Supplementary answers to questions without notice

Planning—RZ1 changes

MADAM SPEAKER: Any matters arising from question time?

MR STEEL: Madam Speaker, I have just confirmed that the number of DAs recorded is as the opposition described.

Opposition members interjecting—

MADAM SPEAKER: Members!

ACT Integrity Commission—investigations
Education Directorate—ACT Integrity Commission

MR RATTENBURY: Madam Speaker, yesterday I took a few questions on notice. I will just work through them, in no particular order. Ms Lee asked:

> … is there any arrangement in place for Ms Haire to pay back any legal fees that ACT taxpayers are paying for in the event her Supreme Court action is not successful?

And:

> Is there any arrangement in place to have Ms Haire pay back the legal fees that ACT taxpayers are paying if there are any adverse findings made against her by the Integrity Commission?

I will put those together. The answer I can provide in response to those questions is that the Solicitor-General's approval for legal assistance includes a standard condition that the territory reserves the right to recover that legal assistance in the event that it is established that the individual acted other than in the course of their employment or in bad faith.

This is consistent with paragraph 13 of the Legal Services Directions. Ms Lee, I think it was, also asked me:

> … did the Solicitor-General notify you of that decision, and did he give you any written reasons for his decision?

I did answer part of that question yesterday, saying that I had spoken with him. I can confirm that on 5 September 2023 I met with the Solicitor-General regarding the Supreme Court proceedings. At that meeting the Solicitor-General verbally informed me that Ms Haire was the recipient of assistance in relation to her representation before the Integrity Commission.

The last matter I have relates to a question from Mr Cain. He said:

> Attorney-General, have you, or the Solicitor-General, ever approved the payment of legal fees for any other ACT public servant who has initiated action against the Integrity Commissioner?

I do not entirely agree with the premise of the question. Nonetheless, I have been advised that the Solicitor-General is not aware of any other ACT public servants who have initiated action against the Integrity Commission. For clarity, I am also advised

that there have been legal proceedings, which I understand were commenced in the Supreme Court by the Integrity Commission and related to examination powers.

I think it is also fair to reflect that, in general terms, there is nothing unprecedented in a person appearing before a board of inquiry, inquest, Integrity Commission or similar body challenging the exercise of that body's functions or powers in relation to matters of procedural fairness, including questions of perceived or actual bias. The exercise of the power of summons and examination is also the subject of legal challenge in many jurisdictions. That goes to the broader question that I have been asked over the last couple of days.

Mr Cain interjecting—

MADAM SPEAKER: Please, Mr Cain.

Papers

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

Aboriginal and Torres Strait Islander Elected Body Act, pursuant to subsection 10B(3)—ACT Aboriginal and Torres Strait Islander Elected Body—Report from hearings April 2024—Twelfth Report to the ACT Government.

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General's Report No 1/2024—Urban Tree Management—Government response, date 6 June 2024.

Children and Young People Act, pursuant to subsection 727S(5)—ACT Children and Young People Death Review Committee—Annual Report—2023, dated 29 April 2024.

Education and Care Services National Law as applied by the law of the States and Territories—

Education and Care Services National Amendment Regulations 2024 (2024 No 143), dated 3 May 2024, together with an explanatory statement.

Education and Care Services National Further Amendment Regulations 2024 (2024 No 144), dated 3 May 2024, together with an explanatory statement.

Health and Community Wellbeing—Standing Committee—Report 11—Report of the Inquiry into a recovery plan for nursing and midwifery workers—Government response, dated June 2024.

Justice and Community Safety—Standing Committee—Report 24—Inquiry into the Parentage (Surrogacy) Amendment Bill 2023—Government response, dated June 2024.

Justice and Community Safety—Standing Committee—Report 25—Inquiry into Sexual, Family and Personal Violence Amendment Bill 2023—Government response, dated June 2024.

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report—2023, dated April 2024.

Subordinate legislation (including explanatory statement unless otherwise stated)

Legislation Act, pursuant to section 64—

Financial Management Act—Financial Management (Transfer of Funds from Capital Injection to Other Appropriations) Direction 2024 (No 2)—Disallowable Instrument DI2024-105 (LR, 5 June 2024).

Government—taxation

MS LEE (Kurrajong—Leader of the Opposition) (3.03): I move:

That this Assembly:

(1) notes:

(a) in the 2012-13 ACT Budget, Treasurer Andrew Barr, promised that his tax reform would "make housing more affordable for Canberrans – whether they are buying or renting";

(b) Mr Barr announced that his tax reform would ensure the ACT Government's tax system is "fairer, simpler and more efficient", by focusing on stamp duty, land tax, payroll tax, insurance taxes and general rates;

(c) Mr Barr promised that the tax reform would be "revenue neutral" and that stamp duty would be abolished by 2031-32;

(d) when comparing the "actual outcomes" of the first 10 years of the tax reform it is revealed that revenue from:

(i) payroll tax has increased by more than 225 percent;

(ii) general rates have increased by more than 250 percent; and

(iii) land tax has increased by more than 260 percent; and

(e) the ACT Government collected more in residential stamp duty in 2022-23 than both residential and commercial stamp duty in 2012-13;

(2) further notes:

(a) in 2012-13, Australian Bureau of Statistics (ABS) data showed that the ACT was one of the lowest taxing state and local governments at $3,228 per capita, compared to the national average of $3,356 per capita;

(b) the latest taxation revenue data from the ABS shows that in 2022-23, the ACT was the second highest taxing jurisdiction per capita in the country, at $5,610 per capita; and

(c) despite being the second highest taxing jurisdiction per capita in 2022-23, the ACT Government has racked up more than $11 billion in borrowings with an interest bill of more than $334 million as well as a deficit of more than $772 million; and

(3) calls on the ACT Government to admit and apologise that its tax reform:

(a) has failed in its aim to be revenue neutral;

(b) continues to be a significant burden on Canberrans during a cost-of-living crisis; and

(c) has failed to make housing more affordable for Canberrans.

Over a decade ago, Mr Barr announced his tax reform that would make Canberra's tax system "fairer, simpler and more efficient". He promised to phase out taxes on

insurance and stamp duty and offset the loss of revenue through increases in general rates. He promised that this tax reform would be revenue neutral. In his 2012-13 budget speech he said:

> … the reforms are not about raising the overall amount of tax the Government receives.

He also promised:

> These changes not only move the Government's revenues away from volatile sources but they make housing more affordable for Canberrans—whether they are buying or renting.

At the halfway point of Mr Barr's tax reform, while taxes on insurance have been phased out, here is the real kicker: even with this, Canberra businesses still pay some of the highest insurance costs in the nation.

Let us lay on the table the results of the first 10 years of Mr Barr's tax reform. Comparing the audited financial statements for the 2012-13 budget against the 2022-23 budget clearly shows that this Labor-Greens government has had a significant windfall in the overall amount of money it has squeezed from taxing Canberrans, despite promising not to do exactly that.

Since 2012-13 the overall amount of revenue this government receives from taxation has increased by 207 per cent. That is over 200 per cent. In 2012-13 the ACT was a below average taxing jurisdiction, compared to the rest of the country, at $3,228 per capita. In 2022-23 the ACT saw the highest increase in taxes, making it the second highest taxing jurisdiction, at a whopping $5,610 per capita. It is this reform that has contributed significantly to this reality.

If we look specifically at residential stamp duty, the tax that Mr Barr promised to phase out, you can clearly see that the ACT government is collecting more revenue now from this tax than it did a decade ago. In 2012-13 the total revenue that the government received from both commercial and residential conveyances was over $230 million. In 2022-23 the total revenue from these taxes was around $392 million, which means that conveyances have increased by 170 per cent since this tax reform began. So much for phasing out stamp duty!

At the same time, this government has slugged Canberrans with eye-watering increases in their rates. Compare the revenue the ACT government collected from general rates in the 2012-13 year, which was $290 million, to a decade later, when it collected a whopping $737 million. This is an increase of more than 250 per cent—nearly triple the tax it collected from Canberrans just a decade ago. Who could forget when the Canberra Liberals pointed out in the 2012 ACT election that this was precisely what would happen, and Labor and the Greens branded us as liars. Who are the real liars now?

The tax reform itself may have started with good intentions. Economically, it sounds sound to phase out a tax on transactions that is unpredictable for government budgets. In theory, it makes sense, but where Mr Barr's tax reform has failed, and failed spectacularly, is in its implementation, by making this once considered bold tax reform

into nothing more than a tax grab. Why should we be surprised? This is a government that does, after all, consistently fail, and fail spectacularly, when it comes to delivery. To top it all off, Mr Barr has altered the reporting and calculations over the years so that it has become increasingly difficult and significantly less transparent for Canberrans to see where the all the money he is raking in from them is going.

On top of breaking his promise that this reform would be revenue neutral, Mr Barr has also broken his promise that this reform would make housing more affordable for Canberrans, whether they are buying or renting. Over the past few years, the ACT has consistently been ranked as one of the most expensive jurisdictions in which to buy or rent a home. A study by the Australian National University shows that the median house price more than doubled in Canberra between 2012 and 2022, increasing from $501,000 to over $1 million.

We are in a unique situation here in the ACT, in that the ACT government has both the privilege and the responsibility of territory and local government powers. Whilst we cannot fix everything, as I have said a number of times, there are policy levers within the control of the ACT government—policy levers within the control of only the ACT government—that Mr Barr and his Labor-Greens government refuse or fail to pull.

Not only does Mr Barr have the ability to control land supply and taxes; he also determines the planning laws and processes which all influence the housing market, and which of course have an effect on price and access. Given this unique advantage, you would expect that the ACT would have been able to make housing more affordable and accessible for Canberrans. Instead, what this government has done is make it one of the most expensive places to own or rent a home in the country.

It has been widely speculated that this Labor-Greens government has taken the deliberate decision, in restricting the supply of land in the ACT, to maximise return on land sales because of its failure to manage the budget. Canberrans have witnessed extraordinary scenes, where almost 5,500 applicants registered for a ballot of only 193 blocks in Whitlam, where 7,400 applicants registered for 101 blocks in Macnamara, and the list goes on.

During the inquiry into the 2023-24 budget review, I asked Mr Barr to provide the number of dwellings that have been supplied by his government, compared to the population increase. The answer he provided was that his government had provided 0.45 dwellings per population increase between 2011-12 and 2022-23. On top of that, the planning directorate's half-yearly update shows that the government is failing to meet its own statutory deadlines for planning approvals.

Whilst the Canberra Liberals believe that all development applications should be thoroughly reviewed in detail, this government has allowed approval time frames to blow out to the point where a third of the applications do not meet their own legislated targets. In addition, the Master Builders Association said:

> … the ACT government introduced around 125 new pieces of legislation or rules which impact the building industry …

It went on to say:

> The MBA's warning about the impact of poor regulation on the housing sector has been proved right, with recent ABS figures showing the cost of house construction in the ACT increased 13.3% throughout 2023, more than three times the national average increase of 4.1%.

This is a government that has failed Canberrans time and again when it comes to housing. It is abundantly clear that it has no plan and no will to change the trajectory of its failures into the future. Many Canberrans are now asking the question: is this government's complete and utter failure to provide affordable housing due to sheer incompetence or is it a deliberate policy decision to drive up prices? The reality is that it is probably a little from column A and a little from column B.

The utter uselessness of this government is on full display time and again. There was the CIT contract scandal. There was the $78 million of taxpayer money flushed down the toilet for a failed HR system for which no-one is taking any responsibility, let alone the responsible minister or the Chief Minister. There is the disaster that is our public housing record, with fewer dwellings now than we had a decade ago, despite a 25 per cent increase in population. We are consistently coming last in emergency department and elective surgery wait times in our hospitals. There is the national shame of one in three 15-year-olds in the ACT not meeting the national benchmark for reading. There is the loss of our AAA credit rating for the first time in 20 years. This government has made a mockery of our criminal justice system, and there has been complete and utter neglect of Canberrans on the front line—our hardworking teachers, nurses and police.

It is also difficult to look past the fact that it is squarely due to the government's deliberate decisions, in the way it drip-feeds parcels of land, despite ballot after ballot being oversubscribed and, year on year, failing to meet its own land release targets—targets that it has now made even more opaque so that we cannot even do a straight comparison, year on year, without seeking very deliberate and pointed questions through hearings or questions on notice.

Answers to questions on notice show that the number of non-unit titled properties in the lowest bracket has declined significantly. In 2012-13 there were just over 47,000 properties with an unimproved value in the lowest bracket. In 2022-23 the number of properties in that bracket had decreased to 4,344. This has resulted in an increase in revenue from properties with unimproved values above $450,000, from around $55 million in 2012-13 to $260 million in 2022-23. This could be a very happy coincidence for a government that has never posted a surplus and is potentially facing another credit rating downgrade following its budget at the end of the month.

Either way you look at it, this government has overseen some of the largest increases in housing prices, in rents, in rates and in stamp duty, despite promising that its tax reform would achieve the opposite—all while Canberrans are dealing with a cost-of-living crisis. It is no secret that this is not the only area where the government has contributed to this being one of the most expensive jurisdictions in the country; however, this is a failure that is having real impacts on Canberrans, year on year.

If we go back to the 2022-23 taxation revenue per capita, you can see that taxpayers in the ACT are paying $345 more than the national average. This government claims that it cares about tackling the cost-of-living crisis, but its tax policies have made Canberrans $345 worse off than every other Australian. It is time that the ACT government came clean on its failed tax reform implementation and apologised to Canberrans for breaking promise after promise by making housing unaffordable in the ACT and contributing to the significant burden that Canberrans are now facing under this cost-of-living crisis. There is no transparency or accountability in the implementation of this tax reform, which is no surprise, given how they dodge and attempt to hoodwink the community about every failure across every area of core government service.

