



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

DAILY HANSARD

Edited proof transcript

26 June 2024

This is an **EDITED PROOF TRANSCRIPT** of proceedings that is subject to further checking. Members' suggested corrections for the official *Weekly Hansard* should be lodged in writing with the Hansard office no later than **Wednesday, 10 July 2024**.

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Wednesday, 26 June 2024

MR ACTING SPEAKER: (Mr Parton) (10.01): Members:

Dhawura nguna, dhawura Ngunnawal.
Yanggu ngalawiri dhunimanyin Ngunnawalwari dhawurawari.
Nginggada Dindi wanggiralidjinyin.

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

This is Ngunnawal Country.
Today we are meeting together on Ngunnawal country.
We always respect Elders, female and male.

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

Leave of absence

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

That leave of absence be granted to Ms Cheyne for this sitting and tomorrow due to personal reasons.

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

That leave of absence be granted to Mr Hanson for this sitting due to personal reasons.

Petitions

The following petitions were lodged for presentation:

Phillip Avenue light rail stop—CCTV—petition 22-24

By Ms Stephen-Smith, from 94 residents:

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

The following residents of the ACT draw the attention of the Assembly to the repeated theft and vandalism of bicycles parked at the Phillip Avenue tram stop. This becomes a disincentive to use active transport and the tram network.

Vandalism has included attempts to steal bike tyres. A recent attempt left the wheel attached but not secured which when unnoticed by the rider can cause accidents for bike rides commuting to/from tram. This could result in significant injuries.

ACT policing have no interest in investigating bicycle thefts and so there is no deterrence in place.

Your petitioners, therefore, request the Assembly to support installation of CCTV and more secure bike cages at the Phillip Avenue tram stop.

Page—playground—petition 26-24

By Mrs Kikkert, from 31 residents:

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

The following residents of the ACT draw to the attention of the Assembly

- the Newbery Crescent Neighbourhood Playground in Page is small, with a spring toy as the only piece of play equipment for at least 20 years.
- there is space for potential upgrades; and
- Page has a very high number of older residents who enjoy visits from grandchildren, making attractive and well-equipped playgrounds important.

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

- work closely with the Page community to identify and implement improvements to the Newbery Crescent Neighbourhood Playground.

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

Motion to take note of petitions

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

That the petitions so lodged be noted.

Phillip Avenue light rail stop—CCTV—petition 22-24

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (10.03): I want to thank Penny Edwards, a resident of Watson, who contacted me about the bike racks at the corner of Phillip Avenue and the Federal Highway opposite the light rail stop. Like many Watson and Downer residents, Penny uses these bike racks to secure her bike while she commutes to work using the light rail. This is exactly the type of active travel journey that we want to see more Canberrans pursue. Penny and those like her are not only helping to keep cars off the road but are also keeping themselves fitter and keeping our environment healthy.

Unfortunately, Penny has experienced theft and vandalism of her bike multiple times while it is stored at these bike racks, and she said she has also heard that from many other people who use their bicycle to get to the light rail stop. Indeed, when I went to catch up with Penny at the bike racks to understand the issue better, one afternoon earlier this year, we turned up and Penny's bike had had its seat stolen while her bike was locked up. She was going to have to walk her bike home from those bike racks. Another of the bikes had a wheel missing.

Penny and the other petitioners want to see the government explore options for keeping Watson and Downer residents' bikes safe in this location. As you will be aware, Mr Acting Speaker, there are other locations in which there is secure bike storage at public transport hubs, including at bus stops. I am looking forward to the government exploring more secure bike storage facilities at this particular location near the Phillip Avenue light rail stop, which is used by many current residents of Watson and Downer. It will no doubt only become busier as we see new housing develop along the other side of Northbourne Avenue as well.

I commend Penny for her initiative in bringing forward this petition, and I look forward to the government response in due course.

Page—playground—petition 26-24

MRS KIKKERT (Ginninderra) (10.05): This morning, I have presented a petition calling on the ACT government to make much-needed improvements to the Newbery Crescent neighbourhood playground in Page, in my electorate. Thirty-one keen residents of Page signed this petition. All of them live close to the playground. Some of them have young children or are grandparents looking after their grandchildren.

Satellite images verify that for the past 20 years there has been just one piece of play equipment at this playground—a tiny, faded, rusted and very worn-out spring toy only big enough for a very small child. One could be forgiven for thinking that a solitary spring toy is not enough to make an area into a playground, but the government disagrees. Until a few days ago, there was a sign in the playground that read, “Welcome. The ACT government regularly inspects this playground. Dogs are not permitted within 10 metres of this playground when it is in use.” In addition, Minister Steel included this playground in his answer to a question on notice from November 2018. Clearly, this is, or was, a formally recognised playground.

Mysteriously, the signage has recently been removed without any explanation, as has the only piece of play equipment. It appears that the ACT government has made a decision not to improve this playground but to remove it altogether. The image of a faded, 20-year-old spring toy was certainly a daily reminder to everyone who lives in this neighbourhood, or who might walk or drive past, that this government cares very little about maintaining or improving local amenities.

In fact, in her response to a similar petition earlier this year, the minister clarified that her government's strategy is to focus exclusively on district and central play spaces whilst ignoring, possibly even removing, neighbourhood playgrounds. As I have pointed out before, this approach changes a trip to the playground from an easy daily walk to a complicated, infrequent outing that almost certainly requires a car. The Page residents and I hope that the ACT government does not truly intend to permanently remove this local playground. If so, it is clear that Minister Tara Cheyne and the ACT government have not only neglected our park but have completely removed it.

I note that the petition asks for the government to work closely with local residents to determine what improvements are most needed. To help drive that discussion, I will

forward the minister a document with specific suggestions that I have received from residents so far. Unsurprisingly, nearly everyone who has shared input with me has said that the playground needs additional play equipment. The top requests have been for slides and swings. Apart from updated play equipment, the most common requests for this playground have been for more seating, or picnic tables, as well as a rubbish bin.

These are not outrageous expectations from residents. As one resident wrote to me, “I have lived around the corner from this site, and it has been derelict for decades.” But as another resident expressed hopefully, “It would be wonderful to have this area for all children in the neighbourhood.” On behalf of all of these residents and their neighbours, I commend this petition to the Assembly and look forward to the minister’s response.

Question resolved in the affirmative.

Education—literacy—update

Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (10.10): I rise today to table the final report of the Literacy and Numeracy Education Expert Panel and outline the government’s response to its eight recommendations.

As members would recall, I established an expert panel in November to inquire into literacy and numeracy education in ACT public schools, with a particular focus on equity for all children. I asked the expert panel to develop targeted recommendations based on the best available research and evidence. As part of the inquiry, the expert panel conducted extensive public consultation. They received 295 survey responses, 96 written submissions, conducted 25 targeted consultations and visited 53 ACT public schools.

The Literacy and Numeracy Expert Panel drew on the work of experts and current research from across Australia and internationally. They developed eight recommendations to guide ACT public education in the future. Their overarching message was that, for the ACT to achieve equity and excellence in education, our schools need a greater level of consistency. I acknowledge and embrace this message. I want to see the ACT public education system working and learning together as one, because our schools are stronger when they work together. It is why the Future of Education strategy was developed through thousands of conversations, and agreeing to work together as a system that supports learning.

The ACT government has agreed in full to all eight recommendations. The ACT government will begin delivering all eight of the recommendations from 2025, supported by an initial \$24.9 million investment over the next four years. A new suite of system-wide literacy and numeracy initiatives, called Strong Foundations, will ensure all students at ACT public schools have access to consistent, high-quality literacy and numeracy education. Under Strong Foundations, Canberra families will have access to consistent, evidence-informed teaching practices in every public school; common assessments, including a year 1 phonics test; advice and resources for parents to support their children with literacy and numeracy; and multitiered systems of support to meet every student at their point of need.

Teachers and ACT public schools already provide high-quality education to students. As the expert panel chair has shared publicly, there is a diversity of practice in ACT public schools. Implementing the recommendations will be about strengthening the great work that is already happening and applying it more consistently across the system. The expert panel heard that high levels of school autonomy create unsustainable workloads. Strong Foundations will reduce teacher workloads through more centralised supports. It will also enable school staff to collaborate and move between ACT public schools without needing to learn entire new systems and ways of working. This is all part of the ACT government's plan to empower public school teachers and leaders, and free them up to spend their time doing what they do best—delivering high-quality teaching and learning.

From the start of 2025, each public school classroom from kindergarten to year 2 will receive additional funding for system approved literacy and numeracy teaching materials and equipment. This includes decodable readers and mathematical resources. Additional teaching resources, such as lesson planning support, will also be made available to teachers. The work will be led by a team of literacy and numeracy experts, who will build capability in instructional leadership and deliver professional learning on implementing consistent and evidence-based teaching strategies in every public school through coaching and mentoring. This work is about investing in ACT public school leaders, teachers and learning support assistants, so that they can deliver these improvements in every ACT public school. Strong Foundations will empower teachers to focus on meeting students at their point of need, informed by data that provides advice on where students are in their learning, enabling support to be targeted to where it is most effective and most needed.

The ACT government will also ensure that all ACT public schools use system endorsed literacy and numeracy assessments and diagnostic tools to identify where students are in their learning, including any learning gaps, and enable teachers to tailor teaching and learning programs to meet student needs. This will be accompanied by a centralised assessment strategy for all public schools. It will also be supported by work to improve data and technology systems, to enable shared quality curriculum delivery plans and measure student learning progress.

The ACT government is already taking steps to ensure teachers and families have the support they need so Canberra children and young people can access the best literacy and numeracy education. Following consultation with key stakeholders earlier this year, the ACT Education Directorate have already commenced developing targeted professional learning for new educators on specific literacy and numeracy teaching practices, including the explicit teaching of phonics and phonemic awareness in collaboration with allied health experts. The ACT government will also work through the Education Directorate to develop information to support families and carers with literacy and numeracy learning. Strong Foundations will see additional investment to support the ACT's public education system.

The final report provides an opportunity to strengthen supports for the ACT's hardworking public school teachers and leaders. This means providing the right advice to teachers and resources for curriculum and teaching assessment. It also means helping each school to implement a tiered model of support for all students in a planned and logical way, aligned with the phased implementation recommended by the expert panel.

I know that, throughout the expert panel's review of evidence, they deeply considered the perspectives of students, families, teachers and school leaders. They heard from families around wanting greater consistency, so they can know that every public school is using evidence-informed teaching. They heard that teachers want the curriculum, teaching and assessment resources to better support students and ease their workload. They also heard that principals want greater support from the Education Directorate.

The delivery of Strong Foundations will see a new strategic direction for the ACT public education system, towards a more consistent approach to teaching and learning, which will improve outcomes for students, reduce teacher workloads and foster a culture of continuous improvement in school leadership. This exciting, yet significant, change for the ACT public school system will take time to implement. Many reforms fail at the point of implementation, so the ACT government has been focusing on the key aspects of a successful delivery. Most significantly, this will require working in partnership with the professionals—teachers, leaders and learning support assistants—to deliver these changes.

I released the final report in early May because I knew how important it was to share with ACT public schools and the community so that the ACT government could begin looking at implementation with them straightaway. Our principals are passionate and committed to working collaboratively to design a coherent system model that enables us to be consistent in continuing to put students and their learning at the centre. The Literacy and Numeracy Principal Consultation Group has been formed and has already started meeting to provide valuable insights and input into the implementation of the recommendations. The development of a four-year implementation plan is underway and will be released later this year. This work will begin rolling out in schools in term 1, 2025.

Earlier this year I launched a new approach to track school improvement, the Student-Centred Improvement Framework. This model has been designed in partnership with international experts and ACT public school principals. It is being piloted in schools this year and will be rolled out across the system from 2025. The framework guides schools in focusing on implementing the right strategies to meet student learning needs and to adjust more rapidly if learning data suggests there is room for improvement. The expert panel referred to the new improvement framework as important for supporting the implementation of the recommendations of the final report. This shows how much work the system has already done and what a great position the ACT public school system is in to take these next steps.

A strong foundation in literacy and numeracy begins in the early years, and for this reason the ACT government will take the advice of the expert panel and implement the recommendations with a phased approach starting in the early years of schooling and progressing through the higher year levels over the next four years. The ACT government will also focus on those key points of transition: preschool to kindergarten; year 6 to high school; and, of course, year 10 to college.

I would like to thank the expert panel for sharing their expertise and giving their time to the inquiry process. In particular, I would like to thank the chair, Professor Barney Dalgarno from the University of Canberra, for the way he listened to school principals

and staff in schools, and worked so closely with the Australian Education Union, Principals Association, ACT Principals Association, and the Council of Parents and Citizens Association.

I would also like to thank other members of the expert panel, Professor Mary Ryan, Professor Pauline Jones, Professor Catherine Attard and Mr Tim McCallum, as well as the secretariat, Ben Duggan, Duncan Grey, Hayley Paproth and Ying Yeung, who supported the panel throughout the process. I acknowledge their contributions and collaboration. I would also like to thank the students, teachers, school staff, school leaders, families, community members, organisations and other stakeholders who provided their experiences, points of view and expertise for the consideration of the expert panel.

I look forward to seeing this work implemented in ACT public schools. Education is about lifelong learning. Everyone in education wants to do the best for Canberra's children and young people. The expert panel has provided evidence-based and practical suggestions for how to strengthen the ACT's public education system. This is not about creating a completely standardised system, but about guaranteeing that every student is provided with a great education and the foundations for a good life. It is about ensuring ACT public schools use the best approaches for all students and staff and provide targeted supports to those who need it.

Delivering on the recommendations of the final report will ensure that the ACT's public education system leads the nation with a focus on excellence and equity in every ACT public school. Reading, writing and mathematics are fundamental skills for participating in the community. Nobody wants students to slip through the cracks. These reforms mean that public schools will be better supported and better resourced to make sure that every student can reach their full potential.

I present the following papers:

Literacy and Numeracy Education Expert Panel—

Achieving equity and excellence through evidence-informed consistency—Final report, dated April 2024.

Report (in response to Assembly resolution of 26 October 2023—Literacy results in the ACT)—Ministerial statement, 26 June 2024.

I move:

That the Assembly take note of the ministerial statement.

MISS NUTTALL (Brindabella) (10.22): We are glad to see the ACT government's commitment to literacy and numeracy in ACT public schools. We are proud of our schools and there is always room for improvement. We are glad to see ACT Labor make a commitment to act on the findings of the inquiry. The findings of this review are significant. I do not think a lot of people actually realise just how much these recommendations represent a shift in how we run our public education system.

Creating a central pool of resources for teachers to draw upon is a big step forward for our education system. I have talked to teachers who have just accepted they would need to purchase their own lesson materials and teaching aids personally. That should not happen in a public school system that is fully funded on paper.

A common phrase we have heard while talking to teacher after teacher is the idea of needing to reinvent the wheel—needing to completely rebuild all the necessary resources for their students because the school itself may not have anything pre-existing to provide for them. It is the kind of work you cannot easily do during your regular teaching hours if you want to use your release for marking or—heaven forbid—a bathroom break; and, because it is so important, we often find that teachers choose between doing the stuff right and getting a proper weekend.

Right now there does not seem to be a stringent requirement on schools to provide teachers with the means to interpret the Australian curriculum, so I am really excited by the prospect of developing system-wide scope and sequence documents. It is a few lines in the report but in practice it could give teachers a significant chunk of time back.

Schools need to work together, and the government must play a role in building the infrastructure to allow those schools to find the most efficient way to pool resources and ensure that all teachers, especially early career teachers, are included. The education community has made it clear that early career teachers need more support like this. That said, there is no need for education to become prescriptive. It is important to find a balance between providing teachers with high-quality resources that they are encouraged to use without dictating to educated, experienced professionals how they should do their job. The ACT government's plan so far appears to be striking that balance well, and we are eager to work with the government to ensure that we continue finding that balance into the future.

Right now we are suffering from an acute teacher shortage, and I want all of us in this place to be very clear, both with ourselves and with the community, that we will bring educators along with us when we make these changes. Educators' plates are too full right now to fit more stuff. Any changes we make to the education system and requirements on educators are ones that should streamline their existing work and eliminate the unnecessary bits. In conjunction with the teacher shortage, the fact that our schools are largely autonomous has led to the experiences of teachers and their students being very dependent on the school that they happen to be working at. The system is unnecessarily skewed, and the response to this inquiry will begin to fix that.

Every school naturally should have its own personality; its own community; its own way to educate to the demographics they represent. However, if a teacher starts their job at a public school or a parent enrolls their child in a local primary today, there is no good reason that their experience and the education they receive should be fundamentally different from a teacher or student at a different public school only one suburb over. If teachers have access to shared education resources and support, we can hopefully make those two experiences a little more similar. A single teacher should not be expected to create a whole scope and sequence worth of resources when an entire system exists full of experienced educators.

Ideally, the system will also take some of the non-teaching workload away from teachers and educators. Teachers should not need to plan and design every single resource they want to use. The mantra we would really like to see embraced in this part of this plan is “let teachers teach”. Where the workload outside that scope can be

removed, get streamlined, or be taken on by dedicated professionals who are not in classrooms delivering instructions, it should be.

The changes that the government will be undertaking in this process are also a perfect opportunity to make changes to the way that teacher staffing is managed in the ACT. As the AEU concluded in their submission to the inquiry, ACT schools suffer from an extremely skewed ratio of new teachers to established teachers. This means that some schools can have up to 34 per cent of the teachers as new educators, and in other schools it can be as low as two per cent. Although the new centralised resources will be a great asset to these new teachers, the fundamental issue that new teachers are at a disadvantage in the classroom compared to more experienced teachers does not change.

Schools that have a high ratio of new teachers will struggle compared to schools that have a more balanced ratio. If the government is looking to make system-wide changes to the education system in the ACT to improve student outcomes and support teachers to actually teach, it would be the perfect opportunity to ensure that our new educators are surrounded by more experienced educators to learn from at every school.

The process of instituting these changes is likely to be a long one, and one we want to see done right. We call upon the ACT government to ensure that the cost and the workforce necessary to make these recommendations a reality are clearly communicated to the public, and I am glad to see that happening. Additionally, a specific time line that can be measured against progress is essential. Education is a subject that impacts all Canberrans, and the public should be given full transparency as the implementation moves forward to see exactly what is changing in the way education is provided.

In the interest of transparency, we are concerned by the relatively small investment the government has committed to launching these reforms. The sector has made it pretty clear that the success of major school reforms will require a larger investment than \$25 million. Even if the government cannot confirm the exact number just yet, we really need to be sure that the government will commit an appropriate amount through the life of these reforms. The last thing we want is for support for these reforms to stall halfway, and for the changes to roll out into schools in a format that is unsustainable or unhelpful.

Those concerns noted, the changes that the government will implement are ambitious, and we do think more system support is moving in the right direction. Our hope, as these recommendations are implemented, is that the ACT government listens to the professionals who know the field best. As a city that is proudly home to schools, universities and the public service, we are so lucky to have so many industry experts inside and outside the classroom who can ensure the rollout of this plan is as good as it could possibly be. We also hope the rollout captures the desire of the talented and dedicated teachers that make our system work. They will be the beneficiaries of this big change, and we need to make sure that any concerns or suggestions they have are taken seriously, as nobody has a better perspective on what day-to-day life is like in ACT public schools.

The recommendations in this report will make the ACT public school system better. We are excited to see what happens next and are fundamentally optimistic about what schools will look like as these recommendations become a reality.

Question resolved in the affirmative.

Building—Residential Building Work Insurance Regulatory Settings Review

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) (10.30): I am pleased to table the Review of Residential Building Work Insurance Regulatory Settings final report in the Assembly today.

The Building Act 2004 establishes the regulatory settings for residential building insurance in the ACT. Insurance is provided either by an authorised insurer, currently QBE Insurance, or by an approved fidelity fund scheme, which is currently the Master Builders Fidelity Fund. This is in addition to statutory warranties set out in the act.

A fidelity fund scheme provides limited insurance-like coverage for certain issues relating to residential building work. It was established in response to difficulties in obtaining residential building work insurance through the traditional insurance market, following the collapse of HIH Insurance in 2001, which left the ACT without a residential building insurance provider. Residential building work insurance is an important consumer protection measure for those having building work undertaken, and I am committed to regulatory settings that are fit for purpose and support a viable insurance market in the ACT.

In June 2022 I announced that we were working with key stakeholders on a review of the ACT's home warranty cover arrangements to ensure the cover offered remains contemporary and fit for purpose. I would like to thank the industry and community stakeholders who provided input and comments on the review and helped shape the final report—in particular, the Master Builders Fidelity Fund, QBE Insurance and the Housing Industry Association.

I would also note the significant engagement that my office and the directorate had with a range of community stakeholders, including Rachel and Ben Thompson, who have shared their lived experience to inform this review, and I thank them for their contributions.

This review has now been completed, and I would like to share some of the key findings and recommendations with the Assembly. The review focused on the governance arrangements for approved fidelity fund schemes, and the residential building work insurance settings, such as the insurance amount, coverage and the time limits to claim. The review found that the fidelity fund scheme has operated well over many years and had performed an important consumer protection function.

The final report makes 12 recommendations for government across the scope of the review, including clarifying regulatory responsibilities, updating legislative instruments, considering options for a consumer representative and enhancing complaints management procedures. I am pleased to say that the government has agreed to all of these recommendations, and I will be working with the Environment, Planning and Sustainable Development Directorate on progressing work to implement these recommendations.

The review itself responds to recommendations 16, 17 and 18 of the Ninth Legislative Assembly Standing Committee on Economic Development and Tourism inquiry into building quality. I will discuss each of these recommendations and how they were considered in the review.

In relation to recommendation 16 of the inquiry into building quality, the committee recommended that the ACT government ensure that, if not already in place, appropriate prudential standards are set for fidelity funds under part 6 of the Building Act 2004, and section 103 in particular; and that, once set, such prudential standards are maintained and enforced. In the government response, the ACT government agreed to this recommendation.

In the review, we looked at the current standards and compared them to guidance from the Australian Prudential Regulation Authority. The review noted that the standards should be updated to reflect the current guidance on liquidity, governance and disclosure. It was also identified that the standards include operational matters which are more appropriately contained in the application approval criteria and trust deed.

The final report includes three recommendations relating to these standards: recommendation 6—review and update the Building (Prudential Standards) Determination 2005 DI2005-250 to reflect contemporary standards; recommendation 7—the ACT government to actively perform its regulatory oversight role by ensuring compliance by an approved scheme with the Building (Prudential Standards) Determination 2005 DI2002-50; and recommendation 8—the current approved scheme be required to meet the updated Determination 2005 DI2005-250, including any new requirements.

In relation to recommendation 17 of the inquiry into building quality, the committee recommended that the ACT government review the fidelity fund and report the findings of that review to the Assembly. In the government response, the ACT government agreed to this recommendation. This review has now been completed, and I am tabling the final report of the fidelity fund scheme review in the Assembly today.

In relation to recommendation 18 of the inquiry into building quality, the committee recommended that, as part of its review of the fidelity fund, the ACT government consider expanding the scope to allow owners corporation executive committees to make claims for common areas. In the government response, the ACT government agreed in principle to this recommendation.

The government response noted that the source of legal rights and entitlements in respect of the fidelity fund certificates and residential building insurance policies is found in the Building Act 2004 and related legislative and legal instruments. As the successor in title to the common areas, an owners corporation is not necessarily precluded from making a claim in relation to common areas covered by the provisions of the act. However, the relevant laws and instruments do not include specific provisions for the treatment of claims for common areas or methods for determining the amount that the owners corporation is entitled to.

The ACT government agrees that this should be clarified in legislation. This issue was examined in the fidelity fund scheme review, including a review of relevant Federal Court cases, actuarial advice on including common areas within the coverage of residential building work insurance, and consultation with key stakeholders.

Recommendation 12 of the final report is to include common areas within the coverage of residential building work, noting that this will require targeted consultation with key stakeholders, legislative amendments, and an assessment of the regulatory and financial impacts of the change. Further policy work and consultation are underway to explore how best to respond to this recommendation.

The government is taking action to update the regulatory settings of the scheme. We are updating the minimum prescribed insurance amount from \$85,000 to \$200,000, a more contemporary amount which considers current building costs and contracting practices. It is important to make sure that the minimum amount provides an appropriate level of consumer protection and that consumers are not left at risk and under-insured if a claim is made.

We are also updating the time limit to lodge a claim, from 90 days to 180 days. Claims against the builder under warranty must be exhausted before an insurance or fidelity fund claim can be made. The time limit commences when the home owner becomes aware that the builder has become insolvent, died or disappeared, and procedures and legal action to substantiate this often exceed the time limit. The extended time period will make sure that consumer protection outcomes are being achieved and that consumers are not left at risk or exposed for failing to meet a shorter time frame. In the coming weeks, I will be progressing a regulation that gives effect to these changes from 1 January 2025.

The ACT government is committed to action that protects home owners and the community from harm that arises from poor building quality, addresses building safety and improves community confidence in the building and construction industry through improved industry accountability and transparency. The outcomes of the review demonstrate this commitment.

I commend the final report of the fidelity fund scheme review to the Assembly.

I present the following papers:

Review of Residential Building Work Insurance Regulatory Settings—Final report—

Report, dated December 2023.

Ministerial statement, 26 June 2024.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Disability—mental health services

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) (10.40): Today I am pleased to present the ACT government's position statement on improving mental health and wellbeing outcomes for people with intellectual disability. Intellectual disabilities are lifelong conditions that can impact a person's intellectual and functional capacity in different situations. This can include difficulties in communication, memory, understanding, problem-solving, self-care, and social, emotional and physical skills.

Because of social barriers and decreased social inclusion, people with intellectual disabilities face challenges in effectively participating in society and have less access to human services systems. These social barriers for people with intellectual disability may lead to an increased experience of poverty for themselves and their families. In turn, this leads to poorer health outcomes, reduced participation in education and employment, and increased likelihood of experiencing discrimination.

As a result of these challenges and experiences, people with intellectual disability experience far higher rates of mental illness across their lives than individuals who do not have intellectual disability. This includes higher rates of anxiety and depression, as well as more severe conditions such as schizophrenia. Despite this, there continue to be multiple challenges for people with intellectual disability in accessing appropriately skilled mental health services.

In recognition of these barriers, the ACT Health Directorate has developed the Improving Mental Health and Wellbeing for People with Intellectual Disability position statement. This position statement communicates the intentions of the ACT government and identifies areas for future potential actions aimed at supporting the mental health and wellbeing of people with an intellectual disability and their access to appropriate services.

This position statement details barriers faced by people with intellectual disabilities and proposes four best practice approaches for improving the mental health and wellbeing of people with intellectual disabilities. These approaches include focusing on reducing the negative impacts of mental health issues and illness on the quality of life of people with intellectual disability and offering accessible, inclusive and effective mental health promotion, prevention of mental ill-health and suicide, early intervention, and appropriate treatment and support for co-occurring mental illness in people with intellectual disability.

It also outlines the necessity of improving timely care to mental health support and services across the spectrum of care and, finally, underlines the need to explore options to increase the capacity of services to provide appropriate mental health promotion, prevention, early intervention and treatment to support the mental wellbeing of people with intellectual disability.

This position statement and the best practice approaches identified will help to inform future directions and investment for service development in the ACT in the context of the Disability Health Strategy and associated action plans. The position statement is the result of extensive stakeholder consultation that occurred between 2019 and 2022, including a range of workshops with invitees from across the health, human services and community sectors, as well as advocacy, consumer and carer representatives. While the finalisation of this position statement was delayed because of the COVID-19 pandemic, further consultation occurred over this period through interviews, written submission, and feedback from consumers, families and carers.

The input and perspectives provided by all of the stakeholders involved in these consultations were valuable and helped to explore the strengths and challenges of the mental health and disability sectors in the ACT in responding to the mental health needs of people with intellectual disabilities and the experiences of their families and carers. Co-design and consultation with people with lived experience are absolutely vital in ensuring that government policy addresses the needs of the community and creates good outcomes for individuals. The conversations that occurred in relation to the position statement were crucial in defining the opportunities for promoting mental health and wellbeing, reducing barriers to treatment and identifying how services can work together better.

I would like to use this opportunity to extend my sincere thanks to everyone involved in these consultations for their valuable time and commitment over the development of the position statement. This input has been crucial in identifying opportunities and priorities for improving the mental health and wellbeing of people with intellectual disabilities in the ACT.

This position statement also aligns with the commonwealth government's National Roadmap for Improving the Health of People with Intellectual Disability released in 2021. This roadmap sets out a range of actions to improve the health outcomes of people with intellectual disabilities nationally. It is incredibly important that we work towards this issue across jurisdictions to ensure that people with intellectual disability are receiving the same access to health care regardless of what state or territory they live in.

The ACT government is committed to continuing to invest in better, more representative and person-centred services for everyone in our community. With the position statement, the national roadmap and the Disability Health Strategy, the ACT government can achieve meaningful change for the mental health and wellbeing of people with intellectual disabilities and their families and carers.

We know that when we support people in their mental health and wellbeing, particularly those at higher risk of developing mental ill-health, our entire community benefits. Through this position statement, the ACT government is committing to supporting the improved mental health and wellbeing of people with intellectual disabilities by utilising the valuable input we have received to help guide the future of our human services sector.

I present the following papers:

Improving Mental Health and Wellbeing Outcomes for People with Intellectual Disability—Position Statement, undated.

