



# Debates

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**Wednesday, 25 September 2019**

*(Quorum formed.)*

**MADAM SPEAKER** (Ms J Burch) took the chair, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

## **Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018**

Debate resumed from 28 November 2018, on motion by **Mr Pettersson**:

That this bill be agreed to in principle.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts, Creative Industries and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.03): The ACT government's guiding principle in relation to drug use is one of harm minimisation. As set out in the ACT drug strategy action plan 2018-2021, the ACT government is committed to investing in evidence-based and practice-informed harm minimisation responses to alcohol, to tobacco and to other drugs, and to leading the country in innovative policy approaches. The government's support of this private member's bill, with appropriate amendments that we will be considering later this morning, is an example of this government's willingness to approach drug law reform which aims to minimise harm in our community in progressive and innovative ways.

The government has been clear that it does not condone or encourage the recreational use of cannabis. However, outright prohibition has clearly proven not to work as an effective strategy for dealing with drug use in our community.

The 2017 Australian Criminal Intelligence Commission report on organised crime in Australia identified cannabis as the most commonly used illicit drug in Australia. The report noted that almost all cannabis consumed in Australia is cultivated domestically. The Australian Institute of Health and Welfare's national drug strategy household survey 2016 found that 35 per cent of Australians aged 14 or older had used cannabis in their lifetime and that, in 2016, 8.4 per cent of people aged 14 or older living in the ACT had used cannabis in the past 12 months.

It is clear that what has been done in the past has not worked and that new and more creative approaches must be taken. The focus must be on strategies to prevent and manage the harm caused by illicit drugs in our community and which recognise that drug use is a health issue. In considering harm minimisation initiatives, the government continues to work closely with ACT Policing and recognises that reforms in this area require a collaborative whole-of-government approach.

The ACT has a long history of taking progressive steps and trying new methods to minimise the harm of drugs in our community. This includes being one of the first

jurisdictions in Australia to decriminalise the personal possession of small amounts of cannabis. The government intends to continue taking well-considered steps to improve our drug laws, such as those being considered today. The parameters of the government amendments to the bill are largely consistent with the existing scheme of decriminalisation of personal use of small amounts of cannabis.

One public concern is whether further decriminalising cannabis will lead to more people using the drug. The national drug strategy household survey 2016 indicated that 82.1 per cent of people would not use cannabis even if it was legal. In addition, illicit drug use amongst young people has been declining for some time, with the Australian secondary schools alcohol and drug survey showing 17.4 per cent of ACT school students aged 12 to 17 reporting using illicit drugs in 2017, which is down significantly from 37.5 per cent in 1996.

The government aims to provide an appropriate scheme for those individuals who are already using cannabis and who may continue to do so, acknowledging that outright prohibition can bring people into contact with the justice system unnecessarily and prevent people from seeking help when they need it.

One of the most complex questions to resolve has been the interaction between what is proposed in this bill and the commonwealth Criminal Code, which makes it an offence to possess cannabis. Where, however, there is state or territory law that deals with the same conduct, the commonwealth law allows police and the courts to apply the law of that state or territory in deciding how to deal with the offender. That is how the ACT and other jurisdictions have already been able to decriminalise personal cannabis possession. It is also the basis of our current simple cannabis offence notice scheme.

Through engagement with the commonwealth, the AFP and legal advisers, it has become clear that removing an offence for cannabis possession from the ACT law entirely would simply mean that the prohibitions on possession of cannabis in the commonwealth Criminal Code would then apply as the primary law here. This would potentially place Canberrans at risk of being arrested and prosecuted under commonwealth law.

To deal with this, the government's proposed amendments will instead see the ACT maintain an offence in our law for cannabis possession but provide an exception for people who are aged 18 or over, possess amounts of cannabis consistent with the bill and do so in the ACT.

This means that although it will be an offence to possess cannabis in the ACT, in practice, the offence would not apply to an adult who possesses a small amount of cannabis in the ACT. This approach maintains an ACT-specific legal framework for dealing with cannabis possession; therefore it provides an alternative to the commonwealth law being applied by default.

This does not entirely remove the risk of people being arrested under commonwealth law, and we are being up-front with the community about that. The ACT's legislation attempts to provide a clear and specific legal defence to an adult who possesses small

amounts of cannabis in the ACT but who is prosecuted under the commonwealth law. Unfortunately, it cannot stop someone being arrested and charged if the commonwealth officials were minded to do so or prosecuted if the Commonwealth Director of Public Prosecutions thought it was appropriate to do so. The use of the defence provided by ACT law would be a matter for the courts to consider.

There are many steps that the commonwealth must take between arresting someone and successfully prosecuting them in court. Here in the ACT the government hopes sincerely that the time and resources of our Federal Police, prosecutors and courts will not be wasted pursuing individual cannabis users who are acting in accordance with ACT law.

Given the complex interactions with the commonwealth law, the government has committed to a review of these reforms within three years of them taking effect. In supporting the bill in principle, the government has been clear in its commitment to ensure that the measures do not erode the existing restrictions on the possession of cannabis by young people and that any changes adequately ensure that young people are not exposed to cannabis or cannabis smoke.

The bill as supported by the government also maintains a distinction between artificial and non-artificial cultivation, as artificial cultivation can manipulate the strength of the THC of the cannabis plant and the yield of a cannabis plant by, for example, generating multiple growth cycles per year from the one plant.

Most importantly, these reforms treat addiction as a health issue, not a criminal justice issue, and may prevent individuals from unnecessarily coming into contact with the criminal justice system. The ACT government is committed to a justice system that is restorative and rehabilitative. When it comes to people who face our courts primarily as a result of addiction, it is important to focus on the evidence that we have about their behaviour. The evidence is overwhelming that treating addiction as an issue of right and wrong is not only ineffective but also is not in accordance with what we know about the biology and psychology of drug use.

By treating cannabis addiction as a health issue, we can address these dependencies and in turn we can build more resilient people, families and communities. That is why this government has also made the establishment of the drug and alcohol court one of its top priorities. It is an example of therapeutic justice, which prioritises the treatment of the causes of crime and the prevention of recidivism.

This bill, as it will be amended in the later discussion, reflects a progressive and innovative approach to tackling drug reform. With these appropriate government amendments, it represents a step forward towards the goal of minimising the harm of drugs in the community. I commend the bill to the Assembly.

**MR HANSON** (Murrumbidgee) (10.13), by leave: Thank you, members. I appreciate the opportunity to speak again. Obviously quite a bit has happened from when we last spoke about the bill in this place to where we are now. Our position has not changed, but there is certainly more evidence and information before us and obviously we have the amendments that had been mooted but that we had not seen. When this bill was

first presented and debated, we opposed it at that point. We then referred it to the standing committee on health, which has conducted an inquiry. That inquiry reported, its report was presented in this place and there has been a government response to it.

Thank goodness it did go to inquiry, because there is no doubt that that process fleshed out many of the problems that exist with this legislation from a health perspective, from a legal perspective and from the perspective of drug driving. Many of those issues remain unresolved. I would recommend members watch or read Mrs Dunne's speech on the tabling of the committee report. I think it was very good. It encapsulated many of the problems that were identified, through that inquiry process, with this piece of legislation—that it is a very problematic piece of legislation.

We opposed it then and we oppose it now on a number of grounds. First are the health grounds, particularly mental illness. I think it is clear that this legislation will lead to increased cannabis consumption, particularly amongst younger people. The evidence presented by the AMA and a range of other experts makes it very clear that increased consumption of cannabis leads to increased psychosis—a fivefold increase in the risk of psychosis. So we do not support it, just as the AMA—I will go to what they had to say later—do not support this legislation because of the health impacts.

Drug driving remains a problem as well. The Chief Police Officer was on ABC Radio 666 this morning talking about that issue. It remains unresolved. Despite the endeavour by this government, the claim that it will take people out of the criminal justice system, I think what we are actually going to see is the perverse outcome of more people being charged with drug driving offences as a result of this legislation. The number of people engaging with the justice system as a result will increase.

Obviously there is then the conflict with federal law. Some of the major implications there remain. The Attorney-General, in his speech, made it very clear that individuals can still be charged under commonwealth law. Again, this not only puts individuals at a greater level of risk; our police out there on the beat are still working in this unclear legal framework. Any piece of legislation that we debate here and that we pass that remains ambiguous and unclear, both to the community and to the people we charge with enforcing those laws, has to be seen as bad legislation.

We opposed it on those grounds and we continue to oppose it because it is badly drafted legislation that creates a whole bunch of perverse outcomes. Our position has not changed. It is bad policy. It is bad legislation, the way the government is trying to do this with a whole bunch of workarounds and unresolved issues, particularly in relation to drug driving.

There are government amendments. We will be supporting those because they go some way to limiting the harm of this bill, but they certainly do not resolve much of the harm that will be created through this legislation. I will have more to say about that during the debate.

Let me turn specifically to each of the areas I have referred to—firstly, the health grounds. I quote from the AMA's submission in respect of this legislation:

The AMA does not condone the trafficking or recreational use of cannabis. The AMA believes that there should be vigorous law enforcement and strong criminal penalties for the trafficking of cannabis.

Importantly, the AMA states:

The personal recreational use of cannabis should also be prohibited.

The current laws, as they work, are effective. There is no great crowd of people being locked away for cannabis use. Based on the advice that we have received, the only people really engaged with the criminal justice system are people who have not paid their SCON, their simple cannabis offence notice. We are changing these laws today to resolve a problem that by and large does not exist. In doing so, we are creating a whole range of other problems for the police and for the community.

The AFPA and others in the legal profession have called out the inconsistencies and conflicts in these laws. Let me quote from a *Canberra Times* report this week on this legislation:

... the devil has always been in the detail.

And, even as the bill looks set to pass within days, there are still many questions that remain unanswered ... it's still not clear how the bill will interact with existing drug-driving laws.

That has not been resolved. There is also the fact that the premise of this bill, allowing people to possess a drug—cannabis—in small amounts still assumes the existence of a black market in the first place. That still remains illegal. Where does an individual obtain seeds to grow the plants in the first place? How can they be sure of their provenance? That is not resolved; it is still illegal.

The bill also fails to address the very real health risks associated with the heavy use of cannabis and the way police interact with regular users and the health system. The CPO made it very clear today: this is not going to alleviate a whole lot of work for his members. It is not going to make any change. In fact, it is just going to make it more complex for them on the ground. As the *Canberra Times* editorial makes very clear, the evidence is clear about mental health.

I was disappointed—was I surprised?—to again hear the Minister for Mental Health say, “Oh, there is lots of evidence out there. We are going to ignore the AMA and the Australian Institute of Health and Welfare.” Let me be very clear: the compelling evidence out there is that this is bad for your mental health. The people who claim otherwise are in the anti-vaxxer camp. That is where you live; that is where you belong. If you think that there is not an impact—

**Ms Stephen-Smith:** Ha!

**MR HANSON:** Minister Stephen-Smith laughs. If you think that there is not a mental health impact arising from the use of cannabis, you are wrong. It is very clear that

there is. People who deny that and say, “Oh, look, the evidence is ambiguous; the evidence is not clear,” are in that anti-vaxxer camp. Let me be very clear. There is a significant mental health impact. If you have used cannabis, the risks are there. I am going to believe the AMA. I am going to believe the experts, even if some of those opposite choose not to.

Let me report from a *USA Today* report that shows the real evidence from Colorado. Colorado is a state in the US that has legalised cannabis. The report stated that a new study showed that hospital visits related to cannabis drastically increased after Colorado legalised recreational marijuana. University of Colorado School of Medicine researchers reviewed the health records of 9,973 patients at UCHHealth University of Colorado Hospital from 2012 to 2016. They found a more than threefold increase in cannabis-associated emergency department visits.

According to a study published in the peer-reviewed journal *Annals of Internal Medicine*, some patients reported eating edibles but the majority of cases were related to inhaled marijuana, according to the study funded by the Colorado Department of Public Health and Environment, with symptoms including uncontrollable vomiting, acute psychosis, intoxication and heart problems.

I can refer to numerous studies. That is one of the more recent that talks about the impacts on mental health of cannabis use and where the legalisation of cannabis has led to increased health problems within a community. That is why the AMA’s opposition to this legislation is so important for us to note. Let us listen to the evidence. As the Greens often lecture us, let us listen to the evidence.

We will be facing competing amendments today. There is no doubt that there are some good amendments and some bad amendments being put forward. We will go through those in detail. But let me clarify, before we go to the detail stage, where we are at on this. Following the committee inquiry, the government has recognised that there are a range of significant issues with this legislation. They include the ability for a grow house to exist, the number of plants per individual and a range of technical legal issues that arise out of this legislation. They have put forward amendments that we are either ambivalent about or that by and large we support, because I think what they do is make bad legislation better. It still remains bad legislation, but it is not as bad as was first presented in this place.

The Greens have a range of amendments as well. I indicate that we will be supporting a couple of them in relation to reviews and the provision of information that I think are sensible. The remainder of their amendments, by and large, would increase the scope of the legalisation of marijuana, the hydroponics and so on. These are things that we would not support, and therefore we will not be supporting those amendments.

Be very clear about the process today: we will be opposing this legislation, for the reasons that I have outlined. Nothing has changed since we had the debate in this place some months ago. Opposition has, if anything, become stronger, given the evidence presented at the committee inquiry. We will support a number of amendments—those amendments that we think limit the damage that is going to be done by this legislation.

But, at the end of the day, we do not support this legislation because it is going to do more harm than good. I do not know whether there is a noble intent behind this. I am not sure quite what the intent is; there seem to be a range of views from those opposite. But be very clear that, regardless of what the intent is, what is going to happen today will create more harm than good. For those reasons, the Canberra Liberals will not be supporting this legislation.

**MS LE COUTEUR** (Murrumbidgee) (10.26), by leave: I would like to talk about some of the issues with this bill. I was a member of the HACS committee, and certainly that was a very interesting occasion. As members may remember, I am an ageing hippy and, of course, I am totally in favour of the legalisation of cannabis. My ideal legislation would be to just take it out of that list of dangerous drugs and treat cannabis like other plant matter. That does not necessarily mean it is good for you, of course, Mr Hanson. Tobacco is not one of the better pieces of plant matter. I do not think this current treating of cannabis as a dangerous drug is useful for anybody.

In my innocence, when this bill first came to the Assembly I thought the Pettersson bill would in fact legalise the possession and cultivation of small quantities of cannabis. However, as a member of the health, ageing and community services committee I was part of the inquiry and it quickly became apparent that this was not, in fact, the case. It quickly became apparent that the commonwealth laws on the subject made it challenging for the ACT to do more than what the ACT has already done.

The ACT has, as Mr Hanson and many people have pointed out, successfully decriminalised possession of small quantities of cannabis with a system called SCOns or simple cannabis offence notices. The bill would remove SCOns for people over 18, and thus if it is not effective legislation then the situation for over-18s in the ACT could be that, in the worst case scenario, they are more likely to receive criminal charges than currently, as, under the commonwealth legislation, all possession of any amount of cannabis is a criminal offence.

The Australian Federal Police told the committee:

Inconsistencies between the bill and the code create ambiguity and uncertainty as to the legal framework within which community police officers of ACT Policing must operate. This situation currently does not exist as the ACT and the commonwealth both make it an offence to possess cannabis. Simple cannabis offences in the ACT allow for flexibility in determining what is the most appropriate offence to be considered, and how that offence should most appropriately be cleared.

The removal of the ACT offences would remove access to the existing diversion framework for simple cannabis offences and result in commonwealth criminal offences becoming the pre-eminent offence by default for simple cannabis offences.

Clearly, if that is the result of the Pettersson bill, I do not wish to support that. However, with the proposed government amendments to the bill it is possible—and, I sincerely hope, likely—that the bill can reduce the likelihood of legal consequences for anyone over 18 in the ACT who is caught with small quantities of cannabis.

The government's response to the HACS committee report says:

The Government will move amendments that are designed to resolve potential incompatibilities with Commonwealth laws. The approach the Government considers most closely achieves this objective is to retain offences in the Drugs of Dependence Act for possession and cultivation of cannabis over prescribed limits but include an exception such that those offences do not apply to anyone over 18 years of age.

This would mean the ACT still retains a relevant offence in legislation but with the practical outcome that possession and cultivation of small amounts of cannabis would be effectively legal for individuals.

This amendment we will shortly be debating.

The other thing that happened was that I listened to the Chief Police Officer on 666 this morning. He gave a mixed message but one which could be interpreted reasonably positively in so far as, while he pointed out that individual constables are masters of their own conscience and have to interpret the law on an individual basis, he felt that the police would do their utmost to do what it was clear the government and the community want to have happen. I sincerely hope that that will be the outcome in practice. If, as the government says, "effectively legal for individuals" can be achieved then this clearly is a step forward for drug law reform.

I have spoken to drug law reform advocates and the view is that, given the intransigence of the commonwealth government, the only current option for drug law reform is for another jurisdiction to see if they can work out a way of circumventing commonwealth laws. Given the ACT's subordinate relationship to the commonwealth due to the constitution, I would not have thought we were the ideal jurisdiction. But given that no-one else is doing it, it seems the ACT will need to pioneer this, as we have in other things.

As an aside, I think the most useful thing that the ALP could do at this point in time for drug law reform is persuade their federal colleagues to embark on drug law reform, because the federal government has had the laws that it has had for a very long time, including times when the ALP was in government. I call on the ALP to talk to their federal colleagues to try to get the aims of harm minimisation taken seriously as part of our commonwealth legislation and out of the criminal justice system. This is not where it should be. But there is legal uncertainty about how the proposed ACT law would work with the commonwealth law even after the ALP's amendments have been moved and, I assume, passed.

I think it is important that ACT residents are protected. The HACS committee, of course, dealt with this issue. First, we saw effective education as essential. Recommendation 15 states:

The Committee recommends that strong public information about the provisions of the Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018 proceed or coincide with the implementation of the Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018.

The government agreed and said it intends to deliver a public information campaign, after passage of the bill, which will seek to inform the Canberra community of its provisions and the ongoing risks associated with cannabis possession or use. I understand that my colleague Shane Rattenbury will today present amendments which will go even further and make the commencement of the bill contingent on the government developing and making public, through a notifiable instrument, guidance material explaining the legal and health implications of cultivating, growing and possessing cannabis under the new provisions.

Secondly, the HACS committee talked about the issue of a legal response. Recommendation 11 stated:

The Committee recommends that the ACT government intervene in any prosecution by the Commonwealth of ACT residents who cultivate or possess cannabis in accordance with the Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018 to defend the intent of the Bill.

The government's response was that it noted the recommendation and "will consider appropriate steps to ensure the intent of the bill is delivered on as it is implemented".

In voting positively for this bill I am relying on the government's responses to these recommendations and the proposed amendments that will be moved by both the ALP and my colleague Mr Rattenbury today. First, they will hopefully ensure that people of Canberra actually understand what the legal situation is. On that subject, I think it is very irresponsible and misleading of the media to report that this bill will legalise cannabis. It will not. The commonwealth law stands. There are many things—in fact, most things—to do with cannabis which will not be in any way affected by this bill. Supply, getting the seeds if you are going to cultivate—I could go on at some length but this bill, if passed, will not legalise cannabis in the ACT. I think it is irresponsible for it to be reported or said that it will.

Because of the fact that it will not and cannot legalise cannabis, I am not going to be pushing today for the various extensions that were recommended in the HACS report. All these would be absolutely wonderful if we could, in fact, achieve the main aim, which is taking cannabis out of the criminal justice system and treating it purely as a health issue, like we do with tobacco. All the proposed extensions in the HACS report move the situation further away from the simple cannabis notice and into areas where, I think, the commonwealth is much more likely to prosecute.

If the commonwealth prosecutes—and I sincerely hope that it does not and it comes to the conclusion that there are much more important things to do with limited commonwealth police resources and limited court resources—then I am relying on the ACT government to take appropriate steps to ensure that the intent of the bill is delivered on as it is implemented. The last thing I want to see is some innocent person thinking that cannabis has been legalised because that is what he or she heard in the media and finding themselves prosecuted and, in the worst case, in jail.

In voting for this bill I am asking for the media—and I note that there are some here today—please to report it accurately as what I think it is, which is a further step in decriminalisation, rather than actual legalisation; for the ACT government to provide accurate information to the people of Canberra; and for the ACT government to take appropriate steps to ensure the intent of the bill is delivered on as it is implemented if anybody is in fact prosecuted under things which have been dealt with in this bill.