The Canberra Liberals have been listening and actively engaging with the community this entire term. A Canberra Liberals government I lead is committed to delivering real and tangible measures to ease the burden of the cost-of-living crisis plaguing thousands of Canberrans. That is why we announced our $65 million cost-of-living relief package earlier this year. That is why we have committed to a more equitable fare system which will see a weekly cap on public transport fares and a free city travel zone. That is why we will abolish Mr Barr's GP tax, because we believe Canberrans should not have to pay more to access essential health care. That is why we will not waste Canberrans' hard-earned taxpayer money on dodgy procurements and failed projects. That is why a Canberra Liberals government will always put the community first.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (3.16): I move the following amendment which has been circulated in my name:

Omit all text after paragraph (1)(c), substitute:

"(d) since June 2012:

(i) the population of the ACT has increased from approximately 377,000 to an estimated 469,000, a population growth of 25 percent;

(ii) the nominal Gross State Product (GSP) of the ACT has increased from approximately $29 billion to $51 billion, an increase of 74 percent, forming part of more than three decades of unbroken economic growth; and

(iii) residential dwellings have increased from approximately 148,000 to around 198,000, a 34 percent increase;

(e) the substantial growth in the ACT's population, economic production and number of households has contributed to a commensurate increase in total own-source revenue streams such as payroll tax, general rates and land tax, received by the ACT Government;

(f) since 2012, as part of the tax reform program, the ACT Government has:

(i) abolished stamp duty for eligible first home buyers, making it easier for young people and those on low incomes to own their own home;

(ii) cut stamp duty rates for all residential property transactions;

(iii) fully phased out insurance duty; and

(iv) removed stamp duty for around 80 percent of commercial transactions;

(2) further notes that through this taxation reform process:

(a) the proportion of stamp duty of ACT own-source revenue has reduced from 20 percent in 2012 to approximately 10 percent in 2023-24; No 124—6 June 2024 1911

(b) from being a roughly equivalent proportion of own-source taxation revenue in 2012, stamp duty in the ACT now comprises significantly less than the proportion received in Victoria and NSW; and

(c) reports undertaken by Treasury, the National Centre for Social and Economic Modelling and the Centre of Policy Studies in 2020 ahead of the third phase of tax reform, found that it remained broadly revenue neutral (with a small reduction in revenue), and was resulting in an increase in GSP, real investment, real household consumption, employment and wages, and dwelling turnover as the disincentive to move to more appropriate housing was reduced;

(3) finally notes:

(a) that according to the Australian Bureau of Statistics, the ACT's tax take per capita is broadly in line with both NSW and Victoria and reflects our strong economic growth, while tax levied by the Territory is only 5.1 percent of GSP – below NSW, Victoria, Queensland, South Australia and Tasmania;

(b) the ACT's 20-year tax reform agenda is successfully adding a stabilising factor to the ACT Budget, significantly improving our ability to forecast revenue off a stable base; and

(c) the current five-year stage of taxation reform set the average residential rates increase at 3.75 percent per annum, which has been below the national rate of inflation for most of the last two years; and

(4) calls on the ACT Government to continue to:

(a) focus its ongoing stamp duty cuts to improve housing affordability to help owner-occupiers and first home buyers enter the residential property market, and allow people to move into homes suitable to their needs; and

(b) regularly monitor the tax reform process to confirm it remains broadly revenue neutral across commercial and residential conveyance duties and general rates, while delivering fiscal and economic benefits for the Australian Capital Territory and its residents.".

The amendment goes to correct the wilful misinformation provided in Ms Lee's motion and highlights the true situation in terms of the territory's population, gross state product growth, and the number of residential dwellings increasing by more than a third over the duration of the tax reform to date.

The amendment notes that this substantial growth in population, economic production and number of households has, of course, contributed to the total own-source revenue.

A growing community, a growing economy, does in fact translate into more taxation revenue. That is what comes from economic growth. A growth-driven model that sees more taxpaying households, more businesses, more economic activity will generate more taxation revenue.

The amendment notes that, over the period since tax reform commenced, the government has fully phased out insurance duty, removed stamp duty for around 80 per cent of commercial property transactions, cut stamp duty on all residential property transactions and abolished stamp duty for eligible first homebuyers, making it easier for young people and those on lower incomes to own their own home.

The amendment notes that the proportion of stamp duty as a share of the ACT's own-source revenue has effectively halved over the period of reform. There was, as I am sure members would be aware, independent analysis undertaken of the tax reform by, amongst others, the National Centre for Social and Economic Modelling and the Centre for Policy Studies. It is worth reflecting on the findings of that independent analysis. On revenue neutrality, it stated:

> The tax reform program has been broadly revenue neutral over the first seven years. The Government has collected slightly less cumulative total revenue … than would have been collected in the absence of tax reform.

On economic impacts, it stated:

> Tax reform has increased economic efficiency and resulted in economic growth. Real Gross State Product, household consumption and investment have increased in every year, with the increases growing over time.

It stated that real GSP has increased by $302 million, real household consumption has increased by $78 million, real investment has increased by $52 million, employment has increased by 0.11 per cent, on average, and real wages also increased. Going now to distributional impacts, it stated:

> Tax reform has particularly benefited first-home buyers (including female headed households that are new-homeowners) and lower wealth households, enabling more to purchase properties …
>
> Property prices and turnover have increased as a result of tax reform.
>
> It is also possible that rents have decreased and the supply of rental properties has increased, with lower rental quintiles likely to have experienced larger percentage decreases in rents.
>
> Stamp duty is more progressive as a result of tax reform, with lower income households paying a lower proportion of total stamp duty revenue.
>
> More households in the second wealth quintile can now afford to buy due to stamp duty reductions, therefore these households are paying a higher proportion of total stamp duty revenue.
>
> The general rates system is now more progressive with lower income and wealth households paying a lower proportion of total general rates revenue.

> Households in the first four income quintiles (i.e. 80 per cent of households in Canberra) are on average paying a lower proportion of total general rates revenue than they would have in the absence of tax reform.

That was the independent analysis of tax reform. I will take that over Ms Lee's distorted, politically biased analysis any day of the week. This is now the 12th year that we have been having this debate. We are on to opposition leader No 4, I think. This will be the second or third time that Ms Lee has sought to bring this almost exactly-the-same motion before the Assembly. Her last effort was wrong, and the independent analysis is very clear. My amendment seeks to correct the public record and to put, in place of her wild political assertions, the facts.

I do note that the tax reform agenda has been a stabilising factor for budgeting. The ability to predict rates revenue is much stronger than the ability to predict the number and value of houses that will transact in any given year.

Stamp duty is a bad and inefficient tax, and I have cut stamp duty in every budget that I have delivered as Treasurer. The Liberal Party have opposed this tax reform from the start. Their alternative policy position is that everyone who purchases a house should be paying more stamp duty than they are now—considerably more stamp duty. What would have happened if, at any point over the last 12 years, the government had agreed with this fairly repetitive approach—the same old approach from the same old, conservative Liberals? Ms Lee has nothing new to say. This is what Alistair Coe said; this is what Jeremy Hanson said; this is what Zed Seselja said. It is the same old, tired, incorrect rhetoric from the Canberra Liberals.

The people of Canberra have heard this before, in 2012, 2016 and 2020, and, it would appear, again in 2024—the same old, conservative Canberra Liberals. They are bitterly divided, with former opposition leaders in exile on the backbench taking pot shots—

Ms Lee: Madam Speaker, on a point of relevance—

MADAM SPEAKER: Mr Barr.

MR BARR: It is the same old, conservative Canberra Liberals. Nothing has changed. The same motion is brought up every year. They have nothing new to say. They could not even sustain true emotion on—

Opposition members interjecting—

Mr Rattenbury: A point of order.

MADAM SPEAKER: Resume your seat. Mr Rattenbury?

Mr Rattenbury: Madam Speaker, I note that, whilst Ms Lee dished out a lot of criticism in her remarks, she was heard in silence, and she is not affording the Chief Minister the same decency.

Opposition members interjecting—

MADAM SPEAKER: That will just remain in a box over there. Mr Barr?

MR BARR: Yes, the opposition leader is always willing to dish out the mud, but she cannot even sit in silence for 10 minutes when a counter political view is put.

Ms Lee interjecting—

MR BARR: There we go again. Every time, Madam Speaker; every single time. It is the same old, conservative Canberra Liberals. The same motions are being moved year after year. They are always incorrect, always politically loaded and always ignoring the independent analysis and evidence. It is the same old, same old, Madam Speaker.

My amendment calls on the government to focus on ongoing stamp duty cuts to improve housing affordability, to help owner-occupiers and first homebuyers enter the residential property market, and to allow more people to move into homes that suit their needs as their circumstances change.

The Liberal Party's preferred way would be to put a barrier of tens of thousands of dollars in the way of people downsizing, moving to a larger home when their family grows in size or, when personal circumstances change, a relationship ends and people need to find separate living arrangements, taxing them $40,000, $50,000 or $60,000 in stamp duty on the way through. That is the Liberal Party's preferred tax policy. It was the case in 2012, 2016 and 2020, and here we are, in 2024, having the same debate. It is the same Canberra Liberals.

The amendment also calls on the government to continue regularly to monitor the tax reform process, which we do, and to confirm that it remains broadly revenue neutral across conveyance duties and general rates. Indeed, picking up on the point that has been made, the ACT is the only jurisdiction in Australia to have abolished taxes on insurance products, and that was achieved in the first phase of tax reform.

It is a multi-decade journey. This is a challenging tax reform. No other state or territory government, perhaps with the honourable exception of one year's attempt by the former New South Wales Liberal government, has had the courage to stare down the crass politicisation of an important tax reform. We have done so in 2012, 2016, 2020 and here we are again, doing it in 2024—putting the best interests of equity, intergenerational equity, and our economy and community first.

That is what we are doing. That is why I have moved this amendment to correct the record, and I commend the amendment to the Assembly.

MR PARTON (Brindabella) (3.28): We will not be supporting this amendment. This motion goes to one of the biggest issues that voters should be considering when they cast a ballot in October. That issue is not necessarily tax reform; it is that you cannot believe anything that this government say. They promise that they will do wonderful things, day after day after day, and just about never fulfil those promises.

It is the same old Labor and the same old promises, every year. That is what this is about. In 2012, the Treasurer, Mr Barr, promised that his tax reform would make housing more affordable for Canberrans, whether they were buying or renting, and it simply has not. He also promised that the tax reform would be revenue neutral; and, unless you get extremely creative with the mathematics, it just is not.

This is supported by—dare I mention him—the former Labor Chief Minister, Jon Stanhope, and the former Treasury official, Khalid Ahmed, who continually prosecute the line that this tax reform is not revenue neutral as was promised. Neither of those promises have come even close to being fulfilled. And they have not missed the mark by just a little way; they were never, ever going to be fulfilled. And so it goes, with just about everything that this government says it will do.

Prior to the last election, this government, through the Chief Minister, promised that the tram would be in Woden by 2025. That was pure fantasy. Now, we are talking about 2033, which, for the ACT government, for Labor-Greens speak, is about 2040.

This government promised more than a decade ago that it would deliver a new stadium. We are no closer to it now. We are embarking on our seventh feasibility study. They are the same old Labor promises, and the reality comes back to bite them in the end.

Every year this government promises to grow public housing stock, and they simply do not. They just do not. They say they are going to do it every year. Those in the suburbs sit there and say, "That sounds great; yeah, we'll back them. They're going to grow public housing." They do not do it. Over the time that this government has been in power, the number of public housing dwellings per capita has dramatically fallen; and, until this point, the much-touted growth and renewal program has not delivered any growth at all.

Every year, we have the same old Labor, the same old lines, the same old promises and the same result. The promises are not delivered. This government promised to grow public housing with the help of the federal government's Social Housing Accelerator fund. How is that going, do you reckon? We had a concession from the minister today that, as of today, they have not spent a single cent of that money. This was the most important thing that was going to happen if Albanese was elected as Prime Minister. Mr Albanese has been elected as Prime Minister, so now we have all of this help coming from the federal government: they have not spent a single cent.

This government never fulfils its land release targets. We heard in this chamber earlier this week that this government made a very specific promise about a percentage of dwellings in a particular city centre location to be set aside for social dwellings. But, by the sound of it, that was never, ever going to happen. It has just been dismissed. "There were strata rules." It was never going to happen. Making the promise was always going to be enough. It is the same old Labor, every year and at every election. "We're going to promise to do all sorts of things and, hopefully, the people will believe us."

This government suggested that the feds were funding 50 per cent of stage 2A of the tram, when in fact it is barely 20 per cent. This government promised to retire the now noncompliant Renault diesel buses on the last day of 2022. It is now June 2024. This

was an emphatic promise. There were social media posts from Transport Canberra talking about the retirement of these buses. They are still out there being driven around now. We see the same old Labor promises and the same old reality that comes back to bite them on the backside.

The government promised to rebuild the pavilion at Gordon playing fields by the start of this season. There has been no movement. There has been none at all. This government promised five years ago that the public housing complex on Lowanna Street in Braddon would be either rebuilt or refurbished. There is still no movement on the ground there.

This government insists, via its signage, that we have 106 electric buses on the road. We do not have anywhere near that number. We have nowhere near that number. If they say it, everyone will believe it and it will be fine! People have stopped believing. This government insists, via on-vehicle signage, that its garbage trucks run on biodiesel, and they simply do not. They just do not.

I know it is unparliamentary to say that it is a lie, Madam Speaker, but I am struggling to find another word. This government continually, emphatically states things that it is going to do or that it has done which are simply not correct. This government told the affordable house and land package buyers in Whitlam that their homes would commence construction in 2022. Some of them are yet to start construction.

What did the former planning minister state very clearly in this chamber about the new RZ1 dual occy regulations? He stood in this chamber with a smile on his face—because he is a happy fella—and stated that these RZ1 dual occy regulations would deliver thousands of new dwellings. We discovered earlier in the day that at this stage five DAs have been submitted.