Mental Health Services for People with Intellectual Disability Position Statement—Ministerial statement, 26 June 2024.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Legislative Assembly—standing committees Reference

MS LEE (Kurrajong—Leader of the Opposition) (10.46): I move:

That:

(1) this Assembly notes:

- (a) that the ACT Integrity Commission is undertaking an inquiry, Operation Kingfisher, into whether public officials within the ACT Education Directorate failed to exercise their official functions honestly and/or impartially when making recommendations and decisions regarding the Campbell Primary School Modernisation Project between 2019 and 2020;
- (b) this followed a damning report into the conduct of the procurement process for the project in 2021 by the ACT Auditor-General who found that:
 - (i) “The procurement process for the Campbell Primary School Modernisation Project lacked probity. Tenderers were not dealt with fairly, impartially and consistently”;
 - (ii) “The procurement process was also characterised by informal, uncontrolled and poorly documented communication with tenderers and other parties. This undermines the probity of the procurement process”; and
 - (iii) that the delegate’s decision was not based on the evaluation criteria with which the Territory approached the market and sought tenders; and
- (c) during the course of the Integrity Commission’s investigation, serious allegations were raised that the final decision may have been the result of direct pressure from the Minister for Education and Youth Affairs’ office;

(2) this Assembly further notes:

- (a) case number SC/0354/23 *Haire v Adams KC Commissioner of the ACT Integrity Commission & Anor*, listed in the ACT Supreme Court;
- (b) on Tuesday 21 May 2024, the Minister for Education and Youth Affairs said, “I’m not part of the process and neither is the government and any questions about what’s happening need to go to the people who have put in the claims”. The Minister went on to say “I have no knowledge of the matter and the government has no knowledge of the matter”;

- (c) that the Attorney-General publicly confirmed on Wednesday, 22 May 2024 that the ACT Government is assisting Ms Haire with her legal fees, pursuant to the Law Officers Legal Services Directions 2023 (the Directions); and
 - (d) clause 13.10 of the Directions states “Assistance will generally not be provided to a public employee in relation to...(2) defending professional or personal disciplinary investigation or action, whether by the Territory or another person or body”;
- (3) this motion be referred to the appropriate standing committee to inquire into:
- (a) whether the Minister for Education and Youth Affairs 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”;
 - (b) how much the legal fees are for Ms Haire;
 - (c) whether there has been a breach of the Law Officers Legal Services Directions 2023;
 - (d) whether changes are required to the Law Officers Legal Services Directions 2023 to ensure it is being used as intended; and
 - (e) whether there has been any interference in the Integrity Commission’s ability to undertake the Kingfisher investigation; and
- (4) the committee report back to the Assembly on the last sitting day of this Assembly, Thursday, 5 September 2024.

I thought that I had seen it all in this place; I thought that this was a government that could not get any more arrogant and could not be any more out of touch with community expectations, but time and again I get surprised.

As we all know, in the last sitting period, during many question times I asked a number of questions of the ministers involved. Not receiving satisfactory answers, I was forced to move a motion very similar to the one to be debated. Of course, at the time, members of Labor and the Greens refused to provide leave, so we were not able to move it, and I have brought it back, amended, based on the advice provided by the Speaker about the wording of the motion.

This motion seeks to refer this matter to the appropriate Assembly standing committee to inquire into some incredibly important and very serious questions so that the community can get some answers. In terms of Labor and the Greens using their numbers to shut down the debate, by not even voting to allow the motion to be moved, and complaining because I sought to move it without leave, let us hope that they stick to those principles as well.

I have brought this motion back, based exactly on what the Chief Minister said, which was, “We’ll debate it, but make sure you do it the proper way and put it on the notice paper.” So here it is. Of course, we should not be surprised that it was ruled out, so here we are with the amended motion.

Let us look at what the Labor and Greens members voted to shut down. They voted to shut down debate on whether Ms Berry misled the public in her statements to the media

on 21 May 2024, when she very clearly and overtly stated, “I have no knowledge of the matter and the government has no knowledge of the matter.” That is a very clear statement. Of course, we found out, in the last sitting period, that the government did know. In fact, the Attorney-General was served with the proceedings that we are talking about, and he told the Chief Minister very soon afterwards, and both the Chief Minister and the Attorney-General were the ones who kept it from Ms Berry.

Labor and the Greens also voted to shut down questions about how much ACT taxpayers are paying for Ms Haire’s unprecedented legal action to have the Integrity Commission investigation shut down. Labor and the Greens also voted to shut down questions about whether changes were needed to be made to the Law Officers Legal Services Directions 2023 to ensure that it meets public expectations.

It seems that the cover-up continues. Yesterday, in this very chamber, every single member of Labor and the Greens also voted against my motion to refer serious questions in relation to the sudden resignation of the CEO of the CIT to an Assembly inquiry, so that the public can get some answers. Critically, they voted against looking at what legislative changes may be required to the Remuneration Tribunal Act 1995 to provide the tribunal with the power to delay consideration of a determination for a particular position in the instance where the person holding the position is the subject of an Integrity Commission investigation in relation to their conduct.

Back in July 2022, when the former CEO of CIT received a lucrative pay rise while on full paid leave due to her involvement in the Integrity Commission investigation, this government said that it could not do anything to stop the tribunal awarding that pay rise. Again, in June last year, when she was awarded a further pay rise, Mr Barr said that there was nothing that he could do to stop it.

Yesterday there was the opportunity for this Labor-Greens government actually to do something about it. Labor and the Greens could have voted for my motion and referred the matter to a committee to look at the options, either legislatively or any other, to make changes to ensure that that sorry situation does not happen again. Surprise, surprise; when push came to shove, Mr Barr voted against my motion and Mr Rattenbury voted against my motion, along with every single member of Labor and the Greens. The Canberra community can take from that that the Chief Minister, the Attorney-General and the relevant minister are happy with this outrageous situation continuing and they support the pay rises that Ms Cover received.

Given how this Labor-Greens government have voted time and again to shut down debate on these issues, to shut down any opportunity for Canberrans to get some real answers, of course, I hold no hope that they will suddenly have an epiphany and support my motion today.

This motion seeks to get some answers for ACT taxpayers about this government approving the money to foot the bill for legal costs of a court proceeding seeking to shut down a very serious Integrity Commission investigation. It is a motion that seeks to ascertain whether the minister for education and Deputy Chief Minister—and the Acting Chief Minister at times—misled the public in the comments that she made very clearly on 21 May 2024.

My motion also seeks answers as to whether there has been a breach of the Law Officers Legal Services Directions 2023, to ensure that it is being used as it was intended, to ensure that ACT taxpayers' money is being used appropriately and that it meets community expectations.

Let us see whether Labor and the Greens suddenly grow a conscience and support the motion, because what we have seen over the last couple of weeks has been truly shocking. We have seen two separate court actions in as many months by parties involved in current Integrity Commission investigations. One action, lodged by Ms Katy Haire, the head of the Education Directorate, is seeking to shut down a current investigation. And yesterday we had a debate about an unnamed plaintiff seeking to stop the Integrity Commissioner handing over to the Speaker his special report in relation to the CIT contract scandal.

Yesterday the Integrity Commissioner released a statement publicly, advising that, at least with the CIT court action, the application had been dismissed, but we still wait, until tomorrow at 4.30 pm, to see whether there will be an appeal. We still do not know when this report will be made public.

We still have every member of Labor and the Greens voting against our attempts to get some answers for the Canberra public. They are voting together to ensure that these serious questions cannot even be asked, let alone answered. One has to ask, once again, and I asked this yesterday: what are they trying to hide? That is the only reason why they are voting against my motion. If they have nothing to hide, they will vote for the motion to ensure that there is an inquiry by the appropriate Assembly committee, to ensure that we get answers to these serious questions.

They are questions that do not fall within the subject matter that is being investigated by the Integrity Commission or the subject matter of the court proceedings. That is the advice that I took on board from the Speaker, who confirmed that she took advice from the Clerk, and it was redrafted accordingly.

Let us remind ourselves about what Operation Kingfisher is. It is an inquiry into the circumstances surrounding the multimillion-dollar contract for the Campbell Primary School modernisation project. It is an extremely serious matter. The Integrity Commissioner himself said:

The seriousness of the allegations in Operation Kingfisher must be noted as the investigation relates to concerns that the system for dealing with procurement in the Territory has been undermined by inappropriate conduct at senior levels. It is an important part of the role of the Commission to investigate and expose these issues.

It is an investigation which is considering whether there was direct pressure from the minister's office in the awarding of a contract which was contrary to the assessment that was undertaken at least twice and came to a different result.

Once again I stress that my motion does not discuss the details of the current investigation. It does not discuss the merits or otherwise of Ms Haire's Supreme Court

action. As I said in this place yesterday, when we were debating my motion in relation to the CIT scandal, if this government has nothing to hide then it must support my motion. If this government is true to ensuring that ACT taxpayers' money is being spent appropriately then it must support my motion.

The Greens are the party that purport to stand up for integrity, for the people who are doing it tough, and they talk about open and transparent government. This is a party that have time and again proven that hypocrisy is their guiding light. I would like to believe, though, at one point, when the Greens MLAs entered into this place and affirmed their allegiance to the community, perhaps some of them genuinely wanted to do some good. But it is clear from how they voted yesterday, and from the contributions made by the Attorney-General no less, that what will happen today will be exactly the same.

It will be a demonstration and proof to the Canberra public that every single one of these members has lost any semblance of integrity, any semblance of decency and an iota of humility. And the Canberra community continues to pay the price for those poor decisions.

Make no mistake, Mr Deputy Speaker: every one of the Labor-Greens members who voted against my motion yesterday in relation to the CIT scandal, every one of them who voted against having the debate, shutting down the debate and answering any questions that the Canberra public have every right to know about, is now complicit. They are aiding and abetting the shutting down and the muzzling of serious questions in relation to, firstly, how ACT taxpayers' dollars are being spent and, secondly, serious questions about the lack of transparency, accountability and openness in the way that this government deals with serious allegations of corruption.

This is the legacy that will now follow every single member of Labor and the Greens after they have left this place, and they should all hang their heads in shame.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (10.59): The government will not be supporting Ms Lee's motion.

Mr Cain: What a surprise!

MS STEPHEN-SMITH: Yes, I know that will come as a surprise to those opposite. Attempting to shoehorn a committee inquiry around a current Integrity Commission inquiry and an active Supreme Court action, simultaneously with those processes, runs the risk of compromising one or both of those processes.

Mr Cain interjecting—

Mr Rattenbury: Mr Deputy Speaker, on a point of order: the opposition members are interjecting. Despite Ms Lee making a range of critical comments about members of the government, she was heard in silence. Already, members of the opposition are demonstrating their rudeness by interjecting across the minister as she endeavours to speak.

MR ACTING SPEAKER: Thank you, Mr Rattenbury. Mr Cain, I think Mr Rattenbury has got a point. We should allow Ms Stephen-Smith to speak.

MS STEPHEN-SMITH: Thank you, Mr Deputy Speaker, and I thank the Attorney-General for his intervention. Ms Lee's own motion says, in part 1(a), that the Integrity Commission is undertaking an inquiry. It is underway as we speak. In part 2(a) it lists the case number that is currently before the ACT Supreme Court. As I said, attempting to shoehorn a committee inquiry around those processes, simultaneously with those processes, runs the risk of compromising one or both of those processes.

Ms Lee can seek much of the information that she lists in her motion through questions on notice or through question time, which she has already used and can continue to pursue. In addition, standing committees are already in place that could conduct examinations of the actions of ACT agencies, including the Integrity Commission, on their own motion. As far as I am aware, this has not been pursued. It is unclear why Ms Lee and the opposition would not use these established processes, other than because this is a stunt that is all about smearing the Deputy Chief Minister and the Attorney-General. That was very clear in Ms Lee's remarks.

As the Attorney-General has pointed out, those on this side of the chamber resisted the temptation to interject in relation to Ms Lee's comments. Some of her comments, I would suggest, might be deserving of a review by the Speaker in relation to some of the allegations that she was clearly making. That includes using the words "cover-up continues", which is clearly, in my view, unparliamentary language about the actions of those on this side of the chamber. We are so used to it now—Ms Lee's unfounded allegations—and we know that she is not going to stop doing that. That is a reflection on her more than it is on us.

If Ms Lee is genuinely interested in exploring reform to the Legal Services Directions or other aspects of the Integrity Commission governing legislation, she can, of course, prosecute that case. I would argue that it would be more sensible to await the finalisation of the Integrity Commission and court processes in order to undertake informed policy work based on those outcomes, but Ms Lee can do policy work. She can use existing processes. The motion she has moved today is not about achieving any genuine outcome. It is purely about throwing mud. The government cannot support a political committee process that potentially jeopardises a significant body of work that is currently subject to judicial consideration. We will not be supporting this motion.

MR BRADDOCK (Yerrabi) (11.03): This motion is very similar to yesterday's, concerning the former CEO of CIT. However, where yesterday's motion felt like it might simply not be the best tool, this one results in much more substantial concerns. We are not dealing with an Integrity Commission report that is imminent for release; we are dealing with one where proceedings are still underway. Public hearings are currently scheduled to be held the week after next. Afterwards, the commissioner will prepare a draft report. There is still some way left to run in those proceedings. I agree that there are some unanswered questions surrounding this case. The Integrity Commission will, hopefully, answer most of them but equally could also create new questions deserving of an inquiry.

To refer this matter to a committee for inquiry right now would, firstly, be prejudicial to the ACT Integrity Commission's proceedings. That is a problem. I would also note that it was not necessary for this motion to have been put before this Assembly. I am part of the Standing Committee on Justice and Community Safety. I note that the Liberal chair, who seems to be one of the most vocal interjectors here today, has not raised this matter on whether that committee should do the policy work. Instead, it seems that he is more interested in merely making assertions—

Ms Lee: Point of order, Mr Deputy Speaker. I seek your guidance. Mr Braddock seemed to disclose, potentially, what most people in this place would agree are confidential discussions within a committee. I ask you to review that.

MR ACTING SPEAKER: Ms Lee, I will consult with the Clerk and the Speaker. We will have a look at that and review the *Hansard*. Mr Braddock.

MR BRADDOCK: The questions have also been asked of this government, and they have also been answered during multiple question times. When I look through the list of questions there, I see that those other questions have been asked through multiple question times. I am unsure of the value at this point in time that a further committee inquiry would have in answering those questions. However, following the release of the Integrity Commissioner's report, if anything remains unresolved into the Eleventh Assembly, those of us who are re-elected can consider what remaining matters need to be the subject of a meaningful inquiry covering off the policy matters of integrity and accountability in the ACT.

MS LEE (Kurrajong—Leader of the Opposition) (11.06), in reply: We should not be surprised at the contributions that were made by Labor and the Greens or the fact that they are not going to support my motion. After all, why would we expect that they have grown a conscience overnight?

There is a fundamental and wilful misleading of the public about my motion, which I amended in accordance with advice from the Clerk, through the Speaker, to make sure that we were not making any direct references to the active court action. I took on board that advice and brought this motion back, amended, in accordance with that advice, and it has been set down. There is a fundamental and wilful misleading of the public about what this motion is attempting to do. Hiding behind the fact that there is a current integrity investigation and hiding behind the fact that there is a current Supreme Court action is nothing more than a deflection and yet another way of muzzling this very important inquiry.

The fact is that even the mere mention, the mere fact of stating the name of the court case, causes Labor and Greens members to get up in a tizzy. The fact that they are using any long bow to shut down this investigation speaks volumes. Ms Stephen-Smith said, "We should just wait until the conclusion of the investigation." That would be great, except that what we are dealing with here is a Supreme Court action seeking to shut that down. It is seeking to shut down an active investigation into serious allegations of corruption. That is what we are dealing with here.

Listening to the advice from the Speaker, I amended my motion. Let us go back to what it actually is calling for. It is calling for a referral to an appropriate standing committee to inquire into whether the Minister for Education and Youth Affairs misled the public when she said on 21 May 2024 very clearly, “I have no knowledge of the matter and the government has no knowledge of the matter.”

It also asks for an inquiry into how much the legal fees are that ACT taxpayers are footing the bill for, for Ms Katy Haire. It asks whether there has been a breach of the Law Officers Legal Services Directions 2023, whether changes are required to those directions to ensure they are being used as intended, and whether there has been interference. Those are the elements for which I am seeking investigation and inquiry by an Assembly committee. No amount of deflection and wilful misdirection by members of Labor and the Greens will change that fact.

Mr Braddock tried to differentiate between the motion today and the motion yesterday. What is your point, Mr Braddock, given that the Greens did not even support yesterday’s motion? Trying to differentiate based on the timing of where the investigations are at, given that your party did not even support the motion yesterday, was literally the most worthless contribution that was made to this debate.

The fact is that Labor and the Greens will shut down any attempt at getting answers to some very serious questions about the circumstances surrounding the muzzling of Integrity Commission investigations. These are answers that the Canberra community has every right to have. The fact is that, once again, when given the opportunity to put openness, transparency, accountability and integrity at the centre, Labor and the Greens have fallen short.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 6

Peter Cain
Ed Cocks
Elizabeth Kikkert
Elizabeth Lee
James Milligan
Mark Parton

Noes 13

Yvette Berry
Andrew Braddock
Jo Clay
Emma Davidson
Mick Gentleman
Laura Nuttall
Suzanne Orr
Marisa Paterson
Michael Pettersson
Shane Rattenbury
Chris Steel
Rachel Stephen-Smith
Rebecca Vassarotti

Question resolved in the negative.

Education and Community Inclusion—Standing Committee Report 12

MR PETTERSSON (Yerrabi) (11.15): I present the following report:

Education and Community Inclusion—Standing Committee—Report 12—*Inquiry into Skateboarding and Skate Parks in the ACT*, dated 18 June 2024, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

In my role as Chair of the Standing Committee on Education and Community Inclusion, I am pleased to speak to the report of the inquiry into skateboarding and skate parks in the ACT. This is the 12th report of the Standing Committee on Education and Community Inclusion for the Tenth Assembly.

At a private meeting on 2 May 2023 the committee resolved to inquire into this matter and report to the Assembly. The committee received six submissions and held one public hearing. Witnesses took four questions on notice. On 23 September 2023 the committee conducted site visits at five skate parks across the ACT—Tuggeranong Skate Park, Erindale Skate Park, Kambah District Park, Belconnen Skate Park and Gungahlin Skate Park.

On behalf of the committee, I would like to thank Mr Tony Caruana, Mr Brendan Wood, Mr Bernie Whalan and Mr Ethan Copeland, who provided the committee with informative tours during these visits. Throughout this inquiry, the committee heard about the rich history and vibrant skating culture we have here in the ACT. Skaters shared stories of watching international skaters such as Tony Hawk skating some of Canberra's iconic skate features and how these experiences inspired them in their skating. However, the committee also heard that skating features and facilities which have supported this history are now becoming outdated and rundown, resulting in people going interstate to skate more modern and relevant skating features.

Other key things which emerged from the evidence included that placing skate parks in urban areas contributes to the safety of skaters and the surrounding community through passive surveillance. Incorporating skating elements into suburban recreation spaces enables more skaters of all abilities to access and practise skating in their local area. Supporting local skating initiatives can encourage greater participation and further tourism to the territory.

A strategic and coordinated approach to skate park design, maintenance and replacement is needed to ensure that Canberra's facilities are safe, relevant and suitable for all disciplines. There are a number of unique skating features that should be considered for heritage listing. A number of new skating facilities, including a facility allowing use in inclement weather, will support more skaters across a variety of disciplines to skate all year round.

The report makes 33 recommendations to enhance the design, maintenance and review processes for skating facilities in Canberra, as well as better support for local skating initiatives and tourism. These were supported by all committee members. On behalf of the committee, I thank everyone who contributed to this inquiry. I also thank the ACT

government for its participation in the inquiry, as well as other members of the committee, Miss Nuttall and Ms Lawder, and the committee secretariat. I commend the report to the Assembly.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Report 29

MR CAIN (Ginninderra) (11.18): I present the following report:

Justice and Community Safety—Standing Committee—Report 29—*Inquiry into Cashless Gaming in the ACT*, dated 19 June 2024, including additional comments (Mr Braddock) and a dissenting report (Mr Cain), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 29th report of the Standing Committee on Justice and Community Safety. The report makes five recommendations, including that the ACT government should articulate a long-term vision for gambling harm reduction associated with electronic gaming machines in the ACT. A dissenting report was submitted by me, and additional comments were made by Mr Braddock. The committee received 16 submissions and conducted a public hearing on Wednesday, 27 March this year.

On behalf of the committee, I want to thank everyone who contributed to this inquiry. I thank our professional secretariat for their support and drafting of the report. I want to thank the other committee members as well: Dr Paterson, Deputy Chair; and Mr Braddock, committee member. I do commend the report to the Assembly, and I finish on that note in my role as chair.

I would like to say a few comments about my dissenting report in my capacity as an individual MLA. As members will be able to see, I have issued a dissenting report that makes a recommendation that the committee felt it was not in a position to support. The recommendation that I have made in my dissenting report is that the ACT government undertake a trial of cashless gaming in the ACT, with a view to harmonising as much as possible with New South Wales regulations and policies. In my dissenting report I make the comment that, where this recommendation conflicts with any other recommendation in the committee report, my recommendation should prevail.

I want to make a couple of comments about why I have reached this conclusion. I have included in my dissenting report the background material on the trial of cashless gaming from the main report, just to put everything together in my dissenting report. Some commented that a trial is not necessary in the ACT. I note that the ANU Centre for Gambling Research, the University of Sydney, the Gambling Treatment and Research Centre, the Alliance for Gambling Reform and the ACT Council of Social Service have all made comment that they feel that, because trials have happened elsewhere, there is no need for a trial in the ACT.

In this case there is a committee recommendation, but government policy considerations really need to include the groups who are on the ground dealing with a particular issue—those who are providing the relevant service where the action is taking place. To me, those are the very important people to listen to very carefully. In this case, we had submissions from ClubsACT and the Canberra Community Club group speaking in support of a trial. They said, “We would like to see how this works in the ACT,” and that a trial is the best mechanism to test cashless gaming options and other options that are available and have been submitted through this inquiry.

I note that, again, even this morning the Labor Club group are silent on whether they support a trial. They certainly have not spoken against a trial, within their club group, of some of the cashless gaming options, whether that is a central monitoring system or other cashless gaming options. Two of the three club groups who have machines on their premises and are dealing with visitors, clients and members are very strongly of the view that a trial is worthwhile trying in the ACT.

Mr Deputy Speaker, you would know that there are very distinctive features of the ACT electronic gaming machine environment. The regulatory framework is very distinctive of the ACT. The policies and procedures affecting bet limits are very distinctive of the ACT, let alone the fact that the ACT is a unique jurisdiction. It is not a like-for-like comparison with other jurisdictions on almost any criteria.

Some of the trials in other jurisdictions have not necessarily produced very concrete and definite outcomes that can guide us. Certainly, in constructing a trial in the ACT, we would look at what has been done elsewhere, particularly in New South Wales, to make sure we get a trial implementing cashless gaming options that reflects the ACT regulatory and socio-economic environment. As I said, even the Labor Club group does not discount the value of a trial. I would argue that, if pressed to the point, they might actually think it is not a bad idea.

I will close with that comment and again repeat my recommendation, which is not supported by the majority of the committee. I am sure the other committee members will take their opportunity to comment on that. But I do believe that there is merit in undertaking a trial of cashless gaming in the ACT, with a view to harmonising as much as possible with New South Wales, recognising the distinctive ACT gambling regulatory environment and the distinctive socio-economic environment. I think a trial will add value to the government’s consideration of how to regulate gambling and reduce harm from gambling in the ACT. Thank you.

MR BRADDOCK (Yerrabi) (11.25): It is good to see that we are able to get to this point, where this significant piece of work by the Standing Committee on Justice and Community Safety is able to be presented for consideration by the government and this parliament. The majority report contains five recommendations, as Mr Cain has articulated. I have had the pleasure of presenting my own additional comments, including three additional recommendations that I would like to reflect on now. In doing so, the disagreements of substance that we are having should become more evident.

My first additional recommendation is that the ACT government be extremely wary of any advice or representations received from the gambling lobby, including ClubsACT,

the Gaming Technologies Association and their related parties. Harm reduction advocates have been trying to scream this at the top of their lungs for decades. This is an industry where the central design principle is to make people lose as much money to games of chance as they can get away with. They directly benefit from problem gambling remaining a problem, to the maximum extent they can get away with. This unfortunately includes the Labor Party itself, which continues to benefit from the wealth generated by pokies assets and venues in the ACT.

My second additional recommendation is that the ACT government implement a central monitoring system for poker machines to anchor initiatives in harm minimisation, including mandatory precommitment and loss limits, the prevention of money laundering and other effective regulation of gambling operations. This is where we get to the substance of disagreements between the parties in the Assembly. What we have in the majority report is a more general recommendation to implement:

... a mandatory account-based gaming system which includes a raft of integrated harm-minimisation measures, such as mandatory precommitment on spending or losses, forced breaks and player-exclusion capabilities.

We have agreement on the “what”. What we do not have agreement on is the “how”, but it is not necessarily a binary situation between reducing machine numbers and mandating machine-linking technology to anchor harm minimisation. Ms Carol Bennett from the Alliance for Gambling Reform was keen to point out that we can and should do both. Therefore, I felt compelled to make a recommendation that the majority was not able to reach: to implement a central monitoring system as a tool to anchor what the majority have recommended on account-based play and to make that recommendation truly effective.

Interestingly, I am not the first person in the Assembly’s history to recommend this. In my research I came upon two instances where it had been recommended to the government by a committee of this Assembly that a CMS be at least investigated for implementation. The first was in 1999, to the Carnell government, by a select committee of the Fourth Assembly consisting of Mr Trevor Kaine, Ms Kerrie Tucker, Mr Dave Rugendyke and the late Mr Bill Wood. It was in this context that CMS technology was being rolled out nationwide. The Carnell government’s response was: “agreed in part and further consideration required”.

More recently, in 2015, the public accounts committee held an inquiry into elements impacting on the future of the ACT club sector. Its members were Mr Brendan Smyth, Ms Mary Porter, Ms Meegan Fitzharris and two others who are members of the Tenth Assembly, Ms Nicole Lawder and Mr Shane Rattenbury. This committee again recommended that the government investigate the feasibility of introducing a “central electronic linked monitoring system for electronic gaming machines”.

The government response presented by the then Minister for Gaming, Ms Joy Burch, was that the recommendation was agreed in principle. It noted that the government had already commenced preliminary investigations into the feasibility of a CMS. One can but wonder where those investigations from 2015 led. Directorate officials can look forward to related lines of questioning during budget estimates.

My third and final additional recommendation is that the ACT government place a moratorium on the use of facial recognition technology in licensed venues until such time as the Commonwealth and/or the territory can introduce human rights consistent regulations governing the use of this technology. Over the course of this inquiry we received a substantial volume of evidence that facial recognition technology is not a quick fix and is liable to create at least as many problems as it purports to solve.

Facial recognition technology empowers behavioural analysis technology, which is also empowered by advancement in artificial intelligence and machine learning. This has significant human rights implications in and of itself. Just because it is happening in places like supermarkets does not mean that we have to accept that it is a good thing here in the ACT.

The important point to be made here, as has been pointed out by ACTCOSS, is that the combination of facial recognition and machine learning is at the cutting edge of gambling industry technology and being actively developed to make poker machines more effective and to maximise player losses. That scares me. We are talking about a technology which has been developed to exacerbate harm in a harm-prone environment.

I do not understand why my fellow committee members were unprepared to support a moratorium on the technology in gambling venues until it can be regulated in a way that supports the community. I can only guess that, once again, it is the insidious yet effective influence of the gambling industry. This is something they clearly want, and we should be highly wary accordingly. I commend my additional comments to the Assembly.

DR PATERSON (Murrumbidgee) (11.32): I would like to thank everyone involved in the committee inquiry. I do have a few additional comments. I will speak straight to Mr Braddock's comment about facial recognition technology. That is not needed if you go to account-based cashless gaming. You do not any longer need to have facial recognition based self-exclusion; it can be account-based exclusion.

Unlike other inquiries, where you leave the inquiry with many issues answered and put forward some recommendations confidently, I felt with this inquiry that the Minister for Gaming focused his evidence significantly on selling a central monitoring system. This is consistent with Mr Braddock's recommendation. My issue with this is that we would go forward and implement something with no idea what we are talking about. The minister has not been transparent about the market sounding. In and of itself, a CMS is merely an accounting tool, so did the market sounding go ahead with harm reduction measures on top of that? We do not know. The minister has stated publicly that bet limits are not evidence-based, so it is unclear if a CMS is seeking to implement bet and load limits still, or have we abandoned that policy?

I have many more questions that I will put to the Minister for Gaming. I feel that there is no transparency around how much a CMS will cost to implement. How much of this cost will be covered by taxpayers? How much of this cost will be covered by clubs? How will the minister mandate that clubs pay for this cost? How much will mandatory account-based cashless gaming cost to implement, in addition to a CMS? How much of

this cost will be covered by taxpayers? What features will be included in this cost? How much of this cost will be covered by clubs? How many suppliers provided quotes to the market-sounding process? Was the market sounding predicated on the ACT remaining at 3,500 machines? What was the period of time for the proposed licence for the market sounding based on?