With some concern, I will vote for the bill. I really wish that I did not have this concern. I would like to see cannabis legalised. Unfortunately, due to the commonwealth provisions which we have talked about, this bill cannot do this. But I have been persuaded by people that, if the intent of the bill is in fact realised—and hopefully the legal minds of the ACT government have ensured that the amendments have been well drafted and the intent can be realised—then it will be a step forward in the direction of legalisation of cannabis at some stage in the future. Hopefully, it will be, at some early stage in the future in Australia. On that basis I will support this bill.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Disability, Minister for Employment and Workplace Safety, Minister for Health, Minister for Urban Renewal) (10.38): I rise to speak in support of the Drugs of Dependence (Personal Cannabis Use) Amendment Bill. I thank Mr Pettersson for bringing forward this bill, and the members of the health, ageing and community services Assembly committee for their work in inquiring into the bill. I acknowledge that the Assembly inquiry process and consideration and debate of this bill has resulted in a number of sensible amendments being brought forward which grapple with the complex legal and practical implications presented by the bill while preserving Mr Pettersson's intent.

Put simply, the effect of the bill is to remove penalties for the use and possession of small amounts of cannabis by individuals over 18 years. This is completely in line with the ACT government's harm minimisation objectives and represents a sensible next step in our approach to dealing with cannabis use. The ACT government has a proud history of taking progressive steps and supporting a harm minimisation approach to drug use, including the establishment of the simple cannabis offence notice scheme that currently exists.

Our harm minimisation approach is clearly articulated in the ACT drug strategy action plan 2018-21, which aligns with the national drug strategy and outlines this government's commitment to evidence-based and practice-informed responses to drug use that minimise harm in our community. The minimisation of harm is an important element of the Australian national drug policy approach, which encompasses the three pillars of supply reduction, demand reduction and harm reduction.

In respect of harm reduction, the ACT drug strategy action plan explains:

Reducing the adverse health, social and economic consequences of the use of drugs, for the user, their families and the wider community. Harm reduction strategies encourage safer behaviours, reduce preventable risk factors and can contribute to a reduction in health inequalities among specific population groups. Harm reduction acknowledges that despite law enforcement efforts drug use still occurs, and can potentially occur more safely.

Contrary to Mr Hanson's advice to the chamber, a 2018 report from the European Monitoring Centre for Drugs and Drug Addiction concluded that there was no clear relationship between changes in cannabis possession penalties in EU counties and use rates by young people. The ACT government itself has long been a progressive government, with personal cannabis use first decriminalised in the ACT in 1989—30 years ago—with the introduction of the simple cannabis offence notice, or SCON.

Cannabis consumption has continued a downward trend since that time, entirely contrary to Mr Hanson's scaremongering about the potential impact of this bill. In 1998, 20 per cent of ACT residents aged 14 and older reported using cannabis in the past 12 months. But in 2016 this had fallen to eight per cent reporting past 12-month use. In spite of what those opposite have continued to say, the government's policy regarding the harms caused by alcohol, tobacco and other drugs is clearly articulated and is essentially a harm minimisation approach.

The government have been clear that we do not condone nor encourage the recreational use of cannabis. We acknowledge that cannabis use can have negative consequences on a person's health, particularly their mental health. No-one on this side of the chamber has claimed otherwise, and for Mr Hanson to claim it is not the case is completely and utterly untrue. He is misrepresenting the positions being put by people on this side of the chamber.

However, we also acknowledge, as jurisdictions across the globe have acknowledged, that prohibition does not work as an effective strategy for dealing with drug use in our community. This argument was reflected in the HACS inquiry submission from the Australian Medical Association ACT Branch, the AMA Mr Hanson is so keen to quote. Their submission states:

... that cannabis use should be seen primarily as a health issue and not primarily as a matter for law enforcement. The most appropriate response to cannabis use should give priority to policies, programs and regulatory approaches that reduce the harms potentially associated with its use, particularly the health-related harms.

This is precisely what this bill seeks to achieve. Removing recreational cannabis use by adults from the justice system allows problematic cannabis use to be treated as a health issue. Whilst drug experts rate cannabis as a drug that causes lower levels of harm to health than alcohol, tobacco, opioids and amphetamines overall, we know that heavier and more regular use of cannabis in particular is associated with harms to health. That is why, if the bill is passed, the government will increase public information on the negative effects of cannabis use.

It is clear that some people experience adverse mental health effects from using cannabis and that its use can be problematic. Again, no-one on this side of the chamber is arguing anything different in relation to that matter. However, these health risks already exist for anyone who uses cannabis under current legislative settings. Combined with a concerted public awareness-raising campaign, the changes proposed in this bill will assist in enabling individuals and the community to address some of these health risks.

As the Alcohol, Tobacco, and Other Drugs Association ACT, ATODA, put it in their submission to the HACS inquiry:

There is no reason to believe that legalising minor cannabis offences will lead to increased incidence of health-related harms ... On the other hand, it will lead to benefits in removing a large number of young people from the risk of contact with the criminal justice system.

The ACT's drug strategy action plan recognises that a criminal record for drug use and possession may increase stigma and disadvantage, and it sets out the government's commitment to increasing diversions from the criminal justice system. It is anticipated that shifting recreational cannabis use from being a criminal justice issue to one of health and wellbeing will reduce the stigma associated with cannabis use and remove the risk of punishment associated with illegal drug use. Evidence suggests that this will mean cannabis users will be more willing to seek out and access the necessary supports and services.

The ACT government is committed to ensuring that the right supports and services are available for those who choose to seek help. The ACT government invests more than \$20 million each year in alcohol and other drug treatment and associated support services. Canberra Health Services offers information, advice, referral, intake assessment and support 24 hours a day. This service is available to all residents of the ACT who think they or a family member or friend needs help with an alcohol or drug problem. The 24-hour helpline is staffed by caring, committed and professional workers who are there to provide assistance and support to people affected directly or indirectly by drug or alcohol use.

All of this aligns with the ACT government's commitment, set out in the drug strategy action plan, to investing in evidence-based and practice-informed harm minimisation responses to alcohol, tobacco and other drugs and to leading the country in innovative policy approaches. This bill, with the sensible amendments that are being put forward, is exactly in line with the harm minimisation approach the ACT government has adopted, and I am proud to stand here and support it today.

**MR PETTERSSON (Yerrabi) (10.46)**, in reply: Thank you to all members who have contributed to this debate. I first introduced this bill nearly one year ago. Throughout this process there has been overwhelming community support for these reforms. I would like to thank all Canberrans who have participated in this process. They have told their stories, they have made submissions and they have lobbied members of this place. The bill presented today has been through the committee process. This has involved submissions from and consultation with various stakeholders and members of the community. There are amendments coming, and I believe this bill will be in its best form by the conclusion of today.

How exactly does this bill work? Put simply, it will legalise the possession and cultivation of small amounts of cannabis. There have been some amendments proposed to the bill since it was first introduced, to improve clarity and remove certain ambiguities. I will speak very briefly to the totality of the amendments raised so as to avoid rising numerous times throughout the detail stage.

These amendments include capping the number of plants that could be grown at a residence to four, as opposed to only having a cap on a per person basis. The number of plants an individual can grow has been reduced to two. Growing these plants in public spaces or in community gardens will not be allowed. Plants will have to be grown on a part of the property that cannot be accessed by the public; for example, a backyard. The plants will only be able to be cultivated by a person who is a legal resident of the property.

The amendments also clarify that the permitted 50 grams of cannabis refers to dry product, not freshly harvested plants. It would be an offence to knowingly consume cannabis in a way that would expose a person under the age of 18. This will ensure that minors are not being exposed to cannabis but will not criminalise accidental exposure. These changes have been made to ensure that this bill fits more consistently within commonwealth laws. Whilst this law is the first of its kind in Australia, I am confident that it works within federal law.

Legislating on drugs is not exclusively the role of the commonwealth. The commonwealth Criminal Code is not intended to operate to the exclusion of state and territory laws, except in relation to the exportation and importation of drugs. The commonwealth code further states that a person is not criminally responsible for an offence if subordinate legislation is expressly to the contrary effect. This operates as a complete defence. We are confident that the commonwealth code therefore permits inconsistent state and territory laws pertaining to cannabis. This is echoed by the current federal government, who have stated that this issue is a matter for the states. It is therefore within the purview of this place to legislate to legalise cannabis, and it is time for us to do so.

Madam Speaker, let me reiterate why this is such an important reform. It is a sensible, evidence-based approach to drug policy. This bill is about harm reduction, reducing ordinary people's interaction with the criminal justice system. It is by now well established that the war on drugs is failed policy. Across the world, it has destroyed countless lives and decimated whole communities. It is based on flawed science and misinformation. It has not stopped drug use. It has not reduced drug use. As former Victoria Police Commissioner Ken Lay has stated, you can't "arrest your way out of" this problem." It is time we moved away from this harmful and punitive system. Let us lead Australia once again and follow other jurisdictions across the world who have made the step to legalise the personal use of cannabis.

Cannabis is the most commonly used illicit drug in Australia. Over one-third of Australians have used cannabis in their lifetime, and one in 10 people have used it in the last year. A huge portion of our population is therefore criminalised. Legalisation of cannabis for personal use is supported by 54 per cent of Canberrans, with only 27 per cent of Canberrans opposed to this change. Our community supports this progressive reform.

Currently, federal law enforcement spends over a billion dollars a year on drug law enforcement. Over 50 per cent of arrests in Australia are cannabis related, and 91 per cent of those were consumer arrests—in other words, small amounts purely for

personal use. This is a waste of resources. Police time and criminal justice resources would be better spent catching real criminals.

In the ACT, on average, almost one Canberran a day is arrested for cannabis and over 50 per cent of all drug-related arrests are for cannabis consumers. Further, a third of simple cannabis offences went through the criminal justice system and were not diverted. That means that one in three people caught in possession of cannabis are arrested, charged before the court or receive a summons. This is despite the decriminalisation position that we have already implemented in the ACT. It is clear that this system is still ensuring that people are being caught up in the criminal justice system.

Submissions received during referral to the committee, and letters and personal anecdotes that I have received, all too often touched on people's experience of being caught with cannabis. For the most vulnerable members of our society, being caught with a small amount of cannabis could have an enormous consequence. This is something that we have the power to change. We should not be criminalising such a large portion of our community. It chokes up our justice system, leading to longer wait times for more serious issues. Our legal system should not be tied up with such minor issues as possession of small amounts of cannabis.

As a restorative justice city, we should focus on harm minimisation and reducing the excessive criminalisation of certain offences. Once individuals interact with the criminal justice system it can snowball into more serious offences and penalties, a cycle which can be hard to break.

During this debate we have heard scaremongering tactics about health concerns associated with cannabis. Like all drugs—legal and illegal—cannabis can have an effect on a user's health. But in comparison to legal drugs such as alcohol, tobacco or prescription medication, the health concerns are massively overblown.

Alcohol and tobacco combined kill over 20,000 Australians every year. Alcohol represents 4.6 per cent of the total burden of diseases and injuries in Australia, tobacco nine per cent and cannabis 0.1 per cent. The misuse of prescription drugs such as codeine and other opioids causes more deaths than all illicit drugs combined. These legal drugs cause far more health problems than cannabis does, yet I can easily purchase these drugs and would not receive a fine or possible criminal record for simply having them in my possession. Rightly, we treat addiction to these drugs as a health problem, not a criminal one. It is time to do the same thing with cannabis.

Those who do experience cannabis addiction must receive treatment, not criminalisation. It is very clear that addiction should be treated as a disease, not a criminal act or a moral failing. Criminalisation just makes it harder for these people to seek help, as they are worried about not only the stigma of addiction but the possible legal consequences as well. This has never made anyone get better. Legalisation will make it easier for these people to get help without punishing the majority of recreational users.

As has been made clear during this debate, this bill does not mean that Canberra will experience anarchy. Driving under the influence of cannabis and other drugs remains illegal, as does supplying cannabis to minors, selling cannabis or consuming cannabis in a public place. The opposition and conservatives have tried to peddle scare tactics, saying that crazed cannabis-affected drivers will be behind the wheel everywhere. This is exaggerated. Drug driving will still be an offence. This bill will simply stop the unnecessary criminalisation of adults who use or possess a small amount of cannabis in private.

Some members of the community may wish that this bill went further; for example, by establishing a market for the sale of small amounts of cannabis. This would not be possible under the current federal law and has never been the purpose of this bill. This bill is simply about legalising cannabis for personal use.

Madam Speaker, we should continue to lead the country in the implementation of progressive social policy. The criminalisation of cannabis does more harm than good. As a restorative justice city, we have moved away from punitive ideas of justice. We should not be criminalising one-third of our population. The majority of Canberrans support legalisation. Let us get with the program and get it done.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 10

Noes 7

Mr Barr	Mr Pettersson	Mr Coe	Mr Wall
Ms J Burch	Mr Rattenbury	Mr Hanson	
Ms Cheyne	Mr Steel	Mrs Jones	
Mr Gupta	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	
Ms Orr		Mr Milligan	

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1 agreed to.

**MR RATTENBURY** (Kurrajong) (11.00): I seek leave to move amendments to this bill which have not been considered or reported on by the scrutiny committee and to table a supplementary explanatory statement to the amendments.

Leave granted.

Clause 2.

**MR RATTENBURY:** I table a supplementary explanation to the amendments. I move amendment No 1 circulated in my name [*see schedule 2 at page 3922*]. The ACT Greens want to ensure that the community is fully aware of the potential physical and mental health implications of consuming cannabis and of the unlikely but possible complex legal issues relating to commonwealth legislation that this amendment act presents to people who cultivate, possess and use cannabis in the ACT.

This amendment stipulates that the amendments will come into operation on a day fixed by the responsible minister by written notice. However, this day cannot be a day that is before the public notification of guidance material regarding the legal and health implications of personal cannabis use, possession and cultivation. I do appreciate that this presents quite a novel approach to commencement of the amendments, but we believe this offers the government increased flexibility and the Assembly and the broader community increased transparency and clarity on the operation of the provisions.

It is clear from the evidence that has come before the committee, from the nature of the public debate and from some of the questions that are still being asked in the media, for example, that there is some explaining to do. This also goes to points that Mr Hanson has raised about potential mental health impacts. I think the government has been very clear in that regard. I, as the Minister for Mental Health, and the health minister in her remarks this morning, have been very clear about that. I think there is room to tell this story to the community.

This need not delay the commencement in any significant form. I think this work can be done quite quickly. It also enables time for some of the other practical matters that will need to be worked through, so we believe that this is a practical way to trigger the commencement of this legislation.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.03): The government is happy to support Mr Rattenbury's amendment. It is very consistent with the amendment I was scheduled to move in this part of the detail debate. It adds an element, which we are happy to support, to say that we are happy for the commencement to be on a day fixed by the Minister for Health by written notice. We recognise that that is a date early in 2020, and we propose 31 January, which would allow time to communicate with Canberrans on what the new legal framework is and make sure that people understand the continuing restrictions and risks when it comes to using cannabis. We agree with the Greens' amendment.

Whilst I am on my feet at the beginning of the detail stage, I will make some broader comments in relation to the amendments that I will be moving throughout the debate, and more broadly on the contributions to this process and indeed to the Assembly debate this morning.

I would state from the outset that the ACT government supports sensible drug law reform that reduces the harm of drugs in our community and allows the resources of

the police, our courts and other agencies to be focused where they are most needed. That has been the government's starting point for considering this private member's bill—to achieve further sensible drug law reform in the territory where possible.

Before I continue with my remarks on the detail, I wish to acknowledge the very thoughtful input and advice from the Standing Committee on Health, Ageing and Community Services inquiry into the private member's bill. I also thank the many individuals and organisations who gave their time to engage on the broader issues and the specific detail of the bill.

In addition to the government's engagement with the standing committee's inquiry, 36 other submissions were received from individuals or organisations, many of whom appeared in person to answer questions and to share their experiences and views. These included ACT Policing, the AFP Association, the ACT Law Society, Canberra Community Law, Winnunga Nimmityjah Aboriginal Health and Community Services, the Australian Medical Association, the National Drug Research Institute, and Families and Friends for Drug Law Reform, to name some of the participants.

This has been a great example of what is possible when diverse perspectives and expertise are brought together in a spirit of reform and goodwill. One thing that has been consistent throughout these discussions is that this is a complex issue, without any one right or wrong answer. But that alone is not a reason to do nothing.

There is a difference between supporting sensible drug reform and condoning drug use, and I want to make that very clear this morning. Drugs such as cannabis can present risks to people's physical and mental health, and can result in users finding themselves in dangerous or ill-advised situations which would not have occurred without drugs.

That message has been delivered to young people and to the broader community for quite some time. Adults know drugs can be bad for them, yet decisions are made to take drugs regardless. The Minister for Health has observed that around eight per cent of Canberrans report having used cannabis in the last 12 months—less than was the case several decades ago. The prohibition approach to drug laws has not stopped, and will not stop, the use of drugs in our community. In that context, governments have a responsibility to focus on minimising the harm that drugs can cause in our community.

Here in the ACT we have a long and proud history of taking progressive steps and trying new ideas to reduce harm. We were one of the first jurisdictions in Australia to decriminalise the personal possession of small amounts of cannabis, and our more recent work with event promoters to pilot pill testing at music festivals shows our ongoing commitment to reducing drug harm instead of burying our heads in the sand about the fact that it is happening.

We believe that taking further steps to reform the ACT's laws on cannabis can help to address a number of harms. In particular, the stigma and risk of punishment associated with illegal drug use likely means that there are people who are not seeking medical or other types of help when they need it. Removing penalties for the use and

possession of cannabis will make it easier for people who are already using the drug to connect with services or supports they need.

The impact on justice outcomes has also been a focus of the government's thinking. Currently, possessing even small amounts of cannabis for personal use can bring people into contact with the justice system, with lasting and serious consequences. The reforms proposed by this bill will help individuals to avoid these negative outcomes.

The government also has a responsibility to focus our justice resources where they are needed most: on disrupting serious and organised crime; protecting our community from individuals or groups who might wish to do us harm; and helping women and children to deal with domestic and family violence. Removing penalties for small-scale, personal cannabis users means more of the ACT police and court resources can be focused on these areas, where they are needed most.

The government will be supporting this bill, subject to the amendments I have proposed being supported by this chamber. The government proposes to amend the bill to set the number of cannabis plants that an adult can possess at two, down from the four proposed in the private member's bill. This is consistent with the settings of the current simple cannabis offence notice scheme, and we believe it is a reasonable limit for personal use. Given that the legislation permits personal possession of dried cannabis to 50 grams, allowing a larger number of plants would place the owner at risk of ending up with substantially more product than they are legally allowed to possess.

Related to this issue, I will move practical amendments to distinguish between "dry" cannabis—that is, cannabis that is ready to be smoked—and "fresh" cannabis—that is, cannabis from a plant that has not yet dried. Dry cannabis will still be subject to a limit of 50 grams, in line with the current simple cannabis offence notice scheme. A higher limit of 150 grams will apply to fresh cannabis, recognising that a given amount of cannabis, like any plant, weighs more before it dries out.

We also propose a new limit of a maximum of four cannabis plants per household, regardless of how many people live there. The private member's bill does not currently include a limit on the number of plants that would be allowed in a single home. This potentially gives rise to situations where share houses or other properties with multiple residents could be used as larger scale "grow houses" by criminal groups.

The government believes it is important to maintain ACT Policing's ability to identify and disrupt criminal activity, including the commercial production of cannabis. Having an absolute limit on the number of plants that can be cultivated in a home is an important way to make a clear distinction between individual users and criminals cultivating cannabis for profit.

I will move amendments to restrict where personal cannabis plants can be grown—something which is also not currently considered by the bill. The amendments will address two separate issues. First, cannabis plants will only be able to be cultivated on

parts of a residential property not generally accessible by the public. This will prevent cannabis from being grown in areas such as front yards, verges or community gardens. This is intended to minimise access to cannabis plants by anyone other than the legal owner. This would also have the effect of preventing cannabis from being legally cultivated on commercial or community property.

Secondly, cannabis plants will only be able to be legally cultivated by a person usually residing at that property. This is intended to assist in making clear who owns the plants, again helping police to make a distinction between personal users and criminals cultivating commercial crops. Further amendments clarify that cannabis must be stored out of reach of children and that exposing a child to cannabis smoke will be an offence.