Mr Cain: In six months.

MR PARTON: In six months, yes. I will not be supporting Mr Barr's amendment. Canberrans should be very wary of any promises that come from this government in the lead-up to October, because they will fulfill hardly any of them.

MR CAIN (Ginninderra) (3.34): I rise to support the motion presented by the Canberra Liberals leader, Ms Lee, and to reject the very deflecting amendment from Chief Minister and Treasurer Barr. I want to thank Ms Lee for bringing this important matter to the Assembly's attention.

Canberra is in a housing affordability crisis. Canberra is in a cost-of-living crisis. All Canberrans are doing it tough at the moment, some more than others, but everyone is feeling the effects of the failed economics of Labor and the Greens. All of the posturing about "it won't be easy under Albanese" was true. It is even harder under Mr Barr, for those of us in the ACT. One could say, "You won't go far under Barr."

As Ms Lee's motion states, Mr Barr announces tax reform that promises much but delivers very little. That is what happens when Labor and the Greens have been in charge for the last 23 years. Time and again it is proved that Labor just does not get the economy.

Mr Barr personifies this more than most of his fellow Labor heads of government. As stated in paragraph (2)(a) of the motion, in 2012-13, ABS statistics showed that the ACT was one of the lowest taxing state and local governments at $3,228 per capita, compared to the national average of $3,356. As paragraph (2)(b) of the motion states, the latest taxation revenue data from ABS shows that, in 2022-23, the ACT was the second highest taxing jurisdiction per capita in the country, at $5,610—from one of the lowest to one of the highest, all in the space of Mr Barr's tenure as Treasurer.

What do Canberrans have to show for it? We have a housing affordability crisis to show for it, courtesy of Mr Barr's strangling of land supply. We have a cost-of-living crisis to show for it, courtesy of Mr Barr's slogging of Canberrans with ever-increasing taxes. We have $11 billion in borrowings. We have an interest bill of more than $334 million—almost a million dollars a day in interest. We have a deficit of more than $772 million.

We have a health system that is failing. We have an education system that is not producing the literacy levels that Canberrans deserve. We have roads with a history of potholes and scarred repairs. We still have no new stadium. Mr Barr has failed in his promise to Canberrans to make the tax system revenue neutral. In fact, he has done the opposite, as Ms Lee has pointed out.

He has riddled our children and grandchildren with outrageous levels of debt. Mr Barr has made breaking into the housing market in the ACT almost unreachable for thousands of young and vulnerable Canberrans. He has overseen the astronomical increases in payroll tax, general rates and land tax over his time as Treasurer. Payroll tax has increased by more than 225 per cent. General rates have increased by 250 per cent. Land tax has increased by 260 per cent.

The ACT cannot afford Mr Barr's economic ineptitude. The ACT can no longer afford Labor's high taxes with little rewards. It is time that Mr Barr owned up and apologised for his failed tax reform. It is time that Mr Barr admitted that he has significantly worsened the economic outlook of the ACT. It is time for Canberrans to have a government that helps, not hinders them, and it is time for a change in October.

Mr Barr mentioned, about Ms Lee's motion, "Well, we've seen this before." Guess what, Treasurer? When problems persist, it is the job of a credible opposition to point out the problems. If the problems did not persist, we would not be bringing them to your attention. My goodness! "Stop telling people about the problems," is the effect of Mr Barr's criticism of Ms Lee's motion. "Please stop telling us about the problems that we're producing. Please stop bringing motions that point out our failures. Please, will you stop doing that?" No; it is our job, on behalf of Canberrans, to point out where you are failing. What else can we do, when we are here to represent the people of Canberra? We are pointing out government failings. That is certainly part of our job.

Under Treasurer Barr—he seems to love this phrase—we have the same old rising debt. We have the same old housing affordability problems. We have the same old growing interest daily. We have the same old broken promises and the same old waste. What could have been done with $80 million from a failed payroll software project?

We have the same old delayed stadium, the same old failed growth in public housing and the same old restrictions on land supply to elevate prices. It is the same old Labor with the same old problems. Guess what, Mr Barr? You are going to get the same old criticisms, and I hope Canberrans are listening and are ready for a change in October. It is time for a change. An Elizabeth Lee-led Canberra Liberals government is what Canberrans deserve and need.

MR RATTENBURY (Kurrajong) (3.41): Madam Speaker, I undertake to try not to use the expression "same old" as part of my remarks today!

The ACT Greens know that we can and must be a city with great services and infrastructure. A growing city does need investment to maintain its quality of life. To do that we need to find ways of raising revenue which are progressive. It has long been government policy that phasing out stamp duty and replacing it with a rates-based system is not only fairer but helps to ensure that public revenue is not predicated on the property market rollercoaster.

We do see that in other jurisdictions, where the budget bottom line is heavily impacted by the rate at which stamp duty is rolling in, and the state of the property market. That is no way to build a city and create a stable budget. We are doing this tax reform project over a 20-year time frame, to give certainty and to give people time to adjust.

A rates-based system takes financial friction out of a house move. I note that the Chief Minister also made this point. It makes it easier for people to move to a place that suits them. Worries for people because of a change in their life circumstances, whether it is a growing family, getting older, the end of a relationship or spending some time interstate or overseas, should not be compounded by a one-off financial impost such as stamp duty. This means people can live in a home that suits their needs and their life stage. That is a real benefit from removing stamp duty in the way that this program seeks to do.

We have had this debate many times before. People will know that the ACT approach to eliminating stamp duty has been widely praised for being fairer and more certain. A recent Australia Institute article evaluating the impact of Canberra's ambitious and progressive policies highlighted that our land tax reforms are a real flagship, now supported by 60 per cent of Australians, and being introduced in some form in other states and territories.

The way that the ACT government levies rates is designed to support a move towards a more compact, person-friendly city that can help us to live within our urban footprint. This has huge benefits for livability and for the environment, making the city easier to get around and bringing essential services within minutes of most people.

If you choose to, you can live in a bigger, more expensive home that takes up more land. You can do that; but you are expected to pay a bit more in recognition of the value of the land on which you are living. On the other hand, if you live in an apartment or a townhouse, options that many families are increasingly choosing, you will pay less, and you will have the benefits that I touched on earlier about being closer to services, and potentially not needing to own as many cars because you can rely on better public transport and the like.

The Canberra Liberals are trying to tell a story that you can have an effective government, all while having rock-bottom taxes. This is very reminiscent of the formula served up by Mr Coe at the 2020 election. The Canberra community delivered their verdict on that fairytale. Canberra is the only city outside Western Europe in the top 10 for quality of life, according to the Oxford Economics 2024 survey; but, to achieve that, it has taken dedicated investment in physical and social infrastructure.

I will digress for a moment to draw an important fact to the Assembly's attention this afternoon, which I know my colleagues will absolutely love. In coming very highly ranked in that survey—second—we were pipped by the Greens-run French alpine city of Grenoble, and followed in third place by the Greens-run Swiss capital, Bern. So it is official: bronze, silver and gold for quality of life were all taken by cities where the Greens are in government.

In depressing contrast, the Canberra Liberals seem to want Canberra to race to the bottom, which I believe will break the fabric of the decent, caring, livable city that we are, and will reduce quality of life for the people who live here. I think there are real questions remaining for the Liberal Party, in the context of what we have seen this afternoon, which has been a broad-ranging debate about both how we generate revenue and how it is spent.

If they, apparently, oppose phasing out stamp duty, in order to be clear with the Canberra electorate, the Canberra Liberals need to be clear that they intend to reintroduce it, because that would appear to be the corollary of the argument that is being made here—to increase it back to its original state, to make people purchasing property in our already difficult property market have to pay thousands of extra dollars in stamp duty.

Mr Barr: Tens of thousands.

MR RATTENBURY: Indeed, tens of thousands, as the Chief Minister points out. Bear in mind that that goes on to your mortgage; you are paying more interest on it. This is not just a one-off; this has a cascading effect.

It also begs the question as to how the Liberal Party intend to pay for the things they promise if they want to reduce revenue to government. There is no magic pudding, as Mr Coe discovered in 2020. The only remaining method is a cutback in services. Public transport would be one area; they have been very clear about that. I think that environmental programs would be in the crosshairs. We know, for example, that the Liberal Party have opposed the Energy Efficiency Improvement Scheme which supports vulnerable households with energy upgrades.

They do not support the transition away from fossil fuel gas. Ms Lee used her speech at the Press Club to say, "The Canberra Liberals want to take this city backwards by ending the fossil fuel gas phase-out." In a world in which climate change is bearing down on us, the Canberra Liberals want to start trying to bring back fossil fuels. It is an extraordinary proposition. I think most Canberrans will find that very surprising when it becomes very well known.

Ms Lee: Have you called out the federal Labor Party?

MR RATTENBURY: Ms Lee interjects, as she is wont to do, across the chamber, saying, "Have you called out the federal Labor Party?" Yes, I have. I think that the recent policy announcements by the federal Labor Party, rolling out more gas, opening new gas drilling facilities over coming decades, are appalling policy. I am talking about the things on which this Assembly has direct influence. This government has taken a decision to start sensibly phasing out the fossil fuel gas network. Ms Lee and her colleagues want to bring it back. How extraordinary!

They do not support the insulation upgrade program for rental properties. We know they voted against that in this place. It will save thousands of dollars for renters in energy bills, as well as improving their quality of life and their health.

One can imagine what changes we will see in the justice system if the Liberal Party have their way. I refer to the many programs we have in the justice reinvestment space that are designed to address the causes of crime, to keep people out of prison and to keep the whole community safer. There are excellent initiatives like raising the minimum age of criminal responsibility, which they also voted against. We have the Drug and Alcohol Court, which costs money, but it is having real impacts in changing lives and reducing crime. These are the sort of things that a revenue-strapped Liberal Party will need to cut, and it will be consistent with their apparent interest in a shorter term, money-saving, law-and-order approach to government.

Let us come to whether, in the ACT, we pay more tax than people in other states and territories, which is part of the motion today. ABS data shows that, in 2022-23, the ACT government levied less tax, at 5.3 per cent of gross state product, than Victoria, New South Wales, South Australia and Tasmania. This means we are in fact one of the more lightly taxed jurisdictions in Australia. I think this undermines the argument put in the motion today.

The Greens are totally focused on advancing our quality of life here in this city for all Canberrans. We are thinking hard about making sure that everybody in this city is moving forward and getting a better quality of life. Beyond our success, identified in those international studies, we know that life is not always what we want it to be for everyone in our city. There are gaps and there are growing inequalities in our city.

Because of that, government has a very particular role to play, and we need to keep investing in government services, particularly housing, our environment and parks, and ensuring there is accessible primary health care so that everybody's story in this city matches our overall performance. It is not about the haves and the have-nots; it is about us, as a government, working hard to reduce the inequalities in this city.

We have to keep investing if we want to make Canberra a city that maintains its enviable quality of life—a city that ensures, as best it can, that all Canberrans have access to that good quality of life and good opportunities. The only reason the Liberals say that we cannot afford these things is that they are going to want to run this low-taxing agenda. They are going to want to say, "We can cut government revenue and still deliver all of

these things." We know that magic pudding is just not true. So let's show them that this is not our vision for Canberra. The ACT can be better than that, and I think the work that this government is achieving is demonstrating that.

Certainly we in the ACT Greens want a Canberra where everyone is able to live a healthy, fulfilling life with strong connections to their community, all while caring for our precious planet. We believe that is possible, and that is certainly the agenda we have been putting in place in government and will continue to strive for.

Turning to the amendment moved by Mr Barr, the Greens will be supporting that amendment. We believe it reflects a more accurate set of circumstances that is currently the case here in the ACT. I particularly note paragraph (1)(f), which says:

> (f) since 2012, as part of the tax reform program, the ACT Government has:
>
> (i) abolished stamp duty for eligible first home buyers, making it easier for young people and those on low incomes to own their own home;
>
> (ii) cut stamp duty rates for all residential property transactions;
>
> (iii) fully phased out insurance duty;

Putting a tax on something good like insurance is just poor policy. People probably do not remember this one as much, but their insurance bills are lower as a result of these reforms, and we are not putting a negative signal on insurance policies. Paragraph (1)(f) goes on to say that "the government has removed stamp duty for around 80 per cent of commercial transactions".

There are further points made at point (2) of Mr Barr's amendment which I think are worth reflecting in this place and in this debate. In Ms Lee's motion she has some rather large figures about what is happening in various tax lines—I am pretty sure they are all nominal considerations—but Mr Barr's amendment notes that "the proportion of stamp duty of ACT own source revenue has reduced from 20 per cent in 2012 to approximately 10 per cent in 2023-24". So, it gives you an indication of how much stamp duty Canberrans might be paying now if this reform had not been implemented.

The amendment also notes:

> (b) from being a roughly equivalent proportion of own source taxation revenue in 2012, stamp duty in the ACT now comprises significantly less than the proportion received in Victoria and NSW;

So, again, citizens of those states are paying more stamp duty than their counterparts here in the territory.

A range of other points are made in the amendment. I will not read them all out but I think that they are good points. I have touched on the one identified in (3)(a). When one looks at the tax levied on territory residents, in the context of GSP, the ACT sits very well in the Federation as one of the lesser taxing jurisdictions—certainly lesser than New South Wales, Victoria, Queensland, South Australia and Tasmania. With those remarks, I indicate that the Greens will be supporting the amendment today.

MS LEE (Kurrajong—Leader of the Opposition) (3.54): There are no surprises in the contributions by Mr Barr and Mr Rattenbury. The only thing that is incredibly disappointing, however, in the responses that we have heard from the Chief Minister and the Leader of the Greens is that they have no desire—and, it seems, no capacity—to acknowledge that the implementation of the tax reform has placed a significant burden on thousands of Canberrans at a time when they are doing it tough.