A CMS has been implemented for many years in all other Australian jurisdictions—except for Tasmania, which is struggling to implement it—with much larger numbers of poker machines, yet the rate of gambling harm is consistent across the country. I do not agree with the minister's argument that a CMS is a harm minimisation tool. To be clear, a CMS is an accounting tool that, on top of that, will require harm minimisation measures.

Tabcorp company MAX gaming was granted a 20-year licence to monitor all Tasmanian EGMs. Does the Minister for Gaming see it as appropriate to hand over complete monitoring control of all ACT EGMs to the gambling industry? How will the Minister for Gaming ensure that the CMS provider has no links to the local ACT club sector to ensure that they provide an independent monitoring system? Part of the agreement with MAX group to deliver a CMS in Tasmania was that Tabcorp would contribute \$1 million to gambling harm research in Tasmania. One million is fairly insignificant in research terms over 20 years, I might add.

Will the Minister for Gaming be requiring in the procurement process that a provider of a CMS must contribute significantly to research in the ACT? I look forward to the minister's responses to these questions. I do not feel that we can continue any discussion around the implementation of a CMS until the minister is transparent with the community and the club sector and answers these questions. Thank you.

Question resolved in the affirmative.

Public Accounts—Standing Committee Report 23

MR COCKS (Murrumbidgee) (11.36): I present the following report:

Public Accounts—Standing Committee—Report 23—*Inquiry into Auditor-General's Performance Audit Reports January-June 2023*, dated 20 June 2024, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Question resolved in the affirmative.

Statement by chair

MR COCKS (Murrumbidgee) (11.37): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts. During every term of the Legislative Assembly of the Australian Capital Territory, the public

accounts committee is responsible for setting into motion a strategic review of the ACT's Auditor-General. This review is a requirement under the Auditor-General Act 1996 and ensures that the office remains fit for purpose in order to continue its valued work of reviewing the accounts of the executive. Recently, these reviews have been done towards the end of the Assembly term. This allows the Legislative Assembly and the government to become familiar with the work of the Auditor-General, informing the content of the review.

Unfortunately, reviews from the 9th and current 10th Assembly have occurred too late in the Assembly term to allow time for any recommendations to be fully considered and implemented before the election. In light of this fact, the public accounts committee would like to publicly note a re-occurring recommendation of the strategic reviews.

Pursuant to legislation, the Speaker may suspend the Auditor-General on the grounds of misbehaviour or incapacity. However, both of the previous strategic reviews noted that no specific precedent nor process exists for complaints of an operational nature against the Auditor-General. They recommended that one be created, which is a recommendation which was also made by the 9th Assembly public accounts committee in 2020.

Furthermore, the committee notes that provision is made at section 154 of the Public Sector Management Act 1994 for the Public Sector Standards Commissioner to investigate an allegation of misconduct against a statutory officer if requested to do so by the person with responsibility for appointing the officer. As members would be aware, the Speaker is responsible for appointing the Auditor-General, other officers of the Assembly and the Clerk. The committee considers that there may be value in seeking to make it clear in the Public Sector Act that the commissioner must provide any investigation report to the Speaker, and not to the Chief Minister, where it concerns the Auditor-General or any other officer of the Assembly or the Clerk of the Assembly.

The public accounts committee has full confidence in the Auditor-General and his office; however, we recognise that formal complaints mechanisms are appropriate aspects of our parliamentary system of checks and balances.

Given that there are only three sitting weeks left of the 10th Assembly, the committee considers it appropriate for a more detailed examination of these matters to be undertaken in the 11th Assembly. Therefore, the next public accounts committee may wish to consider inquiring into the management of any potential complaints against officers of the Legislative Assembly, including the Auditor-General, the Electoral Commissioner and the Ombudsman.

Order of the day—postponement

Ordered that Executive Business order No 1 be postponed until a later hour.

Education and Care Services National Law (ACT) Amendment Bill 2024

Debate resumed from 10 April 2024 on motion by **Ms Berry**:

That this bill be agreed to in principle.

MADAM SPEAKER: Members, perhaps those who were going to talk to this before closing were caught short, given that we did not go to No 1 of executive business. Does anyone want to speak briefly to this while we wait for others who may want to speak? Miss Nuttall, you have to call.

MISS NUTTALL (Brindabella) (11.42): Thank you, Madam Speaker. Members, thank you for your patience. I rise today to speak very briefly to the Education and Care Services National Law (ACT) Amendment Bill 2024, which the ACT Greens will be supporting. Broadly, education is important, and good, clear and streamlined systems are crucial if we want our education workforce to have clear guidelines and peace of mind as they work. This goes for our classroom system, and it also goes for our legal systems.

I understand this bill is designed to harmonise the ACT government's education legislation to make sure it is in line with national law. The bill seeks to make a number of technical improvements to ensure our territory and national laws are talking to each other. Understanding the consultation that went into this bill, I am fully comfortable with its contents and believe it goes in the right direction.

MS LEE (Kurrajong—Leader of the Opposition) (11.42): The bill gives effect to an outstanding recommendation from the 2019 National Quality Framework Review and will establish premises approval in principle, the AIP system, for education and care services in multistorey buildings. The government has advised that the newly established AIP process will require application for approval in principle to be made before applying for development approval for early childhood education and care premises, which would reduce risk for providers. I note that the new AIP process will only apply to centre based facilities with three or more storeys and will not apply to family daycare services.

I welcome the transitional provisions, including the three-month voluntary application period that the government has included in this bill. These transitional arrangements will allow stakeholders to become familiar with the new in-principle process prior to the requirement starting. The Canberra Liberals will support the bill.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.43), in reply: I am pleased to have the opportunity to debate the Education and Care Services National Law (ACT) Amendment Bill 2024. This bill amends the Education and Care Services National Law (ACT) Act 2011 and makes technical amendments to other legislation.

The National Quality Framework for early childhood education and care has operated for over 13 years. It continues to raise quality and drive continuous improvement in early childhood education and care services. The National Quality Framework was reviewed in 2016 and again in 2019 to ensure it remains current and fit for purpose. Both reviews led to statutory changes. Most amendments were made to improve the safety, health and wellbeing of children when attending early childhood education and care services.

The proposed amendments in this bill will give effect to a recommendation from the 2019 National Quality Framework review; make minor changes to tabling provisions; expressly adopt historical technical amendments to the national law; and update other legislation to improve consistency with terminology in the national law.

This bill introduces an approval-in-principle process. Under the national law, prospective early childhood education and care premises must meet specific physical requirements. The site, location and premises must be suitable for early childhood education and care. The national regulations prescribe details around things like safety, emergency evacuations, outdoor space, natural light, and environmental requirements. Multistorey buildings pose particular challenges in meeting these requirements.

The ACT Regulatory Authority's website contains long-established guidelines on compliance, as well as guiding principles on best practice in the design of early childhood education and care premises. However, the most recent review of the National Quality Framework found that early childhood education and care services were being constructed without meeting National Quality Framework requirements. To address the problem, education ministers agreed to develop a pre-approval process, or an approval-in-principle process, for proposed early childhood education and care services in multistorey buildings.

The approval-in-principle process was informed by two rounds of public consultation during the 2019 National Quality Framework review and two additional targeted consultations jointly undertaken by the ACT and Victoria. The bill before the Assembly today amends the local Education and Care Services National Law (ACT) Act 2011 to incorporate the new approval-in-principle process. This process applies only to centre based services in buildings of three or more storeys. It does not apply to family day care services, so there is no impact on family day care educators providing education and care services to children from their residences. As the legislation scrutiny committee noted, the bill aims to avoid the need for post-construction rectification works. This benefits the building and development industry as well as early childhood education and care providers. Importantly, the bill benefits children.

The Regulatory Authority has significant expertise in early childhood development. Their early oversight of the proposed early childhood education and care services premises promotes children's safety, health and wellbeing. Under the national law as it currently applies in the ACT, the Regulatory Authority cannot make a decision on the compliance of proposed early childhood education and care premises until they are fully constructed and fitted out and a provider applies for service approval. At that point, any rectification to achieve compliance with the national law may be costly or even impossible to achieve.

Service approval may be refused due to the failure to meet mandated requirements, such as the need for outdoor spaces. The proposed amendments in this bill require an application for approval in principle to be made prior to applying for the development approval. If no development approval is needed, the application must be made prior to applying for building approval. Any person can apply for approval in principle. The approval-in-principle process enables early engagement with the Regulatory Authority to identify and rectify any non-compliant proposals before significant expenditure.

The approval-in-principle assessment process can take place concurrently with the assessment of an application for development or building approval, as the case may be. Once granted, an approval in principle remains current for three years to allow time for construction. In accordance with consultation feedback, the approval-in-principle process incorporates ample flexibility for material changes to plans or specifications, as well as transfers, amendments, extensions and reinstatements of approval in principle.

A three-month voluntary application period will allow stakeholders to become familiar with the approval-in-principle provisions before mandatory processes commence. The mandatory process operates by requiring an approved provider to be the holder of the current approval in principle if applying for approval of a service located within a building to which part 4 applies. It is likely that the initial applicant for approval in principle will be the owner or developer of the land. The approval in principle will later be transferred to the approved provider without a fee.

The Regulatory Authority must refuse to grant service approval if the approved provider is not the current holder of an approval in principle or the proposed early childhood education and care services premises are not constructed, altered or repaired in accordance with the approval in principle. Approvals in principle may also be cancelled if the Regulatory Authority is satisfied that the premises are no longer suitable or were not constructed, altered or repaired according to the plans and other documents attached to the approval in principle.

The decision to cancel an approval in principle is subject to internal review and review by the ACT Civil and Administrative Tribunal. Refusal to grant, amend transfer, extend or reinstate an approval in principle is also internally and externally reviewable.

This bill also amends the tabling provisions in the Education and Care Services National Law (ACT) Act 2011. The bill removes the requirement for amendments to the Education and Care Services National Law to be tabled in the Assembly within six sitting days. The bill will instead prevent any amendment becoming law in the ACT until it is tabled.

The bill also incorporates two previous consequential and technical amendments to the Education and Care Services National Law which could not be tabled within six sitting days.

I table a revised explanatory statement which adds content regarding section 12 of the Human Rights Act 2004 relating to privacy and reputation.

Finally, the bill amends other legislation to reflect the terminology of the national law. This includes adding references to “education and care service” alongside the original terminology of “childcare centre” or “educator”, where “childcare worker” was used.

Access to early childhood education and care has a significant positive impact on children’s life outcomes. This bill supports the ACT government’s commitment to ensuring ACT children have access to the highest quality early childhood education and care environments. I commend the bill to the Assembly.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Gaming Machine (Compulsory Surrender) Amendment Bill 2024

Debate resumed from 21 March 2024 on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

MR PARTON (Brindabella) (11.52): I spent a bit of time talking about clubs and gaming yesterday, so I am not going to talk much today. The Canberra Liberals will not be opposing this bill. It allows the government to do what it set out to do in the machine-number-reduction space.

I would say we question what is actually being achieved by the reduction in machine numbers in that, as was the case when the number of machines was reduced in New Zealand, the turnover could actually increase. Unless we go down the path of a fully-nuclear and industry-closing slashing of machine numbers, ala Dr Paterson, the effect that you are looking for is probably not going to be forthcoming. Nevertheless, we will not be opposing this bill or its associated amendments.

I am still intrigued that we are apparently adjourning this debate after the in-principle stage. I do not really know why. Are there problems with Dr Paterson's amendments? Well, I mean there are problems—I think it is pretty clear there are massive problems—but how on earth we are going to deal with them between now and the next sitting remains to be seen.

There is no argument from the Liberals on the bill at the in-principle stage before us today.

DR PATERSON (Murrumbidgee) (11.54): I would like to start by thanking Minister Rattenbury for bringing this bill forward for debate. This bill is essential in ensuring the territory reaches 3½ thousand EGM machines by next year. However, ACT Labor believes this bill needs to go further, which will be reflected in the amendments I will move in the detail stage.

ACT Labor believes that EGM numbers in the ACT need to be progressively reduced. Reducing the geographic availability of EGMs is a harm-minimisation measure, a public health measure. In the last reporting period, Canberrans' losses on EGMs reached \$188 million. As we discussed yesterday, the impacts of gambling harm on our community are significant. The 2019 ACT Gambling Prevalence Survey showed that 31 per cent of people—that is, approximately 20,000 people—in the ACT who use EGMs experience gambling harm.

While this bill is important to reach the PAGA commitment to see 3½ thousand machine authorisations by 2025, reducing machine numbers ad hoc from term to term

is not in itself an effective way to bring the numbers down. Clubs consistently tell me that they want a long-term plan. That is why the amendments that I will move to this bill will see a 20-year machine-number-reduction plan for implementation.

Research evidence clearly articulates the impacts of living in close proximity to EGMs. The Victorian Responsible Gambling Foundation, in their 2021 report titled *Proximity to gambling venues, gambling behaviours and related harms*, found that people who live within 250 metres of EGMs are six per cent more likely to experience gambling harm compared to those who live more than two kilometres away from EGMs.

In my electorate, someone living in an apartment complex in Woden, with hundreds of EGMs on their front doorstep, is far more likely to experience gambling harm than someone who lives in Molonglo Valley. Access to machines is a key driver of harm. All you need to do is look at the level of poker machine harm in Western Australia. There is next to none at a population level. Western Australia does not have poker machines outside of their casino. As an aside, WA does not have clubs that look like our clubs here. However, our clubs have 50 years of wealth built from the revenue delivered by poker machines. That is why our clubs have an incredible advantage and opportunity to transform their sector.

A systemic review of the literature published in the *Journal of Gambling Studies* found that a high availability of EGMs in Australia correlated with an increase in the volume of gambling and an increase in problem gambling. Other research published in 2020 in the *Journal of Addiction* demonstrated longitudinally the association in Australia between the density of gambling venues in a geographical area and the prevalence of insolvency.

There is no better demonstration of how serious the consequences of gambling harm are than in a report published last year titled *Gambling-related suicide in Victoria, Australia: a population-based cross-sectional study*. A population based study of suicides reported to the Coroners Court of Victoria was conducted between 2009 and 2016 to identify the incidents and characteristics of gambling related suicides. The results paint a sombre picture: 4.2 per cent of suicides in Victoria over six years had gambling harm as an underlying factor. The authors later state that this is likely an underestimate as gambling harm is not routinely investigated by coroners and is often hidden from family and friends.

COVID shutdowns provided the most significant demonstration of the reduction in harm that is caused by the shutdown of machines. During the shutdown period in Victoria, for example, EGM expenditure reduced by 79 per cent. An interesting finding from this research was that EGM players in Victoria did not shift to other gambling activities or alcohol consumption.

Further, there is research published in the *BMC Public Health* journal titled "Addressing gambling harms by reducing the supply of electronic gambling machines: a comparative study of Italy and Finland". This research demonstrated that reduction in the number of EGMs is a justifiable policy in terms of addressing public health concerns. However, for these reforms to be successful, there must be a significant reduction. This is why the amendments to this bill, if passed, will see a reduction to 1,000 machine authorisations.

When the compulsory surrender scheme first started on 31 August 2015, there were 5,022 authorisations. It was ACT Labor's Minister Ramsay who, by the end of the last Assembly, had reduced authorisations by 1,134 to 3,888. As at 1 June this year, there are 3,780 authorisations in the ACT. In the four years that this portfolio has been held by Greens' Minister Rattenbury, authorisations have only been reduced by 108. From a 22.5 percentage reduction under a Labor minister, Greens' Minister Rattenbury has led a 2.7 per cent reduction. What Labor and the Greens are aligned on, as demonstrated in the debate yesterday, is that reductions in machine numbers in and of themselves are not enough to address gambling harm. However, under a Greens' minister, we have not seen a single new harm-minimisation measure implemented during this term.

From the moment I was elected, I have levelled questions and my frustrations to Minister Rattenbury over and over again, over the lack of progress to address gambling harm this term. This is in part why I feel so sceptical of the Greens' agenda—that a sudden flurry of activity just before an election is purely electioneering. I hope the Canberra public does hold Minister Rattenbury and this party to account for the four years that have passed and the complete inertia in this policy space.

I will movement amendments when this bill returns in the detail stage to see a long-term machine-number-reduction plan legislated, with no more than 1,000 machines in the territory by 2045. These amendments provide certainty for the club industry on what the future holds. This provides clarity and will see a significant focus in the next term on divestment.

ACT Labor is committed to working with the club sector on a divestment plan. The 20-year time frame is appropriate to provide the time for clubs to budget and invest as necessary in alternative revenue streams. This staggered approach primarily protects jobs. I understand those in the community who are calling for faster removal of EGMs. However, to do this would have a significant impact on employment in the club sector. Instead, this approach allows the clubs to assess what their revenue streams will look like as the number of machines reduces over time and staff can be trained in new skills for the evolving club sector.

The Molonglo Valley community can be at the forefront of discussions about what a club looks like without poker machines. And, contrary to what Mr Parton was spruiking yesterday, an ACT without machines is not a death sentence for clubs. It is an opportunity to shift mindsets on what the future looks like—to take opportunities, to innovate and to be change leaders and community leaders in leveraging their core club values for a healthy, socially-cohesive and dynamic community.

Clubs without EGMs exist, and we have several examples both here in the ACT and in other jurisdictions about how clubs can successfully move away from their reliance on EGM revenue. As I said yesterday on Mr Parton's motion, ACT Labor is committed to ensuring the ACT has a thriving and sustainable club sector into the future. I look forward to the detail stage of this debate.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (12.02), in

reply: I rise to speak in support of this bill and conclude this part of the debate. As I stated in the Assembly when we were introducing this bill in March, the compulsory surrender bill establishes the legislative framework to give effect to the government's commitment to reduce electronic gaming machine authorisations in the ACT to 3,500 by 1 July 2025. This commitment seeks to ensure that clubs continue to support the ACT community, while introducing and strictly enforcing measures to further reduce harm from gaming.

I mention the voluntary surrender scheme here, and I will focus on it in more detail in a minute, because I see meeting the Parliamentary and Governing Agreement commitment of 3,500 authorisations in the territory as a two-stage approach. This commences with a voluntary surrender program and then leads into a compulsory surrender framework for any outstanding authorisations, to reach the target of 3,500 authorisations by 1 July 2025.

Since I stepped into the role as Minister for Gaming I have been working closely with both gambling harm reduction advocates and members of the club industry to implement the gaming commitments in the Parliamentary and Governing Agreement. The views of members of the Community Clubs Ministerial Advisory Council during consultation on these measures have been instrumental in shaping how we consider reducing harm from gaming. Throughout these consultations, what I have consistently heard from advocates is that the government needs to put in place further measures to reduce harm from gaming in the ACT.

From consulting clubs, it is clear that, in order to reduce reliance on gaming machine revenue or to go pokie free, ACT clubs, particularly the smaller clubs, need assistance to transition away from gaming as their primary source of revenue. For this reason, in March this year the ACT government commenced the voluntary surrender scheme for gambling machine authorisations, which I first announced when introducing this bill in the Assembly. The voluntary surrender scheme provides licensees with a cash payment of \$15,000 per gaming machine authorisation surrendered to the territory. If clubs remove poker machines from their venues entirely there is an additional financial bonus, raising the incentive to \$20,000 per authorisation surrendered.

The voluntary surrender scheme is intended to strike an important balance between reducing harm from gaming and supporting our clubs, as it provides licensees with financial support to remove authorisations from their venues. The scheme is underpinned by the premise that we need to support the clubs to flourish and be sustainable, with access to diversified income streams, but they should do so in a way that reduces the risks of gambling harm.

The government is deeply aware of the significant impact that gambling harm can have on people's livelihoods. We know that within the ACT approximately 34,000 adults are at-risk gamblers. This is not just a statistic. These 34,000 adults are members of our community. It may be your partner, your family member, your friend or your neighbour who is at risk from the harm of gambling.

With that in mind, I rise today to speak in support of the compulsory surrender bill, which creates the legal framework to require licensees to surrender gaming machine authorisations after the voluntary surrender scheme ends so that we have no more than

3,500 authorisations in the territory by 1 July 2025. Through this bill, if licensees do not voluntarily surrender sufficient authorisations to the territory in exchange for cash incentives to reach the 3,500 target they will be required to surrender authorisations without receiving a payment from the territory.

I am optimistic that all 290 authorisations, which is the number of authorisations that need to be surrendered based on total authorisations as at the commencement of the scheme, will be surrendered voluntarily by licensees. If that is achieved, the compulsory surrender scheme will not be required. But the bill creates an important fallback to ensure that we reduce the number of authorisations to 3,500 in the territory by 1 July 2025 regardless of the level of uptake of the voluntary surrender program by licensees.

Through this bill, the Minister for Gaming will be required to assess the surrender obligation for each licensee by 1 June 2025. This is to give licensees early visibility of the number of authorisations they will need to compulsorily surrender under the scheme. These are important parameters the Minister for Gaming must adhere to when determining the number of authorisations a licensee must surrender. For example, the assessment must not exceed 20 per cent of the authorisations held by the licensee in relation to the authorised premises on the census day. This is to ensure that there is a limit on the percentage of authorisations which a club is required to surrender under the legislation.

Secondly, it must be proportionate to the number of authorisations held by a licensee so that premises with the most authorisations have the largest surrender obligation and premises with fewer authorisations have a smaller surrender obligation, until a target of 3,500 has been reached. Thirdly, it must be set so that, to support the viability of our smaller clubs, licensees with fewer than 20 authorisations will not have a surrender obligation but are encouraged to voluntarily surrender authorisations for a payment until the voluntary surrender scheme ends on 1 May 2025.

I will flag with the Assembly that I do intend, to move government amendments to the bill—and these have been circulated—to remove clause 7, section 10N(3). Clause 7, section 10N(3) requires the ACT Gambling and Racing Commission to reduce the cap on electronic gaming machine authorisations on each venue's authorisation certificate, through the surrender process. This clause was inadvertently included during the drafting process, which was based on the provisions used in the Pathway to 4,000 initiative in 2018. This element is not required to support a reduction in authorisations in the territory to 3,500 authorisations.

The intent of the bill is to give effect to a reduction in the cap on total authorisations across the ACT and not a reduction in the cap for each venue. The benefit of allowing venues to retain the current maximum number of authorisations on their authorisation certificate is that it facilitates the trade of authorisations under the trading scheme. The trading scheme mandates a one in four forfeiture requirement to the territory, meaning that for every four authorisations traded under the scheme one must be forfeited to the territory. This is one of the important levers the government has to reduce the overall number of authorisations in the territory over time.

If the authorisation is capped at the venue level lowered under clause 7, section 10N(3), this may stunt trade and prevent forfeitures under the trading scheme from being made.

This proposed government amendment will not affect the objective of 3,500 authorisations by 1 July 2025 and will not risk clubs increasing their reliance on poker machine revenue, nor risk increasing the number of poker machines in the territory.

I will briefly turn to the remarks made by Dr Paterson. She made significant personal commentary on me, as is her style. It is important that Dr Paterson not be allowed to rewrite history in an uncorrected way. She spoke about the reduction in machine numbers since 2016. It is true that those numbers have been reduced. It is fair to reflect that the Labor Party had no policy on gaming machines at either the 2016 or 2020 election that I can recall or that I have been able to find online.

However, the Greens did have policies at both of those elections, and it was as a result of those Greens policies at the 2016 election that the parliamentary agreement of 2016 required a reduction, to 4,000 authorisations, in the territory. That was not a Labor Party initiative. It was an initiative of the Greens, which, to their credit, the Labor Party did agree to during the negotiations on the 2016 parliamentary agreement.

It is also true that there was a Labor Party gaming minister from 2016 to 2020 who had the responsibility for implementing that. But if we are going to try and talk about the contribution that the respective parties have made to the gaming reform agenda in recent times, it is better to not distort it in the way that we have heard in this chamber this morning.

At the 2020 election, once again, the Labor Party did not have a policy relating to poker machines in the ACT. Once again, the Greens did. That included the reduction to 3,500 authorisations by 2025. In fact, our actual policy was to reduce the numbers by 30 per cent by 2030, but, in the course of the negotiations on the parliamentary agreement for this term, we agreed a number and an amount of work for this term.

The Greens have long held the policy to further reduce numbers and have sought to continually work with the Labor Party to get them to adopt reform in the ACT. Dr Paterson's rewriting of history fails to take account of the fact that, for a very long time in this place, the Labor Party have declined to undertake reform, given the presumable conflict of interest they have held and the significant revenue stream that has flowed to their political party from poker machines over time.

I note also the commentary about a purported sudden flurry of activity towards the end of the term. This, once again, warrants some correction. As members will recall, I issued a consultation paper in 2022, starting work on this process. It took some time to go through the consultation. It then took time for further technical work and consultation, which was undertaken by the Justice and Community Safety Directorate. The results of that have been before the government for some considerable period of time. There have been a number of moments when the government has had an opportunity to consider the outcomes of that consultation, and the government continues to consider the outcomes of that consultation.

Dr Paterson asked a range of questions in the previous discussion about the committee report, and she posed a series of questions for which she said I should have the answers. I can assure her that I have the answers to those questions. However, those matters remain before government and are constrained by cabinet protocols, which her colleagues are fully aware of.

What I have publicly said, in order to enable to her to at least enter the debate from a more useful place, is that the market sounding has revealed a significant reduction in the estimated cost of the implementation of a centralised monitoring system. The figures that have returned through that process are less than half of the figure that was previously publicly estimated. I think this is a very positive development. There are a range of other developments that are there and available in detail. I, out of respect for the cabinet process, am trying to work with my governing colleagues—

Members interjecting—

MR RATTENBURY: Sorry. If you want to interject, go ahead.

Members interjecting—

MADAM SPEAKER: No. There will be no interjections, members. Mr Rattenbury.

MR RATTENBURY: I will speak with the Chief Minister about his comfort with me disclosing that information that is before cabinet. Given the significant public demand for information that his colleague is providing, I would be very happy to. But I have also had indications to me from the Chief Minister that he considers it not appropriate to release that sort of information while these matters are being considered by the cabinet. Perhaps the Labor Party can coordinate themselves a little bit to resolve how they want to approach these matters.

I look forward to continuing this discussion. I think there is an important policy discussion to be had. As I said in my amendment moved yesterday, I think there is a way through this. If people want to work together, we can actually get this done and we can produce an important reform in this term of the Assembly. I am personally frustrated by the amount of time this has taken, but what I can assure members is that I have worked diligently through this term, both with the directorate that supports me on these matters and with respect for the joint governing program that we work under, to try to take these measures through the normal cabinet processes. I will continue to endeavour to do that, but it requires two to tango.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Sitting suspended from 12.17 to 2.00 pm.

Ministerial arrangements

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (2.00): Madam Speaker, Minister Cheyne will be absent again from question time today. Minister Steel will assist in City Services and I will assist with the rest of Minister Cheyne's portfolios. Minister Stephen-Smith will also need to exit question time early due to a ministerial council meeting. She will leave from 2.30 pm. From that point, Minister Steel will assist with questions in Minister Stephen-Smith's portfolios, but of course the opposition could greatly assist by asking Minister Stephen-Smith questions in the first half hour of question time.

Ms Stephen-Smith: Or not at all!

MADAM SPEAKER: Trying to influence things there, Ms Stephen-Smith!

Questions without notice Budget—taxation

MS LEE: My question is to the Treasurer. Treasurer, since you commenced your tax agenda over a decade ago, which increased rates to allegedly offset stamp duty, your government's own figures show that residential rates have increased by a compound average growth of 6.8 per cent. Rates in Fadden have gone up by 125 per cent. Rates in Palmerston have gone up by 139 per cent. Rates in Bruce have gone up by 140 per cent. Rates in Turner have gone up by 164 per cent, and rates in Yarralumla have gone up by 197 per cent. Treasurer, given these massive increases in household rates, haven't Canberran households now finished doing, as you call it, "the heavy lifting" of your tax agenda?

MR BARR: Over the period of tax reform the number of properties in the ACT has increased from 135,000 to 200,000, so there has been considerable growth across the city. The tax reform program is a 20-year program, and we are now more than halfway through. To the extent of the second part of Ms Lee's question, yes, we are now past the halfway mark of tax reform. In this budget, we continued the 3.75 per cent average rates increase, which has been consistent through this third phase of tax reform.

MS LEE: Treasurer, how can Canberrans trust you with your tax reform agenda given that revenue from stamp duty is not decreasing over the forward estimates?

MR BARR: Revenue from stamp duty is decreasing as a share of the budget and as a share of own-source revenue. Revenue from stamp duty on individual properties continues to decrease. And through the initiatives in this year's budget, particularly for first home buyers, for pensioners downsizing and for those buying off the plan, stamp duty is zero.

MR CAIN: Treasurer, when will these massive rates hikes ever stop?

MR BARR: In the history of Canberra, rates have increased every year from the formation of the city. Rate increases do occur each year. They are generally aligned with the wage price index, with a component for tax reform. That extra component will conclude at the conclusion of tax reform.

Budget—taxation

MS LEE: My question is to the Treasurer. Treasurer, the latest ABS data shows that, yet again, employee households recorded the highest quarterly and annual rises in cost of living due to increases in mortgage interest charges. Your own budget has forecast that you will be increasing household rates by 3.75 per cent in 2024-25, and even more over the forward years. Treasurer, given ABS data shows that home owners in Canberra are being hit hardest by cost-of-living increases, why are you raising their rates even more when they are doing it so tough?