Finally, as we are specifically discussing now, we propose that the legislation take effect on a date declared by the Minister for Health, rather than taking immediate effect upon its passage by the Assembly. This will allow time to communicate to Canberrans what the new legal framework is and to make sure that people understand the continuing restrictions and risks when it comes to using cannabis. (*Second speaking period taken.*) Assuming that the legislation passes in this sitting period, we propose that the new laws will take effect on 31 January 2020.

I would like to speak directly to any adult in this community who uses cannabis or is considering doing so once this bill comes into effect. If you need help with the physical or mental health effects of using cannabis, you can contact the Canberra Health Services alcohol and other drugs services by calling the 24-hour helpline, which is staffed by professional workers from the government's alcohol and drug program.

If you do not want to talk to someone but you want to find out more information about alcohol and other drug services, this is available on the ACT Health website or the Alcohol Tobacco and Other Drug Association ACT services directory. I would add that anyone who has concerns about their substance use, cannabis or indeed any other, can talk to their GP or other healthcare provider.

It is also important that Canberrans are aware of what this bill will not change. If you possess amounts of cannabis beyond those authorised by this legislation, you can be charged and prosecuted. If you use cannabis in a public place, or in a way that exposes children, you can be charged and prosecuted. If you supply cannabis to other people in any form, whether for money or not, you can be charged and prosecuted. If you drive whilst under the influence of cannabis, or have cannabis in your system, you can be charged and prosecuted. Using cannabis will still carry risks, even after this legislation takes effect. Make sure that you understand all of the ACT's relevant laws so that you can do the right thing.

Canberrans are open-minded people. We are a community that embraces possibility, and we are prepared to go first in attempting progressive reforms that move the national agenda forward. Drug law reform to support harm minimisation is an important agenda, and removing penalties for personal possession and use of cannabis is another way that we can progress it.

This is a complex social and legal area. We acknowledge that there may be a need for further amendments to this legislation in the future to deliver on the community's expectations and to continue reducing drug harm. That is why we believe a review of these reforms within three years of them taking effect is appropriate.

Fundamentally, we support sensible, progressive drug law reform. We know that a significant majority of the Canberra community does, too. We are getting on with that through delivering the reforms in this bill. I commend this first amendment and my other amendments to the Assembly.

**MR HANSON** (Murrumbidgee) (11.16): Anyone who has been following this debate over the last few months will not miss the irony in the Chief Minister coming into this place and commending the committee inquiry and saying it is a great example of an inquiry when he voted against it. The Labor members in this place argued against a committee inquiry. They said it was a conspiracy that the Liberals were trying to delay this legislation. They said the committee inquiry was not required and they wanted to rush the legislation through. That was their position. Now their position is that it is the best thing since sliced bread: "Thank God we had a committee inquiry because that's what led to all these sensible amendments."

The ability for the Chief Minister and his colleagues to walk both sides of the street—to argue and vote against a committee inquiry, to describe it as a conspiracy theory—and then take all the good work done by that committee inquiry and put that as amendments saying, "Isn't it fantastic?" goes to the way this bill has been put together.

They say there are two things you should never see being made: sausages and legislation. This is probably one of the finer examples of the mess of cobbling legislation together that I have seen in my time in the Assembly. The amendment put forward by the Greens goes to that point. There is massive confusion, seemingly, in the Assembly but also out in the community about what all this means. Is cannabis being legalised or not? The Greens said it is not being legalised and it is a fear campaign and misguided media to say it is being legalised. Ms Le Couteur blamed the media for some miscommunication with the public by saying it has been legalised.

Mr Pettersson from the Labor Party then got up and said cannabis today is being legalised. You have the Greens in this place saying it is not being legalised; you have the Labor Party saying it is being legalised. No wonder there is confusion in the community about what on earth is happening in the Assembly today. But both the Labor Party and the Greens, as they are inclined to do, blame the media for this confusion when they are the ones at odd about what exactly is happening today.

The Greens amendment recognises the fact that there is confusion and ambiguity about what is being done in this place today and it requires time for this to be sorted out and for an information campaign and advice to be put together before this legislation is enacted. I agree with Mr Rattenbury—this is unusual; this is not the way it is normally done. That reflects the shemozzle and dog's breakfast of a bill that has been put before us. It has created all this confusion and the seemingly competing agendas between both members of this coalition government that seem to have a different view about what is being enacted.

It is quite clear that a lot of people in the community think cannabis is being legalised and it will be a free-for-all. As a result, as others have warned through the committee process, we are going to see an increase in the incidence of drug driving. The Chief Police Officer certainly talked about those issues this morning. Some people are now going to think that cannabis use in any circumstance is legal. They are going to be out there and will now be engaged with the criminal justice system, whereas previously they would not have been.

We support the amendment—there is a similar one from the government that I think will now not be moved—because it recognises that this has been a confusing debacle. Even the government disagrees on what is happening today. There is a need for a public information campaign to try to establish for the community exactly the parameters for what they can do. Clearly, ambiguity will remain.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.22), by leave: I move amendments Nos 2 and 3 circulated in my name together [*see schedule 1 at page 3919*] and table a supplementary explanatory statement to the government amendments. As I concluded in my extensive remarks at the beginning of the detail stage, amendments Nos 2 and 3 address the number of plants that can be cultivated.

**MR HANSON** (Murrumbidgee) (11.22): We will be supporting these amendments. As the Chief Minister said, they reduce the number of plants from four to two. We think that is a good change. As I have said previously, we do not think the bill is workable, but this goes some way to limiting some of the bad aspects of this legislation.

Amendments agreed to.

Clause 4, as amended, agreed to.

Proposed new clause 4A.

**MR RATTENBURY** (Kurrajong) (11.23): I move amendment No 2 circulated in my name, which inserts a new clause 4A [*see schedule 2 at page 3923*]. This amendment provides a set of objects for the Drugs of Dependence Act 1989 which embed the principles of harm minimisation and support the interpretation of the act, in line with a public health approach to the personal use of drugs of dependence. This accords with the Australian government's long-term commitment to the policy framework of harm minimisation and is further established in both the national and ACT government drug strategies.

Much has been said in this place recently of the need to treat personal drug use as a health issue rather than a criminal one. I urge both Labor and the Canberra Liberals to genuinely reflect on what this amendment would achieve before casting a vote either way.

Australia, under successive governments of both major parties over many years, has led the way on embedding the three pillars of harm minimisation into commonwealth health policy, and every state and territory has likewise done the same. From the days of the first needle and syringe program to today, we have funded programs and developed plans, strategies and frameworks under this banner. We have a real opportunity today to put in writing, in specific and very appropriate legislation, something every governing political party ostensibly agrees with.

These objects offer a positive affirmation of the ACT government's intent and stated motivation in bringing these amendments to the Assembly and send a message that they are serious about progressing drug law reform using well-defined policy settings and obligations. As such, the amendment causes no real conflict with any interpretations of the act as, by default, they are the policy settings the government stands by through other strategies and documents.

These are very clear amendments. Importantly, they set out what we want to achieve in drug policy in the ACT. Having them in the act is the right place to have them. I commend this amendment to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.25): The government will not be supporting this amendment. The Drugs of Dependence Act prohibits the sale, supply and possession of drugs of dependence and prohibited substances and for related purposes. Although the objects are consistent with drug policies and strategies, the act itself is somewhat broader and has links with other drugs and health legislation. Adding a new object to the act should not be done without careful consideration of how it might affect the operation of the act.

The ACT government's policy regarding the harm caused by alcohol, tobacco and other drugs is clearly articulated in the ACT drug strategy action plan 2018-21. That aligns with the national drug strategy and outlines a commitment to evidence-based and practice-informed responses to drug use that minimise harm in our community. Whilst I appreciate the intent of Mr Rattenbury's amendment, for the reasons I have outlined we will not be supporting its inclusion in this piece of legislation.

**MR HANSON** (Murrumbidgee) (11.27): We will not be supporting this amendment; it is an absurd amendment. It is a broadbrush statement that best belongs in a statement of objectives or a policy document rather than legislation. I go to the provision that states:

... to reflect an evidence-based approach to drug policy, which puts the health and safety of the ACT community ahead of all other policy objectives.

As we heard in question time yesterday, there is dispute about what the evidence actually says. Mr Rattenbury is less keen on what the AMA say and more keen on what other people say. In terms of the objective of putting the safety of the ACT community ahead of other policy objectives, I do not think what we are doing today does that. I do not think making cannabis more available for use does that. I do not think sending a message that might lead to more drug driving does that. I am glad the government is not supporting this—nor will we. It is a nonsense amendment and does not deserve support.

**MR RATTENBURY** (Kurrajong) (11.28): To be clear, the clause we propose today is to insert an objects clause, which is common in legislation. Many pieces of legislation have an objects clause because they seek to clearly spell out the intent. My proposal states:

The objects of this Act include the following:

- (a) to minimise harm resulting from the use of drugs of dependence;
- (b) to promote a balanced approach across the three pillars of harm minimisation—
  - (i) demand reduction; and
  - (ii) supply reduction; and
  - (iii) harm reduction;
- (c) to reflect an evidence-based approach to drug policy, which puts the health and safety of the ACT community ahead of all other policy objectives.

That is exactly the approach we want to take under our Drugs of Dependence Act in the ACT. I am disappointed at the lack of support today. Mr Hanson has on a number of occasions sought to represent my previous comments, in question time yesterday and in this debate previously, in the least flattering light he can think of. Whilst that is his modus operandi, it fails to respect the fact that I am seeking to reflect the nuance and complexity in these discussions. It is not the black-and-white view of the world Mr Hanson has sought to portray in his comments.

I have been very clear in my comments that cannabis use can present risks for people; there is no question about that. The question is: how do we deal with those risks and what approach do we take to it? That is the nuance we are trying to bring to this discussion.

Proposed new clause 4A negatived.

Clause 5.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.30): I move amendment No 4 circulated in my name [*see schedule 1 at page 3919*]. This amendment retains offences in the Drugs of Dependence Act for possession and cultivation but includes an exception such that those offences do not apply to anyone over 18 years of age.

This reduces the potential for incompatibility with commonwealth laws, therefore reducing the likelihood of commonwealth legislation being drawn on for possession offences in the ACT. Despite an offence still existing in ACT law, the practical outcome is that the possession and cultivation of small amounts of cannabis for personal use will be effectively legal for individuals.

**MR HANSON** (Murrumbidgee) (11.31): In essence, this is the attempt to work around the conflict with federal legislation. I think there remains ambiguity, which is unfortunate. But I think it is clear that to remove any of the elements that would completely remove its illegality would more likely bring it into conflict. So perhaps this is a step to try to remove ambiguity, but the ambiguity remains. But, as it is a step in the right direction, we will support it.

Amendment agreed to.

**MR RATTENBURY** (Kurrajong) (11.33): I move amendment No 3 circulated in my name [*see schedule 2 at page 3923*]. This amendment omits the distinction between artificial cultivation and cultivation under the act. The amendment seeks to recognise that it is the substance and quantity of that substance that is the primary focus of the Drugs of Dependence Act, not the method of cultivation. This will enable cannabis to be cultivated hydroponically or using artificial light, or using more natural outdoor cultivation methods.

We consider that it is something of a falsehood to restrict the further decriminalisation of cannabis to only one method of growing the plant, particularly in the ACT, with our extremes of weather from summer to winter. We also believe that this approach, which is ideologically neutral, will be of benefit to Canberrans who may live in flats, apartments or townhouses and who do not necessarily have the space to have a large-scale garden or access to open green space.

I would also hazard that this may potentially reduce the exposure some may have to the illegal market and criminal syndicates by virtue of not having to engage in what will still, in effect, be illegal trafficking of a prohibited substance under the government's amendments. It is important to reinforce that this amendment does not go towards the number of plants that can be cultivated by an individual, nor the amount they can possess. This is simply about how one is allowed to grow the cannabis.

If we are taking an approach that says, "You will be allowed to grow it," why do we care how people grow it? That is what this amendment seeks to change. It is nonsensical to say, "You can grow it in your garden, but you cannot grow it somewhere else—for example, in your garage." We have gone through the amendments that state that you need to do it out of public sight, but you are not allowed to grow it in your garage with a lamp on it. I think that is the result we are trying to produce here.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events

and Minister for Trade, Industry and Investment) (11.34): The government will not be supporting this amendment, nor the related amendment No 8 that Mr Rattenbury will move later. The amendment would have the effect of allowing artificial cultivation of cannabis, such as through hydroponic cultivation or with the application of an artificial source of light or heat.

We acknowledge that the natural cultivation of cannabis may be difficult in our city's climate—difficult but not impossible. The government does not support artificial cultivation of cannabis. The principal reason here is that the police have ably demonstrated from their investigations that, through artificial cultivation, single plants that are artificially cultivated can fill a three-bedroom home—sometimes even larger.

We understand that this may inconvenience some people. It may mean that cultivation is not straightforward. However, we believe, on balance, that the risk is too great to allow artificial cultivation. The focus of our reforms, as I have stressed on numerous occasions, is on small, individual users, not large-scale or sophisticated production. The government supports police being able to make a clear distinction between cultivation for personal use and cultivation for large-scale or commercial purposes by criminal operators. For those reasons, we will not be supporting this amendment.

**MR HANSON** (Murrumbidgee) (11.36): The opposition will not be supporting the amendment. I agree with the government in this regard. The use of hydroponic methods to grow cannabis can lead to some extraordinarily oversized plants that clearly go beyond the scope of personal use. We do not want to see—although it has now been limited to four plants per house—a situation where, grown hydroponically, you could create a pretty sizeable crop, which is clearly not in anyone's best interest.

**MS LE COUTEUR** (Murrumbidgee) (11.37): Just as a matter of factual information, it is possible to grow large plants hydroponically or non-hydroponically. That is not a distinguishing feature in terms of size.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 2

Ms Le Couteur  
Mr Rattenbury

Noes 15

Mr Barr	Ms Lawder
Ms J Burch	Mr Milligan
Ms Cheyne	Ms Orr
Mr Coe	Mr Pettersson
Mr Gupta	Mr Steel
Mr Hanson	Ms Stephen-Smith
Mrs Jones	Mr Wall
Mrs Kikkert	

Question resolved in the negative.

Amendment negatived.

Clause 5, as amended, agreed to.

Debate (on motion by **Ms Cheyne**) adjourned to a later hour.

## **Mental health—services for the deaf and deafblind**

**MS LAWDER** (Brindabella) (11.42): I move:

That this Assembly:

(1) notes that:

- (a) in the past (up to about 12 months ago), a contracted psychologist visited the ACT to work with deaf and deafblind ACT residents;
- (b) members of the deaf and deafblind community attended this clinic primarily because the psychologist is fluent in Auslan and understands deaf and deafblind people and their mental health issues;
- (c) the doctor had a significant client base here in Canberra and was greatly appreciated by all;
- (d) due to some disagreement with ACT Health, the doctor no longer sees deaf and deafblind patients in Canberra and many of her patients cannot travel to Wollongong to attend her practice there;
- (e) for over 12 months now the deaf and deafblind community have not had access to face-to-face, one-on-one mental health services;
- (f) the lack of Auslan interpreters in the ACT, especially available at short notice for a crisis mental health incident, exacerbates the problem; and
- (g) the general mental health of our deaf and deafblind community arguably in the ACT is at the moment at an all-time low and requires urgent investment; and

(2) calls on the ACT Government to:

- (a) immediately provide appropriate mental health services for deaf and deafblind ACT residents, preferably through re-instating the previous contracted psychologist with Auslan skills;
- (b) examine how deaf and deafblind people in the ACT are provided with health and mental health services, and how their needs can and will be better addressed in the future; and
- (c) investigate other ways to support our deaf and deafblind community in the ACT with their mental health and wellbeing.

I thank my Assembly colleagues for their indulgence in bringing this on while we have our Auslan interpreter with us. My motion concerns the mental health needs of Canberrans who are deaf, hard of hearing or deafblind and the fact that this government is treating their communication needs with contempt. For the sake of brevity during this speech, I am going to refer to deaf people, but I am referring all the way through to people who are deaf, hard of hearing or deafblind.

I am calling for the reinstatement of a previously government contracted psychologist with Auslan skills to serve the needs of the Canberra deaf community. I am calling on the government to examine how deaf, deafblind and hard of hearing people in the ACT are provided with health and mental health assistance, and how their needs can and will be better addressed in the future. I am calling on them to investigate other ways to support our deaf community in the ACT to ensure their mental wellbeing.

The reason for this motion is that I have been approached by members of the deaf community about gaps in service provision, especially relating to mental health. Mental health is an issue for everyone in Canberra. It appears to be a growing problem, and our deaf community are no different. They deserve appropriate support.

Just last month in the chamber, we on this side were calling for the reinstatement of funding for legal services for victims of domestic violence. Today we are calling for the reinstatement of psychological and psychiatric services for deaf Canberrans. The government seems to be abandoning vulnerable people throughout Canberra.

It may be worth talking a little about the issue of language for deaf people. For many deaf people, English is not their first language; they use Australian sign language, Auslan, as their first language. Some people then go on to acquire English using Auslan. Gaining a language is where you start the process of understanding and communicating with your world. If you are sick, physically or mentally, being able to communicate is vital, and being able to communicate in your first language when you are at your most vulnerable—for example, when you are experiencing mental health issues—is paramount. That is why having Auslan interpreters is so important. Over the years, I have spoken in this place about structural changes that I think are leading towards a shortage of Auslan interpreters here in the ACT.

Unfortunately, generally speaking, health professionals do not have an understanding of the cultural needs of deaf people. This can leave them feeling vulnerable, misunderstood, isolated and even inferior to their hearing counterparts. This is a pretty sad state to be in: simply because of your communication style and needs, other people may inadvertently, or on purpose, make you feel inferior. As well as the language differences, deaf people see the world from a very different perspective and their life experiences are not the same as the hearing population. In mental health matters, working through an interpreter is not ideal, as the process of interpreting can often mask the real symptoms. And that is if you can get an interpreter when you need one, on top of other issues.

Between 2009 and 2017, Canberra health agencies engaged with a specialist with expertise in working with deaf people to provide specialist psychological services. A psychologist called Dr Rodrigues, based in Wollongong, worked part time in Canberra. She is not only a health professional but a qualified Auslan interpreter. She had a significant client base here in Canberra and was greatly appreciated by her clients. How do I know that? Because I have spoken to some of her clients. Dr Rodrigues no longer sees deaf patients in Canberra, and many of her patients cannot travel to Wollongong to attend her practice there. Some patients may be able to engage via Skype with her, but that is not suitable for all patients.

Minister Rattenbury said that the directorate had considered the contract of Dr Rodrigues when her contract ceased in 2017. He said the directorate had considered “how her services interacted with wider mental health clinical services”. According to the minister’s letter, since her departure, Canberra Health Services and the ACT Health Directorate have determined that “there isn’t a need to have the services provided by her replaced”. Further, Mr Rattenbury said:

ACTHS and CHS—

ACT health services and Canberra Health Services—

have advised me they have not experienced any gaps in services where deaf and deaf/blind people are presenting with a mental health concern.

Again, I disagree. Why do I disagree? Because I have spoken to some of those people.

The minister’s response is at odds with what I have been told by members of Canberra’s deaf community. For example, I have received the following from a member of the deaf community:

For over 12 months now the Deaf community have not had access to face to face one on one mental health services and the implications are now becoming very clear.

We have had a recent instance where a Deaf person attended ER at Canberra Hospital in distress but was sent home without an interpreter being provided by the hospital. The person was suicidal and required admittance to hospital, but this did not occur. The general mental health of our Deaf Community is at the moment at an all-time low and I request urgent attention to reinstating the services of Dr Otilia Rodrigues.

Not only do mental health services need to be reinstated but it would be ideal if a service could be developed in consultation with the deaf community here.

The minister has either misunderstood or miscalculated the needs of the deaf community here in Canberra. For example, there is only one interpreter in Canberra qualified to work with deafblind people. That interpreter is also the only one qualified to work in mental health. It follows quite logically that if that interpreter is not available, the person needing assistance will go without that much-needed assistance.

However, even saying that using interpreting is the answer for everything is indicative of a lack of understanding. Mr Rattenbury seems to be a bit detached from the experience on the ground of deaf people. When he talks about funding provided to the Deaf Society for emergency interpreting services, which I believe is the only specialised funding provided by the ACT government for Auslan-using deaf people, my understanding is that the service is only available Monday to Friday. Who is going to be able to help you if you have a mental health crisis on a weekend?