The responses totally ignore, wilfully distort and deliver misinformation about what I have apparently said. I will use Mr Barr's words: he went on about how it is the "same old Liberals". The fact is that, in his haste to try and throw in some cheap political points, he has actually not listened or even read the motion properly. I have stated—and again today—that the tax reform probably did have good intentions at the start. What has become utterly and completely obvious now that we are more than halfway through is that his implementation has utterly failed in delivering his agenda, a big part of which was to try and make housing more affordable. In trying to discredit my motion and in trying to discredit the arguments that I have put forward, the bulk of Mr Barr's arguments were just about trying to score cheap political points and using the same old insult: "the same old Canberra Liberals".

When I put this motion forward, it was after listening to thousands of Canberrans who have raised real and genuine concerns about the cost-of-living crisis that they are facing right now. It was after many Canberrans reached out to the Canberra Liberals, talking about how they cannot even fathom how, in the future, they will be able to afford to buy a house here in the ACT. It was after some Canberrans told us that they missed out seven times on a ballot to access land. It was after Canberrans told us, "On a regular basis, I am having to decide whether I buy groceries or pay my bill." These are the Canberrans that have told us that they are struggling—and there are specific policy levers within the control of the ACT government that Mr Barr and Mr Rattenbury are refusing to pull.

Mr Rattenbury was literally just making up his arguments. I will remind him of what I was actually calling for. While not saying the words "same old", that was exactly what Mr Rattenbury was doing. Do I need to repeat again, Mr Rattenbury: as I said in my introduction speech, it is the implementation of this tax reform that has failed thousands and thousands of Canberrans. If you go to my original motion:

> (3) calls on the ACT Government to admit and apologise that its tax reform:
> (a) has failed in its aim to be revenue neutral;
> (b) continues to be a significant burden on Canberrans during a cost-of-living crisis; and
> (c) has failed to make housing more affordable for Canberrans.

Somehow Mr Rattenbury has turned that into what the Canberra Liberals apparently might do. He may not have used the words "same old" but that is exactly where his argument has gone.

I feel that I have no option but to address the incredibly immature and personal attacks by Mr Barr, aided and abetted by Mr Rattenbury. Mr Barr said that I was throwing mud but that I cannot take it. So let's have a look at what "mud" I have thrown at Mr Barr: that he has squeezed from taxing Canberrans despite promising to not do exactly that; that Mr Barr's tax reform has failed; that Mr Barr has also broken his promise; that

there are policy levers that Mr Barr and his Labor-Greens colleagues refuse or fail to pull. If you want to take those as insults, compare that to the bulk of Mr Barr's contribution: using the "same old Canberra Liberals" argument—once again, reducing me to nothing while they are comparing me to middle-age white men in my party; saying "She can throw mud but cannot even sit still for 10 minutes." How condescending and what a misogynistic statement. Mr Rattenbury is utterly complicit. Can you imagine Mr Rattenbury aiding and abetting this if it were thrown at any other woman of colour that was not a member of the Canberrans Liberals? Can you imagine? I will call this out, because it is not right. It is very poor for the Chief minister and the leader of the Greens, who are in government in this place, to be throwing those types of personal insults.

The fact is that they are throwing these types of insults, because that is what they are left with. They know that thousands of Canberrans are doing it incredibly tough. They know that is because of the deliberate policy decisions that they have made have placed a burden on Canberrans. They know that they have no policy answer for it. That is why we will not be supporting Mr Barr's amendment.

Mr Barr: During her remarks, the Leader of the Opposition accused me of being a misogynist. I find that to be unparliamentary and offensive and ask that she withdraw it.

Ms Lee: Madam Speaker, on that, I specifically said that it was a "misogynistic statement". Given the precedent that was set during this week when I asked for a ruling in relation to the use of the word "moronic" and Mr Rattenbury was the first to get up and say, "It wasn't aimed at you; it was talking about the statement," I would say that you would rule in the exact same way.

MADAM SPEAKER: I did hear the word "misogynistic" and the Clerk came in timely and I asked him about this. I will go back to the *Hansard* and have a listen. The word "misogynistic" has been queried about being unparliamentary before in reference to a committee statement. So, Members, let me take it away and come back. But I would say that this is a place of passion and comment and debate but there is no need to be disrespectful and to use words that can cause offence. So we will just park it there at the moment.

Question put:

> That the amendment be agreed to.

The Assembly voted—

Ayes 15		Noes 8
Andrew Barr	Laura Nuttall	Peter Cain
Yvette Berry	Suzanne Orr	Leanne Castley
Andrew Braddock	Marisa Paterson	Ed Cocks
Joy Burch	Michael Pettersson	Elizabeth Kikkert
Tara Cheyne	Shane Rattenbury	Nicole Lawder
Jo Clay	Rachel Stephen-Smith	Elizabeth Lee
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.

Voluntary assisted dying—advance care directives

DR PATERSON (Murrumbidgee) (4.07): I move:

That this Assembly:

(1) notes that:

(a) voluntary assisted dying (VAD) is an end-of-life choice that should be available to eligible people who are suffering intolerably;

(b) the ACT Government consultation on VAD, and the evidence heard by the ACT Legislative Assembly inquiry into the Voluntary Assisted Dying Bill 2023, highlighted the desire of the ACT community to see legislation start to address the issue of access to VAD following loss of capacity;

(c) there is a gap in all Australian VAD legislation to date, when an individual has gone through all the requests and approval stages to access VAD, and then they lose capacity. They become ineligible;

(d) this gap has two adverse outcomes:

(i) individuals will often choose to end their life earlier than they would like, because they are concerned about losing capacity and becoming ineligible; and

(ii) when an individual does lose capacity and is no longer eligible, this often leaves families very distressed as they can no longer support their loved ones' wishes to access VAD. And the individual is often suffering intolerably, without capacity;

(e) four jurisdictions across the world have models that allow VAD when someone has lost capacity;

(f) to address this gap, Dr Paterson released a consultation draft of amendments on 16 May 2024;

(g) the proposed amendments provide an intersecting point between the Voluntary Assisted Dying Bill 2023 and the Powers of Attorney Act 2006;

(h) the amendments are addressed through the ACT Legislative Assembly Scrutiny Committee Report No 42;

(i) the amendments see an individual establish a VAD attorney to become operative as the decision maker in the case of an individual who loses capacity following the final assessment report. There are significant safeguards built into the amendments;

(j) the consultation process received responses from 23 organisations (18 were supportive in principle, and five did not support the amendments),

responses from 76 members of the community (70 were in support, and six were opposed) and two consultation sessions were run on 23 May (three attendees) and 28 May (24 attendees);

(k) overall, the feedback was very supportive of the ACT addressing the issue of access to VAD following loss of capacity. However, there were issues and concerns raised with the amendments that simply could not be overcome in the short timeframe of the consultation; and

(l) further consultation is needed on a model that is fit-for-purpose in the ACT to address this gap; and

(2) calls on the ACT Government to:

(a) explore the issue experienced in other VAD jurisdictions of ineligibility due to loss of capacity following the final approval for VAD access;

(b) through this work:

(i) engage a broad range of stakeholders to develop a pathway in the ACT to address this issue; and

(ii) explore models to address where an individual has lost capacity following the final assessment report, this may include Enduring Power of Attorney or Advanced Care Directives; and

(c) report back to the Assembly by the end of May 2025.

I rise today to speak to the motion in my name, calling on the ACT government to explore the issue experienced in other voluntary assisted dying jurisdictions of ineligibility due to loss of capacity following the final approvement for voluntary assisted dying access.

I am very proud to stand here today after such a groundbreaking day yesterday when the Voluntary Assisted Dying Bill was passed. However, we have more to do. Ultimately, for me, this is about addressing human suffering. There is an identified situation in other jurisdictions that have voluntary assisted dying legislation where there is a gap that sees eligible individuals who have gone through all the approval stages lose capacity and become ineligible. The experience from other jurisdictions highlights that often these people go on to suffer significantly.

There are a couple of adverse consequences that result from this gap. Firstly, it is reported in other jurisdictions that people will take the substance and end their life earlier than needed out of fear of losing capacity because they know if they lose capacity they can no longer access voluntary assisted dying. Secondly, if the person becomes ineligible and cannot access voluntary assisted dying due to loss of capacity, this can be a very distressing situation for family members, who often feel very disempowered to help their loved ones to end their suffering. My motion today is calling on the government to start working on a pathway to see that these people who have lost capacity in their final days continue to be permitted to access voluntary assisted dying. On Tuesday, I tabled proposed amendments and an explanatory statement which outlined a potential model to address this gap.

During the development of the bill, the ACT government consulted with the community and relevant stakeholders, and what was very clear was the overwhelming support for

addressing the issue of access for people who have lost capacity. This matter was also documented in the conversation snapshots with the key stakeholder groups that informed the legislation development. The snapshot of health practitioners stated, "Consider the role of advance care plans and the role of enduring power of attorney." The CHS clinicians snapshot said, "Consideration of what happens to patients with dementia who have documented voluntary assisted dying in their advance care plans, but then lose capacity," and to "Consider patients with neurodegenerative diseases, including the use of advance care plans."

The matter was also brought up in the mental health and disability advocates snapshot, who said, "Requirement for clear and strong definitions for eligibility and decision-making capacity, including determining individual decision-making capacity and consider enabling access for people who meet the decision-making capacity requirement and then lose capacity as their condition progresses."

This shows a clear desire from the health sector for this issue to be explored further. This feedback is entirely consistent with the submissions and evidence received by the select committee inquiry, of which I was a member.

As I stated in the in-principle debate on the Voluntary Assisted Dying Bill, I went public with a consultation draft on amendments. I proposed a model to the community and received feedback over a couple of weeks on this model. The model I proposed makes use of existing powers of attorney provisions, rather than an advance care directive. Enduring powers of attorney powers are well known and frequently used for end-of-life planning. Doctors in the ACT work under this model of decision-making on a daily basis for end-of-life care and health matters. EPOA functions which are enacted at the end of a person's life include cessation of treatment, moving the patient to palliative care, ending life support, and approvals of administration of medications that may support a patient in the last stages of life.

Allowing for voluntary assisted dying to be included in enduring power of attorney end-of-life options is appropriate to ensure that an individual's wishes are fulfilled. However, given the significance of voluntary assisted dying, the model that I propose clearly steps out the role of a VAD attorney. A VAD attorney will have to comply with the general principles set out in schedule 1 of the Powers of Attorney Act. The principles upheld include "human worth and dignity" and "quality of life". These principles are enhanced if the individual can have their wishes fulfilled after they lose capacity. A person can nominate their EPOA to also be a VAD attorney should they seek to access VAD as part of their end-of-life choices.

The proposed model represents an intersection between two pieces of legislation—the Powers of Attorney Act and the Voluntary Assisted Dying Act. A person eligible for VAD must have gone through all of the three requests as outlined in the bill, receive their final assessment report and appointed a VAD attorney while they have capacity. Following this, if they lose capacity, the VAD attorney can then become operative to provide the attorney decision. The VAD attorney must then work with the individual's coordinating practitioner and administering practitioner to authorise administration of the substance. There are a range of strong safeguards built into the model to prevent coercion and abuse of a VAD attorney. This includes mirroring all the strict liability offences in the bill as well as a seven-year period of imprisonment for coercion.

An issue that arose in my early airing of drafts of the amendments to clinicians I spoke with was the issue of fluctuating capacity. Many stated that, at the end of people's lives, there is often a period where people move in and out of capacity and the determination of capacity can be quite difficult. This can be caused by a range of factors, including the treatment that people are undergoing and other comorbidities. To protect people with fluctuating capacity, a clause was included which states, "A doctor is satisfied that the individual does not have or is not reasonably likely to regain decision-making capacity in relation to voluntary assisted dying."

When making an attorney decision, the VAD attorney must make the decision with, and on the advice of, the individual's coordinating practitioner. This helps guide the attorney to make the right decision for the individual's unique circumstances. Additionally, an attorney decision can only be carried out by an administering practitioner. This again was on advice from clinicians that it would not be safe to have self-administration in these circumstances. Provisions have also been included following the consultation to allow for the VAD process to not progress should the individual demonstrate in any way following the loss of capacity that they do not wish to proceed.

The new drafting of the amendments looked at Canada's legislation in this respect and to mirror that an individual's coordinating practitioner must not administer the approved substance to the individual if the individual communicates in whatever way they can that they do not want to access voluntary assisted dying at that time. Examples provided in the amendments include words, sounds or gestures, augmentative and alternative communication, including sign language, a computer or other device. This will mean that any kind of hesitation, resistance or reluctance from an individual, regardless of their capacity, will mean that voluntary assisted dying in this circumstance cannot progress.

A VAD attorney does not have any requirement to act. There is no compulsion. They can conscientiously object. If they do object, they have to let the individual know before accepting the appointment. If at some stage someone questions the authority of the VAD attorney, they can apply to the ACAT for advice and opinion. This includes administering practitioners and coordinating practitioners or any other affected person who has a genuine and sufficient interest in the rights of the individual seeking out the advice of ACAT. There were concerns raised through the consultation that an affected person may use the ACAT referral process to obstruct access to VAD. So there was an additional clause added to state that the ACAT must hold a hearing as soon as practicable but no more than two days after the application is received. They must also decide the matter as soon as practicable. This prevents people from using the ACAT to obstruct processes.

I believe that this model is legally sound and does not place unnecessary constraints on human rights. Much of the advice I received suggests that this model will enhance an individual's right to life. Human rights groups have provided advice stating that this model is not instituting a new power but rather simply a transfer of one. As such, the autonomy of the individual is transferred to their power of attorney. These amendments are consistent with our Human Rights Act and Australia's obligations more broadly under the International Covenant on Civil and Political Rights.