MR BARR: Rate increases are below the rate of inflation and have been for the last several years—

Ms Lee interjecting—

MADAM SPEAKER: Ms Lee.

Opposition members interjecting—

MADAM SPEAKER: Members, you asked the question; allow the answer.

MR BARR: 3.75, on average, across the system. Of course, there are variances in property values that do see some households with rate decreases this year. But I do not hear the Leader of the Opposition highlighting the suburbs and properties that are having a rate decrease this year.

MS LEE: Treasurer, how do you justify these rate hikes? Is it to cover up your total mismanagement of the ACT budget?

MR BARR: I reject the premise of the question. I think Canberrans understand, because we have had this discussion in 2012, 2016 and 2020, and now we are having it again in 2024, that public services do need to be paid for, and rates are one part of our revenue base. They are, I think, the third largest revenue stream behind the GST and payroll tax.

MR CAIN: Treasurer, are you working for Canberrans, or are Canberrans working for you?

MR BARR: I am working. I am, along with my team and the government, working very hard for Canberrans. We are into our 34th consecutive year of economic growth. We have seen record levels of employment growth. We have seen people moving to Canberra in great numbers.

Mr Cain interjecting—

MADAM SPEAKER: Mr Cain.

MR BARR: Our city has seen the number of businesses operating increase from 25,000 to 35,000 over the last 10 years, the fastest rate of business growth of any jurisdiction.

Budget—taxation

MS LEE: Madam Speaker, my question is to the Treasurer. Treasurer, in the weeks and months leading up to the budget, you spruiked that this was going to be a cost-of-living budget. Your own budget papers show that, rather than easing cost-of-living pressures on Canberrans, your government is slugging them with increased taxes and charges. These include public transport fees, up by three per cent; vehicle registration fees, up by four per cent; the fire and emergency levy increasing by an average of 5.2 per cent; drivers licence fees up by four per cent; road rescue fees up by four per cent; and the list goes on. Treasurer, why are you slugging households so much more in taxes and charges during a cost-of-living crisis?

MR BARR: A number of the charges that have increased—the fee increases that Ms Lee refers to—are the first such increase for five years. It is required to keep up with the cost of service delivery. We appear to be back in the fantasy world of Alastair Coe, where you can have increased services but lower taxes and somehow run a budget surplus. There is no magic pudding. It is clear that, in order to meet the increased salaries of our bus drivers, it is appropriate that there is the first fare increase in around five years. Increases have been kept as low as possible, reflecting the increased cost of services. I think the community does understand that wages and salaries and costs go up every year.

MS LEE: Treasurer, how is increasing all these taxes and charges for households going to ease the cost-of-living pressures?

MR BARR: The government have been very focused on ensuring that we provide the most support to those who need it most. We are cognisant of what else is happening in the economy and of the decisions of the federal government. We felt that, given that there is \$23 billion of tax cuts flowing from next week—

Ms Lee interjecting—

MADAM SPEAKER: Members, please.

MR BARR: and the commonwealth provided a universal \$300 utilities and energy rebate, we should focus our efforts on the 44,000 households who are doing it the toughest in our economy. They are the households that do not pay a lot of tax because their incomes are not high enough. That is why we have focused our cost-of-living measures on those cohorts, to support the people who need it the most.

MR CAIN: Treasurer, how much more real cost-of-living relief could have been provided to Canberrans if you had not totally mismanaged the budget over the last decade?

MR BARR: I reject the premise of the question. The government is providing more than \$140 million of concessions in this budget. Over 10 years we have contributed about a billion dollars of cost-of-living support through our various concession programs.

Budget—housing affordability

DR PATERSON: My question is to the Treasurer. Treasurer, what are some of the progressive and practical policies in the 2024 budget that will improve access to housing for Canberrans?

MR BARR: I thank Dr Paterson for the question. The government is working with industry partners and the community housing sector to deliver more housing and to help more people buy their home and more people rent a home—for more people to be able to move into housing that is appropriate to their needs. There are a number of significant commitments in the budget, including expanding the Affordable Housing Project Fund, \$108 million in additional funding for new public housing, and improving existing public housing. Housing ACT's capital works program will be over \$530 million over the next four years. There is also work to improve repairs and maintenance—a pilot program and a taskforce to improve repairs and maintenance within the public housing portfolio. The government is, of course, implementing a range of stamp duty reforms—which were the subject of some earlier questions in question time—providing much more support, with zero stamp duty for thousands of Canberrans looking to enter the housing market.

DR PATERSON: Treasurer, how will the budget's stamp duty reforms assist first home buyers in particular?

MR BARR: They will save tens of thousands of dollars in home purchases. They will bring forward the time frame in which first homebuyers can purchase a home by reducing the need to save for stamp duty. It is a massive barrier to home ownership. It is why, in 13 budgets in a row, this government has cut stamp duty. It hits first homebuyers, and it hits people at a time when they are just starting their careers. We have seen stamp duty cause a lot of difficulty for many people trying to get into the housing market, so the new and expanded stamp duty concessions and exemptions outlined in the budget will support more Canberrans to find a home that suits their needs. The savings are up to \$34,000.

MS ORR: Treasurer, where will the new homes under the Indicative Land Release Program be located?

MR BARR: The good news is that the 21,000 new dwelling sites, as part of the Indicative Land Release Program, are located right across our city, in new greenfield sites, new suburbs, and appropriate and sensitively designed redevelopments in existing suburbs.

Mr Parton: A bit of Tuggeranong action there, I reckon; a bit of south-side action.

MR BARR: We know that our population is set to reach 500,000 by the end of 2027, and there is indeed demand for new housing on the south side, Mr Parton, including in the Molonglo Valley, Whitlam—

Mr Parton: In Tuggeranong, down in the valley?

MR BARR: There is indeed some demand in Tuggeranong, and there has been some new housing supply in Tuggeranong. We are working towards delivering 70 per cent of our new housing within our city's existing urban footprint. Of course, there is need and demand for housing in new suburbs, so there must be a balance, and that is the balance the government is seeking to provide.

Mr Parton interjecting—

MADAM SPEAKER: If you could keep him quiet Ms Lee, you would be better than me!

Budget—taxation

MS LEE: My question is to the Treasurer. Latest ABS data shows that, yet again, employee households recorded the highest quarterly and annual rises in cost of living due to increases in mortgage interest charges. Treasurer, yesterday you told Canberrans that they should use their tax cuts to enjoy a little treat. Treasurer, what sort of treat would you suggest unit owners in Forde enjoy after their 9 per cent rate increase?

MR BARR: The point I was making was that, for many Canberrans, the tax cuts will provide a significant financial boost. I was encouraging those who could, to consider spending some of their money in our local economy. I would not have thought that that was a particularly controversial statement. I would have thought we all might be aligned in wanting to support local small businesses in Canberra, but it would appear that I have struck a raw nerve with the Canberra—

Ms Lee: Again, wilfully misleading.

MADAM SPEAKER: I ask Ms Lee to withdraw the word “misleading”.

Ms Lee: I withdraw.

MR BARR: The point I was making is that those of us who can—who feel they are able to—can support local businesses. That could come in many forms. It could come by buying a coffee in your local coffee shop, and maybe getting a piece of cake when you buy that coffee, if you want to. It could come in the form of some fish-and-chip takeaway or a pizza on a Friday night.

Opposition members interjecting—

MADAM SPEAKER: Members, I do not want to get harsh and start warning. We now have eight days left. Let us behave.

MR BARR: I think we may have reached peak juvenile, Madam Speaker.

The simple point that I was making was that I think there is an opportunity for some of us, who feel we are able, to support local businesses. I would hope that that is something that everyone could get behind.

MS LEE: I have a supplementary question. Treasurer, what sort of little treat would you suggest people in Dunlop buy after a 7 per cent rate hike?

MR BARR: I draw Ms Lee's attention to the point I made earlier. That could involve support for a local hospitality business. It could involve support for a local retail business. People will make a range of individual choices. It is, of course, up to them, but I do not believe it is beyond the realm to ask those who can—who feel able—to support local businesses. That should be something that we are unified behind, rather than trying to make a cheap political point out of it.

MR PARTON: Treasurer, what sort of a treat would you suggest that the people in Theodore buy, after their 5 per cent rate hike?

MR BARR: I think we have definitely reached peak juvenile. I refer Mr Parton to my previous answers.

Light rail—stage 2B

MS LEE: My question is to the Treasurer. Treasurer, your own budget papers show that the only money allocated to light rail stage 2B is just over \$53 million in the 2024-2025 year, with no money in the budget for any other years, including 2028—the year you say construction will begin. Treasurer, given there is no money in the budget in 2028 for construction, what year will construction now commence for stage 2B?

MR BARR: There is no change in the government's plans in relation to that, but we are respecting the fact that there will be a vote of the community in October—

Opposition members interjecting—

MADAM SPEAKER: Members, members!

MR BARR: The stated position of the opposition is not to support the project. We will, of course, have a stated position to support the project, and we will make that clear in the course of the election campaign—if it is not already clear to the community.

MS LEE: It never ceases to amaze me! Treasurer, when will you release the full cost of stage 2B, given you have confirmed that, if you are re-elected, you will commence construction in 2028?

MR BARR: When the procurement is completed.

MR PARTON: Treasurer, why won't you release the cost of light rail stage 2B to allow Canberrans to make an informed decision prior to the election, or are you deliberately keeping them in the dark given the expected price tag is over \$4 billion?

MR BARR: I reject the premise of Mr Parton's question. It is a question that has been asked multiple times and I refer the member to the previous answers.

Opposition members interjecting—

MADAM SPEAKER: Members, members! I am going to give Ms Clay the call.

Planning—infill

MS CLAY: My question is to the Minister for Planning. After four years of reviewing the planning system and introducing a new Territory Plan, the government now wants to support “missing middle” housing in current residential areas. You have just begun consultation on a missing middle design guide. Meanwhile EPSDD has also just engaged a consultant to prepare a report on delivering the missing middle. How are these two pieces of work connected to one another?

MR STEEL: I thank the member for her question. As I have announced through the statement of planning priorities, the next stage of planning reform will be focused not only on more housing supply but also around more housing choices for Canberrans where they want to live. That will include development of a new missing middle design guide, with architects, planners and the community, which will be undertaken over the next year.

That has been funded in the budget released yesterday, and we have already gone out for procurement, as Ms Clay has noted, for the supporting work that is required, including some of the technical work and advice to progress the future planning reforms, consideration of the design guide and what potential changes may need to be considered to the Territory Plan, once that is completed and once consultation has been undertaken with the community. The two are very much intrinsically linked, and I look forward to updating the community as we progress that work and consultation.

MS CLAY: Why didn't the planning minister do this missing middle work during the four-year planning review?

MR STEEL: As I stated during the last question time, the foundations of the system have now been established through the planning system review, the new Planning Act and the new Territory Plan. As part of that, new mechanisms were established in that outcomes-based planning system which focus on design. That includes, for the first time, design guides which can be established, and some have already been established. There is a housing design guide and an urban design guide.

This next stage of planning reform will be focused on the missing middle, with a designed approach to allow us to properly consider and undertake the technical work to consider future changes to the Territory Plan to enable missing middle housing-type policies, like row houses, townhouses and duplexes. This is a substantial piece of work in its own right. It deserves proper scrutiny, consideration and consultation with the community.

If further changes to the Territory Plan come forward in relation to that which would enact the missing middle design guidance, that would be a major plan amendment. It would then trigger, of course, the need to have a committee process around that. I am strongly of the belief that we need to undertake that level of work before we make the changes. The planning system review never started as an exercise in missing middle reform. It started as an exercise in changing the planning system away from a rules-based system to an outcomes-based planning system. Those foundations are now there.

This next stage will be focusing on delivering more housing and more housing choice. We look forward to undertaking that work, as well as other tranches of work, to achieve that goal.

MR BRADDOCK: Minister, when will the consultant's report be made available to the community?

MR STEEL: I thank the member for his question. We will be, of course, consulting with the community as we undertake the development of the missing middle design guide, and the consultant will be supporting EPSDD, as we do that, along the way. At appropriate points in time, we will go out for consultation with the community.

I want to see that design guide provide a level of detail to the community that goes beyond the current design guidance that we currently provide so that through much broader, higher level design guides the community can clearly see how we are incorporating trees and having the space on blocks. I want them potentially to look out from a neighbour's window at an adjoining block and see where missing middle developments might be proposed and what that would look like. I want them to be able to see how their street may see incremental change over time.

That is a detailed piece of work, and that is why we are getting on with the job through the procurements, through the budget funding that was announced yesterday, and getting on with this important work to provide more housing choice for Canberrans.

Light rail—stage 2B

MS LEE: Madam Speaker, my question is to the Leader of the Greens. I note that the Parliamentary and Governing Agreement that you signed with the Chief Minister for the Tenth Assembly commits Labor and the ACT Greens to building light rail stage 2 to Woden. Mr Rattenbury, on ABC Radio this morning, when questioned about why there is no funding in the budget for stage 2B of light rail, you said:

I find those things very hard in public life as well, because as soon as you say something you're pinned to it, right? The opposition will start saying, "Well, you said it was going to be \$1 billion."

This statement by you finally admits that the government of which you are a member is deliberately hiding the cost estimates of light rail 2B to avoid being held accountable. Mr Rattenbury, given that you sit on the government's Expenditure Review Committee, are you complicit in covering up the costs of light rail stage 2B to avoid scrutiny by your political opponents and colleagues?

MR RATTENBURY: Ms Lee has decided to turn a moment of frankness into something political. I think it is a fair reflection that, in the way political life plays out, we will see the opposition try to twist anything like this so that it becomes a point of political debate, rather than a serious policy discussion. We have seen it today. Mr Parton walked into this place today and talked about \$4 billion in light rail costs. He made that up. It does not exist.

Ms Lee: We asked you for this; how many times?

Mr Parton: We didn't. Correct the record.

MADAM SPEAKER: Members! Mr Parton and Ms Lee, you have asked the question. Allow the answer.

MR RATTENBURY: It does not exist as a figure. I use it simply to illustrate the point, and this is the point that I was making this morning. The way political debate goes, it is very difficult to have sensible policy discussions. That is the observation that I was making.

Mr Cain: The community deserves to know.

MADAM SPEAKER: Mr Cain! You are becoming persistently an interjector.

MS LEE: Mr Rattenbury, as a member of the government's ERC, will you release the cost estimates of light rail stage 2B so that Canberrans are fully aware of how much this project will cost taxpayers, given that your Labor ministerial colleagues refuse to?

MR RATTENBURY: As I also observed on radio this morning, there are a range of reasons why the costs have not been released yet. As Minister Steel has made very clear in this place, there is still work being done to finalise the design, so it is obviously not possible at this point to release the fully estimated cost.

The point I was making also was that the ACT government has been incredibly transparent on these projects. It has been more transparent than any other government in Australia in releasing business cases and other planning and costing documents around these projects. What I said clearly on the radio was that the community can expect this continued level of transparency from the ACT government because we believe that it is right for the community to know this information. It is about releasing it at a time that gets the best value for money for the community as well. This government has no intention of preconditioning the market. We are out there to get the best possible price on this project for the citizens of Canberra.

MR PARTON: Attorney-General, are you comfortable with Canberrans not being told the truth about the cost of stage 2B of light rail? If \$4 billion is wrong, then you can correct the record here today.

MR RATTENBURY: As I outlined in my previous answer, Canberrans will know the full cost of this project. The government has been incredibly transparent. Minister Steel has initiated a consultation process at the moment that is inviting Canberrans to contribute on a range of factors related to this project. It is clear that the government is seeking to engage the community on this and keep the community well informed, as they should be.

Budget—infrastructure

MS LEE: My question is to the Treasurer. Treasurer, I refer to the Major Projects budget statement which shows that the physical completion date for Light Rail Stage

2B to Woden is “to be determined,” the physical completion date for the Canberra Theatre precinct redevelopment is “to be determined,” and the physical completion date for the north-side hospital development, is—and you guessed it—“to be determined”. In addition, there is very little funding in the budget for any of these major infrastructure projects. Treasurer, when will these major infrastructure projects actually be completed?

MR BARR: We will announce expected completion dates once procurement is finalised for each of the projects.

MS LEE: Treasurer, why are there no completion dates for any of these major projects in your budget? And when will the procurement processes for these projects be completed?

MR BARR: We will commence the two-stage procurement process for the theatre next month. Procurement in relation to Light Rail Stage 2B will commence once the EPBC and other assessments are complete. And procurement for the north-side hospital will commence once we have completed the first phase of very early contractor engagement, which is now underway. We will make further announcements on each of these projects in due course.

Ms Lee: A point of order, Madam Speaker: I could tell that the Treasurer was wrapping up his answer, and I just want to confirm that the question that I asked was about—

Members interjecting—

MADAM SPEAKER: Members! Ms Lee is on the floor with a point of order. Allow me to hear her.

Ms Lee: The question was specifically about when the procurement processes will be completed, not when they will commence.

MADAM SPEAKER: The minister still has a minute left, so he might satisfy that. Mr Barr.

MR BARR: Thank you, Madam Speaker. Obviously, we will set time frames for the completion of procurement processes when they are publicly announced, leaving an appropriate amount of time for the market to respond.

MR PARTON: Treasurer, why do you continuously tell Canberrans that you are building these major infrastructure projects but fail to provide any concrete completion dates or funding estimates?

MR BARR: The nature of procurement, Mr Parton, is that one would not seek to precondition the market. We have made provisions. You will see that there are provisions in the forward infrastructure program. We have allocated money in the coming fiscal year for the commencement of the Canberra Theatre procurement process and, once that is completed, we will announce the project budget and the expected construction time frame.

Budget—health

MS ORR: My question is to the Treasurer. Chief Minister, what practical improvements is the government taking in the 2024 budget to expand health services for Canberrans?

MR BARR: I thank Ms Orr for the question. Through the budget, the government is investing more in health services and investing more in our health workforce. The total investment in health in the 2024-25 budget is \$2.6 billion. That is one-third of the territory budget. The additional funding will go, in part, to expanding paediatric health services. The budget is also investing in the nursing and midwifery workforce and supporting staff wellbeing and improving patient care.

More than \$86 million has been allocated to recruit more than 137 new full-time equivalent nurses and midwives. This will ensure that there are more nurses and midwives across front-line hospital services. Phase 2 of ratios will be implemented across our public hospitals and Clare Holland House, including maternity services, neonatal intensive care, critical care, intensive care units, emergency departments, cancer care and palliative care services.

MS ORR: I have a supplementary question. Chief Minister, how is the government meeting its commitment to deliver 60,000 elective surgeries despite the major disruptions caused by COVID?

MR BARR: We have committed an extra \$52.7 million to support the completion of that four-year 60,000 surgery plan. Increased operating theatre sessions during evenings and weekends and more surgical in-patient beds to support a growing emergency surgery demand are a critical part of the government's investment. Continuing to deliver a record number of important surgeries of course fundamentally improves wellbeing and broader health outcomes, and, in many instances, can prevent the need for further health interventions.

In making this announcement and this additional financial commitment we recognise the hard work of our teams in health facilities to contribute to the delivery of this record number of surgeries and, as Ms Orr identified, COVID did impact on our capacity to deliver surgeries during periods of lock-down, but we are pleased to be able to expand capacity to get to that 60,000 target.

MR PETTERSSON: I have a supplementary question. Chief Minister, why is it so important to provide free public health care in the community close to where people live?

MR BARR: I want to acknowledge the work of Minister Stephen-Smith in leading our government's commitment to deliver more health care closer to home. We have commenced the rollout of a series of additional healthcare centres. We have, of course, established, over an extended period of time, our nurse-led walk-in centre network that has been opposed, consistently, by the Canberra Liberals. We continue to invest in community health centres because we know that they are well utilised; having them located in the different regions of Canberra provides more and better health care closer to where people live.

Budget—infrastructure

MS LEE: My question is to the Treasurer. Treasurer, yesterday on ABC radio you were asked a question, following the post budget Master Builders Association release. The presenter said:

The Master Builders Association have said they're very disappointed by the budget. In fact, they say they're shocked. They say there has been an 87% reduction in new capital works. They cannot believe, Andrew Barr, that you haven't unveiled any big infrastructure projects.

Treasurer, you responded by saying that there is "\$1.2 billion per year each year for the next four years, So the Master Builders Association have misread the budget papers".

Yet, page 247 of the Budget Outlook clearly shows that new capital works are worth \$57 million over four years—exactly what the Master Builders Association said. Treasurer, can you confirm that "total new works" are worth \$57 million over the next four years, or are you not across the details of your own budget?

MR BARR: I would refer Ms Lee to page 80, table 3.2.2: the increase in capital expenditure over the forward estimates. I would also refer her to pages 241 to 246 and pages 295 to 299, which outline in detail all of the new capital works. The point I was making, which is very clear, on page 247, is that the total capital works program forecast sits around \$1.2 billion: \$1.178, \$1.258, \$1.282 and rising to \$1.687 billion over the forward estimates. There on page 247!

MS LEE: Treasurer, given that clearly you have not been upfront with Canberrans about this claim, will you ask ABC radio for the opportunity to apologise to its listeners, and to the MBA, who actually raised concerns about new works?

MR BARR: Well, again, a reading of the budget papers would outline that the asset renewal program, which in total is \$539 million over the budget period, is indeed new works, which, together with the other works in progress, leads to a total of \$6.37 billion across the general government sector. Of course, there is also the public trading enterprise area that includes Housing ACT and the Suburban Land Agency, so the totality of the works is just a little over \$8 billion. That is there in black and white in the budget papers. The new works provision relates to works that were not previously provisioned within the forward estimates. That is new money. If you go to page 80, table 3.2.2, you see that the net cost of services for new capital is outlined in that table, in the bottom third, and is certainly more than \$57 million. In fact, the total over the four years is \$787 million. But of course, you cannot look at this in isolation of a continuing program; works and projects continue over multiple years. The point I have been making is that we are able to deliver about \$1.2 billion of works each year, and that is what is programmed into each year of the forward estimates.

MS CASTLEY: Chief Minister, will Canberrans know the total cost and construction time lines for any of the projects you have previously said you would deliver, like the Canberra Theatre, the northside hospital, the new stadium, the new convention centre or the Canberra pavilion, before the election this year?

MR BARR: Each of those will go through project development, planning, precinct design and then procurement. At the time procurement is completed, we will then be able to announce—

Mr Parton: Point of order.

MADAM SPEAKER: Resume your seat Mr Barr.

Mr Parton: Point of order on relevance. It was a very clear yes/no question: will Canberrans know the total cost and construction time lines before the election—

MADAM SPEAKER: Thank you, Mr Parton. As you would know, I cannot direct the member. He is on a policy area—

Mr Parton: If only you could, Madam Speaker!

MADAM SPEAKER: If only I could get people not to interject Mr Parton!

MR BARR: On the individual projects as they go to procurement, and procurement is secured, we will then be able to announce project costs and time frames.

Roads—Athllon Drive

MISS NUTTALL: My question is to the Minister for Planning. Minister, I understand that the ACT government has committed to duplicating Athllon Drive. What is the expected time line for these upgrades, and can residents expect Sulwood Drive upgrades to be finished before the Athllon Drive work commences?

MR STEEL: I thank the member for her question. I am really delighted that, in the budget, the ACT government is funding the early works for the Athllon Drive project, which is an important project to support more housing, to support public transport, and to support active travel and the broader road network.

Those works will begin in the next few months in the southern section, and in the next few months in the northern section. The southern section will include active travel paths, as well as utility works to de-risk the project, to enable the main works package to then be started, following the detailed design, as quickly as possible. The works in the northern section will start in the next few months to support, initially, some works around Shea Street and the new bus depot which is being completed around the end of the year.

We are getting on with those works and the early works that are funded in the budget will enable us to complete those without delay.

MISS NUTTALL: Minister, how much time is this expected to save road users on their commute on average?

MR STEEL: I thank the member for her question. I am happy to come back on notice on behalf of the Minister for City Services with that information. Travel time is only one benefit of the project. Safety is another. The public transport benefits of the project

include providing, for the first time, access to rapid bus services through the creation of a new stop, in addition to the existing one, in the southern section between Sulwood Drive and Drakeford Drive. That would also enable people from Kambah and Wanniasa to access rapid transport services.

We are looking forward to those works continuing, in terms of the detailed design. Following that, of course, development applications will be lodged; then we will go into the procurement, as the Chief Minister mentioned, which is required to determine the final contracted time frames for the delivery of the main works packages.

I do feel at times that I am the only one defending transport projects on the south side. On the one hand the Greens are not supportive of Athllon Drive works; on the other hand the Liberals are not supportive of light rail coming down to the south side. Labor will always stand up for transport infrastructure on the south side of Canberra.

MS LAWDER: Minister, when will the actual road duplication part of this project be completed?

MR STEEL: Following the procurement, we will then be able to contract those works, and at that point we will be able to announce the exact contracted time frame. We are committed to the works. We have been going through a period, as the Chief Minister—

Members interjecting—

MADAM SPEAKER: Members!

MR STEEL: This is what you do with infrastructure projects, Madam Speaker. You go through a period of feasibility, concept planning; you go through design development. You go through the budget processes that are required to get money for the project, which we did this week. You then seek funding from the commonwealth; you get their engagement. They are, of course, contributing 50 per cent to the project. You go through a procurement; you contract a program, and you get underway. That is what we are doing. If those opposite were elected, they would not deliver these infrastructure projects at all.

Integrated Electricity Plan—electric vehicle charging

MR BRADDOCK: My question is to the Minister for Emissions Reduction.

Minister, I have had numerous conversations with apartment residents who wish to invest in an electric vehicle but have experienced challenges in getting charging infrastructure installed in their complexes. I note the Integrated Electricity Plan includes some actions to address these challenges. Can you please provide some more details?

MR RATTENBURY: Yes. As part of the Integrated Energy Plan, which seeks to electrify our city and help assist with the phase-out of the gas network, the government is very mindful of the particular role that apartment buildings, in their many guises, face. There are specific issues for residential apartments. The government will offer support for residential apartments to undertake EV-ready feasibility studies and

upgrade building infrastructure to allow for future EV charger installation. This is a specific area of support. It will be supported by a concessional load program that will be established later this year. Eligible developments will be able to access loans for the installation of EV-ready backbone infrastructure, and then the loan can be repaid over time by the strata.

EV ready means upgrades to electrical infrastructure and cabling to a parking bay per unit. This means that, when they are ready, residents will then be in a position to install their own smart EV charger at a time that suits them. Residents may choose to access the Sustainable Households Scheme to do this. So again, interest-free loans are available to assist residents to make these upgrades.

The government supports the approach of EV-ready apartments as it is the most equitable means of providing support and ensures that any solution that is put in place is future-proof. Further, load management and billing software will ensure that residents pay for the energy they use and that charging is done in a managed way so that the whole building remains in electrical balance. It minimises the impact on the network and reduces costs associated with electrical upgrades.

Advice to the public and developers on EV charging in multi-unit developments can be found on the government's Everyday Climate Choices website. Also there is further information available by calling the agency, if necessary.

MR BRADDOCK: How will the program manage potential concerns about the fire risk of EV charging in apartment complexes?

MR RATTENBURY: The government appreciates that there is concern amongst the public around EV fire safety and has taken these concerns very seriously. Data gathered globally and domestically by independent bodies such as EV Fire Safe show that electric vehicles are significantly less likely to spontaneously combust than petrol or diesel vehicles.

I would like to thank the Insurance Council of Australia for its paper, *Charging ahead: electric vehicles & insurance*. Clear, data-based guidance such as this is important in improving industry understanding and reducing public concern. The ACT government is also working with the commonwealth, state and territory governments to ensure emergency services have the correct training to deal with battery fires.

ACT Fire and Rescue will be engaged throughout delivery of the loan program to ensure that they are able to provide advice on the design of EV-ready developments to ensure safety. ACT Fire and Rescue have also issued the fire safety guideline *Electric vehicles(EV) & EV charging equipment in the built environment*. These guidelines make recommendations around retrofitting of EV charging into the built environment and suggest the Australian Building Codes Board recommendations to support safer EV charging should be followed.

MS CLAY: What else is the government doing to help apartment buildings phase out fossil fuels?

MR RATTENBURY: There is a range of things that are being offered to assist. If I go back to the earlier conversation about EV charging, I am mindful that it is complex to get it rolled out in apartment buildings at times through all the reform processes. We are also working hard to ensure there is a good amount of public charging available so that apartment owners who would like to own an electric vehicle can have confidence that there is charging available for them.

The Solar for Apartments program is delivering \$3.6 million of support to apartments in the form of a grant plus interest-free loan for solar panel installation, which will deliver significant reductions in energy prices for residents. In the future, these savings would be utilised for future energy efficiency and electrification activities for the apartment building.

In addition, the Sustainable Households Scheme, which I mentioned earlier, provides those interest-free loans of up to \$15,000. Apartment residents are eligible, and that can be put towards the cost of an electric vehicle as well as electrical appliances such as induction cooktops.

The Integrated Energy Plan provides a number of other supports for apartment residents who may face extra challenges in electrification. There is a new Retrofit Readiness Program to be launched later this year, which will offer free advice and electrification planning for those living in multi-unit buildings such as apartments to help them get the technical information.

We are also mindful that we may need to make reform to strata law in the ACT to identify and resolve regulatory barriers to electrification upgrades in multi-unit buildings. We are well aware and have had clear feedback from the Owners Corporation Network and others that decision-making can be challenging in a building where there might be 150 different sets of owners, and so we need to think carefully about how we can maintain good democracy in those processes but enable efficient decision making.