We have experienced firsthand the challenges of finding interpreters in Canberra, with only one available today where usually two interpreters would have been booked for a

job of this type. Over the years in this place, I have spoken on a number of occasions about the challenges of training and retaining Auslan interpreters here in the ACT and the impact the closure of the CIT Auslan course could have. I suspect that over time this challenge of interpreting here in the ACT is going to become greater and greater.

Madam Speaker, we need to provide this much-needed mental health assistance to deaf Canberrans. We need to show them the same respect and dignity that we show to others. We need to recognise that they have every right to expect and receive the same health services as the rest of us. The government should work to reinstate the previously contracted psychologist with Auslan skills to serve the needs of the Canberra community. They should examine how deaf people in the ACT are provided with health and mental health services; examine how their needs can and will be better addressed in the future; and investigate other ways to support our deaf, deafblind and hard of hearing community in the ACT with their mental health and wellbeing.

It is not good enough to say, “We don’t believe there is a gap.” If you went out on the ground and talked to members of the deaf community, you would very quickly find that there is a growing gap and a very deep need for mental health assistance, just as there is across the broader community. We must do everything we can to support Canberrans with mental health concerns.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.54): I thank Ms Lawder for the motion in today’s Assembly which raises concerns about psychology services for the deaf and deafblind community of Canberra. I will, like Ms Lawder, use the shorter expression.

I assure Ms Lawder and others present today that the ACT Health Directorate, Canberra Health Services, I and the Minister for Disability and other ministers who will speak later in this debate are committed to ensuring that when a deaf person seeks access to mental health services they can have their need met and with a particular awareness in that service provision specific to their needs. In that regard I can ensure the Assembly that our treating teams fully understand that an Auslan interpreter would need to be arranged, that all services have access to an interpreter and that all clinicians are trained to be culturally sensitive and understanding.

The motion addresses some matters about a specific psychologist. I will provide some additional information. Between 2009 and 2017 the ACT Health Directorate supported a specialist to provide psychological services to the deaf community in Canberra. The ACT Health Directorate covered the costs of all disbursements, including out-of-pocket expenses incurred by the specialist, such as transport and room hire, for when she travelled to the ACT to deliver services for two days of every fortnight. On top of the fixed payment from the ACT Health Directorate, the doctor used the space provided to her to bill clients through Medicare and the national disability insurance scheme.

In 2016, given the significant changes that had taken place in the mental health sector in the wake of the NDIS rollout and also the Capital Health Network commissioning psychological services in a stepped care, best practice mental health service redesign, the ACT Health Directorate undertook a review of mental health services to see that what was currently being funded was achieving the best possible outcomes for the community. In 2016 a one-year contract renewal was agreed with the doctor, with the intention of reviewing the services provided. This contract review was necessary, and important, to understand how this service fitted into the broader mental health service delivery, met quality and safety standards and accountability and transparency requirements.

In August 2017 officials from the mental health policy unit visited the doctor to discuss her end of year report and, following this, her contract was extended until June 2018. In this meeting questions were asked in regard to where the doctor was receiving her referrals from, the model of care and episode of care used when assisting clients towards their recovery. Officials learned in this meeting that no referrals had been made to the specialist's service by any of the ACT mental health or health services, nor from the Deaf Society, for many years. This meeting highlighted the need to set clearer parameters on how this service would engage with clients to ensure that it is working with them to facilitate their mental illness recovery and rehabilitation and to teach the skills and coping strategies needed to keep them well and improve their overall mental health and wellbeing.

This is a requirement for any government-funded mental health service. All services are required to have criteria for service eligibility; provide comprehensive details on the model of care used when working with clients and participants; and give an indication of the care plan, which will provide evidence that the psychological interventions used to treat a person's mental illness will achieve an improved psychological state and see symptom reduction, particularly whilst engaging in the service.

As this doctor had not received any referrals from Canberra Health Services and had not provided any evidence-based methods for working with her client base, the Health Directorate had some concerns. Subsequently, the executive branch manager, who is a trained psychologist, and the principal psychologist of the mental health, justice health and alcohol and drug services met with the doctor in late November 2017 to discuss the service provision and amend the contractual agreement. This series of meetings came from a genuine place of inquiry to ensure that the deaf community were receiving the best possible mental health care and also to ensure the accountability of public spending. The directorate also wanted to learn more about the nature of the clients being seen, what their mental health concerns were, the interventions and methods used to address their psychological concern and measure the success and positive outcomes from visiting the service.

It was not actually clear to the directorate that all the clients being seen by this doctor had a diagnosable mental illness or mental health concern, nor that all clients were deaf or deafblind. In addition, the doctor was seeing clients from outside the ACT in the space provided to her by ACT Health. Unfortunately, the doctor decided to cease

her services before the directorate was able to ascertain any of the queried information and she did not share the information about her mental health treatment of the deaf community prior to her departure.

The amendments to the psychologist's contract that the directorate officials attempted to make were appropriate, as they were with the genuine intention of ensuring that this service was more accessible to those from this cohort presenting to Canberra Health Services, ensuring that it was operating within evidence-based practice and psychological accountabilities, as this is paramount for ensuring safety and quality. Safety and quality are paramount when we are working with the community to keep them safe and healthy.

The contract revision requested by the directorate required that clients would require a formal care plan indicative of a time-limited episode of care that would achieve tangible, positive and sustainable mental health outcomes for clients. This episode of care would initially be for a three-month period that would address and target specific symptoms from a diagnosable mental illness.

All ACT Health psychologists are required to work within this framework, which includes a case review, where thereafter the severity and longevity of an individual's symptoms are assessed and a subsequent care plan can be established in order to assess the most appropriate way forward for their care. This is a standard practice, and the directorate were within their jurisdiction to revise the contract to work with evidence-based care.

The contract variation also included that any referrals to the service were to come from the mental health division in the ACT so that there would be greater transparency of the client intake and referral pathways would better support any gaps in service delivery for people who are deaf. The referral pathway review also sought to reduce the isolation of the service to the broader mental health service and integrate the doctor with other clinical colleagues of the mental health division.

There were a number of other amendments made to the contract which I do not believe are necessary to go into. However, it is important to ensure that the key takeaway from this detailed overview of how this psychologist came to no longer provide services to the deaf community is that the review was undertaken only to improve the services delivered to the clients and future clients of this doctor, improve accountability of public spending and integrate this service into the broader landscape of mental health services in the territory.

Ms Lawder has raised in her motion that members of the deaf community attended this psychologist's services and she was appreciated by all. I do not dispute this and understand that this sort of ongoing service is desirable and very beneficial when experiencing a mental health concern. However, as I have said, it is necessary that when we are working with individuals we maintain transparency, quality and safeguards, which is what the undertaking with the doctor attempted to do. It is regrettable that the doctor did not provide the directorate with information on her client base and her service so that the directorate could clearly determine that this was a service that needed to be re-established. It is also unfortunate, as mentioned in my

letter to Mrs Dunne, that when the doctor was offered assistance to refer her existing clients to ongoing care with other mental health services she declined and did not make any transfers of clients.

I do not doubt that those in the community who saw the psychologist in question valued that service. That is also the basis of Ms Lawder's motion. However, I do not believe the question is about a specific provider. To me, the most important question is whether we are providing the necessary services to our deaf and deafblind community.

What I can inform the Assembly is that psychology services are available through our community mental health teams and they can arrange interpreter services ahead of appointments, through interpreter and communication services, including the National Interpreting and Communications Services, the National Auslan Interpreter Booking and Payment Service, Auslan Services, Sweeney Interpreting and the national Deafblind Information hub. I am aware of the skills shortage of Auslan interpreters in the ACT, which I understand is a nationwide issue. However, I am assured by Canberra Health Services that there have been no consistent or discernible issues that have arisen in regard to this in terms of service provision in the territory.

The government seeks to work closely with disability peak bodies to ensure that we are meeting the needs of the deaf community and to keep us abreast when gaps arise. However, given that the most important question in this debate is to ensure that the service needs are being met and to acknowledge the concerns raised in Ms Lawder's motion, I am proposing an amendment today in which I undertake that the ACT government will consult with key stakeholders, including the Deaf Society, the Office for Disability and mental health and disability services, to ascertain any concerns held by our deaf community in the ACT about mental health service provision or gaps that may exist, and report back to the Assembly by the last sitting week of this year. This will provide an opportunity for both me and other members of the chamber to be assured of direct contact with stakeholders and a clear assessment of current service provision.

What I can inform the Assembly is that since Ms Lawder first tabled this motion some weeks ago—and we could not debate it on the day—we have not waited. We have actually reached out to the Deaf Society and sought to establish that connection. We have had some initial feedback and we have a further meeting scheduled in the coming weeks. We have not been sitting on our hands. I have also discussed this matter specifically with the chief psychiatrist and Canberra Health Services. I actually started that when Mrs Dunne's first letter came, because I think this is an important question, one that we take seriously, and I do not think we should let this get bogged down in a discussion about an individual psychologist and the obviously difficult discussion that went on around trying to maintain quality control of her contract.

We have been liaising with our key mental health stakeholders, including the Mental Health Consumer Network and Carers ACT, and they have not raised any issues but they have said to us they will be alert to any matters arising. As I have said, we have had initial discussions with the Deaf Society and, other than the issue raised here today, they have not provided any feedback at this stage that deaf people in the ACT

are unable to receive the treatment they need. But those discussions will continue. Epidemiologically, we know that health and mental health determinants and outcomes for deaf or deafblind people are challenging. We are dedicated to determining the mental health service provision gaps in the ACT, if there are any, to identify them and then action them appropriately.

I acknowledge the efforts of Ms Lawder and also Mrs Dunne for the deaf community and their work to help break down the barriers for those people in the community. I assure them that I endeavour to clearly ascertain what we can do better in this space, where and if there are any gaps, and how we can make the services available more widely accessible to the deaf community.

I have circulated the amendment. My apologies that it came a little late, but I was caught out by the early start to the discussion. But it was circulated the last time this motion came forward. Hopefully members have had a chance to see it. I move:

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

“(1) notes that:

- (a) up until March 2018, a contracted psychologist visited the ACT to work with deaf and deafblind ACT residents;
- (b) members of the deaf and deafblind community attended this clinic, primarily because this psychologist has Auslan skills and understands deaf and deafblind people and their mental health issues;
- (c) ACT Health undertook a review of this psychologist’s funded program in November 2017;
- (d) after advising ACT Health of the decision to cease the contract, this psychologist no longer sees deaf and deafblind patients in Canberra;
- (e) all ACT Government mental health services have access to interpreter facilities, including on-site Auslan interpreters provided by the National Interpreting and Communication Services, which help the deaf and deafblind community to access face-to-face, one-on-one mental health services;
- (f) there is a skills shortage of Auslan interpreters across Australia; and
- (g) this may have implications for the general mental health of our deaf and deafblind community for the ACT and in Australia; and

(2) calls on the ACT Government to consult with key stakeholders, including the Deaf Society, Office for Disability, and mental health and disability services, to ascertain any concerns held by our deaf and deafblind community in the ACT about mental health service provision or gaps that may exist, and report back to the Assembly by the last sitting week of the year.”.

I commend it to the Assembly.

Debate (on motion by **Ms Cheyne**) adjourned to a later hour.

## **Notice No 5—private members' business**

### **Statement by Speaker**

**MADAM SPEAKER:** Members, just before we break for lunch I want to make a statement under standing order 136 that enables the Speaker to disallow any motion or amendment which is the same in substance as any question that has been, in this calendar year, resolved in the affirmative or negative. In exercising this discretion under the standing orders the Speaker needs to have regard to the intent of the standing order, namely, to prevent obstruction or unnecessary repetition which would consume the valuable time of the Assembly. Miss C Burch's notice of motion is listed as notice No 5, private members' business, on today's notice paper and relates to network 19 bus services.

On 15 May this year the Assembly debated a motion by Miss C Burch related to network 19, in particular to school bus services. On 14 August this year the Assembly debated a motion moved by Miss C Burch which was listed on the daily program also in relation to network 19, although this motion focused on weekend bus services. Miss C Burch's motion listed on the current notice paper also relates to network 19, covers aspects of both the previous motions relating to school bus services and weekend bus services and calls for the minister to address those issues.

In addition, on 20 August this year Miss C Burch, by leave, moved to censure the Minister for Transport and City Services in relation to bus services. The motion was debated by the Assembly and agreed to, with an amendment proposed by Ms Le Couteur.

Having carefully considered the wording of the current motion and the intent of standing order 136, I see no substantive differences between this motion and the previous motions that I have already outlined. It is my view that the current motion is the same in substance to the previous motions debated in this Assembly in relation to network 19. I therefore have decided to disallow this motion and it will not be coming on this afternoon.

**Sitting suspended from 12.10 to 2.00 pm.**

## **Questions without notice**

### **Health—flu season**

**MR COE:** My question is to the Minister for Health. Minister, why did it take the government 2½ months to implement the 2019 flu strategy following an early start to the season?

**MS STEPHEN-SMITH:** I thank Mr Coe for the question and note that this is a question that I have answered on numerous occasions in this place. I will provide the same answer that I have before.

A number of measures to support seasonal demand were implemented prior to 11 July 2019, which I assume is the date that Mr Coe is dating the "start" response to. This

included the introduction of strategies to improve discharge planning, removing barriers to discharge, increasing access to pathology rapid testing to enable early diagnosis of influenza, and commencement of additional recruitment to address seasonal demand. A targeted external communications strategy also commenced in June, to promote the utilisation of walk-in centres and to help Canberrans understand the difference between a cold and the flu.

The opening of the 16 winter beds at Canberra Hospital and the all-care discharge unit commenced on 11 July, and 12 additional beds were progressively opened at the University of Canberra Hospital from June 2019 to provide additional capacity into the system.

The commencement of both the additional beds at Canberra Hospital and the all-care discharge unit were, as I have said before, aligned to the completion of critical infrastructure works across the campus. The opening of new beds and services in a large and complex organisation like Canberra Hospital requires considerable planning. Work to develop the 2019 winter management plan commenced in early 2019. Opening new beds requires both staff and physical facilities. It is important to recognise that staff in hospitals work on rosters, which need to be planned in advance. Similarly, infrastructure works in a hospital need to be carefully planned and implemented.

Unfortunately, as I have said before, the flu season did not give us advance notice of its early arrival, which was the earliest for the last 10 years.

**MR COE:** Minister, when was the 2019 flu strategy signed off and ready for implementation, and who signed off on it?

**MS STEPHEN-SMITH:** I will take that question on notice. As I have already said, work commenced on the strategy in early 2019. It is really unrealistic to expect that a significant number of additional beds can simply be opened without forward planning. However, as I have said before, a range of strategies to respond to seasonal demand was implemented well prior to 11 July, and it is incorrect to assert that Canberra Health Services only started responding to increased demand on its services when these new beds were opened.

**MS LAWDER:** Minister, how many flu seasons will it be before you ensure that the Canberra Hospital system has the capacity and flexibility to handle a bad flu season, regardless of when it starts?

**MS STEPHEN-SMITH:** I absolutely reject the premise of Ms Lawder's question because, in fact, Canberra Health Services and Calvary Public Hospital, Bruce, did manage the demands of the winter season. Of course, we have just last week announced the start of the expansion of Calvary's emergency department, a \$6.7 million infrastructure project that will increase treatment spaces at Calvary by 22 treatment spaces, increasing ED capacity at Calvary by 50 per cent but increasing ED capacity across the whole system by almost 20 per cent before next winter, that project being finalised in March 2020.

This highlights the fact that we take a territory-wide approach to our health system. This is not just about Canberra Health Services. It is about our system as a whole and the system as a whole has, in fact, coped with the seasonal demand, which has been higher than in previous seasons, and we are increasing capacity before next winter.

### **Parking—Weston Creek**

**MS LE COUTEUR:** My question is to the minister for roads and relates to the proposed new car park at Cooleman Court in Weston. Minister, will the existing large trees be removed or, if they are not going to be removed, how are you designing it to protect them and what impact will this car park have on the trees' life span?

**MR STEEL:** I thank the member for her question. The design work is currently underway on the Cooleman Court car park which will be located on the block on the corner of Brierly Street and Parkinson Street in Weston and which will of course serve the nurse-led walk-in centre and also shoppers at Cooleman Court.

As part of that design process we will be looking at how we can retain as many trees as possible on the site. There are a number of eucalypt trees on the site. Some of the site is not covered by trees. We will be looking to accommodate potentially up to 150 car spots on that location. Once we have developed the design work we will be engaging further with the community in relation to those designs, including the residences that are directly adjacent to the site.

I have visited Weston Creek Community Council to talk about this at an early stage, and I look forward to the government continuing to consult with the community in relation to this car park, which has been called on by 50 per cent of residences that I recently surveyed.

**MS LE COUTEUR:** Minister, given that you implied that at least some trees would be removed and you did not talk about protection measures for the existing trees, how will this development be consistent with the government's recent announcement in the infrastructure plan calling for a 30 per cent tree canopy and a 30 per cent permeability target?

**MR STEEL:** I thank the member for her question. Our government is committed to increasing, enhancing and retaining our tree canopy in Canberra. As part of this project—as I assume will happen with many projects across Canberra—we will look at how we retain and enhance the tree canopy. As part of the design process I am really looking forward to seeing what we can do to increase the number of trees on this site.

**MRS JONES:** Minister, will there be a pedestrian crossing to this car park for trolleys, and will the car park site be levelled and flat?

**MR STEEL:** I thank the member for her question. As I said, we are looking at the design of the car park at the moment, so I cannot provide the specific detail around the gradient of the car park. As part of the project we will be looking at an option for a

crossing across Parkinson Street, which the community is very interested in, regardless of whether there is a car park there or not, to provide better access for those who are coming down from Stirling and other suburbs on the southern side of Weston Creek to Cooleman Court. In the discussion that I had with the Weston Creek Community Council, it was raised with me that if we did look at putting in a crossing there, we should look at making sure that there is some mechanism to slow down, particularly, young cyclists coming across the road. We will be looking at that option as well, and the treatments to improve safety around the area.

### **Environment—single-use plastics**

**MR PETTERSSON:** My question is to the Minister for Recycling and Waste Reduction: can you update the Assembly on the single-use plastics consultation?

**MR STEEL:** I thank Mr Pettersson for his question. Consultation on our single-use plastics discussion paper closed at the end of July and we received significant engagement from individual community members and businesses. At the close of consultation we had 3,230 submissions including 60 from businesses, peak bodies and advocacy groups. Several pop-up information stands were held at local shops across the ACT as well as targeted community and business information sessions. It is interesting to note that South Australia, which has approximately four times the population of the ACT, received just 3,600 submissions to their public consultation on single-use plastics.

A lot of Canberrans have had their say and that shows our community's interest in tackling single-use plastic in our community and working to phase out unnecessary and problematic plastics. Canberrans strongly hold the view that action needs to be taken on single-use plastics with transition to readily available alternatives, including plant-based products like hemp, Mr Pettersson. Canberrans also understand that a pragmatic approach may need to be taken to plastic products where no well-developed alternatives are available for consumers or businesses to transition to.

The ACT government is currently considering the detailed responses from the community and businesses. I look forward to announcing the next steps on our approach to taking action on single-use plastics that clog our landfill and end up in our environment, our waterways and our landscapes.

**MR PETTERSSON:** Minister, what products do community and business want to see phased out?

**MR STEEL:** I thank Mr Pettersson for the supplementary. Canberrans strongly support taking action on phasing out unnecessary and problematic single-use plastics. Along with the community consultation that took place, a government survey of ACT residents was undertaken to gauge support for various actions, with 77 per cent of Canberrans expressing definite support or probable support for banning single-use plastic straws; 71 per cent supporting banning plastic-lined takeaway coffee cups; 68 per cent supporting banning single-use plastic cutlery; and 64 per cent supporting banning single-use plastic takeaway containers.

This reflects the very high level of support provided during the consultation, which shows that the ACT community is eager for government to take further action to reduce plastic waste in Canberra. We are currently considering the detailed responses and the impact of phasing out certain products like plastic straws, particularly on vulnerable cohorts in the community, including people with a disability.

As well, further consideration is being given to some products where there are not yet clear alternatives. We will continue to work with businesses and other stakeholder groups as we take the next steps, but it is pleasing to see the appetite of the Canberra community to take strong action in phasing out problematic and unnecessary single-use plastics.