The consultation process found that this is a preferred model by clinicians, particularly in contrast to other models, such as advance care directives. The basis of advance care directives is that a person nominates the specific conditions where they would like to receive voluntary assisted dying. The onus is then on the medical practitioner to make the call to carry out the person's wishes. However, it is very difficult, in the advanced states, to to describe exactly the situation that an individual may find themselves in. Hence, there is a lot of grey area here which makes clinicians very wary.

There are also particularly complex situations where family members may not want VAD to proceed, yet the clinician is in this difficult situation if there is an advance care directive in place. Canada has a system of a final consent waiver. Evidence from the Canadian model is in line with the issues that were raised here. While practitioners agree that allowing access to VAD following the loss of capacity is an important thing, there are issues with these advance care waivers.

As I said, I conducted significant consultation over a two-week period. I received responses from 25 organisations—18 of which were supportive, two did not state policy positions and five raised concerns. What was very clear from the stakeholders was the in-principle support to address the issue of access to VAD following loss of capacity, but there were concerns raised over the short time frames of the consultation and issues identified that still need to be worked through.

I do, however, acknowledge the concerns of the disability sector, as well as Carers ACT. Carers ACT and the disability sector, particularly Advocacy for Inclusion, raised concerns that this would have an adverse effect on carers and people with disabilities in the ACT. They were, however, open to further discussion and consultation to allow their concerns to be addressed. I thank them for their engagement and look forward to the response from the ACT government to work with these sectors who have serious and genuine concerns about voluntary assisted dying and these possible amendments.

Legal Aid also voiced concerns on the matter. They had two specific concerns. Firstly, they believed that decisions relating to VAD must remain voluntary and enduring. Secondly, they had concerns that the VAD attorney could be a beneficiary of the will. I, of course, accept these concerns. These are relevant points that can be addressed further down the track.

I think it is important to note that an individual who has gone through all the eligibility criteria for voluntary assisted dying has done that without a beneficiary being involved. I also think it is appropriate that a family member could act as a VAD attorney. It is a profound act to provide the authorisation for someone's death. Many people I spoke to in the consultation suggested that they would trust with this decision no-one in the world other than a family member. I think there is more to be worked out there.

I received a great deal of support from the community. I had 76 submissions from members of the community expressing their viewpoints on this. Ultimately, it was overwhelmingly supported, with 70 people supporting us to take these amendments to the Assembly and six who did not. I would like to thank the community members who shared their stories about why this is so important.

I also received a whole lot of feedback that the proposed model and amendments do not go far enough to address early loss of capacity and address the suffering with conditions such as dementia. However, I think the model I am proposing provides an avenue to start to slowly have those discussions. I thank everyone who engaged in this conversation. Two weeks is not a long time, but it was truly fantastic to see the amount of support in such a short period of time.

There are many issues, obviously, with what we are talking about with voluntary assisted dying and addressing this issue around loss of capacity. It is really important that these issues are given the attention that they deserve and that discussions are facilitated between people that have a real interest in this area. That is why I did not move the amendments yesterday and instead brought forward this motion today. I ask the Assembly to support this motion, to allow work to commence on exploring a model to address loss of capacity in voluntary assisted dying. *(Time expired.)*

MS LEE (Kurrajong—Leader of the Opposition) (4.22): It is obvious that Dr Paterson has very carefully considered these issues, and embarked on a consultation process that was the substance of her draft amendments, which of course she did not end up putting forward in the debate on this bill this week.

These are very complex issues that go to the heart of the process for voluntary assisted dying, which is why the question on this motion will be a conscience vote for the Canberra Liberals, just as the question on the substantive bill on voluntary assisted dying was. As I said, these are very complex issues, which is why no other jurisdiction in Australia has allowed for this in their legislation.

It is hard. It is hard to hear and read the stories of those people suffering from the devastating impacts of dementia—to hear the stories of their families, of their children, when mum or dad cannot recognise them anymore. And the temptation, when we love someone and we see their suffering, is to help with ending their suffering. No-one should be criticised for their intention in wanting to do that. But what Dr Paterson is proposing in her motion is a move away from a positive consent model—to move away from a person voluntarily deciding, at that exact moment, to end their life: a person's ability to change their mind at any time during the process of voluntary assisted dying.

It is that aspect that I am talking about—that fundamental element of voluntary assisted dying that it is a voluntary decision. It is a decision a person takes to access the voluntary assisted dying scheme at a time when their disease has progressed to a certain point—at that exact point, assessing all the options, all the treatment, all the advice—not in the future; not years from now, but at that exact moment.

I know that there has been concern raised in the community that denying people experiencing dementia access to the voluntary assisted dying scheme will deny many Australians access. But my worry with what Dr Paterson is proposing—she has proposed this in her draft amendment to the bill—is that allowing access to voluntary assisted dying to a person who has lost their decision-making capacity challenges the very fundamental aspect of this scheme, which is the ability to make the choice at that time to end your life.

The government of which Dr Paterson is a member, in its own submission to the committee inquiring into the Voluntary Assisted Dying Bill 2023, made the following point on this matter: "However, consultation also found that a decision to supply an approved substance to a person who lacks capacity is highly subjective, ethically challenging and without precedent in medical practice in Australia." According to the ACT government, this issue has not been properly researched and considered in Australia at this time.

I have to agree with this statement: the very basis of voluntary assisted dying is that it is a choice—a choice that a person makes with full decision-making capacity—to end their life, to end their suffering. That is why I voted for the bill yesterday, notwithstanding some of the concerns that I had around it—which I have expressed previously and again during the debate this week—and notwithstanding the fact that my amendments did not get up. Actually, the contributions made by Ms Cheyne and Dr Paterson herself, in the debate yesterday, led me to make the decision to vote no on Dr Paterson's motion today. In the debate on my amendment, Ms Cheyne and Dr Paterson went to great lengths to explain that what Dr Paterson's motion calls for is already included in the current review clause of the legislation. If that is the case, as they said repeatedly, this whole motion is superfluous. Dr Paterson herself voted for the government amendment that included these issues in the review clause.

The other part of the review clause that Dr Paterson voted for was that the review would take place three years after the date of commencement of the bill, and every five years thereafter. What is being proposed in this motion is not only pre-empting but directing the ACT government to actively engage in a certain part of the review with a view to making amendments to the bill, which only just passed yesterday, even before the scheme starts.

Only yesterday, Ms Cheyne boasted about how this is the best legislation in the country. Well, it seems that perhaps her colleague Dr Paterson disagrees, as, literally a day after the bill passed, she is bringing this motion to look at adding a fundamental change that no other jurisdiction has looked at. I stand by the comments that I made yesterday, that a review of this act should be genuine and objective. That is why I moved my amendment yesterday, to make sure that the review of this legislation at the legislated time is genuine, open, transparent, does not pre-empt any issues and is objective.

I note that yesterday during the debate several members from Labor and the Greens spoke about respect and about how this issue needed to be included somehow because a lot of community members raised it. I again point out that what is not respectful is selectively choosing a certain issue and then somehow calling people who may have a different view disrespectful. This is an incredibly sensitive, important piece of legislation that this Assembly passed yesterday. We know that there were diverse views across the community. We know that because we have heard those views. That is why both Liberal and Labor afforded their parliamentary members a conscience vote on it.

On this motion I will be voting no because, once again—and I repeat what I said yesterday in moving my amendment—it pre-empts and directs looking at a specific issue that Dr Paterson herself said was already included in the review clause in the bill that passed and that she voted for. On that basis, I will be voting no.

MS CASTLEY (Yerrabi) (4.31): At the outset I wish to say that I have not made up my mind for or against what Dr Paterson is proposing today, but I believe that this is simply grandstanding from a Labor backbencher. We, as an Assembly, only voted for this bill to pass yesterday, and now we have a motion raised in this place that I believe may muddy the waters, seeking to make changes to laws before they have been implemented.

We have not even seen what this bill looks like in practice yet. So, to propose an additional layer of work at this point in time, I believe, is unwise. I would expect that the government will want to make sure this bill is implemented smoothly. I believe this motion will cause an additional layer of distraction for those who have worked on the bill and those who are tasked with the implementation phase. Is it the case that Dr Paterson just was not given the go-ahead to move her amendments yesterday during the debate? Is that why we have this motion before us today? As I said, I believe it may be a stumbling block to the implementation process. If it was not good enough—if these amendments and what Dr Paterson is proposing today were not good enough to be part of the bill—then they should not be good enough to bring to the Assembly now.

Perhaps Dr Paterson should take a leaf out of Minister Berry's book on her thoughts on coercive control, and maintain a watching brief or commit to going slow on this one. As Ms Lee pointed out, this is something that could be considered in the review, as stated yesterday. I just wanted to say that I also will be voting no on Dr Paterson's motion today.

MS CHEYNE (Ginninderra—Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform and Minister for Human Rights) (4.33): I will speak briefly. I think most of my remarks from yesterday stand. I would encourage all members, including those who are voting with their conscience, to look carefully at what the "calls on" asks for. It is literally about engaging more stakeholders, exploring models, exploring the issue experienced in other voluntary assisted dying jurisdictions and reporting back by the end of May 2025.

It is not making amendments. Reporting back does not change the bill. It does not change its implementation; it reports back. The report back could be anything; we do not know what. What has happened since the submission that Ms Lee was quoting earlier is that Dr Paterson—following the committee inquiry and with her dissenting report, and noting that that particular aspect of her dissenting report enjoyed quite significant interest from the community about what more could be done—has done a lot of work in a short period of time in advancing this conversation.

We also know that there is research underway on this very issue. I flagged this quite clearly in my comments yesterday, but time, in this instance, was against the amendments. With more time, perhaps, a model that is workable could be understood. But I am guessing; I do not know—maybe not. But given where the conversation has been taken, and given that Dr Swan yesterday said to me that there is broad support for the concept that Dr Paterson has put forward, it is about how it would work in practice and about making sure the elements of the legislation would be correct and that everyone would understand and be on the same page about how it works. That is where more time is needed.

I believe that that is exactly what Dr Paterson heard from the community and from health professionals—that there is interest in this and that this is a common issue for people at the end of their lives. Certainly, I have witnessed it. I have not witnessed it in terms of the approval process for voluntary assisted dying and being at the final stage and then losing capacity, but I have certainly witnessed someone losing capacity right at the end of their life when they were in incredible pain.

The community have told us that they want us to look at the whole range of advance care planning issues. That includes what Dr Paterson is suggesting, but it is broader than that. Ms Lee is not comparing apples with apples here. This is one particular issue within the broader notion of advance care planning, and at what point that comes into effect. But Dr Paterson has particularly homed in on this, and she has done a serious amount of work to advance the conversation, and I have certainly received advice that the concept enjoys broad support.

When we know that, why would we not commit to exploring it further? It is not committing to legislate, nor to rushing anything; it is just saying that Dr Paterson may well be onto something here, and this is worth looking at more closely. That is what it is, and I think we need to reflect here. There were a lot of comments yesterday, both at the end and then after the debate, from Mr Hanson. He said things, and I found it disrespectful to the process and to the consultation for someone to claim something that is not in the bill at all and to say that that is what the Labor-Greens government would do, or were doing, when he could not even be bothered to stay for my final speech, laughing in the antechamber, when he could not be bothered engaging with the debate at all.

When all I see is Mr Hanson, and now Mrs Kikkert, just scrolling on their phones, I assume it is just full of Andrew Tate or something, because I do not know who Jeremy is anymore. But I think we can move on from deliberately misrepresenting what something is or is not. The "calls on" here are very straightforward, and Dr Paterson has crafted this—

Ms Lawder: I have a point of order. Ms Cheyne has suggested that there has been a misrepresentation. She might like to substantiate that, put forward a substantive motion or withdraw.

MS CHEYNE: I will withdraw.

MR ASSISTANT SPEAKER (Mr Cain): Thank you. Ms Cheyne, I remind you to call members by their surname.

MS CHEYNE: Yes, thank you, Mr Assistant Speaker; I will.

Let us not make this into something that it is not. I have to say that my respect for Ms Castley, after the debate yesterday and the day before, has grown enormously, but the contribution she made just then was making it into something that it is not—suggesting things about Dr Paterson and, I felt, intimating that this motion was just dropped.

Dr Paterson has been extraordinarily transparent about her process, her decision. She put out a media release on Monday. It has been on the notice paper since Monday. I

have had time to think about it and consider it. And anyone could have sought a briefing from Dr Paterson or sought to understand better what the motion is trying to achieve. I do not get the sense that that has been undertaken. It will be what it will be, but let us just call things here for what they actually are. That is why I will be supporting Dr Paterson and this motion.

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) (4.41): Many of those who participated in the extensive consultation on our nation-leading voluntary assisted dying laws clearly stated that loss of capacity must be the highest priority for future policy work. In this debate, and in future policy work, it is important to very clearly differentiate between loss of capacity and ability to consent many months or even years prior to what would be a person's natural death and the situation that Dr Paterson has focused on in her consultation and in this motion.

This motion is very clearly about addressing a circumstance where a person has completed all stages of the voluntary assisted dying process up to and including the final assessment. This is the point in the process where an approved substance can be prescribed, either for self-administration or practitioner administration.

Dr Paterson has articulated the distress experienced by individuals, their families, carers, and, indeed, health practitioners, when someone who has clearly decided lawfully to end their life and their intolerable suffering, in a way and at a time of their choosing, is unable to do so at the last minute, or does so earlier than they would otherwise choose because they are concerned they may lose capacity just at the time when their suffering is at its most extreme.

This situation has been addressed in four other jurisdictions internationally in different ways. In my personal view, Canada's waiver of final consent, which is a form of advance care directive—a very specific and restricted one—appears to be the best existing model. Dr Paterson has suggested an alternative model, using a voluntary assisted dying attorney. But it is not for either or us to make a decision on behalf of the ACT community. We must hear from the community on this complex issue. We must listen closely, not just to experts but to healthcare consumers, carers, and people with disability—all of whom are the experts in their own lives—and to the local clinicians who will deliver voluntary assisted dying in the ACT.