Budget—animal rescue organisations

MR PETTERSSON: My question is to the minister responsible for city services. Minister, how is the ACT government supporting animal rescue organisations through the 2024-25 ACT budget?

MR STEEL: On behalf of the Minister for City Services, I am delighted to say that, through this year's budget, the ACT government will support approved animal rehoming organisations to assist with the costs of caring for the growing number of abandoned and unowned animals across the ACT. Sadly, due to a range of factors, including increased pet ownership during the pandemic and the cost-of-living pressures Canberrans are currently experiencing, we have seen a significant increase in the number of animals being surrendered or abandoned in the ACT. For roaming cats in particular—which can become pregnant from as young as four months and can produce as many as 24 kittens in an eight-month period—desexing is critical, but costs can be a significant barrier, with procedures typically costing around \$500. This is why we are also providing funding for a cooperative desexing program to deliver approximately 1,000 cat and dog desexing procedures for financially vulnerable pet owners.

MR PETTERSSON: Minister, what is the government doing to reduce the number of pets being surrendered and abandoned in the ACT?

MR STEEL: We are committed to work on educating the community on what it means to be a responsible pet owner. The funding in this budget will help to treat the symptoms of irresponsible pet ownership. Domestic Animal Services continues to provide school based education on responsible pet ownership and the importance of desexing. Also, the ACT government maintains a close relationship with the RSPCA as a partner with shared aims for animal welfare in the territory and we have already committed \$40 million towards its new facility to be built in Pialligo. With cat containment being mandatory for all cats born after 1 July 2022, over time we will have fewer roaming cats and the most pressing challenges will likely change, so it is hoped that the design of the new RSPCA facility will be flexible and adaptable to meet the community's needs at a given time.

DR PATERSON: Minister, why is annual dog and cat registration so important?

MR STEEL: I thank Dr Paterson for her question. All cats and dogs must be registered in the ACT and have their details updated annually. Annual registration ensures that we have up-to-date contact details for pet owners so that we can reunite pets with their families quickly if they are lost. Keeping dog registration details up to date also ensures that Domestic Animal Services can follow up on reports of dangerous dogs or dog attacks. Dog and cat registration also provides us with information about where cats and dogs live so that we can plan for services like new dog parks and better target education and compliance activities. The ACT government is committed to improving animal welfare and promoting responsible pet ownership.

Mr Barr: Further questions can be placed on the notice paper.

Answers to questions on notice Questions 1842, 1869, 1873

DR PATERSON: Madam Speaker, yesterday I sought an explanation for unanswered questions 1842, 1869 and 1873 from Minister Rattenbury. I did not receive an explanation yesterday, and I am seeking an explanation today as to why these are unanswered.

MR RATTENBURY: I did offer an explanation yesterday. I said I was seeking more information from the agencies. Given the chance to elaborate, I will identify that the questions that have been asked of me should actually have been asked of Minister Cheyne, as the operational minister for Access Canberra. It has taken longer to coordinate the answers because I have had to work with another minister's line area. By the time that was sorted out, it was not possible for me to transfer the questions back to the other minister. Nonetheless, I am pursuing an answer for Dr Paterson. Given that the first draft that came to me did not provide as much information as I think she deserves, I have sought further information. I continue to seek that information and I will have the answers to her as quickly as I can.

Supplementary answer to question without notice Canberra Institute of Technology—procurement

MR STEEL: Yesterday Mr Milligan asked me about a notifiable invoice from the Canberra Institute of Technology. I sought further advice from CIT, an independent territory authority, which advised that in 2023, during the development of the CIT economic modelling market demand and growth strategy, there was a requirement for detailed knowledge and understanding of market analysis and economic modelling within the Australian TAFE sector. This whole-of-sector research was a significant piece of work and CIT did not have the whole-of-sector knowledge to be able to undertake the detailed modelling required.

I am advised that on 23 October 2023 CIT issued a request for quotation using the whole-of-government ACT professional services panel. The territory received four responses to the RFQ, and an evaluation panel from CIT determined that the response from Nous Group represented an appropriate use of CIT funds and demonstrated best value for money across the four key criteria: experience, methodology, personnel and whole-of-life cost.

I am advised that a contract was entered into on 13 December 2023. I am further advised that the services sought through this contract are complete and all payments made. The strategy that this work has informed has now been implemented by CIT.

Government—community consultation

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

That this Assembly:

(1) notes:

- (a) adopting a participatory approach to making decisions about suburban improvements provides an opportunity for people to connect with others in their community and gives them a voice in deciding the future of their suburb;
- (b) it is important for governments to welcome a broad range of ideas for consideration and implementation, and that they be considered with the recognition that people are experts in their own lived experiences;
- (c) benefits of effective participatory democracy-based consultation include greater local community connections and resilience, improved skills and knowledge, and an engaged community that is willing to participate and contribute to their neighbourhood; and
- (d) the “My little BIG idea” program for Richardson and Page investigated how Canberrans can assist government decision-making about the ways their communities are supported. It built on previous programs inviting input from Canberrans on what is needed in their suburb and explored how participatory approaches can be integrated into existing budget consultation processes;

(2) calls on the Government to release the evaluation reports from the neighbourhood democracy pilot projects in Richardson and Page as soon as possible;

- (3) recognises that people are experts in their own lives, and that respecting their lived experiences must be a central consideration when supporting the development of local communities;
- (4) agrees that the application of participatory democracy principles is important in the determination of suburb-level priorities and the allocation of funds for suburb-level projects, in order to achieve the best outcomes and avoid any perception of “pork-barrelling”; and
- (5) calls for future expansions of neighbourhood democracy programs to consider the experiences of the Page and Richardson pilot projects, ensure that budgets are of an effective size, consider a suburb’s relative size, and are available to all suburbs in the ACT.

Humans are social creatures. We all have somewhat different ways of expressing it, but, by our nature, we all want the world to be a better place. The closer you get to home, the more important it is for people who are experts in their lived experience to see their suburb improve. Of course, that interest will vary. Sometimes our ideas will conflict with those of others, creating disagreements to be reconciled, but we all like to think we have good ideas, big and small, that can make our world a better place.

When people are able to see such ideas come to fruition, to see that their ideas have an influence on their world, they develop a greater sense of ownership of their local area and develop a collective urban pride, as well as collective responsibility. The quality of relationships between residents increases and people come to respect the diversity of views that others can bring to the conversation on how to improve their local area.

Governments and other government-like bodies sit at the intersection of ideas. Governments have a responsibility to sort through the competing ideas, to pick up the good ones, reject the well-intentioned but problematic ideas and process through those that need some more work.

Different levels of government, quite sensibly, focus on different issues. It is largely for the commonwealth to consider matters of national significance, such as foreign affairs and bringing together ideas from right across the country. By contrast, our health and education systems are designed to operate at a city-wide scale, and therefore it feels correct for them to be the focus of state and territory governments. Lastly, matters of local planning and suburban amenity operate at a district level or even finer and are usually best handled by local councils, who have the closest connection to community.

However, the ACT does not have local councils. By a quirk of history, our system of governance, and eventually self-government, was designed for top-down efficiency, and so we are without. This creates unique challenges, compared to other jurisdictions, because bringing local perspectives on local issues into territory administration is not as straightforward as it might be in other jurisdictions. It becomes absolutely critical that the processes and systems we have in place to try to fill the void caused by a lack of local councils are working and working well.

What we have are the online tools such as the YourSay system and Fix My Street, and we also have the community councils. I know there are some who do not see the value in our community councils, but it needs to be acknowledged that they exist in response to a lack of local councils within the ACT. We need them to work well. To do this, they must be empowered and supported.

If last month's budget is anything to go by, the lack of anything at all concerning participatory democracy on local issues highlights the lack of priority placed on this issue. If the Treasurer's record of managing the Richardson and Page pilot projects on neighbourhood democracy is anything to go by, it is his preference that these exercises be kept as small as possible.

The ACT Greens took to the 2020 election a policy of suburban budgets for every suburb in Canberra, with spending decisions to be made through a neighbourhood democracy program. In negotiations for the parliamentary agreement, in good faith we accepted that it would be reasonable enough to start a pilot of the scheme in five suburbs during this term, rather than the 10 that we originally wanted. Unfortunately, after more than half the budget was squandered on consultancy fees and the Treasurer showed his unwillingness to reinvigorate the pilot, the number of suburbs dwindled to just two. The \$40,000 budget for Richardson and Page ended up being so small as to stifle ideas from the community. As the Chief Minister said in this chamber, Richardson had more than one idea, but they would have required a bit more funding to be able to make that a reality.

The pilot clutched quite heavily at the Your Say tool; it gave the impression of trying to manage expectations, and then petered out, for what was probably an okay result. Importantly, it still gave us a taste of what is possible. It reinforced for me the need to make sure community-led decision-making would be at the heart of these schemes in the future.

Earlier today, the ACT Greens announced its policy that we have named "By and For the Suburbs". If successful at the ACT election, the ACT Greens will allocate \$40 million for suburb-level projects over two rounds of funding, with each suburb to receive an allocation based on the number of households they have, with a minimum of \$100,000 and a maximum of \$400,000 per suburb per round.

This is not meant to cover the routine suburban upkeep activities, such as mowing public parklands or maintaining footpaths—something that will be subject to further discussion in the next PMB, I believe. It is also on top of other bigger initiatives that the ACT government may commit to, for district and city planning purposes.

Suburbs will be able to choose anything that fits within the bounds of their budget and Canberra's planning and environmental protection regimes. It could be a street library, an outdoor gym, a playgroup, an event or a series of activities. People's imaginations can run wild. If this sounds familiar to the Canberra Liberals, I say: you are welcome. I am glad you could draw inspiration from the Greens 2020 platform, which is fitting, given your post-election review stated the need to target the soft Greens voters.

Attached to the Greens policy is a commitment to reinvigorate our community councils. With appropriate support services in place, I can see a future role for the community councils in cooperation with any applicable residents associations to help facilitate community-led decision-making on how their suburb's budget is to be spent.

To reiterate the point, we want to do this with community-led decision-making, supported by government in-house capabilities, rather than relying on contracted consultancies. This does not need to be over-managed or over-engineered. Recognising

that this may not be enough by means of reform, as I alluded to earlier—and I know that a lot of people have strong feelings about the community councils—the Greens have also committed \$1½ million to hold a citizens jury so as to provide additional advice to the government on what reforms need to be made regarding the consultation on such localised projects within the ACT.

I am not foolish enough to ask my political rivals to endorse the entirety of the Greens initiative here in the chamber. The electors of the ACT can do just that. And, by the way, I believe that should include 16-year-olds and permanent residents; but that is by the bye. I am asking today for members to commit to the underlying principles of community-led decision-making and send a clear signal to the ACT's public servants and the community as to what the Assembly's expectations are in this space.

If you are going to do suburban-level budgets, and I know that at least a majority of members in this chamber are keen to do just that, how you do it matters. Without local-level engagement, without community-led decision-making, programs can quickly become pork barrelling, replete with colour-coded spreadsheets marked up for a re-election strategy.

My experience, from speaking with residents across Yerrabi, tells me that there is a need for local spending on local priorities. It needs to happen, but it also needs to happen right. Across the whole city, everyone needs to feel that they have a genuine opportunity to contribute and collaborate, so that decisions are genuinely made in a way that is informed by their input. At a local level, that means local decision-making that requires local empowerment, and that means supporting grassroots democracy.

I commend my motion to the Assembly.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (3.04): I thank Mr Braddock for bringing the motion before the Assembly. I seek leave to move a small amendment, which is currently being circulated.

Leave granted.

MR BARR: I move:

Omit paragraph (5), substitute:

“(5) calls for future expansions of neighbourhood democracy programs to consider the experiences of the Page and Richardson pilot projects, ensure that budgets are of an effective size, consider a suburb's relative size, and consider making it available to more suburbs in the ACT subject to proper budgetary consideration.”.

As Mr Braddock touched on in his remarks, through the 2022-23 budget process, the government provided \$200,000 as part of the neighbourhood democracy project, which was an item within the parliamentary and governing agreement. That program is currently undergoing an evaluation. I can advise the Assembly that that evaluation should be completed sooner rather than later. I would intend to share that with the Assembly and the community, and I would hope that that would occur before the caretaker period commences.

I can also advise that the community projects that came through the deliberative process are expected to be completed by the end of this year. It will, of course, be some time before we can fully assess the final impact of the completed projects on the communities that were involved in the pilot program. However, as committed to in the parliamentary and governing agreement, the evaluation report on the process will be published.

I can let the Assembly know that there were some challenges in the pilot process that would need to be considered in the continuation of such a program in the future. As Mr Braddock touched upon, through the agreement between the two parties, the signatories to the parliamentary and governing agreement, the original scope of the pilot was reduced to two suburbs. This was based on the recommendation of the public service. The team within the public service, within communications and engagement, that led the project indicated that, even at two suburbs, it was a significant undertaking.

It is important to put on the record for the Assembly that the process undertaken in the pilot was incredibly resource and time intensive. Utilising industry-recognised participatory budget practices requires quite particular community engagement. It also requires additional promotion and communication at a suburban level to encourage participants to get involved in the program.

As much as we might like to think that everything we say and do in this place is pored over by residents in our suburbs, we need to acknowledge that that is often not the case and that, in order to do this successfully, a huge amount of effort is required at a suburban level.

This, of course, is in addition to the many other ways that the government seeks to engage and consult with Canberrans about issues in their region and in their suburb. These methods have proven to have much higher levels of engagement and certainly can provide a useful insight for government into determining community priorities.

In its current model, an expansion of the neighbourhood democracy project to every Canberra suburb, which, as we all understand, would be well over 100 suburbs, runs the risk of being a little impractical and may not achieve its objectives. There would be significant administrative costs and there would be the need for significant additional staff within an in-house team that Mr Braddock has talked about. We are not talking about thousands of dollars here; we are talking about millions of dollars associated with the administration of such a scheme, and that is before you get to funding projects and infrastructure.

I should be clear at this point that the experience of the pilot would be that, if you were to do it on a larger scale, you would definitely need to change the way that you ran the program. One of the issues that we have to consider in the budget every year is how this priority would weigh up, alongside the requests that are made through the budget consultation process. This year, we had more than 1,700 budget surveys completed. There were nearly 100 formal written submissions into the budget process. There was considerably more engagement, I would have to say, on the budget than there was on some elements of the pilot project.

We will explore alternative delivery mechanisms, as part of our consideration of the evaluation report, and I would certainly hope that it would put forward some suggestions on how this could be done differently. It is fair to observe that it is unclear at the moment whether the pilot project is the most effective way, using that same model, of rolling it out on a larger scale.

Of course, there is a certain arbitrary element of suburban rather than regional or indeed groups of suburbs that needs to be taken into account. Given the nature of Canberra's geography, planning and design, there are times when a model of strictly delineating on suburb boundaries may, in fact, not deliver outcomes for communities of interest or may not be able to deliver projects at such a scale, and a pooling of resources and ideas across multiple suburbs might actually be able to achieve a better outcome for the community.

I raise those notes of caution. By simply going down a population-based, per-suburb-based approach, you are not necessarily adjusting for the socio-economic circumstances of particular areas of Canberra, and existing infrastructure that may or may not be present in a particular suburb or groups of suburbs. These are all things that can be discussed and worked through. That, generally, is what happens during the budget process and the sort of work that directorates undertake; and that, indeed, we undertake, as local community representatives. It is often the case that a solution in one particular suburb may not be replicable in others, or that the best community outcome would be a centrally located facility that is shared amongst the residents of a number of suburbs.

These are all deep policy discussions to be had at some future time. I think there are opportunities to further the community engagement process through the use of digital technologies and undertaking some detailed, long-term research, looking comprehensively at how to most efficiently and effectively contribute to practical projects in communities, as well as how to get the best level of engagement.

Future investment should also analyse the success of particular programs and outcomes in the context of existing methods of community engagement. Mr Braddock referenced the Your Say panel. That is a relatively new addition. We started out with a hope that we might get 2,000 Canberrans participating in that process. It is well over 6,000 now, so 1½ per cent of our population participates in the Your Say process, which is obviously a much greater sample size than any national public opinion poll, for example.

It is good practice for the government to receive and consider this evaluation report before making pre-emptive commitments, and that is why the amendment I have moved to paragraph (5) of Mr Braddock's motion touches on those points. There has been some engagement with Mr Braddock's office in relation to this. We have, I hope, reached a point where this is considered technical and minor enough to meet the intent. I am receiving a nod from Mr Rattenbury and Mr Braddock.

I think that this strikes the right balance. I understand the intent of the motion, and I appreciate that it has been longstanding Greens party policy, so there are no surprises in that regard. But neither should my comments in response come as a surprise because they are indeed consistent with our engagement between the two parties on these matters for some time.

In summary, there can be considerable merit in what Mr Braddock has put forward, but we need to see the evaluation of the pilot, and we do need to consider, in designing such a policy, the opportunity for multiple suburbs, for example, to band together for a bigger project, if you were to go down that path, and have an assessment of the starting point. For some suburbs, particularly brand-new ones that have had extensive community consultation in the lead-up to their development, a lot of this work will have already taken place, and infrastructure will already have been built. That is quite a different story than, say, a suburb that was built 100 years ago, or a suburb that was built 60 years ago, when the planners and designers at that time perhaps had a different view of what community life and community activity would be.

I commend my amendment to the Assembly. I thank Mr Braddock for bringing the motion forward, and for considering my amendment in good faith.

MS LAWDER (Brindabella) (3.15): I am pleased to speak to Mr Braddock's motion regarding community decisions for projects in our suburbs. On behalf of the Canberra Liberals, we are very grateful to Mr Braddock for moving the motion and giving us the chance to talk today about our Putting Your Suburb First policy and the benefits that this will provide for every suburb in Canberra.

Mr Braddock and the Greens have caught up with what the Liberals have been saying. Canberra's outer suburbs have been completely neglected by this government. For example, in my electorate of Brindabella, we have been neglected for so long. I refer to the Tuggeranong ice rink and the south side hydrotherapy pool, both of which are election commitments that will not be delivered in this term of government. We heard earlier in question time that there are really no plans whatsoever to deliver the actual duplication of Athllon Drive. We will just have some facilitating works around it, in the meantime, to try and keep people happy. This is despite the community advocating for these projects for years.

In addition, with things like sporting facilities, just look at the pavilion down at Gordon that was destroyed by fire and that is still waiting to be finalised, to the detriment of the poor football teams that use that particular ground. There are issues with playgrounds and streetlights. It is not in my electorate, but Mrs Kikkert presented a petition this morning about a very small playground where the equipment had been completely removed. The one piece of equipment had been completely removed.

These are all types of recreation facilities that have been overlooked and neglected by this Labor-Greens government, especially when we compare the expenditure in the inner electorates, such as Kurrajong; coincidentally, it is the electorate of both the leader of the Greens and the Chief Minister. I know that my colleagues in Ginninderra, Yerrabi and Murrumbidgee hear similar complaints from Canberrans; yet this government still fails to invest in these electorates.

The Greens have now finally caught up with what we have been saying for years and have released a policy which completely rips off the one that we recently announced. It is a borrowed idea with less funding attached than what we have announced, meaning that it will deliver less for your suburb. The Canberra Liberals policy invests \$100 million back into the suburbs, receiving funding based on the number of rateable dwellings, and local residents from each suburb will have a direct say on which projects are funded and built.

This policy is about the much-needed local initiatives that start as fresh ideas from our communities. It is not about the basic local services, which—while that is another neglected area by this government—will take place quite separately from our Putting Your Suburb First policy. Each Canberra suburb is unique, and this policy will put the choices firmly in the hands of the community on what they want to see in their own neighbourhood. It is about making sure that some of their rates go back into their suburb. The response we have had since announcing this policy has been overwhelming. We have received suggestions for playgrounds, barbecue facilities, shade sails, toilet blocks and sporting fields, as well as many other suggestions from local residents for their suburbs.

Of course, in responding to this policy announcement, the Labor Party's major criticism from the then city services minister, Mr Steel, was that this policy would not deliver for suburbs. He said, "\$500,000 for a suburb—well, I'm sorry, but that doesn't even deliver a toilet." Of course, this is from a minister who has wasted a lot of money—almost \$80 million on the failed HR management information system. He has also overseen other procurements which have failed to deliver value for money and which, indeed, have been the subject of Integrity Commission inquiries. It is not surprising, therefore, that this government is building toilet blocks that cost only a little less than the median house price.

In fact, I have done a little comparison with other places about the cost of toilets. Here in the ACT, we have had some toilet blocks built. One accessible toilet in Duffy, in 2023, cost \$340,000; in Farrer, in 2023, one accessible toilet cost \$507,000; in Florey, one new accessible toilet cost \$591,000; in Lyneham there was the replacement of two accessible toilets for nearly \$527,000; a replacement at Belconnen's John Knight Memorial Park of two accessible toilets, two ambulant toilets, in 2021 cost nearly \$700,000.

We can compare this with some toilet facility projects in regions of New South Wales. For example, in Bega, in 2020, there was one for just under \$200,000. In Shoalhaven, in 2023, it cost \$465,000 for two unisex accessible rooms with a connecting pathway, accessible parking space, a bike rack, a seat and landscaping. In Orange, we saw three toilets, including one accessible toilet, a change table, a paved pergola entrance, CCTV to cover the park surrounding the building, and other improvements for \$195,000.

This is a minister who has a track record of wasting taxpayer money. Is he getting good value for money? Clearly, his record shows he is not getting value for money. Perhaps it is all very well that we have a new minister and maybe they will get better value for money, but I do not think that is going to happen, because this is a government that do not care about how they spend your money. They just say, "Yes; we've wasted money here and wasted money there." It is like watching the *Oprah Winfrey Show*, isn't it? "Some for you, some for you, and some for you." They do not really care where the money goes. They just spread it around willy-nilly, not caring about value for money. It explains a lot about the Labor Party's priorities and management of Canberrans' money. That is why they are neglecting our outer suburbs: they have no money left. That is why they have to focus on the inner suburbs and the inner electorate.

Mr Steel's admission about the toilet block might also explain why the Treasurer has never delivered a single surplus and has placed us in billions of dollars of debt without

delivering, or even budgeting for, any of the major infrastructure projects they tried to spruik. They are not in the budget. We know that Labor do not really care about delivering on their promises.

What we find concerning is that the Greens, despite having the leader of their party on the Expenditure Review Committee and three ministers in cabinet, are only just starting to talk about improving local suburbs. In a media release this morning about his policy, the leader of the Greens said:

I think there's a feeling that people are up to their necks in consultations, giving feedback to the government and submitting ideas to the void, without any real power to make decisions.

This is a member of the government admitting that he is failing Canberrans by not providing Canberrans with what they want in their suburbs. They have copied our policy and dropped the budget that would have started to see some of the neglect reversed. If we cannot even get a toilet block for the amount we announce, based on the way this government spends, what on earth are the Greens going to get for their policy? Not very much; as my father would say, "Three-fifths of bugger all."

What is most bizarre is that this is not the first time the Greens have copied our policies. Their transport policy was another complete rip-off of the Canberra Liberals' transport policy that will get you where you want to go. Our policy will get you where you want to go and when you want to get there. The Canberra Liberals' policy will make sure that buses run every 15 minutes, and the Greens have committed to make sure they come every—oh no; not every 15 minutes but every 20 minutes. Same but different—"It's kind of copied, but let's make it just a little bit different so it looks like we've put a tiny bit of effort into it." In fact, the chair of the Public Transport Association of Canberra, on ABC radio this morning, said, "We think that, at the moment, the Canberra Liberals have the most comprehensive public transport policy of any of the major parties." There you go. It is another attempt by the Greens to copy our policy and another failure, according to the chair of PTCBR.

There are other areas, however, where the Greens are not copying the Canberra Liberals, such as prosecuting serious integrity issues. They are hamstrung and held tight by their arrangement as part of the government. Despite saying in this policy announcement that they care about democracy, at almost every single opportunity in this Assembly they voted with their Labor partners. They say one thing and then vote with Labor. They talk the big talk and then they vote with Labor, time after time after time. If you do not believe me, just look at the statistics from the Office of the Legislative Assembly about the number of votes in the Assembly.

Recently, the leader of the Greens has supported the Labor Party, and even went so far as to defend the Labor Party and its ministers in multiple Integrity Commission investigations to try to stop more scrutiny of what is going on. Mr Rattenbury appeared to be complicit with the Solicitor-General in allowing Ms Haire's legal action to continue against the Integrity Commissioner which could see the investigation stopped. Their Greens federal colleagues run a platform of integrity in government, but the ACT Greens, who are in government, prevent inquiries and questions. The Greens party is attempting to be the Canberra Liberals, only with worse policies and no spine to call out the government for all these failures.

Whilst it is said that imitation is the sincerest form of flattery, it is also true that laziness is the habit of resting before you are even tired. That is the Greens here: lazy. They say, “Let’s take the quiet approach and just copy the work that someone else has done. We just don’t have the time or the effort to put into developing our own policy.” They have rested for 3½ years, since they formed government with Labor. Then, in the last six months before the election, they pretend to disagree with them. We have seen this on previous occasions. It is like breaking up with your boyfriend because you want to have hot and steamy monkey sex when you make up again! It is like that Pink song, *Leave Me Alone (I’m Lonely)*, where Pink sings, “Go away; come back. Why can’t I just have it both ways?” That is the Greens: they have it both ways. They are in government, but they like to pretend they are independent. They have their own policies, but they are copies of someone else’s policies.

Having said all that, we welcome the Greens’ support of our policies and our approach, and we have no issue with a policy that supports putting your suburbs first. There is only one way that Canberrans will see real investment and improvement in their suburbs, and that is by voting in a Canberra Liberals government, with a policy that will deliver more for every suburb than both Labor and the Greens. The surest prediction of the future is what has happened in the past. So, if you want something better for your suburbs, you cannot keep doing the same thing and voting Labor.

I would like to say that this is not an endorsement of replacement participatory democracy processes. We already have democracy here in the ACT. It is called the ACT Legislative Assembly. The Greens and Labor might think that they are a bit above going out to local shopping centres, doorknocking and talking with residents every week throughout the term—they might leave it until the election period—but the Canberra Liberals are out there every week, and they have been out there every week throughout the entire term talking to people. That is how we know what people are concerned about and what people want. We are grateful to the hardworking volunteers of the local community councils and residents associations, who also help bring local issues to our attention.

In closing, we certainly support Mr Braddock’s motion today, which is an endorsement of our Canberra Liberal policies, and I thank him for bringing it to the Assembly today.

MRS KIKKERT (Ginninderra) (3.29): In his motion, Mr Braddock draws attention to the “my little big idea” project that was piloted last spring in two Canberra suburbs, including Page, in my electorate of Ginninderra. I would like to take this opportunity to publicly congratulate Gordon Cooper, president of the very busy Belconnen Community Men’s Shed in Page, along with all shed members and their community partners. Their proposed gathering place and community market project was selected by Page residents as the winning idea in this neighbourhood democracy experiment. The project includes new landscaping, and its aim is to make the space more welcoming as a gathering place to enhance community events, including the community market that is regularly held at the shops precinct.

The Belconnen Community Men’s Shed was selected to receive and administer the \$40,000 grant awarded to each winning idea, with shed members and Duncan’s plumbing to provide the construction and labour. Winners were publicly announced back in December.

However, when I visited the Belconnen Community Men's Shed back in April, they still had not received any of the promised funding or any information as to when that might happen. With one-third of the year already gone, they were starting to worry about how they would be able to implement their project before the end of the year.

On their behalf, I wrote a letter to the Chief Minister. I am grateful that the shed president was contacted very soon thereafter and that the grant has now been provided. At the same time it is important to understand why neither clarity nor funding was provided without prompting.

I hope that the evaluation reports will offer some clarity so that this confusion can be avoided in the future. If we want neighbourhood democracy to work, it is essential that communities and participants have confidence in all aspects of the process, including the prompt provision of promised funding.

Again, I congratulate those supervising and implementing the winning project in Page, and look forward to seeing its completion.

MR BRADDOCK (Yerrabi) (3.32): The Greens will be agreeing to Mr Barr's amendment today. I want to respond to a couple of points that the Chief Minister made in his speech.

Firstly, we are of the view that the amendment makes very minor technical adjustments to paragraph (5), which we believe are already contained there, for consideration. We are still of the view that it is important that, as part of any rollout of suburban-level or local area budgets, the important element is having "community-led" baked into the design of the program.

I totally acknowledge the Chief Minister's point about better results maybe occurring where suburbs or various communities of interest are grouped together, in order to be able to provide an outcome for them; likewise there might be examples of extremely large suburbs where you might seek to split the budget so that you can better service the wide needs that occur over a larger suburb. These are elements that could be explored during any implementation.

I want to stress, though, that there is an important principle that applies; that is, the universality of access. This is about community development. This is about developing the Canberra community throughout the entirety of the ACT so that they start to flex that muscle of being able to have a say in what happens in their local area and be able to build those relationships and that level of ownership over those projects. That is why the Greens believe that it is important that this applies across the board.

The Chief Minister and I are on a unity ticket in terms of the administrative overheads from the Richardson and Page trial; they are too high. It would be too expensive to be able to apply that across the entirety of the ACT. We need to find ways to stop applying "government knows best" centralised decision-making, which is ineffective and too reliant on consultancy fees, in order to be able to deliver something that needs to be community-led and community-driven. We need to explore how that can be done.