**MR GUPTA:** Minister, how is the ACT government continuing to lead the nation in phasing out single-use plastics?

**MR STEEL:** I thank Mr Gupta for his supplementary. The ACT government is continuing to lead the nation on a range of environmental issues from climate change right through to phasing out problematic and unnecessary single-use plastics. Our initial consultation on the discussion paper has concluded and we look forward to announcing the next steps in identifying products to phase out and working with the community and business to facilitate this.

To be fair, we are not the first jurisdiction to take action in relation to phasing out single-use plastics. South Australia was the first. We shortly followed, releasing our own discussion paper, and now Western Australia has also started consultation on phasing out single-use plastics.

Following their consultation, the South Australian government have now announced that they will ban plastic straws, cutlery and drink stirrers. They will also look at, over 12 months, banning expanded polystyrene cups and takeaway containers, as well as oxo-degradable plastic, with legislation to ban the single-use items to be introduced next year to the South Australian parliament.

Mr Coe has described this approach as “unworkable” and “idealistic”, once again showing how incredibly conservative and out of touch with our progressive community, and the rest of the country, the Canberra Liberals are on so many issues.

Phasing out unnecessary and problematic single-use plastics is a responsible approach to managing waste and our environment. Once we have fully considered the feedback provided by the community and business, I look forward, as the South Australian Liberal minister has done, to outlining the next steps in phasing out single-use plastics in the ACT.

### **Canberra Hospital—emergency waiting times**

**MRS JONES:** My question is to the Minister for Health. Minister, why were fewer than 30 per cent of patients who urgently needed treatment seen on time in the fourth quarter of the 2018-19 financial year?

**MS STEPHEN-SMITH:** I thank Mrs Jones for returning to this important question. It is important to note that Canberra Hospital has one of the busiest EDs in the country and its actual peers are all facing the same challenges with more and sicker patients. Canberra Hospital's ED of course is the larger of the two EDs that contribute to this result. We can see that this is the case when we look at the emergency department presentations across the year 2018-19 where we have seen the higher category of patients—categories 1, 2 and 3—all increasing but a reduction in the semi-urgent and non-urgent categories. Yet we are seeing an overall increase in patients.

We know, as we talked about earlier, that the winter flu season came early this year and presentations across the system were up three per cent in the last quarter that was reported on from the previous quarter to more than 38,000 presentations for the quarter. All up, 57 per cent of people spent four hours or less in ED.

I would like to reflect on some of the comments that were made on social media on the day that the quarterly performance report in relation to the experiences of patients in our emergency department was released. One patient said:

I know we keep seeing this in the media but seriously I used to live in Queensland and the emergency departments in Canberra seriously are good.

Another said:

I cannot speak highly enough of the fantastic ED reception's paramedics, nurses and doctors. They are very professional whilst providing the best of care in the shortest possible time. I've had my fair share of ED lately and each time the staff provided the highest standard of treatment and care.

Another said:

I was recently treated at the Calvary Emergency. I received fantastic treatment and was in and out in just over an hour. This included an x-ray.

*(Time expired.)*

**MRS JONES:** Minister, which peer hospitals saw fewer than 30 per cent of patients on time who urgently needed treatment over the fourth quarter of 2018-19?

**MS STEPHEN-SMITH:** I thank Mrs Jones for the supplementary, but I am sure it will not surprise people to know that I do not have fourth quarter data for a range of peer hospitals. However, the opposition does have access to the incoming minister's brief which notes that a particular hospital in New South Wales, which I will not name and shame, has a very similar profile to Canberra Hospital and a significantly worse outcome in terms of its performance.

It is absolutely the case—it is reflected in the incoming minister's briefs, which the opposition has access to—that the peer hospitals for Canberra Hospital are facing the same challenges: significant increases in the complexity of patients who are presenting to emergency. Of course, within the ACT these challenges are exacerbated

by the fact that our hospital system not only treats all ACT residents but treats the sickest residents from the surrounding region of New South Wales.

Bernadette McDonald, who did a couple of extensive interviews with media last week to mark her almost one year in the job, was very clear with media that the fact that the hospitals managed to sustain their performance over the fourth quarter of 2018-19, given the pressures of the winter season—which was particularly significant and which saw particularly significant increases in demand—was a reflection that already some of the timely care strategies that they have put in place are working.

Madam Speaker, I want to again thank and congratulate all of the staff in our hospitals, particularly those who work in the EDs, for the incredible job they do supporting patients.

**MS LAWDER:** Minister, why are you so reluctant to answer these questions when you too have access to the incoming minister's brief?

**MS STEPHEN-SMITH:** With most of these questions, I have used up most of my time. I do not think I am reluctant to answer them at all.

### **Health—adult mental health unit**

**MR WALL:** My question is to the Minister for Mental Health. As at 31 May 339 patients had waited for a day or more to be admitted to the adult mental health unit in 2018-19. This was a 139 per cent increase over the number of patients waiting for more than 24 hours for admission compared to 2017-18. Why did at least 339 patients have to wait for a day or longer for admission to the adult mental health unit?

**MR RATTENBURY:** The first thing to point out is that these patients are not without care; they are being seen to in the hospital. They may be accommodated in the short-stay unit in the emergency department; that is the most likely scenario. We have seen a significant increase in demand for mental health support at the hospital. I do not have the figures to hand; I am happy to provide them on notice. A lot more people have been presenting at the emergency department in particular in a state of mental health crisis. I am having extensive discussions with Canberra Health Services and the Health Directorate about this and we are looking at a range of initiatives.

Members may recall that in this year's budget we announced the PACER initiative which is designed to provide people with mental health care without them needing to present to the emergency department. This is one way to take the pressure off the system. Other matters are being looked at, which I am not in a position to announce in question time but which we are working on.

I am also pleased to report to members that a number of times recently we have been substantially below capacity in the adult mental health unit. Some of the measures that have been put in place are having some impact, and I suspect that that is also a reflection of the ebb and flow of people's needs in the community.

**MR WALL:** Minister, why was there at least a 139 per cent increase in the number of patients waiting over a day for admission?

**MR RATTENBURY:** Because a lot more people have presented needing care.

**MS LAWDER:** Minister, how many patients are expected to have to wait for a day or more for admission to the adult mental health unit during the rest of 2019?

**MR RATTENBURY:** We do not set out with an expectation of people needing to wait. It is the case where the hospital staff are working as hard as they can and providing the best possible care they can. But it does depend on how many people show up. As I alluded to in my earlier answer, we have seen a substantial number of people coming forward, above the rate in previous years. That has put some pressure on, which we are working to respond to at the moment.

### **Environment—planning strategy**

**MR GUPTA:** My question is to the Minister for Planning and Land Management. Minister, how is the ACT government's planning strategy protecting our natural environment?

**MR GENTLEMAN:** I thank Mr Gupta for his interest in planning for the future of Canberra. The ACT's planning strategy sets a vision for Canberra as a sustainable, competitive and equitable city that respects Canberra as a city in a landscape. Cities can choose to grow upwards or outwards. Canberra is surrounded by forests, hills and nature reserves. To grow outwards means destroying our natural landscape by bulldozing our forests.

This is why the planning strategy sets a target of 70 per cent for new development to be within our existing urban footprint. We want a sustainable city. It preserves our natural environment. It ensures that we can be more efficient with our transport, building along our light rail route and existing infrastructure instead of needing to bulldoze forests to put down new roads. In addition to protecting our trees and our landscape, a compact and efficient city means that more people can choose to walk or cycle to work.

The Leader of the Opposition was here last week talking about having more houses on residential-sized blocks. This would be an extremely dangerous move. And when Mr Parton says that when he looks out the window he sees plenty of land for development, what does he mean? Is he going to bulldoze Kowen Forest to our east or will he instead build over the sensitive ecology of the Murrumbidgee corridor? Or would the Leader of the Opposition prefer to build some houses on Mount Ainslie, Black Mountain, Mount Taylor, Mount Rogers, Red Hill or any of the other open spaces that make Canberra such a liveable city?

**MR GUPTA:** Minister, how does the planning strategy set a long-term vision for Canberra as a sustainable city?

**MR GENTLEMAN:** The ACT planning strategy is the long-term strategic document that sets out the vision for Canberra. It identifies areas for development, concentrated in our town and group centres and along major transport corridors. This includes planning for how our city will look, with an expanded light rail network linking more of our town centres. It also plans for a growing Canberra, with around 8,000 people each year moving to Canberra for our excellent jobs and livable city. The opposition has no responsible plan for this growth. Perhaps they should build a border wall.

Creating a sustainable city means making it easier for people to choose to walk, cycle or use public transport for their journey to work. Our planning strategy sets out the guidelines for responsible development. The planning strategy is how Canberra sets a long-term strategic direction.

**Mr Coe:** Compelling stuff, Mick.

**MR GENTLEMAN:** The government consulted extensively on the strategy, and it was subject to a committee inquiry. The Leader of the Opposition, who is interjecting across the room, demonstrated last week that he is either unwilling or unable to understand Canberra's planning system when he criticised the Territory Plan for not setting a direction for Canberra. Yes, the Territory Plan outlines what is developed and where; that is what it is designed to do. But the planning strategy is the long-term plan. This is the Leader of the Opposition showing his simplistic approach to policy yet again, too distracted with undergraduate-style politics to bother doing any work.

His inexperience and lack of ability to understand some basic planning concepts mean that the Leader of the Opposition is either incapable of undertaking a simple Google search or ignorant as to what is happening in his community.

**MS CHEYNE:** Minister, how does the planning strategy provide more equitable outcomes for Canberrans?

**MR GENTLEMAN:** An equitable Canberra is at the heart of the government's planning strategy. We want to make sure that Canberrans are close to jobs, transport, services, shops, friends and family. The planning strategy does this by providing a mix of housing types in a mix of different suburbs. People are able to downsize as well as upsize. Those who want to live in apartments close to work and restaurants can do so. Having a range of housing types at different prices across our city means that it is easier for people to move when their income or lifestyle changes.

The vision, if you can call it that, from the Leader of the Opposition is an outdated dream for all Canberrans to live in outer suburbs and drive to work in their Audis, clogging our roads and polluting our environment. Long commute times to distant suburbs mean that people are disconnected from work and disconnected from each other. The Leader of the Opposition, Mr Stamp Duty, thinks that all Canberrans want to have their 2.3 children and live in the suburbs.

*Opposition members interjecting—*

**MADAM SPEAKER:** Minister Gentleman, please refer to people by their proper names.

**MR GENTLEMAN:** The Leader of the Opposition, Mr Coe, thinks that all Canberrans want to have their 2.3 children and live in the suburbs. Not every Canberran has the same conservative wish that he does. Just as many Canberrans want to downsize as want to upsize. Our planning strategy, combined with our decreases in stamp duty, mean that it is easier for Canberrans to choose the housing that is right for them.

### **Canberra Hospital—security**

*Members interjecting—*

**MADAM SPEAKER:** Are we all going to control ourselves now, members? I will seek a question from the floor.

**MRS KIKKERT:** My question is to the Minister for Health. Minister, how many people in custody receiving treatment in the Canberra Hospital have escaped or tried to escape in the past two years?

**MS STEPHEN-SMITH:** I will take that question on notice. Obviously we may not be aware of all the instances in which people have tried unsuccessfully to abscond when being accompanied to—just the Canberra Hospital or was it both hospitals?

**Mrs Kikkert:** Canberra Hospital.

**MS STEPHEN-SMITH:** I will take the detail of the question on notice.

**MRS KIKKERT:** Minister, what level of risk to other patients, hospital staff and the general community have these escapes posed?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for the supplementary question. Just last week or the week before there was one attempt of a detainee to abscond from police custody. In fact, I do not think it was a detainee; I think it was someone who was in police custody, but I will check that. That was a dangerous situation in which one wardsperson and a member of the public were injured. That is, of course, very concerning, and we are obviously aware of at least one other situation. An occupational violence strategy has been developed—we have talked about this in this place before—to ensure that staff are well supported in managing the general issue of occupational violence.

I will come back to the Assembly with further information on the specific matters that Mrs Kikkert raised, but of course it is a concern when people try to abscond from custody and put other people at risk. Again, this is one of those issues that has to be managed across health systems; it is a reality of life that detainees and people in police custody may occasionally attempt to abscond.

**MRS JONES:** Minister, as part of your occupational violence strategy, which is under development, have you considered staffing and the supervision of detainees in hospitals, and whether it is currently adequate?

**MS STEPHEN-SMITH:** I will come back to the Assembly with detail in relation to that. What I can say in relation to the occupational violence strategy is that there has been a working group established, chaired by the chief executive officer, that meets regularly and includes more than 80 managers and staff, WorkSafe ACT, consumer and union representatives. The working group is responsible for the implementation of the strategy.

CHS has updated procedures relating to the classification of incidents to provide consistent and detailed data that can be used in occupational violence prevention strategies. External consultants, Aspect Consulting, were engaged to assist CHS in the development of the occupational violence strategy and associated tools, based on international best practice, which includes, as well as the strategy, policy and procedure, implementation and associated tools. Those documents were received in mid-July and consultation has been conducted with staff, unions and consumers prior to endorsement. The strategy is in the final stages of the endorsement process and includes the following areas: governance, prevention, training, response, reporting, support, investigation and staff-consumer awareness.

I will, as I said, come back to the Assembly in relation to the extent to which that includes the rare instances of someone in custody seeking to abscond. There are much more common instances of occupational violence which would be the primary focus for the occupational violence strategy, but I will come back to the Assembly with further information on the specific matter.

### **Drugs—overdose deaths**

**MR HANSON:** My question is to the Minister for Health. Minister, why have accidental deaths due to drug overdoses from stimulants such as ice tripled in the ACT over the past decade?

**MS STEPHEN-SMITH:** I thank Mr Hanson for the question. Drug and alcohol abuse and misuse is a very serious issue for our community. I am not sure that there is one single answer to Mr Hanson's question as to why we would have seen an increase in deaths from a specific drug but we know—I think we are all aware—that the use of illicit substances and illicit drugs throughout the community changes over time. At some particular times it may be more likely to be heroin or cocaine and at other particular times, as we have seen recently, ice has become more of an issue.

If there is a specific answer in relation to specific drivers of those changes that Mr Hanson referred to, it would be helpful, in Mr Hanson's supplementary, if he provided a data source for that particular piece of information. But I am happy to come back if there are further details that I can provide to the Assembly.

**MR HANSON:** It is the data source that was drawn from a *Canberra Times* article titled, which has a source document in it, I imagine. You will be able to Google that, I am sure.

**Mr Steel:** Maybe you should have.

**MR HANSON:** I did. That is why I am asking the question.

**MADAM SPEAKER:** Mr Hanson, to your question.

**MR HANSON:** Thank you for those rude interjections from the minister. Minister, how many young Canberrans have problems with the use of ice which consequently results in involvement with the justice system?

**MS STEPHEN-SMITH:** I will take the question on notice. I am not entirely sure that I will be able to provide a definitive answer around how many young Canberrans are engaged with the justice system as a result of their use of ice. Again, if someone can clarify whether you mean young Canberrans, as in youth justice under the age of 18, or whether you mean young Canberrans up to the age of 25, it would be helpful.

Certainly for young offenders under the age of 18, a lot of the young people we see engaged with the youth justice system have very complex lives and a range of issues that affect them and lead to offending behaviour. Drug use may be one of those issues but the impact of childhood trauma and the impact of adverse childhood experiences are significant issues. Other life factors—mental health, stresses in their lives—all contribute to potential engagement with the youth justice system. So I am not sure that I am going to be able to provide Mr Hanson with an answer that narrows it down to one specific driver for engagement with the youth justice system.

**MS LAWDER:** Minister, what education programs has the ACT government run targeting at-risk communities over the past decade about the risks of drug use?

**MS STEPHEN-SMITH:** I am going to have to come back to the Assembly on notice with some detail around that because there is a very wide range of drug and alcohol programs, education programs. There would be programs run through the Education Directorate in schools; there would be programs run in the community by non-government organisations. There are also programs run by the ACT government. If we are talking about every awareness program in the alcohol and other drugs sector across the ACT for the past decade, this is an enormous amount of information.

**Ms Lawder:** I said ACT government.

**MS STEPHEN-SMITH:** Some things are funded by the ACT government and delivered by the non-government sector. If I could get some further clarity, potentially Ms Lawder might like to put a question on notice rather than asking a question without notice if she is seeking this level and amount of detail about a decade worth of educational programs.

**Municipal services—dog management**

**MS LAWDER:** My question is to the Minister for City Services: in a media release on 24 May 2019 you announced the addition of a new six-person compliance team that will be highly visible in the community issuing infringements for dog owners doing the wrong thing. In answer to a question on notice on 9 September 2019 you stated that the six-member team, called the compliance targeting team, issued no infringement notices in its first month of operation in July 2019. Minister, how often do you receive reports on the effectiveness of the new team and what have those reports told you so far?

**MR STEEL:** I thank the member for her question and note that the media release provided that information. I also provided Ms Lawder with information in response to a question on notice. The compliance targeting team has been highly visible in the Canberra community. They have been targeting a range of different areas under city services legislation such as the Litter Act, the Public Unleashed Land Act and domestic animals legislation.

Education is a key part of the compliance pyramid and they have started in relation to domestic animal matters with an education approach. They have undertaken 847 engagements thus far; 526 of these related to dog control. In all cases the owners involved were educated about their responsibilities in relation to dog control and responsible pet ownership in general. Only three warning notices have been issued and in fact one infringement notice has been issued.

**MS LAWDER:** Minister, of the notices issued, have any of them been for a second or subsequent offence?

**MR STEEL:** I am happy to come back to Ms Lawder on notice in relation to that question.

**MR MILLIGAN:** Minister, will you table the reports on the effectiveness of the new team by close of business today?

**MR STEEL:** I have already issued a media release in relation to the activities of the compliance team, and I will continue to monitor the activities of the compliance team. It is a six-month pilot. I have already said that I would undertake an evaluation of the pilot to see the effectiveness of it in relation to the activities, which span a much greater area than just domestic animals.

**Environment—climate change strategy**

**MR MILLIGAN:** My question is to the Member for Yerrabi, Mr Gupta. Mr Gupta, my question relates to your motion on the government's climate change strategy. I have been contacted by a number of residents in Gungahlin—

**Mr Gentleman:** On a point of order—

**MADAM SPEAKER:** On the point of order, let me hear the question and then I will get advice on whether it is in order. I think that was going to be your point, Mr Gentleman. The question, from the beginning.

**MR MILLIGAN:** From the beginning: Mr Gupta, my question relates to your motion on the government's climate change strategy. I have been contacted by a number of residents in Gungahlin about the impact of the government's strategy and the impost it will have on residents in Canberra's outer suburbs, particularly the additional financial burden a number of measures pose. Do you believe it is fair to charge residents of Canberra's outer suburbs more than those who live in the inner city?

**MR RATTENBURY:** As the minister responsible for the climate strategy I will take that question.

**Mr Wall:** On a point of order, the question was specifically directed to Mr Gupta in relation to the motion standing on the notice paper in his name relating to the government's climate change strategy I draw members' attention, and your attention, Madam Speaker, to standing order 116 which states:

Questions may be put to a Member, not being a Minister, relating to any bill, motion, or other public matter connected with the business of the Assembly, of which the Member has charge.

**MADAM SPEAKER:** Members, if you would give me a moment. Mr Gentleman.

**Mr Gentleman:** On a point of order, the question is asking for an expression of opinion.

**Mr Wall:** On the point of order, Madam Speaker, if the issue is that it asks the member for an opinion I draw your attention to standing order 117 which states:

The following general rules shall apply to questions:

(a) questions shall be brief and relate to a single issue;

...

(c) questions shall not ask Ministers:

for an expression of opinion;

I draw your attention to the fact that Mr Gupta is a backbencher and not a member of the executive. I also draw your attention to the ruling on this matter of Speaker Dunne in the Eighth Assembly which allowed an opinion to be sought from a member not in the executive.

**MADAM SPEAKER:** I believe it was seeking an opinion. I note Mrs Dunne's earlier ruling but the decision always rests with the Speaker in the chair at the time, and I am going to allowing the minister responsible for climate change to respond to the question.

**Mr Rattenbury:** Madam Speaker, just before you finish your ruling I draw your attention also to standing order 59, which says:

A Member may not anticipate the discussion of any subject which appears on the  
*Notice Paper ...*

Knowing that Mr Gupta's motion will come on for discussion later this afternoon, I believe that members opposite are seeking to anticipate Mr Gupta's motion.