It is clear, even through the limited period of consultation over the last couple of weeks, that stakeholders hold very different views about the way different models could work, how safeguards could be further developed and whether there are opportunities to combine elements of these models to deliver an outcome that we can all have confidence in. It is also clear, from the consultation and the conversations I have had over recent weeks, that many stakeholders either thought the proposed amendments would address the challenge of dementia or very much wanted them to go further to do so.

As I said through the debate on the bill, people have shared their personal experiences directly with me over the last year. I did not do this during the debate, but I now want to acknowledge Professor Ian Chubb, whom I have known for many years and who

shared with me his distress about the circumstances of his wife Claudette's dementia and traumatic death. He shared this experience with the select committee as well. His evidence states:

> My experience is shared by many. Nothing here is unique. But that doe not make it less traumatic to see your wife of 51 years turn slowly from a dignified and thriving individual into one incapable of the simplest functions–not cognitive, not physical.
>
> My wife Claudette was a linguist: she spoke three languages fluently and 2 others reasonably. She was active in the arts and an intellectually alive, dignified person.
>
> To her dignity was an essential characteristic of life …Yet she lost all dignity, all quality, in her final years …
>
> About 5 years ago she was diagnosed with dementia. She was 70 years of age …
>
> The progression was obvious in all the predictable ways …
>
> She went downhill—as expected. She did not recognize me, her daughters or her friends … She got to a point where she 'vocalised.' In other words she made sounds at a high volume to the distress of her neighbours in the nursing home—non-stop and loud. She was fed in her room.
>
> About 18 months or so before she died she could use only one or other of four words 'oui', 'non', 'yes', 'no'. She had lost control of bodily functions; she had difficulty eating.
>
> For the last year she barely moved when I was with her …
>
> She rarely used even the four words. She was impassive. She had lost everything that was dear to her—her languages, her books, her family, her dignity, her quality of life …
>
> Her last days were terrible. She was writhing in her bed, eyes closed and moaning. Her pain was treated by her carers.
>
> She would not have conceded that the decline into indignity was acceptable had she known what was in store. Nor would she have missed an opportunity when cognitively aware to plan a dignified end-of-life on the chance that she may have developed dementia—her father had a bad ending due to Alzheimer's. She did not have that option. I do not have that option. Nobody has that option.

As I have said, Dr Paterson's proposal and the work she has asked the government to do will not address the distress of someone deteriorating over years, losing capacity months or years before they would reach their natural death. But the situation that Dr Paterson's amendments seek to address is a very real situation of distress about which we potentially can do something, and we know we can, because others have come before us to do this.

It is my personal view that a VAD attorney has merit and is worth exploring further to see how that can work alongside other elements of our health system that deal with the loss of capacity, with appropriate safeguards that reflect the seriousness of these decisions.

As the motion notes, the very short consultation period did not allow for these issues to be worked through in full. Indeed, many organisations were simply unable to participate in the consultations, let alone consult with their members, yet many organisations that did participate said they were interested in the idea and keen to see whether there indeed is a way to address this very real issue with appropriate safeguards.

I am pleased that Dr Paterson has chosen the route of not moving the amendments at this time because they need more work and consultation; she seeks to ensure that the issue will continue to be explored through engagement with a broad range of stakeholders. As Minister Cheyne pointed out, this motion does not seek to pre-empt the outcome of this exploration but asks that the exploration continues and the minister reports back in May 2025. That is pretty simple and entirely consistent with the thorough and detailed consultation and engagement process this government has taken, and Minister Cheyne has taken, in the development of the evidence-based, nation-leading legislation that the Assembly passed yesterday.

I commend the motion to the Assembly.

MR BRADDOCK (Yerrabi) (4.50): The Greens support the policy intent of extending VAD to those who have subsequently lost capacity. I have spoken multiple times in this chamber on this topic. The Greens are also aware of the complex legal, social and moral issues that this policy question raises and, hence, the need to ensure policy development is conducted with careful diligence and compassion in order to be successful.

Following the announcement of the proposed amendments on 16 May, the Greens received feedback from multiple community groups, advocacy organisations and individual community members. The majority supported the policy objective of extending VAD to those who had subsequently lost capacity, consistent with what was expressed during the early consultation stages of the bill.

A significant number expressed alarm at the possibility of such amendments being rushed through and passed without adequate consultation and consideration of the complexities that the model may produce. They were also alarmed at the impact that this model could have on the successful implementation of VAD for the remainder of the Canberra community. They were also concerned about the possible perverse outcomes that could arise from these amendments being passed after such rushed and limited consultation. Therefore I am grateful that, instead, we are debating this subject as part of a motion today calling on the government to further explore the issue and report back.

I would like to say on behalf of the Greens that the date to report, May 2025, is not as critical as ensuring the policy work is done right. Allowing VAD to proceed for an individual who has lost capacity presents fundamental social, ethical and clinical challenges which will require careful consideration and consultation.

In a recent publication, Dr Paul Komesaroff, Professor of Medicine at Monash University, and Dr Michael Chapman, specialist palliative care physician at Canberra Health Services, plus others, argued that a broad and thorough process of consultation

over the issues of capacity is necessary to avoid exacerbating social divisions arising from VAD and undermining confidence in policy development processes in this area, particularly at the very early stages of introducing VAD as a lawful end-of-life choice.

A comprehensive consultation process on VAD for people who lose capacity is essential due to the contentious nature and concept, and the known sensitivities and ethical issues at play. The Greens do not wish to put the implementation of the VAD scheme, as passed yesterday, at risk. If the government or the next Assembly determine additional time is required to ensure that this consultation is done properly, that would be acceptable.

The Greens note that Canberra Health Services are already required to spend the period between now and May 2025 working on developing the systems, processes, training, consultation and collaboration with the medical community in order to successfully implement the VAD scheme passed yesterday. We also note busy community groups will need to be consulted on both the implementation of the VAD scheme, as passed, and the new policy questions surrounding those who lack capacity. To prevent confusion and not overload the capacity of these busy community groups and individuals, there may also be a requirement for additional time.

Dr Paterson's amendments propose a framework that provides a power to a specifically designated and defined VAD attorney to authorise access to a VAD substance for an individual if they lose decision-making capacity following their final VAD assessment report. This means a VAD attorney can decide for a person in the event they lose decision-making capacity to proceed or not proceed with the administration of a VAD substance to cause the person's death.

I agree that there are a number of benefits to the use of an enduring power of attorney as a proposed solution to addressing the question of loss of capacity. It asks someone whom the person knows best and has placed their trust in to make a VAD decision in the best interests of that individual. It also places the VAD decision-making obligation on family and loved ones, rather than on the medical profession, as would apply under the advance care directive model. The shortfall of this model is that it lacks a clinical foundation to the VAD agreement, which may undermine the exercising of VAD decisions and possibly put clinicians in a more problematic situation than would apply through the use of an advance care directive.

It is beholden on me to mention the risks associated with this model. The model fails to address the situation where that trust may have been misplaced. The risks of a person being coerced to agree to VAD through an enduring power of attorney are particularly heightened for vulnerable members of the community, including the elderly, people with a disability and people with mental illness. Given the increased risk to such vulnerable groups, there will need to be specific policy consideration as to whether additional safeguards are required to ensure these groups are protected from coercion.

Where domestic violence and coercion already exist in a relationship, it is possible this will flow through the enduring power of attorney and the VAD scheme. Whilst there are a number of safeguards in both the enduring power of attorney and the voluntary assisted dying scheme, further work is required to determine whether these are fit and adequate for the purpose that Dr Paterson intends or require further strengthening.

Another question I have about this model is: what does this mean for those who have an enduring power of attorney through the Public Trustee and Guardian? Is the expectation that public servants will start exercising VAD decisions for vulnerable Canberrans? Also, there is the question of whether it is acceptable that a VAD attorney may have a financial conflict of interest by being a beneficiary of the individual's will. This adds an additional layer of risk of coercion of vulnerable people into accepting VAD as the person deciding the circumstances of an individual's death is also a person who is likely to profit financially from their death. This question will need to be discussed and resolved to the community's satisfaction.

The model I have advocated for is through the use of advance care directives which create a medical-based agreement between the individual and the relevant doctor, and will respond to the specific clinical circumstances where VAD would be authorised in the circumstances of that patient. Advance care directives provide direct authority from the individual to the practitioner for the administration of the substance, rather than the authority being derived from a substitute decision-maker, such as a VAD attorney. This clinical context is a strength of this model but also a shortfall in that it does not allow for the trusted person to effectively advocate for the wishes of someone who has lost capacity and is intolerably suffering. This model also puts more of the decision-making obligation on the clinician. I can appreciate their reluctance, given the complex clinical, moral and ethical issues this raises. I am not blind to the issues that Dr Paterson raises about the use of advance care directives.

Neither model is perfect and the answer might not be binary, but we need to take the time to deeply deliberate and consult on these complex and challenging policy questions to get this right, not simply rush through significant policy changes without considerable consideration.

MS DAVIDSON (Murrumbidgee—Minister for Community Services, Seniors and Veterans, Minister for Corrections and Justice Health, Minister for Mental Health and Minister for Population Health) (4.58): The voluntary assisted dying laws that were passed in this place yesterday are underpinned by the values of compassion, dignity and respect. I have said before that being part of this legislative change in the ACT has been a humbling experience. I acknowledge that not everyone who might want to access the scheme will be able to do so immediately, but the law we have passed is already the most progressive of its kind in the country. I am confident that it paves the way to further progressive reform following a post-implementation review.

As the Minister for Mental Health and for carers, and as the Greens spokesperson for disability and the prevention of domestic and family violence, I am confident that this legislation reflects appropriate safeguards based on contemporary evidence, research and thorough consultation with the broadest range of stakeholders across the Canberra community. JACS and ACT Health led that community consultation, including on advance care directives and decision-making capacity, and consulted other VAD jurisdictions prior to the bill being introduced.

The requirement that decision-making capacity is demonstrated at key points of the process is a fundamental safeguard in the bill. It ensures that this is a voluntary decision

based on the fully informed consent of the individual, including immediately before administration of the substance.

In implementing the scheme, the government will include disability awareness and identification of signs of coercion as part of mandatory voluntary assisted dying training materials. The role of carer relationships in supporting decision-making will be considered, as well as accessibility for people with disability, people from culturally and linguistically diverse backgrounds, and Aboriginal and Torres Strait Islander people.

The listening report into voluntary assisted dying in the ACT in 2023 explicitly outlined how complex the community discussion was. The question is not about whether we should continue to explore issues around decision-making capacity; the question is about when we should do that. The act already has a provision to review the legislation after it comes into effect, which will give a future Assembly the opportunity to further consider decision-making capacity and other matters, such as people under 18 years.

I quote Dr Paterson's conclusion in her dissenting report to the five-person, tri-party committee inquiry into the bill in October 2023:

> I acknowledge that many people who gave evidence to the inquiry argued that the bill did not go far enough in that it did not legislate for advanced care directives or for young people with decision-making capacity to access to VAD. I believe that these are important aspects of the VAD discussion that I am glad to see are incorporated in the review of the ACT.

There is no mention in her dissenting comments of an urgent need to open that public conversation prior to commencement of the scheme, and there is no mention in her motion today of exploring issues about access for young people.

Public conversation about decision-making capacity is likely to be stimulated by the Assembly having to provide the report Dr Paterson is calling for in May 2025, at the same time as the community is engaging in the necessary education and training before commencement of the scheme in November 2025. There is a risk this will impede community engagement during a critically important period.

I am very mindful of the fact that we are discussing this at the same time as NDIS reform discussions about the human rights of people with disability in relation to the kinds of supports the federal government considers to be reasonable and necessary to live an ordinary life. And we are still coming to terms with the incredibly distressing findings of the royal commission into violence, abuse, neglect and exploitation of people with a disability.

What I have seen, both in my previous work and in my lived experience, is that every single time the community is given permission to debate the human rights of a particular group of people, it causes intense distress for those people and division in the community. I am talking about the marriage equality postal vote, the referendum on an Indigenous voice to parliament, and the debate right now about the rights of disabled people to be an active part of an inclusive society.

I listen every day to people with disability and to carers. They tell me about their worries for the future, their worries about their right to make decisions about their lives, their

right to change their minds about those decisions, and the times they have not felt listened to or believed by healthcare or disability support workers.

People with disability and carers talk to me about this. I have heard about some truly horrific life experiences, and there is no way I can repeat those stories without causing trauma for those of you listening. And I should not have to, in order for you to have compassion and empathy for the worries that people at risk in our community will have when the conversation is opened up again about decision-making capacity before the scheme has even commenced.

But I will say this: people with disability would want Dr Paterson to know that she does not speak for all of us. I remind my colleagues that we live in a community where many people do not have a strong understanding of coercive control, or abuse of older people, both of which can intersect with matters relating to enduring powers of attorney. There are serious ethical challenges to what Dr Paterson proposes, and there is a high level of sensitivity in this issue.

Unpacking those challenges through public conversation requires time and compassion, neither of which have been allowed for in the time frame in this motion. But I understand that this disruptively timed review was necessary to avoid having to deal with the rushed and poorly drafted amendments she had proposed. As a minister in this government, I understand quite clearly the responsibilities I have to treat public conversations about the human rights of people at risk with sensitivity and professional maturity—to be careful not to exploit the experiences of people struggling with ill health or trauma in talking about the need for systemic change, and to respect their personal privacy. It is deeply disappointing when some people in this place do not share these standards.

In years to come, no Canberran approaching the end of their lives will care about the individual opinions of the people in this chamber, or their political careers. What they will care about is whether they can exercise their right to make informed end-of-life choices that align with their preferences and values, and whether they can make those choices safely and with respect.