I will talk further in closing, after we have dealt with Mr Barr's amendment.

Question resolved in the affirmative.

Amendment agreed to.

MR BRADDOCK (Yerrabi) (3.35): I would like to thank all members for their contributions, including Ms Lawder, for one of the more entertaining contributions I have heard in this place for a while. It did make me laugh; it certainly made Mr Assistant Speaker laugh quite heartily from the chair.

It is certainly worth acknowledging the initiative that was launched last November. To give credit where it is due, scaling the funds to the number of households was a genuinely good idea; so much so that I was happy to incorporate it in this round of our initiative. But I ask Ms Lawder to give credit where it is due. The Liberals initiative has copied the ACT Greens 2020 initiative. They are the ones who copied and pasted our idea in what could be described as a lazy fashion.

There are some significant differences between our policies, and I need to stress those now. The size of the package that the Liberals have announced raises questions of how much normal suburban upkeep is embedded within that package and how much will be consumed by the overheads. Under the Greens initiative, whilst nominally smaller, it will be entirely spent on new initiatives made by community-led decision-making. The Greens will have further announcements on upkeep and maintenance in the weeks to come.

The way that people submit their ideas under the Liberal package also concerns me. It is via website submission directly to the Canberra Liberals party. This smells of data harvesting at best or, at worst, it involves politicians picking winners and not passing responsibility to the community—to let the community make those decisions and take control and ownership of what actually happens in their suburbs. That is why I have moved this motion today, to make sure that all parties are actually committed to that community-led decision-making. I appreciate that everyone has signed up and is on board, and I hope that all parties, following the election, will continue to commit to community-led decision-making.

We are unique among jurisdictions in Australia. We are governed differently, and we need to not be afraid to do things differently. At the same time integrity and accountability matter. Those who vote in favour of my motion today are committing themselves to the accountability, integrity and application of participatory democracy in their suburban-level initiatives.

That is important, in that they are committing to that community-led decision-making. I am asking people to disavow any forms of pork barrelling and instead to empower their community to take on responsibility for the future of their suburbs. Parties can promise whatever they want, as part of the election campaign, but it is important that Canberrans know where all of the major parties stand on participatory decision-making and how that is led by the community.

Original question, as amended, resolved in the affirmative.

Municipal services—footpaths and cycleways

MS LAWDER (Brindabella) (3.38): I move:

That this Assembly:

- (1) acknowledges that:
 - (a) walking, jogging, cycling, riding, scooting and skating are essential parts of Canberra’s active travel and recreation system. These activities help to enhance fitness, health and general life enjoyment, improve traffic congestion, and reduce greenhouse gas emissions;
 - (b) suburban maintenance standards are important to all Canberrans to enable us to maintain our amenity, enjoyment, and wellbeing;
 - (c) residential rates have been rising, on average, by more than 8 percent over the past decade, which are intended to fund public services, including active transport infrastructure, path maintenance, and community amenity; and
 - (d) community members have a right to expect these public services will be high-quality and delivered as expected;
- (2) notes that:
 - (a) Transport Canberra and City Services have been reducing path resurfacing, falling from 44,000m² in 2020-21, to 40,434m² in 2021-22, to 27,871m² in 2022-23 (asphalt and concrete path works);
 - (b) the Government announced a \$5 million funding commitment for path and cycle maintenance in the 2023-24 Budget, without detail;
 - (c) the Government subsequently announced a \$5.8 million funding commitment for path and cycle maintenance in the 2024-25 Budget, also without detail; and
 - (d) the Government has failed to meet its own target for community satisfaction with the maintenance of community paths;
- (3) condemns the Labor-Greens Government for failing to adequately maintain footpaths across the Territory; and
- (4) calls on the ACT Government to:
 - (a) table financial statements for each of the last five years showing how much the Government has spent on path resurfacing, and how much concrete and asphalt path has been resurfaced for each area, by the end of June 2024;
 - (b) table the most recent Priority Path List for the ACT, along with a yearly comparison of how it has changed each year for the past five years by the end of June 2024;
 - (c) implement a proactive comprehensive maintenance program to ensure footpaths across Canberra are maintained to an acceptable/appropriate standard in the 11th Assembly, as previously recommended in a review; and
 - (d) focus on delivering path maintenance rather than press releases.

We have a comprehensive network of paths here in our city, and we know that the ACT government manages and maintains well over 3,000 kilometres of paths across Canberra. They are often a mixture of traditional concrete paths and asphalt paths, and they are repaired and maintained by Roads ACT. We do get damage to our paths. It is mainly from ageing infrastructure, vehicle overrun or through tree roots lifting the paths.

According to the ACT government website, Roads ACT staff regularly inspect the condition of road assets, including community paths and pedestrian areas, and they focus on areas with high pedestrian usage. The ACT government website says:

Roads ACT endeavour to inspect the path within 10 working days of receiving your request. Once the path has been assessed it is entered into Roads ACT's asset management database system for repair or replacement...

Any urgent requests that may impose an extreme safety risk to the public are repaired within 3 business days of the initial inspection. High risk paths are repaired within 10 business days after the initial inspection.

Path replacements are packaged into contract works and contracts are awarded progressively over the financial year. It can take between 12 to 18 months for replacement requests to be addressed depending on the priority, the location and whether the existing paths are safe and serviceable.

Those points are from the ACT government website this week. I would like to go through a bit of history about paths. I have been here since 2013 and, in the annual report hearings for 2012-13, recommendation 26 of the report states:

The committee commends the ACT Government for the increase in footpath maintenance in 2012-13 and recommends the Government continue to plan for this maintenance ...

That was a good result in 2012-13, and in the government response it said that this was "noted"; however, it then states:

Unfortunately, due to conflicting priorities in the recurrent funding, it was not possible to continue the 2012-13 level of footpath maintenance activity into 2013-14.

I will skip a couple of years, to 2017, when we had an Auditor-General's report on maintenance of selected road infrastructure. It was report 5 of 2017. Mr Assistant Speaker, I would like to bring to your attention recommendation 2, which was about accountability indicators for roads and path maintenance. It states:

Roads ACT should develop accountability indicators with ... targets for the percentage of distressed roads; distressed paths; percentage of road pavement that exceeds is optimal age; percentage of paths that exceeds their optimal age ...

The government response was that that would be reported on in 2017-18. I can tell you that it was not reported on in the 2017-18 annual report. The Auditor-General's report also states:

... the rapidly aging profile of the community path asset is forecast to become a significant budget constraint for Roads ACT ...

The Auditor-General's report states:

... if the non recurrent funding provided in 2011-12 and 2012-13 is disregarded, the annual maintenance budget has remained relatively stagnant since 2011-12. Furthermore, the length of community paths increased ...

In 2017, they said that the budget had remained stagnant while the length of paths had been increasing. The same Auditor-General's report contained recommendation 12, on "maintaining community paths", which stated:

Roads ACT should develop and implement a:

- (a) renewal program for the timely repair of defects across the Territory; and
- (b) planned program of inspections of the condition and safety of community paths that are not in high priority locations.

The high priority of locations is something that I think is still an issue for people. Moving on to the next year, 2018-19, recommendation 208 of the Select Committee on Estimates states:

The Committee recommends the ACT Government ensure all suburbs have adequate footpaths.

The government agreed to this in principle, saying:

The ACT Government recognises the importance of improving community paths and cycling facilities to provide safe and attractive routes in the ACT for people to use.

Community paths in Canberra have been built over many years to the design standards of the era in which they were built.

There was no mention of the accountability indicators requested in the Auditor-General's report. In 2019-20, it was investing \$6 million in path upgrades through the fast-track stimulus program, and the 2019-20 Select Committee on Estimates recommendation 7 states:

The Committee recommends that the ACT Government ensures, to the greatest extent possible, that the Territory's footpath network is accessible.

In an interesting response, TCCS decided to take this as cleaning of paths. The recommendation was that the territory's footpath network be accessible. They said, "Yes, we clean paths." It was an interesting response. Accessibility can mean, for example, how accessible they are for people with disability, people with prams, people on crutches—anyone who wants to walk on a path. It is not necessarily about grass encroaching on the edge, even though that is also important; it is about dips, bumps, raised paths and cracks in the footpaths. It is not only about cleaning of the paths. Recommendation 202 of the report for that year states:

The Committee recommends that the ACT Government invest more resources into footpath and shared path repair and maintenance.

The government, again, agreed. There was an accountability indicator brought in about customer satisfaction with access to cycle and walking paths, but there was not one about condition of paths, which is what the Auditor-General's report had recommended.

In 2020-21, the TCCS annual report talked about the community paths audit inspection program, which determines the condition and defect status across over 75 per cent of the ACT path network. They talked about the thousands of path inspections that were undertaken, and the defects that were raised. In that year there was a total area of 44,000 square metres of concrete and asphalt maintained, resurfaced or fixed.

In the 2020-21 annual report, priorities for the coming year, 2021-22, included—and I quote:

Commence the collection of path condition and defect data from cameras attached to vehicles to provide opportunities for improved path condition data coverage.

In the estimates 2020-21 report, recommendation 9 was that “the ACT government set a target of 90 per cent of bike paths and footpaths being maintained in good condition, as is done for roads”. It was “noted”, and that “Roads ACT supported the development of a strategic indicator for the condition of bike paths and footpaths, and that recommendations regarding future path condition indicators or targets would be made in the context of a planned review of indicators during 2021-22”.

In the 2021-22 TCCS annual report, there was a total of just over 40,000 square metres of concrete and asphalt path maintenance work. In the previous year—I will repeat it—there was 44,000 square metres. We had less maintenance work on concrete and asphalt path maintenance in that year than in the year before.

The annual report also talked about the investment priorities for Roads ACT and city presentation, which included the prioritisation of path renewal works based on the 2021 community path audit, and the maintenance of the road and path network. In the estimates committee report for 2021-22, recommendation 3 states:

The Committee recommends that the ACT Government release its path and shared path maintenance review.

The government agreed to this. Recommendation 4 states:

The committee recommends that the ACT Government consider establishing an accountability indicator to establish the percentage of shared paths and footpaths in good condition, similar to the indicator for roads.

Does that sound familiar? Possibly, because it had been recommended in the past. This was agreed in principle. Does that sound familiar? Possibly, because it had been agreed in the previous year as well. There is a bit of a pattern here, isn't there? The government response was:

The Transport Canberra and City Services Directorate is currently reviewing Accountability Indicators and Strategic Indicators.

Does that sound familiar? Yes, because they have said that in response to other recommendations in previous years as well. Recommendation 5 states:

The Committee recommends that the ACT Government consider establishing an accountability indicator to report the average amount of days it takes for footpath and shared paths repairs to be actioned once reported via Fix My Street.

That was agreed in principle. The government response was:

The Transport Canberra and City Services Directorate is currently reviewing Accountability Indicators and Strategic Indicators.

The directorate thought that further investigation and investment would be required to establish an appropriate evidence base to demonstrate response times. In the meantime, they implemented a new accountability indicator to measure customer satisfaction with the maintenance of community paths, which was reflected in the 2022-23 budget. In the 2022-23 annual report, a total area of nearly 28,000 square metres of asphalt and concrete paths had been maintained. I remind members that, in the previous year, it was 40,000 square metres and, in the year before that, it was about 44,000 square metres. Over three years, we have had a drop from year to year.

There was the Better Suburbs report in 2022-23. In the consultation, the community asked for repairs to cracked, broken and uneven paths; wider paths; improved lighting; and more seating, pedestrian crossings and traffic-calming measures. Finally, in 2022-23 there was an accountability indicator—*isn't that fantastic?*—on the percentage of customers satisfied with the maintenance of community paths. It was only five years after the Auditor-General's report requested it. But it is not an accountability indicator with related targets for the percentage of distressed paths; it is about customers satisfied with the maintenance of community paths. It is about the customers who respond to a survey, not about the target for the percentage of distressed paths. The government response to the Auditor-General's report about this said the recommendation will be "incorporated into the Roads ACT business plan" *et cetera*, but it did not quite get there.

In 2023-24, there was an announcement of a boost for path maintenance, and this year, as we have heard and seen in the media, and we heard it in the budget yesterday, the budget allocated \$5.1 million over four years on the government equivalent of a footpath maintenance crack team—a strike team. When we look at those figures over the years—44,000 square metres, 40,000 square metres, 28,000 square metres—we see that this is what the government do: they take money away from an area, starve it of resources and then they announce a boost. They announce a strike team, a crack team, a target team, a rapid response team—whatever you want to call it—and they expect everyone to be grateful and think how fantastic it is; but, if you look at the figures, they have been cutting resources to those areas and doing less and less maintenance of those paths over the preceding years.

When the *Canberra Times* reported on this recently, it set off a whole litany of responses. "Definitely an election approaching, with all the porkies the government is

spruiking,” said one respondent. Another said, “There’s enough damage to the footpaths in my part of the deep south that would interest the biggest civil contractors in the country.” Another said, “So much work in Canberra starts just before elections.” The *Canberra Times* article said:

And to suddenly find a little extra cash in the tin for a team with a mini-excavator and some rapid-set concrete to tackle what was described as “small-scale” issues smacks of a government treating the ratepayers with disdain.

The article went on to say:

No one is fooled by such announcements. Self-government is a costly business but basic suburban maintenance must be prioritised ahead of ministerial vanity projects and pre-election pork-barrelling.

For all the promises of responsive engagement with the community, what is needed from this government is more regular transparency and less pre-election posturing.

Back in the 2021 annual report hearings, I was told that TCCS typically attend to and inspect path complaints within two business days. Now the government website says it is within 10 working days. Does that strike you as a government that is more responsive to path complaints? It was within two days four years ago and within 10 days now. Does that strike you as an area that the government has been investing in and prioritising? I do not think so, and I do not think anyone out there in the public is fooled by this type of announcement either. We all receive so many complaints about footpaths. It is time for real action and fewer media releases.

MR STEEL (Murrumbidgee—Minister for Planning, Minister for Skills and Training, Minister for Transport and Special Minister of State) (3.54): I am very pleased to speak on this motion today, and on behalf of the Minister for City Services. I thank Ms Lawder for bringing forward this motion. I did not hear one announcement of what the Liberals would do in relation to path maintenance. That is not surprising, because I do not think they committed to do anything in the last election either. It is a policy-free zone.

Of course, this does provide me with an opportunity to highlight the ACT government’s record investment in active travel and our new strategic program for path maintenance, because we do have a strategy that we have been working on for some time and have been making substantial investments in, and not just in an election year. What people should really wonder about in an election year is those who do not make any commitments, like the Canberra Liberals. That is what they should be worried about: the Liberals are not delivering anything for the community.

Walking, cycling and other forms of active travel are at the centre of the ACT government’s plans to make Canberra an even more livable and sustainable place to live. Active travel is important to enhance the quality of life and move away from our city’s past character as a city that is reliant on a motor vehicle.

Earlier this year, I was very excited to launch, with Minister Cheyne, the ACT’s Active Travel Plan 2024-30, which has a focus on a better connected and maintained path network to support safety, accessibility and encourage more Canberrans to walk and

cycle. Priority 2 of the plan sets out our commitment to deliver a better connected and maintained path network and the actions the government will take to achieve that. I am pleased to speak to how our recent investments are delivering on that priority.

Ms Lawder's motion perpetuates a number of inaccuracies and ignores the work that the government has been pursuing for the whole term. Thus, I will be proposing an amendment that provides better articulation of recent and future initiatives in relation to path maintenance. The last few years have begun to demonstrate the impacts of climate change on our city, with more common severe weather events, unprecedented weather patterns and higher than expected rainfall. We know that this has led to an increased occurrence of defects on the road network, but it has also affected the path network. This has highlighted the need for greater resilience and sustainability in our path infrastructure and a change in how we deliver path maintenance.

Since last year, TCCS has been implementing a new strategic path maintenance program to deliver a high-quality path network for Canberrans. The new program is a step change in how the ACT government maintains and preserves our extensive path network, which is a real feature of our city. A key element of the program has been reviewing the works that are insourced or outsourced to improve response times and cost efficiency. An ongoing basis of investment of approximately \$5.5 million annually is provided for the repair and maintenance of existing community paths. In addition, the ACT government has invested an additional \$3.7 million in cycle-path maintenance, which was an ACT Labor election commitment in the 2020 election, so we are getting on with it and doing what we said we would do, plus more.

As part of the 2023-24 budget, I announced \$5 million for path maintenance and repair across the city. This funding was to establish, amongst other things, a new insourced path grinding crew. We know that many trip hazards on the path network involve vertical displacements; that is, gaps or raised edges between footpath panels. Path grinding is a fast and effective way to reduce this hazard until a more permanent repair can take place via the full replacement of the affected footpath panels. I am very pleased that recruitment of that grinding crew and acquisition of the equipment have almost been finalised, with the team to begin operations in August.

Through the 2024-25 budget, which the Chief Minister handed down yesterday, \$5.8 million has been allocated over four years to establish a new concrete path panel replacement crew. This includes 10 full-time positions and new equipment which will replace sections of concrete path that are at end of life or presenting trip hazards.

Currently, cracked and broken panels are replaced by contractors. This can be a slow process, with TCCS needing to package broken footpaths in particular suburbs into larger orders, which, with a procurement and assessment process, can take many months to be addressed. This insourced crew will enable City Services to respond to cracked, broken and lifted paths much more rapidly by providing flexibility to deploy government staff to broken concrete paths immediately, without needing to package work for outsourcing.

The crew will also have the ability to construct small-scale, age-friendly improvements across Canberra, such as building new ramps, kerbs and missing sections of paths,

which currently create impediments to those with limited mobility. Work to establish this crew is already underway, and the team is expected to be operational and out replacing paths by the end of this financial year.

Mr Assistant Speaker, I know that you know that insourcing government services has many benefits. As is the case with footpath repairs, it can improve responsiveness and flexibility, and often it is cheaper than contracting out these services. Most importantly, it provides secure and meaningful employment for the workers who keep our city running. It is something that ACT Labor will always fight for. It is a uniquely ACT Labor approach.

Ms Lawder talked a little bit about the recent history but did not go back far enough, to when the Canberra Liberals were in government. In fact this was when the outsourcing in ACT government originally occurred, just after self-government. Articles from the *Canberra Times* in 1995 show then Chief Minister Kate Carnell announcing cuts and outsourcing across the ACT public service, and particularly to the then Department of Urban Services. Ms Lawder also claimed that we are not out there doorknocking. I actually doorknocked someone who worked for the Department of Urban Services back then, who did audit work on footpaths. He talked about the negative impact that contracting out had on those services.

We are getting on with the job of reforming the way that we undertake path maintenance through insourcing this work so that we can undertake the work more efficiently. Of course, the Liberals have an ideological objection to this. If they were in government, they would not do this; they would probably reverse it, and it would not be more efficient or more responsive to the community. Time has shown that, for many municipal services, outsourcing just does not work, which is why we are doing the work to bring this work back in house.

My amendment seeks to better address the figures that Ms Lawder has extracted from annual reports without context. Path maintenance is delivered from a variety of funding sources, including ongoing and initiative funding, recurrent and capital funding, and by different areas within the Transport Canberra and City Services Directorate.

Further, there have been funding injections that have skewed those figures. We have, of course, seen stimulus packages introduced through the COVID-19 pandemic. That was very welcome, in order to provide work for local contractors and provide employment. Of course, that resulted in higher amounts of resurfacing that were undertaken during those years.

Annual report path resurfacing figures are only part of the picture and do not reflect the full extent of path maintenance that the government undertakes. As per my amendment, the government will provide the Assembly with further information on financials and path repair numbers by the end of this term.

Further, as per my amendment to the motion, from this financial year, the government will report on two new accountability indicators—the annual active travel renewal coverage across the off-road network, in metres squared, and the annual percentage of off-road active travel renewal works undertaken on asphalt routes. Previously, TCCS

has not reported on the accountability indicators in relation to the volume of path maintenance work completed. These new indicators will provide greater transparency and accountability as to the work completed while providing targets for TCCS's program.

My amendment also addresses mistruths in Ms Lawder's motion in terms of communication. The community want to be informed about how the government is spending its money and what initiatives are planned and underway. As per my amendment, the government will investigate better communicating on upcoming path maintenance work and sharing existing upcoming and active travel initiatives, which are extensive, including through a new active travel projects map.

Finally, on behalf of Minister Cheyne, I would like to call on members of the Assembly to consider how they report path maintenance requests, or any City Services requests, for that matter. Fix My Street remains the most efficient, effective and fastest way to report City Services issues, including path defects. For constituents that may be less able to report matters via Fix My Street, I know that offices of many members here take the time to report matters on constituents' behalf, which is a great behaviour model for constituent representation.

What we have heard from our frontline City Services crews, and what Minister Cheyne has heard since she came into the role, is how disruptive receiving requests for city maintenance from other channels can sometimes be, including ministerial letters, which require officers to manually enter all information themselves, taking time out of the day which they could be using to action requests. That is why, typically, correspondence to members has always come with some information about how to log things on Fix My Street for future requests. Unlike letters, Fix My Street requests ensure reports go straight to the line area, the asset management system, for action directly to the relevant team, with all of the information that they need, such as the pinpoint location, photos and type of maintenance required.

The Minister for City Services advises me that significant improvements have been made to Fix My Street in recent months, which have reduced outstanding jobs dramatically and made teams much more responsive. The minister looks forward to sharing this progress with the community in the coming weeks. So please continue to report on Fix My Street.

The government is committed to investing in active travel and investing in the baseline city services that our community expects. That is what we have been doing throughout this term, and that is what yesterday's budget does. It is more than just funding; it is a reform to the way that we actually deliver path maintenance. It is the second stage of reform, and it is occurring this year, after we had already undertaken to fund the first stage of reform, which has been rolled out, to make sure that we have inhouse, responsive path maintenance teams that can deliver community requests and undertake work on the paths that we know need to be repaired, based on the audit work that we have undertaken in the past.

We will continue to have a focus on path maintenance. We will have an active travel plan out before the election. The other parties did not have an active travel maintenance

plan out before the last election. Labor did. We delivered on our commitment, and we will continue to focus on path maintenance in the future. I commend my amendment, which I now move:

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

- “(c) recent climate events have led to increased degradation of the ACT’s path network and heightened the need for resilience and sustainability in path infrastructure; and
- (d) with an increased occurrence of defects due to a changing climate, the Transport Canberra and City Services Directorate (TCCS) has been prioritising the highest risk path defects that present trip hazards, ahead of lower risk defects that may have aesthetic concerns but not pose a trip hazard, such as those identified in the previous path audit;

(2) notes that:

- (a) TCCS addresses path defects and undertakes path resurfacing using both recurrent and capital funding through both the Roads ACT and Infrastructure Delivery branches, and not all of these works are reflected in annual report path resurfacing figures;
- (b) in 2020-21, a stimulus package of \$300,000 was provided for an asphalt cycle and shared path maintenance blitz, which is less expensive than concrete path maintenance, leading to a significant increase in overall path resurfacing coverage in 2020-21 and 2021-22;
- (c) the 2023-24 ACT Budget invested \$5 million over two years in path maintenance, including to increase path repair and to establish an insourced path grinding crew to more rapidly address immediate trip hazards;
- (d) the 2024-25 ACT Budget invests \$5.81 million over four years in path maintenance, to establish a new path panel replacement crew to completely replace sections of path that are reaching end of life;
- (e) combined with a new Strategic Path Maintenance Program, these investments reflect a step change in how the ACT Government delivers path maintenance to ensure greater efficiency, responsiveness and service delivery; and
- (f) from 2024-25, TCCS will report on two new accountability indicators regarding the annual active travel renewal coverage across the off-road network (in m²) and annual percentage of off-road active travel renewal works undertaken on asphalt routes;

(3) calls on the ACT Government to:

- (a) table financial statements for each of the last four years showing how much the Government has spent on path maintenance, and how many path defects have been addressed, by the end of this parliamentary term;
- (b) continue its delivery of a better connected and maintained path network in line with Priority 2 in the Active Travel Plan 2024-30;
- (c) continue implementation of its proactive and evidence-based Strategic Path Maintenance Program, in accordance with the Legislative Assembly resolution of 1 June 2023;
- (d) continue reporting on accountability indicators, including the new indicators from 2024-25, to measure progress in improving path infrastructure;

- (e) investigate opportunities to better communicate planned path maintenance activities with the community, including through the City Services website; and (f) improve communication regarding existing and planned active travel initiatives, including proposed locations for new infill footpaths, with the community, including through the City Services website, social media, press releases and a new Active Travel Projects Map by the end of August 2024; and
- (4) calls on all members of the ACT Legislative Assembly to model and continue promoting that the most effective way to make path maintenance requests is via the Fix My Street Portal online or via Access Canberra at 13 22 81.”.

MS CLAY (Ginninderra) (4.06): I rise today to speak in response to Ms Lawder’s motion. We are in agreement with a lot of the content and a lot of the points that Ms Lawder made in her speech. Unfortunately, it is not the first time that I have had to speak about the state of Canberra’s paths. I think we are all pretty familiar with this matter; they are not in a great state. Last June the Assembly agreed to my call for more path maintenance, and Ms Lawder moved a similar motion after that, in September.

The Canberra Liberals and the ACT Greens recognise that Canberra’s paths are in need of repair. We do not need to pretend that everything is fine. It is clear to us and the people of Canberra that we need much better maintenance of our footpaths. Recent budget announcements for insourcing path maintenance in both last year’s and this year’s budgets clearly recognise that the system that was working in the past is not working.

I am disappointed to continue hearing announcements from Labor about record investment in active travel infrastructure when our actual paths are so far below our community standards. Almost every time I speak to the public, I hear about Canberra’s poor path maintenance. It is impossible to imagine that every MLA here does not hear the same complaints on a regular basis.

We are in a climate crisis. We need to do whatever we can to encourage sustainable transport. That includes prioritising path maintenance so that more people can walk, ride and roll more often, and every single journey counts. Transport emissions are now over 60 per cent of our tracked emissions, and they are rising fast. If we do what we always did in the past, we will get the same result, and that is not climate action.

The ACT government’s ACT Climate Change Strategy 2019-25 prioritised walking, cycling and enhancing active travel infrastructure to improve safety and connectivity of the active travel network. They saw this as an essential action to address climate change. That cannot happen if we are not maintaining the paths.

In the parliamentary and governing agreement, the ACT Greens asked the government to build and maintain walking and cycling infrastructure by allocating at least \$20 million per year. That was a commitment we took to the election. We are not getting that level of investment and maintenance.

ACT Labor’s Transport and City Services ministers announce really high budget figures, but they keep counting road projects in the active travel budget figures. We are worried that we are getting bookkeeping rather than the funding we need to fix the

paths. I have repeatedly heard big claims about active travel budgets of more than \$90 million. Those figures of over \$77 million or over \$90 million are not for dedicated active travel, just like the previous figure of over \$77 million was not for dedicated active travel.

In 2022 the Labor Party talked about their \$77 million pipeline of active travel, and I asked them what was in it. In response to questions on notice 731 and 782, they revealed they were counting big road projects as key components of the active travel budget. It included \$16 million for the Monaro Highway. The money for the Monaro Highway is not for a footpath or a bike path; it is for a road shoulder on a highway. There is no off-road, separated path there.

That highway has a speed limit of 80 kilometres per hour, which will be raised to 100 kilometres per hour. The Austroads standards state that a shoulder on a highway at that speed does not meet the minimum standards for active travel infrastructure. Very few people are brave enough to walk or ride on a road shoulder on a highway with 80 or 100 kilometre per hour traffic, and we should not expect people to do that.

The Austroads standards clearly say that is not active travel infrastructure because it does not meet our minimum safety requirements; nor does it meet our minimum community standards. Our community expects dedicated separated paths for riding and walking. The directorate and the ministers know this, because we lodged an FOI to check and, yes, they know that that road shoulder is not compliant.

The 2022 list of active travel spending included that project and a lot of other creative accounting. We called that out and, as a result of that attention, it stopped being claimed as part of the active travel budget. But we now see it back, bigger and better—\$94 million. That \$94 million includes a road shoulder on a highway. That is not active travel expenditure at all.

There are lots of other examples, too. This \$94 million spend that is being announced includes the Molonglo River bridge. We need that bridge, but that is a road. That is not dedicated, active, separated travel. There are road projects and infrastructure projects that have an incidental footpath on the side because that is the bare minimum they should have. It is good that we build that, but that is not dedicated active travel, and we should not be claiming that as part of the active travel budget. It would be like driving to work and counting the walk from the onsite car park to your office as an active travel trip to work. That is just not how we do it.

That is why we still have missing links and broken footpaths, and it is why we still have low uptake of active travel. We think it is important that our figures are presented accurately. If we do not want to fund active travel, that is okay; give us the numbers as they actually are, and please do not include road expenditure like the Monaro Highway shoulder as part of our budget.

Meanwhile, the ongoing path maintenance budget is somewhere between \$4.7 million and \$6.4 million annually. I am confident that the Treasurer could double this path maintenance budget, and that would bring joy, not grief, to the territory. Our current path funding represents a tiny sliver of our total budget. It is about 0.06 per cent of a \$9

billion budget. It is less than one one-thousandth of the total ACT budget. It is less than the ACT Labor government insists on giving to the horseracing industry every year.