**Mr Wall:** Madam Speaker, standing order 116 is expressly clear. That allows questions to be asked of a member who has got carriage of a motion. Mr Rattenbury's point of order that a question on a matter coming before the house is anticipating business would rule any question relating to any matter that a member has got carriage of before the Assembly from being asked.

*Members interjecting—*

**MADAM SPEAKER:** Thank you, members. I have listened to all the debate and if Mr Rattenbury is comfortable in taking executive carriage of this question still I will give him the call to answer the question.

**Mr Coe:** Madam Speaker, I seek your clarification whether Mr Rattenbury is responsible for this item on the notice paper.

**MADAM SPEAKER:** There is a matter, there is a motion, there are a number of things before us. One, it is anticipating debate. Is it seeking an opinion? There is an executive member responsible for climate change. It is very clearly set out in the AAs. It is a government position. It is a government policy. Therefore it is fair and fitting for an executive member to respond.

**Mr Hanson:** Madam Speaker, on your ruling, in essence the standing orders allow a question of a non-executive member on a matter they have before the Assembly. Any matter before the Assembly has a minister responsible. This is what we are dealing with. That would allow, essentially, a minister to answer any question directed to a member on a matter before the Assembly. It would nullify the ability at any stage for a non-executive member to be asked a question about a matter that they have before the Assembly. The standing orders are written in a certain way that allows that questioning and do not say that ministers then pick that up. It is specifically about the matter before the Assembly, that being a motion, not the generic issue of climate change.

**MADAM SPEAKER:** Thank you for that. I have considered all these matters and I think, in this term, at this moment it is appropriate, if Mr Rattenbury is choosing to step in and answer the question, and reasonable.

**MR RATTENBURY:** We might have the question again as it has been some time since it was asked.

**MR MILLIGAN:** From the beginning: I have been contacted by a number of residents in Gungahlin about the impact of the government's strategy and the impost it will have on residents in Canberra's outer suburbs, particularly the additional financial burden a number of measures pose. Do you believe it is fair to charge residents of Canberra's outer suburbs more than those who live in the inner city?

**MR RATTENBURY:** I can assure Mr Milligan and other members—and encourage Mr Milligan to share this with his constituents—that the government has no intention of charging people in the outer suburbs additional costs as part of the response to this strategy. What I can assure members is that considerable thought has gone into this strategy to make sure that it is fair for all Canberrans that we make this transition that we need to make to be a low emissions city in a fair way, in an orderly way, in a way that is a just transition. That is the objective of the government here.

*Mr Wall and Mr Barr interjecting—*

**MADAM SPEAKER:** Mr Wall and Mr Barr, can you have this discussion at another time. Mr Rattenbury.

**MR RATTENBURY:** In regard to some of the measures that have been misrepresented under this strategy, I take this opportunity to reassure the community that the government is seeking to work with the community from a long-term perspective. I have seen the meme that the Canberra Liberals issued saying that I want to charge people \$3,000 to \$5,000 to remove their gas heating system. That is not our intention.

When I was asked, “What is the cost of replacing a heating system?” I answered in the following context: if your heating system comes to the end of its life, that is roughly what they cost, depending on your system, your house and all those sorts of questions. That is roughly what it costs to put in a new heating system. People are going to face that right now if their heating system breaks down, irrespective of the government's strategy—absolutely irrespective. People are paying that this week to have their heating systems repaired.

What we are saying to them is: in a carbon-constrained future, when your system breaks down you should go to an electric system rather than a gas system. That is the message that is contained in this strategy.

**MR MILLIGAN:** Minister, do you believe that it is right to increase car registration in order to force people onto public transport?

**MR RATTENBURY:** The government is seeking to explore ways to change the emissions profile of the city. There are a number of ways we are going to do that. One is to encourage people to take up electric vehicles. We are already demonstrating, through our own government procurement, that the lifetime cost of running these vehicles is already on par. With a prediction that the up-front price of these vehicles will reach parity in the coming years and a roughly 80 per cent lower running cost for an electric vehicle, I would be saying to people who live in more distant places and

who need to drive more that it makes great economic sense to be looking at the opportunities that come with zero emission vehicles.

**MS CHEYNE:** Minister, is there a proposal to force people out of their cars on certain days?

**MR RATTENBURY:** I thank Ms Cheyne for the question. There is no proposal to force people out of their vehicles. Again we have seen a misrepresentation of the way the climate strategy is set out. We are proposing to have car-free events—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, that is enough.

**MR RATTENBURY:** We are proposing to have car-free events, just as we do now. Something like Enlighten at the moment closes down certain precincts of Canberra and closes streets off to enable public events to take place. Car-free events and days are globally recognised events where certain parts of cities have their roads closed to vehicle access to enable pedestrians to reclaim the streets, to have festivals and to do fun runs, for example, or to run marathons. All sorts of things happen, and they are actually incredibly popular with communities.

I can imagine a great event in Ms Cheyne's electorate, in Ginninderra, where, in Belconnen town centre, a couple of streets might be blocked off so that a festival can take place, and people can come to use the space for community events. This is what we are talking about in the climate strategy. It is not what the Canberra Liberals are describing: banning people from using their cars. We have never said that. It is not in the strategy. They are making it up. They are a disgrace to public discourse.

### **Children and young people—government support**

**MS CHEYNE:** My question is to the Minister for Children, Youth and Families. How is the ACT government empowering young Canberrans to make our community stronger and fairer, particularly for young people?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for the question. Unlike those opposite, the ACT government knows that children and young people in Canberra have legitimate issues and concerns that are important to them. One way the ACT government supports children and young people to share their passions and talents is through the youth interact grants. The youth interact grants program provides funding for innovative projects that enable young people aged 12 to 25 years to lead and participate in community development activities in the ACT.

The grants are available each year for individuals, groups and organisations helping to build a stronger community and invest in our future. Fifteen recipients were successful in the most recent round of youth interact grants showcasing the diverse range of concerns and ideas children and young people in Canberra have. These include: Young Women Speak Out for a podcasting project to provide a platform for young women to organise, produce and create their own material for the community

by the community; YMCA Canberra for I Belong art workshops on the theme of what it means to belong in the community, with the art to be exhibited during Youth Week 2020; the ANU Muslim Students Association Giving Back through Art and Craft project, with crafted items to be donated to charities; and a school community garden and composting bioreactor.

I look forward to the progress of these exciting projects in the months ahead and encourage children and young people to get involved and help make Canberra an even better place to live.

**MS CHEYNE:** Minister, how do we support young people to be leaders within our community?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for the supplementary. It is critically important to include young voices when we are developing government policies and services. To Canberra's children and young people: we hear you and we respect your views and your right to express them on a range of matters, including the future of our planet and the threat posed by climate change. The government understands that the decisions we make today will be felt by today's young people well into the future.

The Youth Advisory Council is just one way for young people in Canberra to raise awareness and advocate on their aspirations, needs and concerns. The council delivered last year's ACT Youth Assembly, which I was pleased to recently formally respond to, and worked to ensure that the voice of young Canberrans was heard and considered in the L-plate and P-plate reforms. The council has also presented to ACT government directorates and agencies on how to engage and consult with young people.

I was pleased recently to appoint seven young people aged 13 to 25 to the council. My congratulations go to Mary Roberts, Nicholas Villers, Jacob Gamble, Sophie Macdonald, John-Paul Romano, Tommy Lu and Haneen Al-Asfi. The two new co-chairs are Shaylah McClymont and Dhani Gilbert, with whom I met recently. Both Shaylah and Dhani are bursting with energy and a passion to improve outcomes for young people in Canberra.

I thank the previous co-chairs, Natasha Tioukavkin and Issac Martin, and the outgoing council members. Their work and commitment to the council and Canberra's young people are greatly appreciated. I have no doubt that the new council members and co-chairs will continue to advocate on behalf of and represent young people in Canberra on a wide range of issues.

**MR PETTERSSON:** Minister, how can young people in Canberra get involved in and celebrate Youth Week 2020?

*Members interjecting—*

**MADAM SPEAKER:** Could you hear that question?

**MS STEPHEN-SMITH:** I could hear that question. I thank Mr Pettersson for the supplementary. Youth Week is an important opportunity to recognise and celebrate young people in our community. Youth Week is also a way for young people to get together, share ideas, attend events and simply have fun.

The 2020 Youth Week grants program is now open, and I encourage individuals and organisations to get involved and take part. Grants of up to \$2,000 are available for new and innovative projects that enable young people aged 12 to 25 years to lead and participate in community development activities for other young people in Canberra.

Successful projects will build connections between community members, using sport and cultural or creative activities, boost opportunities for young people to participate in local events, activities and youth-related causes, and increase opportunities for young people through the development of leadership skills, project management skills, networking, teamwork and decision-making skills.

It is always great to follow the progress of past Youth Week grant recipients. Last year students at Hawker College used a Youth Week grant to host an outdoor movie night. Not only did the event provide the students with an opportunity to recognise and celebrate their own achievements and community; they took a leadership role in the organising and running of the event.

Canberra has a great community of children and young people, and I encourage them to start thinking about what they can do for Youth Week 2020. I encourage all members of this place to raise awareness of the opportunity to apply for Youth Week grants.

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

### **Supplementary answers to questions without notice Women—return to work program**

**MR BARR:** Yesterday Mr Wall asked me a question about the return to work program for women and its offering in Tuggeranong. I can advise that there is no decision to cease the return to work for women program in 2020. The program was not included in the course guide of 2019, or indeed of 2018, as it is a program rather than a qualification.

The program is a 14-week course designed to help women who have experienced an extended absence from the workforce to improve or attain professional skills, including computing and digital literacy skills. The program has been a great success over recent years, with a 90 per cent completion rate and approximately 76 per cent of graduates going on to employment or further training.

The qualification is delivered through the program, the certificate II in skills for work and vocational pathways. That is included in the 2020 course guides. The program ran twice in 2018, with close to 30 women graduating with a certificate II in skills for work and vocational pathways. This year there has been one program in semester 1. Another is currently underway at the Tuggeranong campus.

Of course, CIT offers a range of courses at the Tuggeranong campus, including asbestos awareness and white card courses, foundation skills courses, general education courses, business courses, early childhood education and care courses, accounting courses, hospitality courses, and digital media and technology courses.

CIT consults widely with students, staff, the community, industry and other areas of ACT government to ensure that any changes that are made provide the most effective student learning experience. I trust that this information puts to bed the misinformation contained in yesterday's question.

### **Animals—dangerous dogs**

**MR STEEL:** In question time yesterday Ms Lawder stated that she wrote to me on 2 July and on 5 August in relation to a dog attack incident and had not received a response. I had in fact responded on 12 August. As an update, the dog in question has been seized by domestic animal services and currently remains at domestic animal services.

### **Government—veterans employment strategy**

**MR RAMSAY:** I briefly want to correct the record in respect of an answer I gave yesterday regarding the ACT veterans employment program. In my answer, I mentioned that the new head of Access Canberra was attending operation boss lift this week. I misspoke. It was actually last week that Mr Price attended the program, along with the chief officer of ACT Fire & Rescue.

During that program last week they visited HMAS Watson in Sydney. They were flown via Navy helicopter to HMAS Albatross in Nowra. They then travelled to HMAS Creswell in Jervis Bay. They were then taken by boat to HMAS Canberra, which is one of the Navy's newest ships. The participants participated in 24 hours on board HMAS Canberra with the ship's company, seeing all aspects of the ship's operations, including flight operations and boarding operations.

Madam Speaker, they have indicated to me that the experience reinforced how Defence reservists and personnel learn remarkable leadership, teamwork, problem solving and resilience skills, which are all highly valued in government. They found it interesting to see that the reservists simply blend into the mix with the other personnel. From an operational perspective, there is no difference. Each member, whether they are reservist or a career officer, is treated the same.

They have also remarked to me that it was clear that being a Defence Force reservist can provide a retention option for government employees, whereby it provides them with the opportunity to have two careers in one to learn valuable skills and to gain practical experiences that have a civilian work benefit.

### **Leave of absence**

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

That leave of absence be granted to Ms Cody for today due to illness.

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

That leave of absence be granted to Miss C Burch for today due to illness.

### **Notice No 5—private members' business** **Dissent from ruling**

**MR COE** (Yerrabi—Leader of the Opposition) (3.00), by leave: I move:

That the Speaker's ruling be dissented from.

Madam Speaker, I think it very inappropriate that you should rule out Miss Burch's motion on public transport today. I think it sets a very dangerous precedent for this place that pretty much we are able to tackle such a significant issue only once per calendar year. Of course, this is a very live issue in our community. It is a very live issue. This is an issue that is evolving almost day by day, but definitely week by week.

We have had promise after promise from this government with regard to improvements to the bus network. This is evidenced by the fact that the Chief Minister has had many media releases this year talking about the bus network but also alerting the public to changes with the proposed network. So for us not be able to re-litigate and litigate current and past issues in the context of what has been announced I think does this place a considerable disservice.

The motion that was moved back in May called on the government to provide data. The motion in August called for improvements to the real time system and to update the timetable. The motion on the notice paper today details numerous issues, but at a much broader level it calls on the government to fix the significant problems plaguing network 19.

What your ruling in effect does, Madam Speaker, is say to the Assembly, regardless of whether it is a government, opposition or crossbench motion, that we now cannot discuss network 19 as a motion on a future Wednesday. Is the government going to be allowed to come in here and discuss network 19 in the Assembly? Is the government going to come in here and be able to make a ministerial statement on network 19? Or are you going to rule that we have dealt with that issue?

It is absolutely absurd that despite change after change to the network this year, including the recent announcement that weekend timetables are going two hourly, we are not able to discuss that here. I think it is a terrible decision. It is a terrible decision and it does our democracy no good whatsoever. That is why I urge members to dissent from your ruling.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and

Emergency Services) (3.04): Madam Speaker, this is a stunt from an inexperienced opposition leader devoid of any ideas. His inexperience is really showing today without Mrs Dunne to hold his hand. The motion is a stunt, this from an opposition that frequently rises on standing orders particularly, as we have just seen, in question time. Given this, you would have thought that the opposition leader would have bothered to look at the standing orders.

I am happy to take this inexperienced opposition leader through standing order 136. It is very clear. Firstly, it is clear that motions or amendments cannot be the same in substance as one that has previously been considered by this chamber in a calendar year. Miss Burch's now out of order motion is the third one on network 19. It is very similar to the previous two that she has brought to the Assembly. Miss Burch's motion is like a broken record from the opposition. It has no respect for our hardworking public servants. Like their counterparts in South Australia and other Liberals, we know the Canberra Liberals really want to privatise our bus network.

Mr Coe's inexperience means that he does not do his homework. He does not understand how to look up facts and apply them. If he did, he would have paid attention to your ruling on 19 September last year. That ruling, Madam Speaker, like your ruling today, was precise and correct. On that occasion, you discussed standing order 136 and provided guidance on the standing order. In fact, the ruling concerned a motion by Mrs Dunne. As I said, Mr Coe needs to hold her hand. You ruled that motion in order, indicating that you did not want to see more than two motions that are substantially the same in a calendar year unless there are exceptional circumstances. You were right then and you are correct now.

Madam Speaker, I do note that standing order 136 provides discretion to you. You have gone above and beyond by providing guidance on how you would apply standing order 136. The Leader of the Opposition needs to do his homework. He needs experience, something, of course, that you have, Madam Speaker. You do a very good job in this place and in your electorate.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR GENTLEMAN:** This motion is nothing but a stunt and should not be supported. Lastly, this is not about the substance of the motion. It is about the inexperience of this opposition leader and his failure to do his homework.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

**MR GENTLEMAN:** If he cannot bring on a debate in this place following the rules, how on earth can he lead the opposition, let alone attempt to govern in the ACT? The government is proud of our public transport. We are happy to answer questions in this place and to have debates. They just have to occur according to standing orders. Let

us get on with the business of the Assembly unless, of course, Mr Coe is trying this on because he does not want to talk about climate change.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.08): Clearly, the application of standing order 136 empowers the Speaker to disallow a motion or amendment that is the same in substance to a question that has been previously resolved in the positive or the negative in a calendar year. In making the ruling, from what I am advised, you also received advice from the Clerk, as is appropriate. You then carefully considered the matter.

You outlined the previous motions in May and the two in August. The Assembly deserves and expects a careful consideration of these matters and also expects this place to operate effectively without repetition and re-litigation of resolved matters. This obviously requires a degree of discretion. It is, of course, within the purview of the opposition to dissent from your ruling.

I will, of course, go to the practicalities of the rest of this afternoon, noting that the member who has moved the motion is absent and will not be able to debate it today. We will also not have time in the schedule, given that we are only at the beginning of the day's list. My pragmatic suggestion to those opposite is that Miss C Burch take the opportunity between now and the next sitting to redraft her motion in a way that would not fall foul of standing order 136 and bring back something in next sittings.

We are not going to be debating the motion today regardless. We will run out of time as we have other items ahead of it and Miss C Burch is not even here for reasons of illness. We have just granted her leave of absence. A sensible way forward this afternoon would be for Miss C Burch to take the opportunity to reconstruct her motion for debate in the October sittings.

**MR WALL** (Brindabella) (3.10): On the motion to dissent from your ruling on Miss C Burch's motion, whilst we note the Chief Minister's observation that we are not going to get to Assembly business notice No 5 today, this ruling sets a very dangerous precedent for the Assembly.

The transcript of the ruling you made just prior to lunch states that under standing order 136 you are able to disallow a motion or amendment which is the same in substance as any question which has been, in that calendar year, resolved in the affirmative or negative. That is correct. You also said that, in exercising your discretion under this standing order, the Speaker needs to have regard to the intent of the standing order, namely to prevent obstruction or unnecessary repetition which would consume the valuable time of the Assembly. That is standing order 64, which relates to a number of actions in standing order 63 and does not relate to standing order 136.

On the matter of 136, it is right, as you said in your advice and as the Chief Minister has just noted—the manager of government business would do well to pay attention here—that the motion or question is the same in substance as any question which has

been in this calendar year resolved in the affirmative or negative. On that matter, it is not the nature of the motion or motions Miss C Burch has submitted historically to the Assembly, but the nature of what has passed.

For the benefit of members, Miss Burch's motion on 15 May noted, in clauses 1(a) through (e), the impact that the cancellation of school services has had and called on the Minister for Transport to provide significant data relating to access to buses and patronage times for primary school, high school and college students. An amendment was moved to that motion and was passed by the Assembly. The motion was to omit all words, note the changes to network 19, and further note investment in light rail. It also called on the minister to report back on MyWay patronage, performance of the network and bus fleet capacity.

On 14 August, the motion Miss C Burch proposed highlighted the extent of weekend bus cancellations and the involvement of the Transport Workers Union in staffing levels for weekend services. It called on the Minister for Transport to explain to the Assembly what the government was doing to improve the provision of real-time information and provide an updated weekend timetable that reflected the actual availability of bus drivers by midweek, prior to the weekend.

Again, this motion was amended in two parts. There was an addition of "notes" by Mr Steel which sought to add some additional information around the number of weekend services that were operating and the addition of some rapid services. Then there was a further amendment to omit all words and insert "calls on" items by Ms Le Couteur. Ms Le Couteur called on the minister to release an action plan on what actions would be taken, better ways of examining how time and cancellation information could be passed on to passengers, better ways of notifying passengers of cancellation services, and what matters were being done to improve weekend driver numbers. That was passed, as amended by the Assembly, on 14 August.

I draw members' attention to note (c) of Miss C Burch's motion as it stands on the notice paper today:

... despite having full knowledge of the list of cancelled weekend services well in advance, the Minister for Transport has refused to publish these cancellations in advance ...

That goes to the motion in August, in which the minister was asked to better notify the public.

1(d) makes a comment on the transport action plan. Again, that is a product of the motion passed on 14 August. It then makes further reference to the impact that continued cancelled school services are having and what the data suggests about school service patronage. That is a derivative of the motion in May.

In considering that, members should also pay attention to your ruling and your inconsistent application of this practice from the House of Representatives. On 14 April this year, you ruled in relation to a matter of public importance that related to

school chaplaincy. You drew members' attention to *House of Representatives Practice*. Like our standing order 136, it says:

Under the same motion rule the Speaker has the discretion to disallow any motion or amendment which he or she considers is the same in substance as any question already resolved during the same session. The same principle may be applied to a proposed matter of public importance which has substantially the same wording as a motion previously agreed to.

*House of Representatives Practice* continues:

However, more recent thinking has been that a subject can continue to be one of public importance and that the Opposition should not be restricted in bringing it forward again with different wording. Thus matters are submitted and discussed on the same subject as ones previously discussed, the Chair having ruled privately that new, different or extenuating circumstances existed.