I am deeply supportive of the laws we passed yesterday and the choices they will safely enable, and that the legislative review will not be rushed into before the scheme has commenced. A future Assembly may well decide that the limited exploration in this motion might report back later than May 2025. I hope that the members of the next Assembly will put personal ego aside and support the legislation's future review with the same level of compassion that we saw during the extensive consultations run by our professional and committed public service for the laws we have just passed.

MR COCKS (Murrumbidgee) (5.05): I was not going to speak on this motion today, but I thought it might be important to the minister and to Dr Paterson to understand why they are not entirely trusted when it comes to this matter. At the end of the last term of the ACT government, the issue around decriminalisation of drugs came up, and there was a motion passed in this place in relation to that. That motion did not go to the idea that the Assembly would decriminalise drugs; it was put forward as a motion which would just be, as Dr Paterson is putting forward today, an examination around it. What

we found when we got into this term of government was that things moved very quickly and we ended up with legislation that went to the most ideological extreme in the country, where we did see drugs like heroin being decriminalised.

Indeed, it was a rapid process. I am not convinced that anyone in the community expected that to happen. So, when a motion like this is brought forward, it is understandable that we question whether again we are seeing a roadmap set out which is based on implementing an ideological approach to something. That is why it is really hard to trust that what the minister and Dr Paterson are arguing here is the limit of where they are looking to take things.

It is also worth touching on the ethical and moral foundation of why someone would have concerns about the direction that Dr Paterson is proposing here. I think it is most eloquently put forward, in many ways, in a TED Talk called *You don't actually know what your future self wants*. This was highlighted to me by someone who is a strong supporter of voluntary assisted dying, but who has deep concerns about any move to expand the program to include people who have lost decision-making capacity at any point.

I might read part of that TED Talk into *Hansard* because I think it is very well put, and it is a story which articulates deeply the moral and ethical issues we have to contend with. It is in a section entitled, "Life, love, and change." The transcript reads:

> John became a high school basketball coach, Stephanie became a nurse. And because they lived in a rural part of the state, she would often make house visits to patients. Many of the patients she saw were very sick. They had terminal illnesses, very low quality of life. And when Stephanie came home from these visits, she was often shaken. And she would tell John, "John, if I ever get a terminal illness, please do nothing to prolong my suffering. I care more about quality of life than quantity of life." In her more dramatic moments, she would say, "John, if I ever get that sick, just shoot me. Just shoot me."
>
> And John Rinka would look lovingly at his wife, his healthy wife, and he would say, "OK, Steph. OK."
>
> Fast-forward a couple of decades. In her late fifties, Stephanie begins to slur her words. She goes to see a doctor, who runs some tests, and he diagnoses her with ALS, Lou Gehrig's disease. He tells her it's fatal. It's incurable. And he tells her that a day is going to come when she is no longer able to breathe on her own. Stephanie, being Stephanie, decides to extract as much joy and pleasure from life as she can, she spends time with friends and family. As she gets sicker, she and John spend some time on a beautiful beach that they both love. But there comes a day when Stephanie, in fact, is no longer able to breathe. She's gasping for air, and John takes her to the hospital. And a nurse at the hospital asked Stephanie, "Mrs. Rinka, would you like us to put you on a ventilator?" And Stephanie says yes. John is flabbergasted. They've been having this conversation for 30 years. Surely that's not what Stephanie wants. He doesn't say anything. The next morning, he says, "Steph, when the nurse asked you yesterday if you wanted to go on a ventilator, and you said yes, is that really what you want?" And Stephanie Rinka said yes.

The point that is being made in that story—and it is made far more eloquently than I can—is fundamentally that, as situations change, as we grow, our perspective changes.

We cannot predict the decision that we will make in 20 years time. We cannot predict the decision that we would make, on occasion, in a week's time. I would ask those who are very keen to look into this to think very carefully—consider the ethical and moral questions very carefully—because we do not know what our future selves would want.

DR PATERSON (Murrumbidgee) (5.12), in reply: I would like to thank members for their input on this debate today. It is worth noting that every member of the select committee is in the chamber for this debate. The inquiry had a profound impact on me and, I would imagine, the other members here. I was already very passionate about people's rights to access voluntary assisted dying, but the inquiry really set in stone just how important the bill that was passed yesterday was. As Ms Davidson read out my dissenting report, I felt that those were my views.

After the inquiry report went out, I was contacted by many stakeholders in the community wishing that the bill could go further, asking if there were amendments that I could move. Anyway, that is where my discussion started. At the beginning, I said no, and then as I spoke to more and more people about what could be done and where this gap was, in particular around loss of capacity following the final request, things were put in motion that led me from one person to another. And, yes, in the end, I decided that I would progress amendments. Obviously, there was a very short time frame to do that, because it was a bill inquiry. So I acknowledge Ms Davidson's comments around the sensitive nature of this discussion in the community.

I believed that it was more important to have this discussion now rather than to have the bill passed and then come back with a motion or amendments later, down the track, because we have had nearly two years of this discussion in the ACT. The government has done an outstanding job in the consultation process, so I felt it appropriate to flag with the community that I had thought more about this idea, and that I, like them, think it is urgent that we progress this discussion. I think that our community can have this discussion with sensitivity. But, overall, the most important thing to me is that the community has confidence in what we are doing and progressing, and two weeks was not a sufficient time frame to build this confidence and to have the discussions that needed to be had.

All members here have raised really important questions. These all came up through my discussions with people, but I do see an urgency in this, and I think that this is fundamentally about people suffering. While we all have political views, and we can call out each other across the chamber for having ideological views, ultimately, there are people who have made a decision to access voluntary assisted dying. They are eligible for it, and they have lost capacity in their final days. We have heard the stories of people who have seen family members go through horrific suffering, and many people that I consulted with on the bill who are clinicians in other jurisdictions find that the most difficult part of their job is to work with the families following that loss of capacity.

I am proud that these amendments and this motion today have progressed this discussion, and I look forward to the government reporting on this in May next year. I would like to thank the community and the stakeholders who provided insight and had multiple meetings to try to understand this. I also thank the Greens for engaging. I had

multiple meetings with Mr Braddock and Greens staff to discuss this. I offered to have meetings with the Canberra Liberals to discuss this, as well, but that was not taken up.

I would also like to thank, significantly, my staff, Kai Plunkett and Kashish Kumar, for their help and work over the last couple of months. It has been pretty phenomenal. I particularly thank Kai, who worked with me. The explanatory statement to address these amendments—in case I moved them—was nearly as long as the government bill's explanatory statement, so this was a significant project and piece of work, and I could not have done it without them.

Again, as Ms Cheyne said yesterday, the stories that my staff had to hear are very moving, emotional stories of people's experience of suffering, and that is very difficult to hear, and does take a toll. I am really thankful for the Assembly's time to discuss this today, and I look forward, I hope, to being in the next Assembly to address this issue further. This is my last motion in the Assembly for this term, so I am proud to have moved it on such an important issue.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 16		Noes 7
Andrew Barr	Laura Nuttall	Peter Cain
Yvette Berry	Suzanne Orr	Leanne Castley
Andrew Braddock	Marisa Paterson	Ed Cocks
Joy Burch	Michael Pettersson	Elizabeth Kikkert
Tara Cheyne	Shane Rattenbury	Elizabeth Lee
Jo Clay	Rachel Stephen-Smith	James Milligan
Emma Davidson	Rebecca Vassarotti	Mark Parton
Mick Gentleman		
Nicole Lawder		

Question resolved in the affirmative.

Papers
Motion to take note of papers

Motion (by **Madam Speaker**) agreed to:

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

Statements by members
Mr Tevaseu Malaki Aitolu—tribute

MRS KIKKERT (Ginninderra) (5.23): Last week I attended a funeral, and I would like to pay my tribute and honour to a remarkable man, Tevaseu Malaki Aitolu from

Macgregor. He was a devoted husband, a loving father, a proud grandfather, a caring brother and an irreplaceable friend. His presence in many people's lives who knew him was a gift filled with warmth, wisdom and unwavering support.

As a husband, he showed us what true partnership and unconditional love looked like. His commitment and tenderness were a testament to the strength of his character. He was a great father; the testimony that we heard at the family service from his children beautifully testified to that.

As a grandfather, his joy knew no bounds. He delighted in every moment spent with his grandchildren, creating memories that will be cherished forever. And as a friend, he embodied loyalty, kindness, generosity and wisdom. He had a way of making everyone feel valued and heard, leaving a mark on all who knew him.

We will miss his laughter, his stories, his testimonies and his unwavering spirit. His legacy of love and kindness will continue to inspire many people who knew of him. Thank you for everything, Malaki; you will forever be in our hearts.

Sport and recreation—Rugby League

MR CAIN (Ginninderra) (5.24): I rise to speak about a local Rugby League game that I attended last Saturday. I might say that I enjoyed watching that game more than the game that was watched last night by many Australians!

The Belconnen United Sharks played host to the West Belconnen Warriors at Bruce Oval in the Blumers Lawyers Canberra Raiders Cup for first-grade sides. The Sharks and Warriors are the two Belconnen first-grade teams competing in the ACT's premier Rugby League competition. It was pretty cool on the sideline. It was great to go and watch the first half of that game. Due to a subsequent commitment, I could not stay for the second half.

I did watch the game up to the end of the first half, on the sidelines with some fans and supporters. The Warriors, being up 12-nil at half-time, were overwhelmed—I will not say unfortunately because I go for both teams—34-12, with the Sharks winning at full time.

I am happily reminded of watching local Rugby League games, growing up in my home area of the Hunter Valley, where I played Rugby League myself—very badly! Ginninderra is one of Canberra's homes of Rugby League in the ACT, and it was terrific to go there and support the team in that capacity.

Drugs—penalties

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) (5.26): We have made significant advancements in recognising addiction as a health issue not a criminal issue. This government embraced harm reduction by decriminalising small quantities of illicit drugs. We implemented Australia's first fixed-site drug-checking service. Why? Because harm reduction saves lives. Criminalisation undermines harm reduction.

Under the ACT's Medicines, Poisons and Therapeutic Goods Act, personal possession without a prescription of substances like methadone or ketamine carries penalties like a maximum $32,000 fine or two years jail. Possessing one gram of heroin carries no criminal penalty. This unacceptable inconsistency needs to change. Any of these substances, medicines used without a prescription or illicit drugs might be used recreationally or to self-medicate. For any reason that these substances are being used, it should be a health issue, not a criminal issue. Our job is not over.

Discussion concluded.

Adjournment

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

> That the Assembly do now adjourn.

Multicultural affairs—World Falun Dafa Day

MR BRADDOCK (Yerrabi) (5.27): This year, on 12 May, I had the privilege of participating in celebrations for World Falun Dafa Day. Falun Dafa, also known as Falun Gong, is a spiritual practice rooted in Buddhist tradition. It consists of two main components—self-improvement, through the study of teachings and gentle exercises, and meditation. It is based on the three pillars of truth, compassion and forbearance.

This year also marks 25 years of persecution of Falun Gong. I would like to take this opportunity to commend the work done by Dr David Matas, a Canadian human rights lawyer and former Nobel Peace Prize nominee, who is here today in Canberra meeting with the Falun Dafa Association.

Dr Matas and his colleague Mr David Kilgour spearheaded an investigation into forced organ harvesting from live Falun Gong practitioners by state institutions and employees of the Chinese government, killing the practitioners in the process. They released their detailed report, *The Bloody Harvest*, in 2006, and their findings are truly horrific. By way of brief context, I will quote Dr Matas and Mr Kilgour:

> Falun Gong is a set of exercises with a spiritual foundation which was banned in China in 1999. Those who did the exercises after 1999 were arrested and asked to denounce the practice. Those who did so were released. Those who did not were tortured. Those who still refused to recant after torture disappeared.

Ms Jung Chang, who now calls Canberra home, gave her testimony in the report after being arrested five times for practising Falun Gong. On 25 April 2000, she was sentenced to one year of re-education through forced labour by the Public Security Bureau. During her incarceration she met a woman who originally refused to provide her identity or renounce Falun Gong and was kept in an unknown location, tortured with electric batons. The testimonies given in the report outline horrific accounts of extended torture.

The ACT is not isolated from this issue. I have met with members of Canberra's Falun Gong community on several occasions to discuss the persecution experienced by practitioners in China, and the threats and fears practitioners face right here in the ACT.

The ACT Greens believe that the right to protest without fear of discrimination or reprisal is a hallmark of a healthy democracy. We therefore support anyone who engages in peaceful protest here in Canberra. Proponents of Falun Dafa have regularly done exactly this, whether it be outside the Chinese Embassy, in Garema Place or in other locations across Canberra. We strongly support their right to do so, and abhor any attempt to discriminate, intimidate or interfere with peaceful protestors.

Unfortunately, there is evidence that that is exactly what is happening here in the ACT. There was at least one incident where a Falun Gong protestor was physically assaulted right here in Canberra because they dared to protest the Chinese government's treatment of Falun Gong practitioners. I was pleased to see that the judicial system was able to catch up with the perpetrators of such a cowardly and thuggish act.

There is also evidence of interference with protests and intimidation being used to silence peaceful protestors and critics, threatening their safety and those of their friends and loved ones located back in China. It is not acceptable that Canberrans live in fear, afraid to speak their minds due to what calamity could befall their family, friends and loved ones.

I will continue to stand with the Falun Gong community and call for an end to their persecution. No individual should ever be arrested, tortured, made to disappear or executed because of their religious beliefs or cultural affiliations. The ACT Greens stand for peace and nonviolence. As such, we extend our solidarity with the Falun Gong community.