Many of Ms Lawder's calls are simple, and they are a bare minimum for delivering what we need. The Greens are launching our big paths announcements in the coming months. We have taken big paths and active travel announcements to every election, and this one will be no different. We need to do better to keep our paths in good condition, and we need to make sure that there are more paths so that people do not have to deal with gaps in the path network.

I am pleased that the committees I chaired and that I was a member of made some useful recommendations, such as that we maintain 90 per cent of our footpaths in good or better condition, just as we do for roads, and that we provide accountability indicators on those. Those committee reports that I have been a part of have consistently made those recommendations. There is one really simple fix to make sure that our paths are well maintained to that standard: we just need to fund them.

I have been working with my Labor colleagues on this motion. We are supporting Mr Steel's amendment. We have worked hard to make sure that the amendment preserves a lot of Ms Lawder's motion and that it preserves the truth of the situation. There were some reasonable corrections that came forward about how to read the figures, but we have kept in a lot of the calls.

In particular, I note that we have kept in the call to table financial statements for each of the last four years, showing how much the government has spent on path maintenance and how many defects have been addressed, and for that to come back by the end of the parliamentary term. Again, there were some changes about when that report should come back, and I understand that it takes a little bit of time to get those figures together.

We have preserved quite a lot of those calls, and we have preserved the content of the motion, because it is really important that we call it out for what it is and that we tell the truth, as we are reading it in annual reports and from what we can see from our own windows.

We will happily support the amended motion today, but we do not support the current funding situation for our paths. We find the state of repair that our paths are in unacceptable. We will continue to call that out. We called it out in 2020, when we negotiated more path funding in our parliamentary agreement. We called it out again in 2023, when the Assembly agreed to my call for more path maintenance, and we are calling it out again today. We need better maintained paths.

MR COCKS (Murrumbidgee) (4.14): Footpaths matter to people in our suburbs. It is how they get to their local shops; it is how they go for a wander down the road to see their mates. Equally, they have become a sign of the neglect of their suburbs by this government. I have been campaigning for a long time to try to end that neglect. It is something that people see right across my electorate, and I know it is right across others' electorates. Indeed, across Canberra, we have seen the neglect of our footpath network, and it shows itself, as we have heard, in those cracks, in those gaps, in those lumps and humps, in those barriers to get to places where people want to go.

The response that we have heard from Mr Steel today was a bit of an exercise in buzzword bingo. We heard about reform, project maps, strategies, step changes and active travel. We even heard about how important they think insourcing is. In fact, Mr Steel revealed that the \$5 million or so that they have promised to try to address the problems in active travel, the problems in footpaths across our territory, is no more than an exercise in cost shifting.

Instead of paying contractors to do the job that they have been doing for years—the job that they are doing quite well within the constraints of the funding that they have—this government has decided that the important thing is to rip that money out and try to do the job themselves. It is a job that they have not been doing well, a job that they do not have the expertise in now. These guys think that is the right way to go about things: do not increase the money; shift it around. Instead of putting more money into delivering more paths, instead of putting more money into fixing the problems they have, they are just going to shift it.

Mr Steel is also very passionate in his defence of path grinding. I have to say, path grinding is not something that I have heard a lot about, but I do see the impact of it around the place. The impact that I see with this path-grinding exercise that Mr Steel is so proud of is that they will grind the corner of a path that has become a terrible trip hazard and they will make it a little bit less so. The path grinding that they do becomes the excuse for not fixing the root cause, not fixing the problem for years to come. You can see this all around the place. If you go for a walk along Parkhill Street in Pearce, you will see ground paths that have been left for years, along with some astoundingly faded arrows showing the area of the path that should have been fixed a long time ago, but the government never came back and did the right job, the full job, the proper job, the job that needed to be done in the first place; they applied a bandaid and they forgot about it.

You can see the problems in Garran, where I was doorknocking last week. Not only are there problems with gaps and cracks in the footpaths but they have gone backwards in their paths: their paths have been taken away. Paths have been removed for development and never replaced. You can see it in Chifley, where people cannot get to the public transport links because the gaps have never been fixed. This government has never got around to actually making it possible for people to get to the buses that they need in order to go to the places they need to go.

Forgive me if I am pretty sceptical about the amendment that Mr Steel has moved today, but it does not get to the root problem, and that is that this government has failed year after year, term after term, to actually deliver the benefits that Canberrans need. Frankly, it is going to take more than this step-change strategy, project map and path reform that Mr Steel is talking about. It is going to take more than painting nice blue pictures on paths around Canberra. We need to actually fix the problems.

MR CAIN (Ginninderra) (4.18): I would like to thank Ms Lawder, the shadow minister for city services, for moving this motion today. I rise to speak in support of the motion. It goes without saying that there are many cracks in the government's maintenance of our footpaths—many cracks indeed. What Mr Steel has presented as an amendment to this very worthy motion indicates another cracked approach to footpath maintenance.

Throughout the Tenth Assembly, the Canberra Liberals have remained committed to basic suburban maintenance across the ACT. Footpath maintenance is a desperately important element of general suburban amenity. Almost every time I engage with my constituents, I am reminded of the condition of the pavements in recurring complaints. Cracked, uneven and damaged footpaths will often be requested to be fixed via Fix My Street multiple times over multiple months. Mr Steel's proposal is just not working well enough. I am often told that members of the public are unable to walk to their local shops or around their neighbourhood due to dangerous paths.

When considering this subject, I was reminded of an encounter I had with an elderly constituent, and I recounted this interaction to the Assembly in an adjournment speech in November 2022. To refresh the minds of members, I will again reflect on my constituent's account. I first met this constituent when she reached out to my office to share with us her personal struggle in navigating the footpaths around the Kippax group centre. My constituent required a walking frame, with walking being part of her recovery regime and something she attempted to do every day. I saw firsthand the walk my constituent had to complete each day in simply leaving her home. She was forced to traverse seriously cracked paths and raised edges. In 2021, my constituent had a fall on one of those paths, damaging her shoulder. She and the large community of vulnerable residents in Holt walk these paths in significant anxiety and concern about injuring themselves.

I wrote three letters to the minister about these particular paths alone, and hundreds more on other infrastructure issues around my electorate. In July 2022, when I first contacted the minister about this particular section of footpath, I was informed that works would be completed within one to two years. The tone of the letter from the minister suggested that fixing the paths was not really an urgent matter. I was determined not to allow the minister to dismiss it in this manner and I wrote back again. The eventual response from the minister finally conceded that, in re-inspecting the area, "additional urgent safety issues" were identified. In the minister's words, the "urgent safety issues" were identified, and the replacement time frame was shortened from 24 months to 12 months. So, after first raising this issue in July 2022, it took until mid-November to get a legitimate response that advised a time frame of 12 months for repair.

This is really unacceptable from our Labor-Greens government, particularly as it was seriously impacting our vulnerable walkers. One to two years is unacceptable and, sadly, lacked even a semblance of urgency. My constituent later, in November 2022, unfortunately broke her ankle on the very path identified in the ministerial correspondence.

We Canberrans deserve better. Our Canberrans deserve better. Our elderly and those with a disability deserve better. And we should not have to factor in trackless and untraversable footpaths and pavers when stepping out of our front doors. Common footpaths should not be a site of injury and fear; they should be an amenity able to be enjoyed by the community to help them get on with their lives.

Canberrans deserve a government led by Elizabeth Lee that does the basic things right—a government that is committed with every fibre of its being to ensure the

constituents of every electorate have a safe and accessible pathway to their local shops, sportsgrounds and schools. This Labor-Greens government has so far shown no commitment or aspiration. Ms Lawder's motion today is an opportunity for the Labor-Greens government to adopt some sensible measures to improve the provision of works, to reseal and relay our pavers, and improve our footpaths. Ms Lawder calls for delivery of much-needed accountability and progress reform to the existing scheme to manage footpaths. This improved program would make significant headway in restoring the ACT's footpaths and pavers back to a universally useable condition.

While the issue of pavers might not seem as exciting as a flashy tram or promising the release of land that will never end up in the hands of potential homebuyers, this reform is deeply needed. It is a pretty basic service that any government should get right in this country. Unfortunately, the Labor-Greens government has its hands tied by a structural deficit brought about by its own economic mismanagement and procurement policy settings that are woefully inefficient, let alone the tens of millions of dollars, and growing, in waste from this very minister's office.

The budgetary figures announced as part of yesterday's budget spell a dire picture for the ACT's fiscal position. For 2024-25, there is a forecasted deficit of \$624 million in the headline net operating balance, which is \$855 million if you use the uniform presentation framework used by all other governments in this country. Total borrowings are now at an astounding \$19.4 billion at the end of the forwards, up from \$17.4 billion in the prior year, which will mean interest expenses will reach \$855 million in 2027-28. What a grim outlook for the amenities of our suburbs, where money cannot be spent as deserved by the community on basic services. What an indictment of this Chief Minister's mismanagement of the ACT's finances. It sort of explains why our suburbs have been so poorly neglected.

The Canberra Liberals believe in providing services to Canberrans and providing them to Canberrans where they live—in their suburbs, near their shopping centres, near their sporting grounds, near their schools, near their front doors. I call on the government to agree to the terms of Ms Lawder's motion and institute this desperately needed reform.

We had some sympathetic comments from the Greens member here this afternoon. Please take another moment, another opportunity, to actually support something that you are in sympathy with, rather than just siding with the government, as you always seem to do.

I wholly support Ms Lawder's motion, and Mr Steel's amendment should be dismissed. It is a cracked amendment that exposes cracks in this government's commitment to basic city services.

MRS KIKKERT (Ginninderra) (4.28): I thank Ms Lawder for bringing this very important motion to the Assembly today. A quick search of my files from the past 7½ years indicates that failing footpaths are one of the most common complaints that I have heard from residents in my electorate. I have repeatedly written to the minister to plead for a length of public footpath to be made safer. Sometimes this pleading works; sometimes it does not.

Earlier this year, I made a representation on behalf of a couple who live on Spofforth Street, Holt. They are both in their 70s and the wife is recovering from a recent hip replacement. They are both still active and want to remain so. For example, they still walk to Kippax to do their shopping. The husband reported to me that, on a recent walk to the shops, he tripped on a section of disintegrating footpath on their street and fell over. Fortunately, he was able to think fast and aim for a bush to fall into instead of the pavement, thereby avoiding serious harm.

The footpath in front of this couple's home was especially dangerous—cracked and broken in dozens of places, lifted in some sections and sunken in others. It looked like what one would expect to see following a serious earthquake. The couple reported this matter in 2022 through the ACT government's online Fix My Street portal. Nothing happened. Their son and his partner, who shared the dual occupancy, made subsequent Fix My Street reports, with the same outcome. Finally, I was approached for help.

I am happy to report that the section of footpath in front of the house has finally been replaced, but it should not have come to this. No respectable government thinks it is fine to allow basic infrastructure to crumble and fall apart in this way, putting the health and wellbeing of ratepaying residents at risk. No responsible government ignores multiple reports of failing infrastructure over the space of two years. Sadly, it has been a long time—too long—since Canberra had a respectable or responsible government.

In my letter to the minister, I specifically asked that not just that section of footpath in front of that particular home be repaired but that “similarly dangerous sections of the footpath on Spofforth Street likewise be repaired or replaced”. After all, it was a different section of diabolically uneven footpath that caused the husband to trip and fall over. My staff and I frequently travel along this street. In addition, I have asked residents to let me know if they see any improvements. As far as I am aware, no other sections of footpath on this street have been repaired in any way, even though many other sections also look like they have sustained earthquake damage.

This government's motto seems to be: “Wait as long as possible to do as little as possible.” The fact that, over just two years, they have reduced path resurfacing by nearly 37 per cent is clear evidence of this. While existing footpaths in older suburbs are disintegrating so badly that pedestrians are forced to walk on the streets, good luck with getting a new path built.

The 2021-22 annual report stated that there had been a 43-kilometre increase in community paths, but, when I questioned the minister, it turned out that the government had built only 15 kilometres itself. The rest were gifted by property developers. This is a government that increasingly relies on outsourcing basic government services.

I recently tabled a petition on behalf of 172 residents calling for a longstanding “desire line” between the western side of Fullagar Crescent and the Higgins shops to be sealed. This dirt track is rough, uneven and prone to flooding following rain. I hope it can be improved with a formal footpath, but, let's be honest: this government is not building many footpaths in established suburbs. Beyond that, “rough, uneven and prone to flooding” aptly described many of the established concrete and asphalt footpaths in older suburbs, anyway, following years of Labor-Greens neglect.

Recently, dangerous sections of footpath in McKellar and west Macgregor have been temporarily repaired by this lazy, box-ticking government using a cold mix that, within days of application, had broken up so badly that the footpaths are now more dangerous to walk on than they were before the so-called fix was applied. In her letter to me, the minister said, “Proper replacement would be considered in future, dependent on priority level,” but refused to offer any kind of time frame. Meanwhile, residents continue to walk on the street, where they are safer.

Lastly, I fully endorse Ms Lawder’s request that the government table the most recent priority path list, along with a yearly comparison of how it has changed each year for the past five years. As part of the 2020-21 annual reports hearings, I was informed by Minister Steel that new footpaths had been built at College Street, Bruce; Coulter Drive, Page; Joynton Smith Drive and Luxton Street, Belconnen; and Stockman Avenue, Lawson. Keen to see these improvements in my electorate for myself, I went to inspect them. I could not locate any. I genuinely cannot remember how many additional questions it took to get some clarity, but, in June last year, Minister Steel, in answer to my question on notice, finally admitted that none of these paths had actually been constructed. So, yes, it would be very helpful to get reliable information regarding the priority path list and the progress that has actually been made. I commend this motion to the Assembly.

MS LAWDER (Brindabella) (4.35): Many years ago, I used to coach a girls’ basketball team, and one of the things I told those young girls was that offence is the best defence. I think Mr Steel may have had a basketball coach that taught him the same thing, because he straightaway went on the offence about the Canberra Liberals. Do you know why he did that, Mr Deputy Speaker? Because he had no defence. I quoted the figures from the annual report about concrete and asphalt repairs. He later seemed to imply that the annual reports do not actually tell either the full story or the truth—I am not quite sure what he was saying. It is quite disturbing to think that the TCCS annual report does not tell us what path repair and maintenance actually look like. That is very disappointing.

While Mr Steel tried to make this about us or about me and our commitments, it is actually not about me. I do not often say that, because I often like it to be about me, but this is not about me; this is about what you have been doing for years and years. As the figures I quoted from the annual report show, your maintenance of concrete and asphalt paths has been declining over the years. If the figures in your annual report are not correct then that is another terrible problem for us. I invite you to correct the record and provide some kind of corrigendum about that.

What I said in my motion, and it was said in the media at the time of your government’s announcement, is that this is about blatant electioneering. It is about starving an area of resources year after year and then suddenly making an announcement and thinking people will fall for it after cutting this area for years. As evidenced by the figures I quoted from the annual report, you have suddenly found a few bucks to throw at it. What a surprise in an election year! It should not really be laughable but it is laughable, and it should be condemned—not just your lack of commitment to path maintenance but the way that you try to gloss over it and change the figures. You are failing on path maintenance. You are absolutely failing on path maintenance. Remember, in the annual report in—

Mr Gentleman: Point of order, Mr Deputy Speaker. Standing orders require members to speak through the Speaker and not directly to other members.

MR DEPUTY SPEAKER: Ms Lawder, I ask you to direct your comments through the chair, please.

MS LAWDER: Absolutely. Thank you very much, Mr Deputy Speaker, for your direction. In the 2021 annual report we saw that there were 44,000 square metres of asphalt and concrete path repair. In 2021-22 there were 40,000 square metres of asphalt and concrete path repair. In 2022-23 there were 28,000 square metres of concrete and asphalt path repair.

The Greens have admitted that our paths need more maintenance and better maintenance. Ms Clay has moved a motion here in the past about path maintenance. We have moved similar motions here in the past. It is very surprising to me that apparently no Labor members get any constituent queries about footpath maintenance. Maybe people realise there is no point. Maybe they realise there is no point asking Labor members about footpath defects.

Mr Steel tried to say that it is about the number of defects addressed, but this plays right into the point I made about the Auditor-General's report from 2017. The Auditor-General referred to the ageing path network and the strain that that is going to put on the budget in coming years. Not only do we have an ageing path network; we have more and more paths to be maintained every year, when there are more suburbs put in.

The number of defects addressed, whilst a really interesting issue because it highlights the problems, is not the only or the best measure. To highlight the lack of resourcing, you can look at the number of square metres maintained each year, which had been dropping until there was the miraculous announcement of a bucket of money that they have magically found somewhere. How surprising. We read in the *Canberra Times* about people's scepticism about this as an election year stunt.

As I think Mr Cocks pointed out, this new team, this insourcing, is moving money around in a bucket. Do you know what else this bucket of money which has suddenly been made available is a reflection of? It is a reflection of how much more needs to be done and how much they have been failing in this space that suddenly they need to put an injection of funds in to maintain the ageing assets of their community path network.

We have all heard horror stories from constituents who have had serious injuries. We have all seen around our own suburbs, when we have been out about, how workers come along and paint lines and arrows along the paths. In many cases those arrows have worn off over time; it has been so long. The government website tells me that longer term issues that are not as urgent will be addressed within 12 to 18 months. I can tell you that there are some in my suburb that have been there for as long as I have lived there and they have never been fixed. They have come out maybe three times to paint new arrows on the footpaths. That is what happens because they do not put the resources into this area that are needed.

I was going to say, “Do not get me started on Fix My Street,” but I am going to get started on it anyway. We have all had issues with Fix My Street. People come to us, come to their local member, because it is a basic responsibility of being a local member to represent your constituents. I say that through you, Mr Deputy Speaker. I do not mean to be looking at anyone else in the chamber. People come to us because they have tried Fix My Street, and what happens? They look it up again and it has been closed and they have had no correspondence about it, no communication, and the issue is still there. It has not been fixed; it has just disappeared off the system. There are all sorts of problems with Fix My Street.

Over the years I have used Fix My Street many times myself, both personally, when I am out and about and I see issues, or for constituent issues. I do not use it anymore because of some of those problems. Also, I feel it is my responsibility to represent my constituents and to make representation to the minister. A letter to the minister is a time-honoured way of representing your constituents. What do we get from this minister? For the first time in my three terms here—I have said it already today—I got three-tenths of bugger all back from this minister. I might get a response from their office manager, saying, “We take your matter very seriously and you should report it via Fix My Street.” This does not go down well with constituents.

I am surprised that other people in this place are not upset by it either. I would have thought the Greens, who I presume are getting similar responses, would be annoyed by this type of response. No? The Greens are not jumping up and down about this. I guess that is the price you pay for jumping into bed with Labor to get into government. You have to abandon your basic principles.

I am not here to help Ms Cheyne improve her Fix My Street statistics. I am here to represent my constituents, and I will do that in the best way I can. If that means sending a dismissive non-answer from her office off to my constituent, apologising to my constituent that the government do not care about their basic local issue, then that is what I will continue to do. People are wising up to it. They can see that the government do not care about these basic local issues.

What I have asked for here is for the government to be transparent, to provide the priority path list and to identify what has changed, year on year. They do not want to be transparent—not just in this area, path maintenance, but across the board. They talk about it a lot, but their actions speak so much louder than words. They do not want transparency. In this instance, finding this bucket of money for path maintenance is blatant electioneering. A lot of people are wise to it and will not fall for it and think that it is desperate tactics on behalf of this government. I am sure we are going to see it in other areas as well, leading up to the election. I commend my motion to the Assembly.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 14

Noes 7

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

Question resolved in the affirmative.

Amendment agreed to.

Original question, as amended, agreed to.

Integrity Legislation 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) (4.50): I move:

That this bill be agreed to in principle.

I am pleased to rise this afternoon to introduce the Integrity Legislation Amendment Bill. The bill makes amendments to the Integrity Commission Act 2018, the Freedom of Information Act 2016 and the Public Sector Management Act 1994 to implement 18 of the 66 recommendations made by Mr Ian Govey AM in his comprehensive review of the Integrity Commission Act 2018.

The government response to Mr Govey’s review of the Integrity Commission Act, and his review of the Public Interest Disclosure Act, is publicly available. The government would again like to thank Mr Govey for his comprehensive reviews. The Integrity Commission Act was the target of extensive examination by the Ninth Legislative Assembly to consider the most appropriate anti-corruption commission model for the ACT. This examination included the detailed analysis of models used in other Australian state and territory jurisdictions.

The Integrity Commission Act includes a requirement that the responsible minister must, within the first three years of the Integrity Commission’s operations, arrange for a review of the Integrity Commission Act, in consultation with the Speaker. This review mechanism provides an opportunity for stakeholders within the Integrity Commission framework to give feedback and input on issues experienced under the act over the previous three years.

This bill represents the first tranche of reform in implementing the identified recommendations made by Mr Govey. The government has consulted extensively with key stakeholders on the reforms in this bill. This bill has been reviewed by the Integrity Commission, the Inspector of the Integrity Commission, the ACT Ombudsman and the ACT Human Rights Commission. Each of these stakeholders is comfortable with the reforms in this bill.

The bill includes several reforms that have been proposed by the Integrity Commission in its annual reports since 2021. There remain several recommendations made by Mr Govey that require further consideration and consultation. These recommendations will constitute a significant policy shift or require budget analysis and appropriation. Noting that we are in the final sitting weeks of this parliament, there was not time to properly consult on or consider the budget impacts of these remaining recommendations. It is clear that these matters need to be dealt with in the Eleventh Assembly, and I am sure that that Assembly will be interested in examining the remaining recommendations further.

The reforms in this bill seek to make life easier for those involved in the Integrity Commission Act framework—this includes the commission and the inspector—by easing staffing restrictions to make it easier for the commission and the inspector to engage staff. For those involved in commission investigations, the Integrity Commission Act will have a greater emphasis on wellbeing, including by requiring the commission to develop and publish a wellbeing policy. The ACT will be the first jurisdiction to include this as a legislative requirement within the principal legislation for its Integrity Commission.

Further, witnesses subject to a confidentiality notice will be authorised to make permitted disclosures to a doctor, psychiatrist or psychologist. Commission and inspector staff will also be authorised to disclose information to an outside source where it is required to prevent an emergency, such as preventing physical harm to an individual.

The bill will introduce an automatic exemption for certain material held in the possession of the commissioner or the inspector, including where that information is part of an ongoing investigation under the Integrity Commission Act. This exemption will also apply to public sector entities that possess the same information that is held by the commission or the inspector. This is beneficial for all stakeholders and places a greater emphasis on privacy and reputation by removing the requirement for the inspector or the commission to undertake the public interest test when considering freedom of information requests. This will also protect the ongoing integrity of commission investigations. I commend the bill to the Assembly.

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

Children and Young People Amendment Bill 2024 (No 2)

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

That this bill be agreed to in principle.

MS CASTLEY (Yerrabi) (4.55): I rise today to speak on the Children and Young People Amendment Bill 2024 (No 2) in my capacity as shadow minister for families, youth and community services. The aim of this bill is to update the Children and Young People Act 2008, which stands as a key piece of legislation for the protection and wellbeing of children and young people in our territory. This bill addresses policy initiatives outlined in the Next Steps for Our Kids strategy 2022-30.

The updates made by this amendment bill are broad but fall into three main categories. Those categories are: improved extended support for young care leavers, the incorporation of charters, and the establishment of an external merits review process. I understand that a recent amendment to this legislation will allow adults to more easily apply for access to records pertaining to their own child protection cases.

The first aspect of the bill addresses improved extended support for young care leavers. It aims to provide an enhanced support scheme for young people transitioning out of care towards independent living. The legislation requires that the director-general provide support and services to anyone under 21 years of age who was previously in and out of home care. This increases the age of required support provision from 18 years of age. The discretionary power for the director-general to provide support to young adults after 25 years of age remains. The bill also aims to remove barriers to providing financial support to care leavers and their carers. Importantly, this section outlines a transition planning framework for young people leaving out of home care, identifying circumstances where the director-general provides post-care support.

The next aspect of the bill deals with the incorporation of charters. This aims to enhance the legal and operational framework of the act by enabling charters to be incorporated. The charters in question set expectations for the director-general and others involved in care, protection and youth justice. They aim to ensure a high standard of conduct and professional care and to strengthen the operational guidelines for child protection and youth detention. The provisions of this part of the bill require that the charters are to be reviewed by the director-general every five years.

The last part of the bill's three main parts outlines the establishment of an external merits review process. This gives ACAT jurisdiction to hear and determine some administrative decisions made under the act by the director-general. An application for the review of an administrative decision will be possible but not that of a court decision. Under a merits review, an administrative decision made under the CYP Act will then be re-evaluated, with a review of evidence and any new information. An external merits review will be able to be sought by an affected person, such as a child or young person, a birth parent, family members, a carer or a prospective carer.

An independent statutory evaluation will be conducted five years after the commencement of the external merits review. The merits review process is aimed at increasing transparency and equity and making the child and youth welfare framework more effective and supportive. Importantly, this will bring ACT practice into line with other jurisdictions and with the established internal review process.

I understand that the JACS committee did not require a response from the minister with regard to the inquiry into this bill. I would like to thank the minister and her office, as

well as directorate officials, for briefing me on the bill. The Canberra Liberals will always advocate for better outcomes in child protection, wellbeing and youth affairs, and we will support this bill today. I commend the bill to the Assembly.

MISS NUTTALL (Brindabella) (4.59): I rise very briefly to address the Children and Young People Amendment Bill 2024 (No 2). As the Greens spokesperson for children and young people, I am proud to reaffirm my party's commitment to supporting this bill, as well as the new government amendments that complement it.

I would like to take a moment to thank Minister Stephen-Smith and her office for their diligence in working on this suite of amendments. The minister's office has been incredibly swift in updating me and my office on the progress of these amendments. This is a testament to the ACT government's commitment to upholding the safety of children, families and young people.

These changes are not only about the legal adjustments but about our commitment to justice and compassion. I have previously spoken to this bill, and then to the second version of this bill. I stand by the points I have previously made in support of the bill. I will not rehash them, but some of them mean that the amendments take a proactive step towards strengthening our ability to prevent instances of harm and abuse. The amendments uphold the rights and dignity of some of our most vulnerable Canberrans.

The ACT Greens will continue to support this amendment bill to improve the lives of children, families and young people in the ACT. Once again I reiterate my appreciation to the minister and her office during the process.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (5.00), in reply: I was very pleased to introduce the Children and Young People Amendment Bill 2024 (No 2) in March, and I thank members across the chamber for supporting these reforms.

This bill is the second in a multi-stage process of modernising the Children and Young People Act and represents a significant step towards improving the safety and wellbeing of children, young people and their families in the ACT. This bill introduces crucial reforms to our child and youth protection laws, driven by experts, community sector partners, people with lived and living experience of the child protection system, and human rights advocates. Child and youth protection is an area of policy that is best served by detailed, evidence-based work and close engagement with those affected, and those who work in the sector and adjacent to it.

This bill delivers on two key commitments of the Parliamentary and Governing Agreement of the Tenth Legislative Assembly, which are also reflected in Next Steps for Our Kids 2022-30, the ACT's strategy for keeping children and young people safe. The bill also supports the implementation of the Our Booris, Our Way review recommendations, the National Framework for Protecting Australia's Children, and the National Agreement on Closing the Gap.

The Standing Committee on Justice and Community Safety has considered the bill in its scrutiny role. I thank the committee for its insights and for noting that the explanatory

statement accompanying the bill justifies any potential limitations within the framework of the Human Rights Act. I also thank the committee for its engagement with the government amendments, to which I will speak in more detail later.

A number of significant inquiries and reviews of the ACT's child protection system have recommended the establishment of an external merits review—EMR—process to examine and review key child protection decisions. This bill responds to recommendations from the 2016 *Report of the Inquiry: Review into the system level responses to family violence in the ACT*, usually referred to as the Glanfield report, and the Standing Committee on Health, Ageing and Community Services 2020 inquiry into child and youth protection services.

As I have said before, I recognise that this work has taken much longer than any of us would have preferred. I also acknowledge Mrs Kikkert's consistent advocacy on external merits review. The review mechanisms set out in this bill will allow affected people to apply to the ACT Civil and Administrative Tribunal, ACAT, for the reconsideration of prescribed child protection decisions made by the director-general and their delegates under the Children and Young People Act.

Based on consultation with the community, reviews will be able to be sought in relation to decisions about contact arrangements; placement decisions; the provision of supports and services to a parent of a child or young person subject to an interim or short-term care and protection order; a supervision or drug use provision; refusal to provide supports or services to a child, young person or young adult; financial assistance to a previous out of home carer; a child or young person's health, culture, religion or education; or a cultural plan for an Aboriginal or Torres Strait Islander child or young person. ACAT will provide an accessible, efficient and user-friendly forum to undertake these reviews.

The 2024-25 budget includes \$1.75 million in new funding to support ACAT's implementation of the EMR mechanism. The EMR model in this bill includes a significant role for the Public Advocate and the Aboriginal and Torres Strait Islander Children and Young People Commissioner, including to appear and give evidence in all tribunal proceedings, and to initiate an application in the ACAT on behalf of a child or young person.

The bill also emphasises the right of children and young people to actively participate in review proceedings. Typically, an internal review must precede an application for external review; however, the bill acknowledges that there are exceptional circumstances where a prompt and definitive decision is essential. Examples of circumstances may include an urgent medical procedure, the restriction of a young infant's contact with their breastfeeding parent or the relocation of a child interstate.