The motion brought by Miss C Burch draws on the actions that were called on by the minister in the previous two motions and calls for the matter to be addressed and resolved once and for all. It is fundamentally different in substance from what was affirmed by the Assembly.

I would warn that not revisiting your position on this ruling will in essence set a dangerous precedent where a subject matter as broad as buses, climate change or urban services that comes up more than once in a calendar year would need, for consistency, to be ruled out of order. On numerous occasions the same issues come up for debate in this Assembly with different wording, different "notes" and different "calls on". In this instance it relates to buses. In other instances, they relate to climate change, urban services, community facilities or dogs. A myriad motions have repeated within a calendar year on the same core subject matter.

To change that view and that practice of the Assembly will show a blatant disregard for historical precedence and the recklessness with which you at times occupy the chair. We saw that again during question time through your loose interpretation of standing orders around what questions may be directed to members. Members should be very mindful of that. Madam Speaker, I would ask that you reconsider your ruling on this matter, that it be considered not just in the context of today's ruling but for the implications it will have moving forward, not just through this term but beyond.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (3.18): I was struck by Mr Coe's opening remarks, which seem to be inconsistent with standing order 136. Standing order 136 is quite clear that the same question may be disallowed. It says:

The Speaker may disallow any motion or amendment which is the same in substance as any question, which, during that calendar year, has been resolved in the affirmative or negative ...

It seems to us that it is the duty given to the Speaker by this place to seek to resolve those sorts of questions. There is, within the Speaker's remit, some degree of judgement and discretion which needs to be exercised. Given that two very similar motions have come forward this year, I think it is quite reasonable for you to make the ruling you have.

That said, we are of the view that the matter that Miss C Burch is seeking to raise is one of public interest. I think it is one that is legitimate for this Assembly to discuss. Exactly how it is to be done, I do not know. The Chief Minister has given quite a practical suggestion.

In the time we have had this discussion, I could have rewritten Miss C Burch's motion to bring it within the standing orders. That is perfectly clear. I think it is quite feasible for Miss C Burch to express her motion in a way that does not draw into discussion standing order 136. So we will not support a motion to dissent from the Speaker today. We entrust the Speaker to try to rule on matters that are contested in this place, and unless the Speaker is egregious on those matters, we do not see a reason to undermine the Speaker in that way. There will be different views on the Speaker exercising their judgement, but I think it is quite reasonable that the Speaker has made this judgement in these circumstances.

We are going to run out of time today anyway, but we will happily give leave to another member or Miss C Burch to bring forward a different motion. It is quite easy to construct it. I am happy to have a conversation about how one would do that with the interjectors offline, but we will not support dissent to the Speaker's ruling.

**MR COE** (Yerrabi—Leader of the Opposition) (3.20), in reply: Madam Speaker, Mr Barr noted that you have received advice on this matter. For the interest of all members here, I for one would like to know what that advice was. I would appreciate you tabling that advice.

As Mr Wall described in some detail, firstly the interpretation of the standing orders is wrong but, secondly, the motions that were put in May and August and the motion that is before us today are different. May was about data; August was about real-time information and updating the timetable; today it is about calling on the government to do what they have already said that they will do but have not actually done. It is quite a linear progression that we are on here. To say that we cannot advance an issue over the course of six months in the same way that a committee would, that questions do or that ministers do is a dangerous precedent.

We heard Mr Barr and Mr Rattenbury say, "You can just tweak it and bring it back." If it just requires a tweak, doesn't that mean it is substantially the same? The premise of what Mr Rattenbury was saying is that you can just change a few words around and get the same intent and bring it forward again. If you are going to do that, isn't that substantially the same? What Mr Rattenbury is saying through his remarks is that we cannot call on the minister to fix the problems plaguing network 19, that that question is done now and we cannot ask the minister to fix the bus network. Why don't we just have one big sitting at the start of February each year and do away with all of others?

That is pretty much what we would get to if you are not allowed to pursue issues as they evolve. Just imagine if the Speaker had made a similar decision about a climate change motion. There would be outrage. Of course, Ms J Burch would not do that. She would not offend Labor's coalition partner.

One cannot help but think that there is a bias in this decision. One cannot help but think that the Speaker is running interference so that we do not prosecute the issues with network 19. The issues with network 19 are real. We hear it all the time. Time and time again we hear of constituents who are left abandoned in their homes or abandoned at a bus stop because of the lack of performance in our bus network.

The three motions that the Speaker referred to are all different. There is no doubt about that; they are all different. In addition to that, we never really had a vote on them, because they were amended completely. It is very debatable as to whether technically Ms J Burch even has the provision, based on those standing orders, to make the ruling that she has.

Madam Speaker, I think you have let down many people by making the decision that you have today. We in the opposition are disappointed that we cannot litigate this issue in the Assembly today, but we really feel for the thousands of people who are left stranded by this government as a result of this bad bus network. And now, because of your ruling, we are not able to represent them through this motion. It is outrageous and the Assembly should be dissenting from your decision.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 7

Noes 10

Mr Coe  
Mr Hanson  
Mrs Jones  
Mrs Kikkert  
Ms Lawder  
Mr Milligan

Mr Wall

Mr Barr  
Ms J Burch  
Ms Cheyne  
Mr Gupta  
Ms Le Couteur  
Ms Orr

Mr Pettersson  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith

Question resolved in the negative.

**MADAM SPEAKER:** For the interest of members, Mr Coe, you asked about written advice. I have made it very clear to you that there was no written advice; it was verbal advice. I suggested that you take the opportunity for that advice as well, for a verbal briefing for members' information.

## **Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018**

Debate resumed.

Clause 6.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.28): I move amendment No 5 circulated in my name [*see schedule 1 at page 3919*].

This amendment addresses two issues: compatibility with commonwealth law, and distinguishing between fresh and dry cannabis. Firstly, to improve compatibility with commonwealth law, this amendment retains offences for possession and cultivation, but with an exception for persons over 18 years of age. This will mean that the ACT still has a relevant offence in legislation, meaning that we have not vacated the space with regard to cannabis offences, thereby reducing the likelihood of the commonwealth Criminal Code being drawn on for possession offences in the territory. Despite an offence still existing in ACT law, the practical outcome is that the possession and cultivation of small amounts of cannabis for personal use will be effectively legal for adults.

Secondly, distinguishing between fresh and dry cannabis was considered necessary to achieve the intent of the bill with regard to allowing individuals to cultivate their own cannabis. Dried cannabis is defined as cannabis that has been subjected to a drying process and will be subject to a 50 gram limit, in line with the current simple cannabis offence notice settings. Cannabis that has been harvested but not yet dried will be subject to a limit of 150 grams.

There is a Greens amendment that seeks to allow a 150 gram limit for persons with certain medical conditions. The government is of the view that this conflates medicinal cannabis, which is produced, prescribed and used according to stringent guidelines, with homegrown cannabis. We believe that this is a potentially dangerous confluence and that it is not a matter for this proposed act.

**MR HANSON** (Murrumbidgee) (3.30): We will support the amendment, but there are some complexities and difficulties here. Firstly, in terms of the weighing issue, exactly what is dry and what is wet will potentially be the cause of some potential dispute down the track. How do you determine what has been freshly cropped and what has not? That remains to be seen.

The other part of this amendment is the attempted legal workaround. I think it is evident that this is creating ambiguity. It is a very difficult issue for police officers to enforce on the ground. Also, I think that it is creating confusion in the community. As we saw earlier in this place, the Greens are saying that we are not legalising cannabis; the Labor Party are saying that we are legalising cannabis. If the two parties supporting this bill cannot even agree on what is actually happening in this place today, and are coming up with convoluted legal workarounds to try to deconflict this with federal legislation, it risks putting cannabis users who think they are doing the right thing and police in a potentially compromising position. That said, there are few alternatives other than being in direct conflict with federal law, so this is perhaps the best worst option.

Amendment agreed to.

**MR RATTENBURY** (Kurrajong) (3.32): I move amendment No 4 circulated in my name [*see schedule 2 at page 3923*]. As the Chief Minister alluded to, this amendment provides a higher cannabis possession limit for an individual with a recognised diagnosis for which medicinal cannabis can provide treatment. An individual with a recognised diagnosis, or their carer acting on their behalf, under this proposal could possess up to 150 grams of cannabis compared with the standard possession limit of 50 grams proposed in the bill.

The ACT Greens have led the way in calling for the legal use of medicinal cannabis for nearly 20 years. Regardless of the hesitation of the commonwealth, and even some in this place today, to properly tackle the supply issues of the current scheme, we will always seek ways to improve access to cannabis by the sick and dying people that we know it can help.

The proposed amendment provides greater access to treatment for those patients with a condition approved for medicinal cannabis prescription under the ACT controlled medicines prescribing standards. This would enable patients to grow and produce their own medicinal product and allow them to have an increased amount of cannabis, providing treatment to people who have difficulty accessing it through the ACT medicinal cannabis scheme, and potentially reduce their exposure to both criminal elements and negative contact with police and the legal system.

We are cognisant that, if you have this prescription, you have a different need and a different expectation of supply from somebody who may choose to consume cannabis for recreational purposes. We think this is a demonstrably different circumstance. Having a continuity of supply is quite important to somebody who is using it on a prescribed basis.

I do not concur with the Chief Minister's analysis of this. We think these patients are not users as such, and they should be entitled to access what, to them, is effectively medicine.

We have been very clear in our amendment that a relevant diagnosis is defined in the amendment as those conditions for which medicinal cannabis can be approved under the ACT controlled medicines prescribing standards. This is not some way of putting in a get-around for people who simply want to have more; this is about recognising the genuine need that people have and being practical about their ability to access it reliably when they need it.

This is an important amendment, and one that I think would benefit and have an impact on a small group in our community.

**MR HANSON** (Murrumbidgee) (3.35): Principally for the same reasons outlined by the Chief Minister, the opposition will not be supporting this amendment. We do not want to conflate the two issues. We have been supporters of medicinal cannabis. There are guidelines for that, and I do not think that we want to be conflating recreational cannabis, and the way it is grown, with medicinal cannabis.

Amendment negatived.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.36): I move amendment No 6 circulated in my name [*see schedule 1 at page 3920*]. This amendment places a limit on the number of plants per household. It is considered necessary to ensure that homes with numerous residents are not used as grow houses. The government is proposing a new limit of four plants per household. This is to be implemented as a strict liability offence for cultivating a cannabis plant at a premise where more than four plants are being cultivated.

This amendment will also introduce a defence to prosecution for an offence against proposed new section 171AAA if the defendant can prove that they lived at the premises while cultivating cannabis and could not have reasonably been expected to be aware that more than four plants were being cultivated at that premises.

**MR HANSON** (Murrumbidgee) (3.37): We will support this amendment. One of the concerns that we have raised throughout this process was the ability in the original bill, or as it has been tabled without amendment, to have a grow house. I think that that was an invitation, a green card and a green light for organised crime. It is appropriate that that be amended to prevent what would otherwise be drug houses from being enabled. I do not know if it was Mr Pettersson's intent to allow for grow houses; certainly, it was the outcome.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.38), by leave: I move amendments Nos 7 and 8 circulated in my name together [*see schedule 1 at page 3921*].

These amendments will mean that a simple cannabis offence notice is available for individuals under 18 years of age who commit an offence under section 162 by cultivating one or two cannabis plants. The SCON would be available for individuals under 18 years of age who commit an offence under 171AA(1) by possessing 50 grams or less of dried cannabis, or, consistent with the rest of the legislation, 150 grams or less of cannabis that has been harvested and which is not dried or is a mixture of dried cannabis and cannabis that is not dried.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clause 8.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.39), by leave: I move amendments Nos 9 and 10 circulated in my name together [*see schedule 1 at page 3921*].

These amendments propose to prohibit smoking near children through an offence involving a mental element rather than based on a distance rule, a 20-metre distance rule; that is, simply knowingly or intentionally using cannabis in a way so that a person less than 18 years of age is exposed to it. The government proposes to do this through the introduction of an offence where a person smokes cannabis and a child is exposed to the smoke or vapour from the cannabis that the person is smoking.

The further amendment proposes to introduce a new section 171AB(2) which would provide a defence where the defendant can prove that they took all reasonable steps to ensure that the child was not exposed to smoke or vapour or believed on reasonable grounds that the child was in fact 18 years or older.

**MR HANSON** (Murrumbidgee) (3.41): The reality is that this legislation will allow adults to grow and smoke cannabis at their residence. We do not support that. By enabling that, I think the risk of children being exposed both to cannabis plants and to the smoke, more importantly, are significantly increased, there is no question. This is yet another reason why we do not support this bill in principle.

The amendments being moved by Mr Barr go some way to try to address these issues, but of course they are nearly impossible to police inside private homes. I do not think that we are expecting that police will be knocking down doors to see whether you are smoking in front of children. The reality is that it is unlikely, in my mind, to expect that people who are growing marijuana decide that they will go outside on a cold winter's night every single time when children may be present.

We are setting the conditions through this legislation where children will be more likely to be exposed to cannabis than they would otherwise be. That is one of the reasons why we do not support this legislation. That said, the amendments in part address that issue, and we will support them.

Amendments agreed to.

Clause 8, as amended, agreed to.

Proposed new clause 8A.

**MR RATTENBURY** (Kurrajong) (3.43): I move amendment No 5 circulated in my name, which inserts a new clause 8A [*see schedule 2 at page 3923*]. This amendment is complementary to my previous amendment regarding commencement provisions and provides that the minister cannot commence the amendment act until

written material designed to inform the community about the legal and health risks and possible implications of the amendment act are notified to the Legislative Assembly and published. This process allows the Assembly to review the material and provides the community with clarity as to the issues and timing of the commencement. It is really important to be clear with people about the rule changes.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.44): We are happy to support this amendment. I undertake that the government will provide high-level guidance on these matters by notifiable instrument, noting that the preferred and more effective method of communicating with the public about these changes will, of course, occur through channels beyond just notifiable instruments, which can be updated more readily than the legislation register. This means that the bill would not take effect until there is a definitive statement from the government on the legal and health risks that cannabis users may still be exposed to if they use cannabis.

**MR HANSON** (Murrumbidgee) (3.44): We will support this. It is necessary given the shemozzle and confusion. Perhaps in this material the two parties can work out whether you are legalising cannabis or not.

Proposed new clause 8A agreed to.

Proposed new clause 8B.

**MR RATTENBURY** (Kurrajong) (3.45): I move amendment No 6 circulated in my name, which inserts a new clause 8B [*see schedule 2 at page 3924*]. This amendment establishes a cannabis advisory council to advise the relevant minister on issues arising from the legislation about personal cannabis use in the ACT and other related matters. The council is proposed to provide expertise to government on new issues that emerge as changes to cannabis laws come into effect.

We propose that the council be made up of five to seven members chosen based on their expertise across drug and alcohol issues, law enforcement and mental health. Membership must also include someone with lived experience of the use of a drug of dependence.

The Assembly has seen similar bodies created under legislation over time, including in relation to medicinal cannabis. This is a really good opportunity to create a mechanism like this again. We are changing the law here; reservations about that have been expressed in this place. It is important that we continue to monitor this and make sure that there are not unforeseen consequences or that further amendments need to be made to ensure that the intent behind this legislation is delivered. This is about monitoring this important policy development and making sure that we have the best possible legislation we can.

The make-up of the proposed council ensures that a balanced and impartial view would be presented to both the minister and the Assembly and put the government in

good stead to consider any technical amendments that may be required in the implementation phase of the new scheme. I urge members to support this amendment.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.47): The government will not be supporting this amendment. We do not consider the creation of a new council to be warranted at this time given the scale of these reforms. Obviously establishing and maintaining such a body would involve resources. Particularly given the various other mechanisms for related advice to be provided to the minister or the government we think this goes beyond what is necessary at this time.

We believe some of the elements of the intent for establishing a lay advisory body or council can be incorporated into the review of the amendments and to ensure the review takes into consideration the views and experiences of different stakeholders. This is not necessary at this time but some of the ideas that led to this being proposed have merit and can be part of the review that will come in three years.

**MR HANSON** (Murrumbidgee) (3.48): We will not be supporting the amendment; we do not see the requirement for an advisory council. The fact that the Greens think that there is a need for it goes again to the confusion and disruption we are creating today. I agree with the government that if advice needs to be put to government it does not need to be done by a discrete advisory council.

Question put:

That the amendment be agreed to.

Ayes 2

Ms Le Couteur  
Mr Rattenbury

Noes 15

Mr Barr	Ms Lawder
Ms J Burch	Mr Milligan
Ms Cheyne	Ms Orr
Mr Coe	Mr Pettersson
Mr Gupta	Mr Steel
Mr Hanson	Ms Stephen-Smith
Mrs Jones	Mr Wall
Mrs Kikkert	

Proposed new clause 8B negatived.

Proposed new clause 8C.

**MR RATTENBURY** (Kurrajong) (3.54): I move amendment No 7 circulated in my name, which inserts a new clause 8C [*see schedule 2 at page 3925*]. This amendment requires the minister to review the operation of the amendments made by the Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019 as soon as practicable after the end of the third year of operation. This is a commonsense and practical amendment that simply affords to all concerned—government, law enforcement agencies, the community sector and those residents of the ACT who may

be affected—certainty as to the ongoing evaluation of the new approach and the viability of its continued operation. There is no doubt it will be worthwhile to look at this in a couple of years to see whether we need further amendment to the law and also to ensure that the provisions are operating as intended.

Contrary to Mr Hanson’s earlier remarks—which of course were about the politics and not about the content—this is about recognising the significant expertise in our community, the people who have been involved in the practical operation of these rules, who may well have insights and learnings after a couple of years of operation. It is well and truly worth having this sort of review in three years. It is standard to do this in legislation, and we think it adds value to this process.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.55): The government is happy to support Mr Rattenbury’s amendment, as I foreshadowed in my remarks to the previous amendment. There is merit in reviewing the situation after the time period contained within this amendment. As I indicated before, I note that some of the intent behind the advisory council and the voices and perspectives of stakeholders that would have come about had that amendment been supported need to be involved in the review process in three years. That is a sensible and practical way to proceed.

**MR HANSON** (Murrumbidgee) (3.56): We support this amendment.

Proposed new clause 8C agreed to.

Clause 9 agreed to.

Schedule 1, part 1.1, amendment 1.1.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.57): I move amendment No 11 circulated in my name [*see schedule 1 at page 3922*]. The government proposes to update the note at sections 605 and 614 of the Criminal Code 2002 to specify:

For an additional offence relating to possessing controlled drugs, see the Drugs of Dependence Act 1989, pt 10 and the Medicines, Poisons and Therapeutic Goods Act 2008, section 36.

This is put forward for completeness.

Amendment agreed to.

Schedule 1, part 1.1, amendment 1.1, as amended, agreed to.

Schedule 1, part 1.1, amendment 1.2.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.58): I move amendment No 12 circulated in my name [*see schedule 1 at page 3922*]. The government proposes to omit the bill's amendment to subsection 618(2) of the Criminal Code. Section 618 of the Criminal Code 2002, which deals with cultivating controlled plants, would remain unchanged.

A person will commit an offence under subsection 618(2) of the Criminal Code 2002 if the person cultivates artificially or otherwise three or more cannabis plants or artificially cultivates one or two cannabis plants. Artificial cultivation is defined in this section to mean hydroponically cultivate or cultivate with the application of an artificial source of light or heat.

Amendment agreed to.

**MR RATTENBURY** (Kurrajong) (3.59): I will not move amendment No 8 circulated in my name, as my earlier amendment No 3, to which it relates, was not passed.

Schedule 1, part 1.1, amendment 1.2, as amended, agreed to.

Schedule 1, part 1.1, amendment 1.3 agreed to.

Schedule 1, part 1.2, amendment 1.4.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.00): I move amendment No 13 circulated in my name [*see schedule 1 at page 3922*]. This amendment proposes to omit section 9A in the Medicines, Poisons and Therapeutic Goods Act 2008 and substitute it with a proposed new section 9A. The new section 9A provides at subsection 1 that the defined provisions of the Medicines, Poisons and Therapeutic Goods Act 2008 listed at subsection 2 do not apply to an adult if the substance is an amount of cannabis that the adult is not prohibited from cultivating or possessing under the Drugs of Dependence Act 1989.

Amendment agreed to.

Schedule 1, part 1.2, amendment 1.4, as amended, agreed to.