Racism—racial abuse

MS LAWDER (Brindabella) (5.31): As someone who has been in this parliament for over a decade, working to make Canberra better, it is troubling that today I stand to share an upsetting experience that has been reported to me that took place last weekend. A Liberal candidate in the upcoming ACT election was the subject of racial abuse on the weekend. The Canberra Liberals have a diverse team of candidates from various cultural backgrounds. We are proud to be the most diverse party represented here in this place, and the most diverse party of candidates for the upcoming election. It sickens me to hear of this racial and personal abuse directed at this candidate and one of their volunteers, also from a diverse background. I will read from the comments provided to me by our candidate:

> We were subjected to comments about our appearance, accents and perceived lack of understanding of local politics due to our minority status. I have spent half of my life contributing to the local community, but this incident has left me questioning my pride in being a Canberra resident. These racially motivated attacks on our multicultural community affect our mental well-being and engender fear for our physical safety.

> The comments last weekend targeted my clothes, my accent, my colour and my ethnicity in a way that was both demeaning and hurtful. This incident occurred in front of several community members, which compounded the humiliation and distress I felt.
>
> Comments such as, "Did you look in the mirror before deciding to run as a candidate?," and, "Australians are disgusted by Indians like you," and, "Your arms and feet are too short." They even laughed at my speech and said "Gobbledy gook, that's how you talk."
>
> This experience deeply shook me. The immediate impact of this racial attack was a profound sense of vulnerability and fear. As someone who believes passionately in the democratic process and the importance of civic engagement, this has left me wondering. This incident happened to me after living in Canberra, the capital of Australia, for more than 20 years.
>
> The mental toll it has taken on me is considerable. I have found myself struggling with anxiety, a sense of isolation, a pervasive fear for my safety and that of my volunteers while campaigning, and even questioning why I have chosen to stand as a candidate when this type of abuse can take place and people walk past it, as if it is not happening.

So, Assembly colleagues, I ask you: is this truly the city that prides itself on being one of the most multicultural societies, as we like to say on a regular basis? We go to citizenship ceremonies and multicultural events and talk about our diversity and tolerance. But is Canberra really that tolerant? All of us deserve to live and campaign free from fear and intimidation. We must all contribute to creating a more inclusive and respectful community where everyone feels safe and valued. I call on each and every one of you, indeed, every candidate, no matter which party you are representing, to call out this type of behaviour if you are a witness it. If you are a witness to this type of abuse, please step in. Do not stand by.

MADAM SPEAKER: With indulgence, can I offer my support to that candidate? I will not be standing by. I will be supporting them.

Volunteers—National Volunteer Week

MS ORR (Yerrabi) (5.35): I would like to take this opportunity to speak about national volunteering week and the amazing volunteers that continually contribute to the ACT community. Occurring between 20 and 26 May, National Volunteer Week is Australia's largest annual celebration of volunteering and is all about the incredible volunteers in our community. The National Volunteer Week theme for 2024 was, "Something for Everyone," highlighting the myriad of opportunities available and emphasising that there is a place for everyone in the world of volunteering. Evidently, across Canberra there are a large number of volunteers, and we are fortunate to have such an involved community. I would like to take this opportunity to talk about just some of the amazing volunteers and organisations within my community.

The Gungahlin Jets Australia Football and Netball club are a huge part of the Gungahlin and Yerrabi community. The Jets have 550 registered players with an extended family

of 2,000 people. Along with this, the Jets are also dedicated to community inclusion, as well as mental and physical resilience, advocating for mental health and wellbeing within the AFL, disability inclusion and First Nations and cultural diversity. With the Gungahlin Jets being primarily volunteer-managed, they are now one of the largest volunteer-managed sports clubs in Canberra and the Jets have an amazing team of volunteers. From running their canteen or running water to timekeeping, coaching and assisting in the setup of matches, the Jets rely on their volunteers day in and day out. Some of the amazing volunteers prevalent within the club include Ms Berryman, who serves as the Auskick coordinator for the Gungahlin region; Payton Gregor, who is the senior team manager; and Leigh Reynolds, who has been involved with the club for a decade and runs the canteen every weekend. The Gungahlin Jets would not be the same without their volunteers and I thank them for what they contribute to the club and to our community.

Another amazing volunteering group within the Canberra area is HelpingACT, a group of Canberra residents with the objective of providing support and relief to members of the community who are suffering from poverty, sickness, distress or more. HelpingACT work with three food pantry locations across parts of Canberra which provide emergency relief; with one in Dickson, one in Ngunnawal and a second in Ngunnawal specifically for the needs of women and babies. HelpingACT also deliver food to families and individuals in need across Canberra every week. HelpingACT is run by their Chair, Mohammed Ali—who I am sure is known to most people in this place—who established the organisation in 2018, as he was motivated to help provide a better life for the most vulnerable in our society.

HelpingACT is run by co-founders Mohammed Ali and Manar Ahmed, who have had a profound impact on the lives of the most vulnerable people in our community since they began. They do not run the organisation alone. They are surrounded by a team of 50 motivated volunteers who have a similar passion to help those who need it most, with many of them dipping into their own resources driving around Canberra. I am grateful to all of them, and in particular Antionette La Brooy, Devyani Dainath, Jumanah Manar, Matthew Jamil Willis, Faeza Nadeem, Rhonda Owen and Paulette Paterson for their outstanding contributions and support they have put into the group.

Madam Speaker, I want to highlight how important it is to recognise the amazing work which volunteers do around Canberra, inside and outside of volunteer week every year. While I mentioned just two, I am sure I could spend another few adjournment speeches listing even more, as everyone could do. So thank you and thank you to everyone out there who makes our community better for their volunteering effort.

India—Hindu and Sikh refugees

MRS KIKKERT (Ginninderra) (5.38): I would like to give thanks to the Florey Hindu Temple for hosting an incredible opportunity to raise awareness for Hindu refugees in India. I extend my deepest thanks to Lakhan Sharma, the president, and his team, for organising a profoundly moving event. As we gathered together that night, we listened to the harrowing stories told by Kiran Chukkapalli from Think Peace, a not-for-profit organisation that listens to thousands of silent refugees and offers them support. He told of those who had fled from Pakistan seeking refuge and safety. These stories were not

just an account of migration, but deeply personal narratives of extreme hardship and resilience. The courage it takes to make such a transition is unimaginable, he described. Everyone in attendance was deeply moved.

Once in India, these refugees often face immense challenge, from navigating a new country alone to struggling for necessities and facing social integration issues. Despite these adversities, their spirits remain unbroken as we saw on the night, a testimony to their strength and perseverance. On Sunday night we were reminded of our shared humanity and the power of compassion. They touched us deeply, moving us to reflect on our role in supporting and advocating for these brave souls. Once again, I thank the Florey Hindu Temple and everyone involved for creating a space of awareness and empathy, thank you.

National Disability Insurance Scheme—needs assessments

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) (5.40): When the NDIS began, it was a huge recognition of the rights of disabled people to have choice and control over their lives, and 10 years on we absolutely want the NDIS improved to stay true to those objectives of choice and control. We want a scheme that works well for generations into the future and we absolutely want people with disability and their carers to codesign any changes to the scheme, but that is not what the draft bill currently before federal parliament is doing.

What is in the draft bill includes a new needs assessment with no details about how the assessment will be done. National Legal Aid says this needs assessment will determine what supports a person receives, but if the assessment is wrong there is no way for the participant to have it reviewed. Also, under this new bill, debts could be raised against an NDIS participant if an NDIS provider mismanages the participant's funds through no fault of the participant.

This whole process is happening so fast that the legislative change to enable NDIA restrict access to the scheme and cut people's plans could be passed in a matter of weeks, even though it will be months before national cabinet makes decisions about what an ecosystem of foundational supports looks like, and even though it will be years before those supports outside of the individualised NDIS plans are actually available to people who need support to live an ordinary life.

I would very much like to be able to work with the community, with service providers and with advocates on what foundational supports we need to have in place here in the ACT for people with psychosocial disability, autism and ADHD, but we cannot do that, because we do not have enough information from the federal government about supports people currently access through an NDIS plan that will no longer be available after the federal laws are passed. We know that support needs do not disappear just because the government does not want to pay for them in the NDIS. Those needs will just show up in other health, social services, justice and education systems in the ACT.

This looks to me like the federal Labor minister trying to ram through the exact same barriers to accessing supports as the previous two federal Liberal ministers. I have said

it before, and I will say it again: what is the point of a Labor government that does the same things as a Liberal government? I am calling on the federal government to just take a moment before passing these laws; engage in genuine codesign work with the community; talk to the states and territories about how we make all the pieces of the puzzle fit together; and keep the NDIS true to what it should be—choice and control for disabled people to live with dignity.

Gail Pascoe—tribute

DR PATERSON (Murrumbidgee) (5.43): This afternoon I stand to speak with a heavy heart to remember and honour Gail Pascoe, who was a tireless advocate for the donor-conceived community, and who passed away recently. Last week, Gail's funeral was attended by friends and family in Melbourne, who said their final goodbyes.

A couple of years ago now, I read in the Assembly Gail's story of being a donor recipient parent. Her story detailed her experience of going through a Canberra IVF clinic and using a donor to which her beautiful daughter, Lola, was born. The family then went on a very significant journey to finding out that Lola has over 103 siblings that they are aware of, probably more now. Gail's story and advocacy was one of strength, determination, and unwavering commitment to the welfare of people involved with donor-conception. Gail's story and advocacy had a profound impact on me, which is why I brought her story to the Assembly to share with colleagues here. Her story and those of others were so critical to the legislative change that came through the Assembly earlier this year.

Gail had been working on a book for many years titled *Donor Conception: A Step by Step Guide*. This book is filled with personal insights, stories from donors and experiences of donor-conceived people and will be an incredible resource for anyone interested in this topic. This has been a labour of love for Gail, and an ode to her daughter. It was her dream to see this book published before she passed away. I am deeply moved to share that her dream has come true and her book was published. Thank you to Gail and her family for giving me the opportunity to share your story, and to recognise the impact that your story had on the ACT's journey to legislate for a donor register here in the ACT. Gail's legacy will live on throughout the continued work that the ACT government will conduct.

Multicultural affairs—Afghan Peace Foundation

MR CAIN (Ginninderra) (5.45): I rise today to offer some reflections on the launch of the Afghan Peace Foundation's Canberra branch last week that I had the privilege to sponsor, with the event being hosted here in the reception room at the ACT Legislative Assembly. The event celebrated the launch of the Afghan Peace Foundation's new Canberra office. The Afghan Peace Foundation provides refugee and migration support and education to Afghan Australians and new settlers. Demand for services has rapidly increased since the fall of Kabul in August 2021, with an influx of refugees seeking safety from war and persecution under the Taliban government.

The Afghan Peace Foundation was founded in 2019 under founder and CEO, Ms Tahera Nassrat. Since its inception, the organisation has supported hundreds of

settlers and provided services for thousands in the Afghan-Australian community. They ensure new arrivals have access to employment and leadership, settlement, mental health, senior's betterment and community development. Its capable and magnanimous CEO, Ms Tahera Nassrat, who I know some members had the pleasure of meeting, gives the organisation her personal flair. Without community-run organisation such as the Afghan Peace Foundation, the vital transition required to bridge cultural gaps would be lost.

When emigrants become immigrants they are often harshly exposed to the unfamiliarity of a new cultural context. This can often generate bittersweet emotions. Refugees exchange their entire life and livelihood for the hope of safety and freedom in our country and in our city. Multicultural organisations provide the framework through which people can begin a new life in this new world without having to abandon, necessarily, the culture and customs from which they have come.

Ms Nassrat's enthusiasm for the Afghan Peace Foundation is matched only by that of the director of the Canberra branch, Dr Nader Saikal. I look forward to working alongside both Ms Nassrat and Dr Saikal to enrich the Afghan diaspora in the ACT. Last Tuesday we spent nearly three hours in the reception room discussing the foundation and broader matters pertaining to the Afghan community, sharing in food and networks and conversation. I want to thank other members of the Assembly for attending as well, at least for some of the time, including: my colleague and Canberra Liberals leader, Elizabeth Lee MLA; Minister Gentleman, Minister for Multicultural Affairs; Attorney-General Shane Rattenbury; and Green's spokesperson for multicultural affairs, Mr Andrew Braddock.

The event included speakers from many community members and community leaders, including Ms Tahera Nassrat and Dr Nader Saikal from the Afghan Peace Foundation; Ms Sonia Di Mezza, the interim CEO of MARSS, Migrant and Refugee Settlement Services, Mohammed Ali, who has already been spoken of this evening, CEO of HelpingACT; Daisy Rue Matsika, a representative of Fair Canberra Incorporated; and Andrew Ng, Chair of the ACT Multicultural Council.

Attendees were also privileged to hear Ms Shomeys Diznabi from Origami Care, a family-run organisation designed to support people living with disability. Origami Care is operated by Ms Diznabi and her mother, Ms Sany Diznabi, and CEO, Ms Nancy Ebrahimian, I believe from the Iranian-Persian community. Origami Care strives to support and empower people living with a disability, as the title of their organisation suggests, "One Fold at a Time." They work closely alongside the Afghan Peace Foundation.

As shadow minister for multicultural affairs, I am committed to ensuring our Afghan diaspora are supported and prosper in their home, and I look forward to further engagement with the community to understand the role of government in harmonising support for refugees and new migrants, bridging public, private, and community services.

Racism—racial abuse

MR BRADDOCK (Yerrabi) (5.50), by leave: Thank you for your indulgence, Madam Speaker. I was motivated to rise again following Ms Lawder's speech. I was extremely

saddened to hear of those racist attacks. That has no role in the Canberra community and particularly our democratic process. It would be my expectation that any Greens MLA or candidate, if they were to see or witness such a racist action, would actively intervene—not just be a bystander but support whoever may be the aim of those attacks. I think we are all better than that.

Question resolved in the affirmative.

The Assembly adjourned at 5.51 pm.