In these circumstances, an affected person may apply for external merits review in the first instance, bypassing the usual prerequisites of completing the internal review process. The external merits review mechanism will commence no later than 1 July 2025, to allow time for ACAT to establish its new jurisdiction and ensure that it functions effectively from the outset.

The expansion of EMR in the CYP Act represents significant advancement in ensuring accountability, transparency and responsiveness by child and youth protection services in the ACT. It provides affected persons with a robust platform to seek recourse and review, thereby strengthening the integrity, transparency and effectiveness of the child protection system.

I do feel compelled to caution, however, that EMR is not a silver bullet regarding the many challenges that exist in child protection decision-making. The most important changes will come from ongoing improvement in restorative casework and in communication with children and young people, birth families and carers, and improving internal review and complaints processes.

Feedback from other jurisdictions was that the greatest value of having an EMR mechanism was the impetus it gave to improving internal decision-making. I am pleased to say that the Community Services Directorate has been undertaking considerable work over recent years to strengthen caseworker and care team decision-making and communication, as well as establishing more restorative internal review and complaints processes.

The transition to adulthood is a critical time for any young person. All young people, regardless of background, need and benefit from support and assurance to manage this transition with confidence. But this stage of life presents particular challenges for young people in out of home care. Not only are these young people transitioning into adulthood; they are also transitioning out of the statutory system whose supports and indeed frustrations may have been central to their lives for many years. In addition, young people in out of home care have often experienced significant trauma in their lives. This does not disappear as soon as a young person reaches adulthood. Many young people experience ongoing mental health challenges and difficulties adjusting to independent living.

The Home Stretch campaign has highlighted the importance of better supporting young people in care systems during this critical stage of life—or, as they call it, extended care beyond out of home care up to the age of 21. The ACT government already provides support to young people leaving out of home care up to the age of 25, and the Home Stretch campaign already cites us as a jurisdiction that provides extended care. But we know there is more we can do to ensure that our young people, the young people for whom the director-general holds parental responsibility, experience a smooth transition to adulthood.

This bill mandates the continued provision of support to care leavers up to the age of 21 years and provides the director-general with the discretion to continue providing support to care leavers up to the age of 25. The bill also removes legislative restrictions on the director-general providing financial support to care leavers and their foster and kinship carers where young people remain in their care. In other words, we are removing barriers to ensure that more young people and their carers can get the support they need at this critical life stage. This right to ongoing support is backed by an additional \$10 million allocated in the 2024-25 budget.

This change aims to change the conversations that occur with young people as they approach their 18th birthday. While this will still be a time of change, statutory orders

cannot continue and young people must consent to receiving ongoing support. Having the right to support and specific funding allocated to this will fundamentally change the dynamic. The extended care provisions outlined in this bill will give care leavers greater confidence in the system and the best opportunity to continue their education, gain employment and establish stable housing and living arrangements.

The ACT government has previously developed a charter of rights for kids in care, and a charter for parents and families. We are currently consulting on a charter for carers—another Next Steps commitment. These charters are designed to reflect the voices of children, young people, parents, families and carers involved with child protection services. Fundamentally, the charters aim to establish a clear, shared understanding between all parties to ensure that everyone involved in child protection matters operates in an open, transparent and respectful manner. To strengthen the authority of these charters, this bill establishes a framework for charters to be prepared, maintained and notified under the act.

While the charters do not create legally enforceable rights, upon notification of a charter the director-general, care and protection and youth justice staff must adhere to the principles and expectations outlined in it, ensuring a high standard of conduct and professional care. This framework enhances accountability and promotes a culture of respect and integrity within our service system, in line with the trust and transparency domain of the Next Steps strategy.

The government is also moving amendments today in relation to information sharing under the Children and Young People Act. In November 2023 the ACT Supreme Court handed down a decision that interpreted the information sharing and secrecy provisions of the act in stricter terms than previously understood. This decision affects the director-general's capacity to share crucial information with relevant parties when responding to civil child abuse claims against the territory.

In practice, this means claimants must obtain court orders to access protected information from the director-general in relation to civil claims related to child abuse, whereas they could previously make direct requests. The director-general and the territory are treated as separate entities for legal advice purposes, complicating access to information relevant to responding to civil claims, including the management of such actions in a way that aligns with our commitments to act as a model litigant and to support the rights of child abuse victim-survivors.

Section 866 of the act, which allows the court to order the release of sensitive and protected information to parties, applies only to litigated matters, creating uncertainty for resolving pre-litigation civil claims. I will be moving amendments to the bill in the detail stage to facilitate the sharing of sensitive and protected information that is necessary for progressing civil claims of child abuse. This change is vital to ensure justice for victim-survivors and to uphold our commitment to their protection and support.

The amendments will create a new exception to the offence of sharing information. Specifically, it will not be an offence to provide or use protected information reasonably required for the proper handling of a civil child abuse claim or proceeding where the

territory is the respondent. The amendments will ensure that protected information shared for the proper handling of a civil claim cannot be used for any secondary purpose. This ensures that the changes will not unnecessarily compromise individual privacy.

The amendments also clarify that the court can require the director-general to disclose information both before and after legal action begins. This resolves the ambiguity introduced by the Supreme Court decision regarding whether a person can seek information via court order prior to commencing legal action. By providing an additional avenue for victim-survivors to obtain necessary information, these amendments will further strengthen their ability to seek justice.

This government has consistently supported the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, which include a substantial focus on facilitating justice for victim-survivors. The amendments being moved today are in this spirit. They are expected to significantly reduce delays in civil litigation, providing a more effective means of delivering justice for victim-survivors, in line with the royal commission's report on redress and civil litigation.

I again thank the scrutiny committee for its consideration of the bill and the government amendments. A minor change has been made to the government amendments in response to the scrutiny committee's comments. I welcome the collaborative approach of all parties in enabling the Assembly to complete debate on the bill this week, allowing more timely resolution of this matter. While this change to the amendments means I will need to seek leave to move an amendment that has not been considered by the scrutiny committee, I can confirm for the record that the substance of the circulated amendment has in fact been considered by scrutiny, and the only change has been to address the scrutiny committee's comments.

In closing, I would like to thank all those who have contributed their expertise and effort to developing this bill for the benefit of children, young people, their families, carers and the broader community. I particularly thank the stakeholders who have been consulted with extensively, and those who have shared their personal lived and living experiences. Stakeholders' ongoing commitment and invaluable input have been instrumental in shaping this legislation for the better.

I also thank the officials who have done a power of work over the last few years to get to this point—consulting closely on the external merits review model, developing what will be a nation-leading extended care system, and engaging with families and carers to deliver the charters. The team has also been working hard on ongoing legislative reform, and I can assure stakeholders and members that we remain committed to a full modernisation of the act. The next round of consultation is not far away. In the meantime, I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (5.14), I seek leave to move an amendment to this bill that was not considered by the scrutiny committee.

Leave granted.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Disability and Minister for Health) (5.14): I move amendment No 1 circulated in my name [*see schedule 1 at page 1798*] and table a supplementary explanatory statement to the government amendment. I spoke to this in the in-principle stage, so I will not say any more except to again thank everyone who facilitated the capacity to move this amendment and have it considered today.

Amendment agreed to.

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

Bill, as amended, agreed to.

Environment Protection Legislation Amendment Bill 2024

Debate resumed from 14 May 2024, on motion by **Ms Vassarotti**:

That this bill be agreed to in principle.

MS LAWDER (Brindabella) (5.15): I rise today to speak on the Environment Protection Legislation Amendment Bill 2024. This is not a significant bill but represents an important step in ensuring the consistency and efficacy of our environmental protection legislation. The primary aim of the bill is to make some technical amendments to the Environment Protection Act 1997 and the Water Resources Act 2007. These changes are necessary to align these acts with previous legislative updates and to address minor issues identified during the initial strategic review conducted by the Environment Protection Authority. It is important to note that this bill does not have a significant financial impact. The amendments are largely technical and do not introduce new financial burdens on individuals or businesses.

There were a few points highlighted by the scrutiny committee—for example, the introduction of the new offence which may affect the use of certain equipment within private homes, potentially raising concerns about privacy. However, the environmental benefits and the protection of public health through reduced emissions outweigh these concerns. Secondly, the committee has requested further information on the general disapplication of sections 47(5) and 47(6) of the Environment Protection Regulation 2005. I look forward to the minister's clarification on this matter, which I am sure will

be forthcoming—or maybe not. The bill is a necessary measure to ensure that our environmental protection laws are strong and up to date. We are happy to support this bill today.

MR GENTLEMAN (Brindabella—Manager of Government Business, Minister for Business, Minister for Fire and Emergency Services, Minister for Industrial Relations and Workplace Safety, Minister for Multicultural Affairs and Minister for Police and Crime Prevention) (5.17): The impact of this bill is threefold, and I would like to briefly speak to the positive impacts of all the changes on the lives of ACT residents.

Firstly, the bill makes information regarding environmental protection policy more accessible to everyday Canberrans. The proposed amendments to section 19 of the act promote the right of freedom to expression, because the provisions make it clear on the face of the EP Act that the documents can be published online or available for a person to access via attending the office of the authority during business hours.

The language in the amended provisions promotes freedom of expression by strengthening the requirement and presumption of publication of documents. Canberrans, of course, value our strong connection to nature and we have heard many times from the community that our health and wellbeing are enhanced by our access to the natural environment.

The amendments proposed in this bill will mean that Canberrans can access information regarding the ACT government's environment protection policy more readily and be more informed of our environmental outcomes. Additionally, amendments in the bill will support the cultural rights of Aboriginal and Torres Strait Islander people by making culture an explicit consideration for decision-makers under the act. This will provide a positive consideration of cultural impacts in environmental protection.

For Aboriginal and Torres Strait Islander peoples, their relationship to the environment is more profound. Country encompasses an independent relationship between an individual and their connection to the lands and the seas that they live near. This reciprocal relationship between the land and people is sustained by the environment and cultural knowledge. Canberra is a city built on Ngannawal country and this bill will implement practical measures to recognise cultural knowledge as it relates to environmental protection.

Lastly, the bill promotes the right of all Canberran to a healthy environment through stronger regulations on the sale of woodfired heaters. This is something that residents in my electorate of Brindabella care deeply about, and for good reason. Just the other week, I was hosting a mobile office at Lanyon shops when I was approached by a constituent of mine. We started talking and he mentioned that, since his retirement, he has taken up an interest in a number of environmental practices, including heating his home in a more sustainable way.

Unfortunately, whilst he has already transitioned away from woodfired heating, many residents in the street have not. Smoke in the area, in addition to being a nuisance, also increases emissions, including carbon black and other pollutants that contribute to climate change and worsen the effects of chronic respiratory conditions, such as asthma,

for the local residents. Approximately one-third of people in Australia are estimated to live with a chronic respiratory condition. In addition to this, 20 per cent of children are estimated to live with a chronic respiratory condition. The effect of smoke from woodfired heaters makes tasks like outdoor exercise an impossibility for people suffering from an illness such as this.

The bill will not only make Canberra a more environmentally friendly and sustainable place but also make Canberra a more livable place for its most vulnerable residents. It is for these reasons that I am proud to commend the bill to the Assembly.

MS VASSAROTTI (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (5.20), in reply: I very much thank members for their contributions to this debate. I table a revised explanatory statement that deals with some of the issues raised by the scrutiny committee.

In my speech introducing the Environment Protection Legislation Amendment Bill 2024, I discussed the objective of each proposed amendment. Today I want to provide some further detail on some important matters that the bill will address. These include the new offences for the installation of non-compliant wood heaters; the displacement of sections 47(5) and 47(6) of the legislation in 2001, which was raised by the scrutiny committee; and important updates to the principles underpinning the administration of the Environment Protection Act, specifically the inclusion of ecologically sustainable development and the consideration of culture in decision-making.

The sale of a wood heater that does not meet the current emissions and efficiency standards detailed in Environment Protection Regulation 2005 is an offence. These standards are set out in the Australian/New Zealand Standards 4012:2014 and 4013:2014 for efficiency and emissions. These standards have been updated over the years to significantly reduce emissions and improve the efficiency of wood heaters. It is well known that old wood heaters have a proportionately greater effect on our air quality.

This bill introduces a new offence to the Environment Protection Regulation for the installation of wood heaters that do not meet the current standards. This addresses a gap in regulations that could permit the reinstallation or re-use of these older, high-emission wood heaters, typically sourced from the second-hand market. The re-use of heaters that do not meet current standards undermines the policy intent of current regulations, as it is an offence to sell a wood heater that does not meet the standards. In addition, this offence will effectively ensure that old wood heaters which do not meet the standards are removed permanently from service.

To support this initiative, the government's Wood Heater Removal Program provides a rebate of \$500 to remove a wood heater. This initiative collectively supports the recent Commissioner for Sustainability and the Environment's report into wood heater policy in the ACT and the government response to investigate the phase-out of wood heaters in all urban areas by 2045.

The bill removes section 67 of the Environment Protection Regulation 2005, which requires standards and instruments applied in legislative instruments—for example,

environmental authorisations or licence issues by the EPA—to be notified on the ACT Legislation Register. Australian and international standards, as well as policies, guidelines and standards from other jurisdictions, provide an important and rigorous base from which the EPA can set the conditions of an environmental authorisation or an environment protection agreement under the Environment Protection Act or a licence under the Water Resources Act. The government considered it necessary to disapply the provisions generally, because the Environment Protection Authority utilises a wide range of relevant and appropriate standards and instruments from across Australia and, in some cases, internationally.

The EPA is an experienced and mature regulator with a good understanding of applying best practice regulation. The EPA requires regulatory flexibility to adopt and use these standards and documents relatively quickly, without the formal process of amending regulation and notifying them on the ACT Legislation Register each time a change is made.

The amendment provisions for access to environmental information in the act still provide certainty to businesses and people that are subject to the legislative instruments applying to these standards and documents. This is because they will be made available online to people, with the exclusion of standards due to copyright and legislative documents which are in other online legislation registers, through the amended provisions of the Environment Protection Act 1997 and the Water Resources Act 2007.

The bill inserts the principle of ecologically sustainable development as an explicit consideration that a person administering the Environment Protection Act must have regard to. Ecologically sustainable development is a well-established principle for environment protection that is applied in other jurisdictions and appears in other environment-related ACT legislation that addresses protection of the environment, such as planning and nature conservation legislation. The act will retain reference to other important component principles of ecologically sustainable development that apply in their own right to the protection of the environment, including the polluter-pays principle and the intergenerational equity principle.

The bill amends the objects of the Environment Protection Act to add culture as an explicit element requiring integration with environmental, economic and social consideration in decision-making processes. The effect of this amendment will be that the EPA must consider the environmental, economic, social and cultural impacts involved in each decision it makes. Prior to this amendment, culture was addressed as part of the social considerations. This amendment makes the consideration more prominent in the mind of the decision-maker and makes clear, in the development and implementation of guidance and policy, the need to consider culture.

Inclusion of First Nations cultural knowledge and practices is increasingly expected to be central to the work of environment protection authorities across Australia and New Zealand. The Environmental Defenders Office issued a report in January 2022 which recommended that EPAs need to provide for First Nations justice, including developing and acting in accordance with cultural protocols based on First Nations laws and implementing the United Nations Declaration on the Rights of Indigenous Peoples.

This amendment highlights and recognises the importance of all cultures in decision-making, including First Nations people, as activities regulated by the EPA can have significant impacts on the environment and people who have a strong connection to the environment as part of their law and knowledge. The EPA will use this inclusion as a clear basis for ongoing work to develop cultural practices in environment protection that collaboratively include the law and knowledge of all cultures.

In summary, this amendment bill makes important updates to environment protection legislation to support and maintain a safe and a healthy environment in the ACT. It updates offences to close loopholes for wood heater installation and align with the Criminal Code. It allows the EPA more flexibility and efficiency with the regulatory instruments it can use and the best practice standards it applies. Finally, it updates the principles applying to the Environment Protection Act to include ecologically sustainable development and the important consideration of culture. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Statements by members

Pegasus Riding for the Disabled

MR CAIN (Ginninderra) (5.29): I want to speak briefly about my recent visit to a Ginninderra and Canberra institution, Pegasus Riding for the Disabled. As members would be aware, Pegasus offers programs for adults and children living with disabilities to be around horses, learn horse riding and participate in farm activities. It provides participants with many benefits and much joy. Last Thursday I met with CEO Matthew Watson; Kellie Woodger, vice-chair; and Jo Kennedy, fundraising and events coordinator, at the facility on Drake-Brockman Drive in Holt. I also met Blaze and Lochie, two of the beautiful horses at Pegasus.

Pegasus, as many would know, has a special place in the hearts of many in Canberra. I want to acknowledge Ms Stephen-Smith's role as a former coach and board member, and thank her for her personal contribution to this wonderful institution. Ginninderra, Belconnen and Canberra are very lucky to have such an amazing facility within their boundaries. I offer best wishes to all at Pegasus. Thank you for the tour and the briefing about your wonderful work.

Animals—Avian influenza

MS VASSAROTTI (Kurrajong—Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (5.31): I want to take the opportunity to inform the Assembly that I have just issued a media release to let the community know that the ACT is investigating the possible presence of avian influenza in the ACT. The ACT government is engaging with egg producers in the ACT and a

particular producer regarding the potential presence of avian flu. We are engaging with all egg producers in the ACT on good biosecurity practice to decrease the risk of a broader outbreak.

I would like to reassure the Canberra community that the avian influenza virus is low risk to the public. Transmission to humans is very rare and unlikely, unless there is direct and close contact with sick animals. Further, avian influenza is not a food safety concern. It is safe to eat properly handled and cooked poultry meat and egg products. It is important to note that the current H7 outbreaks in Australia are not the same as the version that is currently of concern overseas. We are working with colleagues in New South Wales, and I thank them for their support. This is an active investigation, so I will keep the Assembly updated as more information comes to hand.

Health—vaccine access

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) (5.32): To quote Stan Lee:

With great power comes great responsibility.

Pharmaceutical companies have great power to save lives and improve quality of life through the medicines and vaccines they make and sell. Governments also have that power through the way they regulate and use their buying power to ensure that vaccines and medicines get to the people who need them most.

Elected representatives of all jurisdictions, and pharmaceutical executives, have a social responsibility to ensure that their actions provide equitable access. Exercising this responsibility well results in remote First Nations communities having access to the same medicines available in cities, or vaccines in limited supply being provided first to people whose health is most at risk without it.

People should always come before profit. As Minister for Population Health, I know how important it is for all state and territory governments, our federal government and the for-profit companies who manufacture vaccines to work collaboratively so that no immunocompromised adult or at-risk baby misses out, based on their postcode.

Discussion concluded.

Adjournment

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

That the Assembly do now adjourn.

Education—public schools

MRS KIKKERT (Ginninderra) (5.34): I speak today as the mother of five children, all of whom have been involved in Canberra's public schools. I love education and

everything that it offers. I want every single child and young person in Canberra to have access to the highest possible quality education. I am grateful for the teachers who have taught my own children and those who have added great value to the lives of my friends and neighbours. A healthy education system is essential for the preservation of everything good in our society.

I provide that context to help explain how aggrieved I was last Friday to be approached by three separate teachers from ACT public schools, who all told me how much they and the teachers in their schools are struggling. One, a veteran who has taught in our schools for decades, said that she was seriously contemplating leaving the profession at the end of this year. An internal survey, she told me, revealed that fully one-third of all teachers at her primary school were also considering leaving. This is unsustainable, she pointed out. Of course, she is right. I am worried, and this should make us all worried.

In each case I asked these experienced teachers what needed to change to help make their jobs enjoyable again. Each response was slightly different, but they all shared a single theme: it has become nearly impossible for teachers to maintain the learning environment in their classrooms. Simply put, there are too many disruptions, and teachers feel that their hands are tied.

To highlight the seriousness of this situation, my conversations with these three teachers were then followed by a conversation with a thoughtful young man who is studying at one of the public high schools in my electorate. When I asked him how his school year was going, he volunteered that he is having difficulties too. I was concerned and asked him why. He explained that his learning is being negatively impacted by the number and seriousness of disruptions in his classes.

I emphasise that this young man respects his teachers. He told me they are good and they are doing their best, but he explained that they no longer have the control they need. Options for dealing with disruptive behaviour are limited, and aggressive students have figured out that there are no real consequences for causing trouble, leaving them emboldened. This young man feels bad for his teachers, he explained, and he feels bad for himself, since he is keen to have the best learning experience possible.

One of my main roles as a local member is to hear and then amplify the voices of the people who I have been elected to represent. I stand today to do just that—to speak as a voice of warning. I stand today to say that our teachers are not okay and, as a consequence, many of our kids are not okay, either. The current government, and whoever forms the next government, need to be aware of these concerns. We need to address them now, and in the near future, or we will see our education system reach a crisis point. I do not want that to happen, for the sake of my kids and anyone else's kids. Canberra families and our professional educators deserve better.

Racism—racial abuse

DR PATERSON (Murrumbidgee) (5.37): I stand before you today to address a pressing issue that impacts our community. Recently, I had the privilege of speaking with Nazmul Hasan, a dedicated father and respected professional and community leader. Nazmul is not only a passionate advocate for unity across the multicultural

Muslim and Australian community but also a tireless organiser of interfaith and multicultural events. His charitable work has touched many lives. His efforts have been recognised with the ACT Outstanding Excellence Award for Diversity and Inclusion in 2022, and the ABC Canberra Community Spirit Award in the same year. He was also nominated for an Australian of the Year award in 2023, as the ACT local hero.

Despite these commendable achievements, Nazmul's recent experiences have highlighted a troubling trend. Since 7 October last year there has been a noticeable rise in Islamophobia, an issue that has been exacerbated by events in the Middle East. Senator Sarah Henderson, from the Australian Liberal Party, in an ABC interview claimed that there was no issue with Islamophobia in our university campuses and society. While she later provided a correction on her website, the initial statement was deeply concerning.

Nazmul, deeply upset about this, spoke out on ABC radio, sharing personal incidents of Islamophobia that he and his family have endured in both Canberra and Victoria. He expressed his distress over lawmakers denying the harsh reality, as it risks normalising such unacceptable behaviour. Sharing one such experience, Nazmul mentioned that his wife was harassed in the shopping centre at Woden, where she was told to remove her hijab; someone called it "a disgusting thing". This was a very distressing and traumatic incident, highlighting the need for greater awareness and action against such racism and discrimination. It raises the importance of fostering an inclusive and respectful society where individuals can freely express their cultural and religious identities without fear of harassment and prejudice.

Earlier this month Ms Lawder addressed the Assembly regarding racism faced by a candidate for the Liberal Party in the upcoming election. I commend her for raising this important issue and for speaking out against this racism. This highlights that, unfortunately, these issues do pervade even the most welcoming and socially cohesive societies, like Canberra.

We must recognise that all forms of racism and discrimination are harmful, fundamentally un-Australian and ultimately against the law. It goes against the values of inclusivity, respect and equality that we hold dear. It is imperative that we call out these incidents whenever and wherever they occur. We must ensure that our community remains vigilant and proactive in addressing these injustices. To Nazmul, and to all those who have experienced similar incidents, I say: we are committed to standing beside you and proactively addressing Islamophobia and all forms of racism and discrimination in our community.

Charity—Dainere's Rainbow

MR CAIN (Ginninderra) (5.41): I rise today to offer some reflections on a wonderful local charity, Dainere's Rainbow. Dainere's Rainbow is a foundation celebrating the legacy of Dainere Monique Anthoney, who was diagnosed with a brain tumour at just 11 years of age, in 2009. Sadly, in June 2013, Dainere passed away from her illness, but the impact she left on her family, friends and the Canberra community has been very profound.

Dainere was posthumously named the Young Canberra Citizen of the Year in 2013, jointly with her brother, Jarrett, in recognition of their leadership, courage and determination to raise awareness in the ACT community of childhood brain cancer. Dainere published two books, sharing her story and experience as a young girl bravely fighting brain cancer. They were titled *You Have to Go Through a Storm To Get To A Rainbow* and *Theodore and Friends: Theodore Is Left Out*.

The reach of Dainere's amazing and inspiring legacy is truly remarkable. In 2012 a newly discovered asteroid by the team at the Siding Spring Observatory was named Dainere's Asteroid, in recognition of her campaign, and that of her family, to raise awareness and funds for brain tumour research. Closer to home, residents of Denman Prospect live, walk or drive along another reminder of this amazing Canberran. Dainere Street was named in her honour in 2017, the description behind the name being, "Dainere, in a life too short, a life too fragile, but a life of tremendous influence, selflessly and tirelessly advocated for greater awareness in the community about paediatric brain tumours."

On Saturday, 15 June, not many weeks ago, I was honoured to attend the Dainere's Rainbow Decades Gala Dinner at the Ainslie Football Club. It was a delight to be joined by many, including Stephen and Yvonne Anthoney, Dainere's parents; her siblings, Jarrett and Nalani; John Mikita, patron of Dainere's Rainbow, owner of TransitGraphics and a Liberal candidate for Yerrabi; Canberra Liberals leader Elizabeth Lee; Liberal candidate for Murrumbidgee Karen Walsh; and immediate past president of the Rotary Club of Canberra Sundowners, Mr Sam Doyle.

This event raised over \$40,000 on the night. The money will support research into treating and curing brain cancer in children and young people. To celebrate and raise much-needed funds for Dainere's Rainbow was a privilege. My heartfelt thanks go to Stephen, Yvonne, their children, the entire Dainere's Rainbow committee and other volunteers. It was a delight to be seated at a table with many from the committee who support this wonderful charity. Dainere's legacy makes Canberra a better place for all of us. I encourage all members of this place to support and promote this wonderful Canberra charity.

Question resolved in the affirmative.

The Assembly adjourned at 5.45 pm.

Schedule of amendment

Schedule 1

Children and Young People Amendment Bill 2024 (No 2)

Amendment moved by the Minister for Children, Youth and Family Services

1

Proposed new clauses 22A to 22I

Page 23, line 20—

insert

22A Offence—secrecy of protected information New section 846 (3)

insert

- (3) A person, other than an information holder, commits an offence if the person—
- (a) is given protected information about someone else under section 856C for the purpose of the proper handling of a civil claim by the person or someone else; and
 - (b) divulges the protected information for a purpose other than the proper handling of the civil claim; and
 - (c) is reckless about whether—
 - (i) the information is protected information about someone else; and
 - (ii) the purpose is for the proper handling of the civil claim.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

22B Exception to s 846—information given under this Act Section 847 (2)

omit

Section 846 (2) does not apply

substitute

Section 846 (2) and (3) do not apply

22C Exception to s 846—information given under another law Section 848 (2)

omit

Section 846 (2) does not apply

substitute

Section 846 (2) and (3) do not apply

22D New section 849A

in part 25.2, insert

849A Exception to s 846—information given for civil claims in which Territory is respondent

- (1) Section 846 (1) does not apply to the making of a record of protected information if the record is made by a person in accordance with section 856C.
- (2) Section 846 (2) does not apply to the divulging of protected information if the protected information is divulged by a person in accordance with section 856C.

Note The defendant has an evidential burden in relation to the matters mentioned in s (1) and s (2) (see Criminal Code, s 58).

22E New section 856C

insert

856C Giving and using information for civil claims in which Territory is respondent

- (1) This section applies in relation to a civil claim if—
 - (a) the claimant, or person on whose behalf the claim is made, was a child or young person when the act or omission the subject of the claim happened; and
 - (b) the act or omission relates to child abuse; and
 - (c) the Territory is a respondent to the claim.
- (2) The director-general may give protected information to—
 - (a) a territory entity, or person acting on behalf of the Territory, in relation to the civil claim as reasonably required by the entity or person for the proper handling of the civil claim; or
 - (b) any other entity if the director-general is satisfied on reasonable grounds that giving the information is necessary for the proper handling of the civil claim.

Examples—par (b)

- a party to the claim
- a legal representative of a party to the claim

Note **Entity** includes an unincorporated body and a person (see Legislation Act, dict, pt 1).

- (3) An entity that receives protected information under this section in relation to a civil claim may give the information to someone else if satisfied on reasonable grounds that giving the information is necessary for the proper handling of the civil claim.

- (4) An entity that receives protected information under this section in relation to a civil claim may use the information only for a purpose reasonably related to the proper handling or management of the civil claim.
- (5) For subsection (4), *use* information includes give information to another entity.
- (6) This section does not limit the information that the director-general may otherwise give a person under this Act or any other territory law.
- (7) In this section:

child abuse—see the *Civil Law (Wrongs) Act 2002*, section 114AA.

civil claim means a claim within the meaning of the *Civil Law (Wrongs) Act 2002*.

territory entity means any of the following:

- (a) an administrative unit;
- (b) a territory authority;
- (c) a public employee;
- (d) a police officer.

**22F Court may order sensitive information to be given or produced
Section 866 (1)**

omit

in any proceeding

substitute

in any civil claim or any proceeding

22G Section 866 (1) (a)

after

the court

insert

or a party to a civil claim or any proceeding

22H Section 866 (2)

substitute

- (2) However, the court must not allow information given or produced to it under subsection (1) to be given to the parties to the civil claim or the proceeding unless satisfied that—
 - (a) the information is materially relevant to the claim or the proceeding; and
 - (b) if the information is about a child or young person—the best interests of the child or young person are protected.

22I New section 866 (8)

insert

(8) In this section:

civil claim—see section 856C (7).