Title.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.01): As this will be the final opportunity to speak in this debate, I want to put on record my thanks, firstly, to Mr Pettersson for bringing forward this private member's motion and for undertaking days, weeks and months of detailed consultation with stakeholders and with the

broader community, and for his willingness to champion an issue that many have not been willing to progress.

I wish to place on record my thanks to cabinet colleagues for their detailed consideration of each of the government amendments and the Greens amendments throughout this process. I again thank the committee for their work. I thank Mr Rattenbury and Ms Le Couteur in their roles as crossbench members for their contributions to this debate. I thank Mr Hanson and his office for their engagement on the issues. We do not necessarily agree on the matters of principle but we have been able to conduct this debate today in a way that I think does credit to the ACT Legislative Assembly. I commend Mr Hanson and his team for that frank engagement.

We will, of course, disagree on the outcomes and I am sure you will not be voting for the bill as amended, but I do thank you for that engagement through this process. When we do, perhaps rightly, hear criticism of other Australian parliaments for not taking on issues like this—we also at times hear criticism of this place for being too ambitious in our reform agenda—I think any assessment of the way this process has been handled and the quality of this debate provides a very positive reflection on the ACT Legislative Assembly. I thank members for their collective contribution to making this possible.

In closing, I also thank my office and officials right across the ACT public service for their hard work and detailed involvement in getting to this stage today. I commend the amended bill to the Assembly.

**MR HANSON** (Murrumbidgee) (4.04): I join with the Chief Minister in thanking all of those people who have been involved. We have agreed on a number of things today; we have disagreed on a number of things today. But we have been quite informed about the debate, in particular through the work done by the committee. I certainly commend the committee and those who submitted to that inquiry and presented to the committee members.

I think that through the process of the amendments today we have certainly improved the legislation that was presented. I have been critical of that. However, I am aware that sometimes it is difficult as a backbench member. I hope that the flaws in the legislation were not deliberately there to create grow houses, for example, but were simply omissions. We have rectified a number of those. I thank the Chief Minister for having done that.

Regardless, I am not happy with where we have ended up. I think that we end up with a situation where the government is signalling and in effect supporting and condoning increased consumption and use of cannabis. My concern with that is not some wowsier concern. It really is not. My concern is the evidence that we have received about the links between increased cannabis consumption and mental illness. That is our concern on this side of the chamber. This is not ideological. This is not wowsierism. That is a legitimate concern.

Secondly, it is the impact on drug driving. That is a concern that has been articulated by the Chief Police Officer and also by the Australian Federal Police Association. They are concerned that increased cannabis use, the view that this is now legal, will increase the number of people on our roads who are affected by cannabis or who have consumed cannabis, are no longer affected, but who may come up active on a test and receive a criminal penalty as a result, which surely is not a wish that any of us in this place would have.

Third is the conflict that remains with federal legislation. I note the workaround. It is convoluted; it is confusing; it is ambiguous; and it puts an enormous strain on our already stretched police force to deal with a complex workaround legislative instrument such as this. I think that if you have a law that has to be structured in this way, it should be a warning that this is a bad law.

I would like to thank my own staff for the work they have done. Mr Ian Hagan has helped me navigate the warring amendments that we have dealt with today. I also thank the Chief Minister's office for the briefing we received from his staff with regard to those amendments. The Canberra Liberals will not be supporting this legislation as amended. It is a better bill than the one we started with today, but it remains a bad bill.

Title agreed to.

Question put:

That this bill, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 7

Mr Barr	Mr Pettersson	Mr Coe	Mr Wall
Ms J Burch	Mr Rattenbury	Mr Hanson	
Ms Cheyne	Mr Steel	Mrs Jones	
Mr Gupta	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	
Ms Orr		Mr Milligan	

Question resolved in the affirmative.

Bill, as amended, agreed to.

## **Mental health—services for the deaf and deafblind**

Debate resumed.

**MS ORR** (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (4.11): I rise today in support of

Mr Rattenbury's amendment to Ms Lawder's motion. I thank Ms Lawder for bringing forward this important topic for discussion, which is timely, as this week is International Week of the Deaf.

This year marked only the second ever International Day of Sign Languages, a day established by the United Nations to raise awareness of the importance of sign language in the full realisation of the human rights of people who are deaf. The theme for this year is "Sign language rights for all", and tomorrow's global activities for International Week of the Deaf are aligned to the sub-theme of sign language rights for deafblind people and deaf people with disabilities.

The motion before us today highlights a very specific issue faced by deaf and deafblind individuals who seek access to services to support their mental health and wellbeing. Deafness is a hidden disability, and those who experience it can often be a marginalised group. In my capacity as Minister for Disability, I am pleased to work with disability service providers to take concrete actions in ensuring that the deaf and deafblind community, like any, are not left behind.

On 21 August 2019 the chief executive of Deaf Australia, Mr Kyle Miers, spoke at the National Press Club and became the first person in the club's 56-year history to deliver an address entirely in Auslan. Mr Miers spoke about some of the challenges the deaf community face and said that he believed Australia was failing in its charter under the UN convention to provide fully accessible services for people with disability. Mr Miers called upon the Australian government to invest in strengthening the capacity to deliver Auslan-supported programs across a range of areas, including counselling and mental health.

People who are deaf, deafblind or hard of hearing may require Auslan interpreting for medical appointments, including appointments with a psychologist or mental health worker. These services can be accessed currently from the National Auslan Interpreter Booking and Payment Service. There is no charge to the consumer for these services. The service also offers a video remote interpreting service which provides Auslan interpreting via video link in instances where an interpreter is unable to be physically present at the appointment. Again, this service is provided free for medical and health appointments, including appointments with psychologists and mental health workers. As with all Auslan interpreting, this service requires pre-booking, as well as available technology, including suitable video equipment and internet connection.

In the ACT there are currently three providers of Auslan interpreters: Sweeney Interpreting, Auslan Services, and the Deaf Society. We know that as of 2015 there were approximately 60 people in the ACT who used Auslan as their primary form of communication. The Canberra Institute of Technology recently announced an expression of interest for an upcoming Auslan course, and this introductory course will raise awareness of people in the deaf community, its language and culture. I am pleased CIT is gauging the interest of the community in learning Auslan. I expect we will learn more about this course in due course.

There are other avenues for interpreters to be registered. In 2018 the National Accreditation Authority for Translators and Interpreters, NAATI, replaced

NAATI-accredited courses across Australia with endorsed qualifications. These are diploma-level or higher translation and interpreting qualifications provided by educational institutions that have received NAATI endorsement.

As part of the upcoming Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, the Department of Social Services will provide information on counselling and other support services, including Auslan providers, currently available for people with disability, their family and carers, and support workers who are affected by the issues raised through the royal commission. While the royal commission will serve as a much-needed platform for some of the most vulnerable members of our community it may also bring to the fore the availability or unavailability of counselling and support services to people who are deaf or deafblind. We welcome the provision of this support and the development of the disability royal commission's accessibility strategy, which will guide the commission in its engagement with people with disability.

The ACT government has demonstrated its commitment to people with disability by providing a significant funding investment of \$700 million to aid the full scheme implementation of the NDIS. I look forward to seeing how this will further improve the lives of Canberrans with disability.

Reflecting on what Minister Rattenbury said earlier today, with the additional facts that he provided of the case and the additional insights, it is very clear that at the forefront of his mind has been the need to make sure that our deaf and deafblind community have access to the best services possible when accessing their mental health. I have every confidence in his sincerity when he said he wants to work to make sure that there are options available for the community.

I am pleased to support the motion discussed in the chamber today and Mr Rattenbury's amendment, as the ACT government continues to work with the disability sector to ensure that the wellbeing of deaf and deafblind people remains a core priority. In my ministerial statement I reconfirmed my commitment to ensuring good outcomes for people with disability. Our work to improve wellbeing for deaf and deafblind people in the ACT is a reflection of that commitment, and this government will continue to work to build a community that is inclusive for everyone.

**MS LAWDER (Brindabella) (4.17):** I am quite pleased with the support, generally speaking, for my motion today. I think this is another one of those areas where we all agree that there is an issue. We may not agree on the best way to address that issue and fill the gap in service provision, but I am very heartened by comments from Minister Rattenbury and Minister Orr about their commitment to ensuring that Canberrans who are deaf or deafblind will get the support that they need.

I think one of the issues here is that these program do not fit into a nice, little standard box. I would not like to think that there is inflexibility in the ACT's public health system such that the bureaucracy there could not cope with non-standard treatment practices, as may be required for specific groups, whether it is a disability group or a culturally and linguistically diverse group, which the deaf community sometimes identify as.

It appears from the facts and the comments provided to me that the inability of our health system to cope with an out-of-the-normal-box approach may have forced this service provider out of the ACT, and it left patients without their personalised and nuanced care. These patients felt this loss, this removal of a service, very keenly. What we need is patient-centred care. ACT Health's vision is "Your health, our priority", and one of ACT Health's values is to go the extra distance in delivering services.

I call on the ministers involved to ensure that this is the case here. It is well known that the ACT has gaps in specialist medical services. We know it is difficult to attract and retain medical specialists in the ACT. But, as demonstrated by the comments and the letters provided to me, which formed the bulk of the motion, there may be some issues within the public health system in dealing with programs that do not fit into the standard box.

We cannot be more concerned about administration and outputs than patient outcomes. Our residents deserve better. Our deaf, hard of hearing and deafblind residents deserve better. We have to provide them with mental health support. It is not a nine to five, Monday to Friday issue. For example, we have had reference to a number of different programs which are all so useful in their own way.

NABS, the national Auslan interpreter booking system, applies to private insurance. It does not apply, for example, to someone going to the emergency department in a mental health crisis, in which case it is the hospital's responsibility to provide that interpreter. It is not the individual's responsibility, through the NDIS, to provide an interpreter when they present at the emergency department in crisis. It is the hospital's responsibility. Patients who are in crisis and in need have been turned away because we have been unable to make their mental health a priority.

I move the amendment circulated in my name to Mr Rattenbury's proposed amendment:

In paragraph (2), after "Office for Disability", insert "deaf and deafblind consumers and their representative organisations,".

We are happy to accept Mr Rattenbury's amendment today. However, I have moved a small amendment to paragraph (2) so that after the words "Office for Disability" we insert the words "deaf and deafblind consumers and their representative organisations". This is important because it is individuals and their health needs—in this case mental health—that we are talking about. There is a very well-known saying in the disability community—and I am sure everyone here has heard it—"nothing about us without us". This applies in this instance of mental health as well for people who are deaf and deafblind. They deserve to be consulted and included in any discussions and consultations and planning for the services that will be provided for them in the future. They have a very real interest in what will be provided for them in the future and they must be included.

I understand that it is sometimes difficult to reach these people, and even if you reach them it can be difficult to get them to agree to participate in a consultation process. However, we must give them that opportunity. They deserve that and they have the right to that. I have undertaken to Minister Rattenbury that I will do my part in talking to people I know in the deaf community and asking them if it is okay to pass on their contact details so that they can be included in this consultation. That of course would take place within usual government consultation, with privacy and confidentiality et cetera assured for those people if they choose to participate. I understand that it is not always simple to get people to participate, but they must be given that opportunity.

This is an area that I feel very strongly about—the deafness sector, an area I used to work in. I know many people in this sector and I have a very strong personal commitment to ensure that they get the support that they need because they face enough challenges—communication challenges, employment challenges, education challenges. Despite everything that we all try to do with respect to service provision for people in the disability sector, they have enormous challenges and we must give them every opportunity to get the mental health support that they need.

It appears, from the examples I have been given, that this has not happened well enough in the recent past. There is more that needs to be done. I welcome the comment I had earlier, offline, from Mr Rattenbury that he is committed to looking into this matter and trying to make improvements. I can assure you, Madam Speaker, that I will be holding him to that commitment. I will hear from members of the community about progress or otherwise and I will be asking more about this if something is not done in a very concrete way once we get the report back to the Assembly at the end of this sitting year, as proposed in Mr Rattenbury's amendment. I thank members for their comments today. I thank Mr Rattenbury for his amendment. I hope that members here today will accept my amendment to Mr Rattenbury's amendment.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.26): Just very briefly on the amendment, I am happy to accept Ms Lawder's amendment. In a conversation we had offline before, she indicated that there were some other members of the community and stakeholder groups who were not specifically mentioned in my amendment that she felt were relevant. I am very happy to make sure that we are talking to as many people as possible.

As I said in my remarks, the discussions we have had so far have not indicated service gaps, but I take at face value the observations that Ms Lawder is making that there are service gaps. I am keen to identify those and hear from people who have experienced that. I certainly welcome the offer from Ms Lawder to provide some specific contacts that she has in mind to enable us to make sure we make contact with the people who might not be confident to come forward in the first instance but who will hopefully feel that they can come and chat to the government and some of the people who work in our agencies in order to hear their experiences.

**MS LAWDER** (Brindabella) (4.27): Very briefly to close, the deaf community in the ACT is not a large community but it is close knit and many members provide support to each other. But that also places a burden on them for their own mental health, in that they accumulate the burden from other people, sometimes at all hours of the day or night, on weekends et cetera. We need to make sure that we have services in place that can provide professionals who can provide mental health support in the most culturally and linguistically appropriate way for members of the deaf and deafblind community. I look forward to progress in this area. I thank members for their support today.

**Ms Lawder's** amendment to **Mr Rattenbury's** proposed amendment agreed to.

**Mr Rattenbury's** amendment, as amended, agreed to.

Original question, as amended, resolved in the affirmative.

## **Alexander Maconochie Centre—accommodation for female detainees**

**MRS JONES** (Murrumbidgee) (4.29): I move:

That this Assembly:

- (1) notes that the ACT Government has failed to provide appropriate accommodation and facilities for women detained at the Alexander Maconochie Centre (AMC);
- (2) further notes:
  - (a) on 29 April 2019, a female detainee escaped her compound to meet up with a male detainee in a restricted area of the prison outside of CCTV view;
  - (b) reports that at least one detainee has seen her rapist in a nearby cellblock; and
  - (c) that female detainees are frequently subjected to cat-calling, goading and whistling from the surrounding male cellblocks; and
- (3) calls on the ACT Government to appropriately house women in the AMC to resolve such issues.

When the minister announced in 2017 that he would finally address the women's accommodation crisis at the AMC, moving the women out of the cottages, management unit and health centre beds and accommodating them in the men's section of the prison, we never envisaged that he would have thought it was a permanent arrangement and that he would refuse to address the need for a long-term solution, or at least a long-term plan for a solution, for years and years.

I have been having many conversations with people on the ground about the nature of the women's accommodation at the AMC. There are two fundamental issues to address. Firstly, the accommodation has been somewhat adapted but it is not designed

for women detainees. It has neither the wellbeing nor the rehabilitation of our women detainees at its core, and the minister knows it.

Secondly, the minister seems to have lost all interest in the issue. At the next opportunity to spend new money on the facility, he has spent it on a male-focused, outside-the-walls facility. While prisoner reintegration and justice reinvestment is a concept that I support, the longer I have pondered this decision the more concerned I have become that there is no attempt to get the women back into purpose-designed and properly separated facilities from the men.

My concerns have been borne out by several occurrences which have come to light since the announcement in February by the minister of how he would spend the additional money he has been allocated in this year's budget. Let us recap where the women prisoners currently live. They are housed in the male section of the prison, in one of the newer, maximum security cell blocks designed for men and in close proximity to them. The reason that the women were moved into this section of the prison was that, prior to this move, a contingent of women were housed for months and months in solitary confinement, known as the management unit. Some women were even being housed in beds in the health unit which were meant to be available for health treatment.

The management unit is designed for a different purpose. It is the facility where male inmates, predominantly, are put when they are in danger of harming each other, or sometimes when they are in danger of harming themselves. It is a single-storey unit of cells, with guards having a good view of almost the entirety of their cells through windows, including the toilets and showers, which do not even have a curtain on them.

This facility is not designed for women. Being moved into the men's section was probably a slight improvement on it, because of the larger common area available. But there are many issues with the new accommodation. There is not a set group of guards who form an understanding of the women detainees, and there probably are not enough women guards, either.

There are line of sight issues, where the men can see the women as they move about outside the cell block. Due to the proximity of the women's accommodation to all of the male prisoners, there is constant catcalling, goading and yahooing at the women. It has been reported to me that at least one woman has seen her rapist, who was in a nearby yard when she was moving around the facility. Many women in our prison and in prisons across the world are also victims of crime, and I have a real problem with victims being so close to their attackers. The Inspector of Correctional Services has spoken of the likelihood of re-traumatisation as a result of this.

Three women have escaped from their so-called secure compound, one of them to meet up with a male detainee in a restricted area, with one of them allegedly hanging back to engage in sex with him. They were out of sight for 14 minutes, unbeknownst to the guards. This was able to occur because of the initially inadequate fencing of the women's outdoor area and the fact that they are now in amongst the men.

The ABC published a piece in June this year titled “Female prisoners in Canberra say they’re struggling and terrified in a prison designed for men”. Meanwhile, it is widely known that the cottages, which were designed for women, are housing the sex offenders. While it is understandable that they may need to be kept separate from the rest of the male detainees, it seems incredible that this is a permanent arrangement, given what is known about the difficulty of checking these cottages, with limited staffing over the night shift.

In the ABC article a former prisoner said that there was little separation at all between the men and women. “We see them quite a lot”, she said. She also said that in the cottages section designed for women “we didn’t really have much to do with them”. She said:

But now that we’re in a block, amongst the boys’ blocks, we can see them from our bedrooms, we can communicate through the window, our yards are right next to each other. You can communicate just by yelling over the fence.

She said that some of the women refuse to leave the block for education, library, gym or the oval “because of the anxiety of having to walk through 300 men yelling out”. They spend a lot of time locked in their cells, where there are only two options—lie down or stand up.

In the protected cells, in the west wing of the facility, the women have privacy concerns when showering or going to the toilet, because of the male guards being around. These facilities were designed for men and were not designed to have privacy screens or curtains on the toilets or showers. This, however, is the norm in facilities designed for women. It would be a great welcome to the facility for women starting out: the first time that you have a shower, you are not sure if someone is going to walk past.

Late last year the International Committee of the Red Cross released guidelines for good prison design. These are designed on the ICRC’s experience of almost 1,500 prisons in 90 countries. Called *Towards humane prisons*, the document spelled out how good design can improve the mental health of inmates and allow for better reintegration back into society. It describes how daily experiences of smell, noise, light, line of sight, green space et cetera all strongly affect the level of frustration and mental distress that inmates feel when deprived of their liberty, which, of course, prisons do by their nature. One of the contributors to the report, Sara Snell, said at the time:

Day after day, exposure to these frustrations can negatively influence an individual’s state of mind, even prolonging their time in prison and affecting how well they integrate with society on release.

Designing the accommodation of prisons to suit the sex of detainees can have a huge impact on their state of mind and their ability to engage in education or health improvements, and can then make all the difference to their reintegration after release.

The minister has announced that he is building more cells for the prison in the new 80-bed facility outside the walls, yet he has failed to outline how the facility may accommodate women and in which way it will be designed for women's best outcomes. What is apparent is that he named the new facility a reintegration centre, while completely and wilfully ignoring the very matters that will affect women's ability to improve themselves, deal with their personal issues, education and training, and be in the best possible state of mind for the very reintegration that the minister claims to be supporting through the new build.

We speak here often about the need for women who have experienced violence to have appropriate housing, to put their lives together, where the perpetrators cannot find them and where they know that they are safe. It seems to me that the minister does not really care about the rehabilitation or reintegration of women inmates and that he would rather spin a yarn while building the cheapest cells he can get away with for the male detainees, with no plan for how such accommodation would suit, or indeed help, the women. He just could not care less that he, as minister, has failed to provide appropriate accommodation for female detainees in our prison.

The women are catcalled and wolf-whistled. It has been reported to me, as I said, that at least one of them has seen her attacker in a nearby cell block. It is highly likely that there have been more women in the facility at the same time as their perpetrators. This is happening under a minister who comes into this place pretending that he cares about people, their environment and their life outcomes. That is clearly and demonstrably not true.

I would like to see these women have the best chance, when they get out, of having a life that is better than before they went in. There are many different kinds of women in the AMC, and each deserves a women-centred, properly designed environment for their rehabilitation, not the complete mess that this minister has now demonstrated he seems to think is a permanent plan for women in the AMC. I call on the government to properly and genuinely address and plan for a change for these women, to make their accommodation appropriate at the AMC. I commend the motion to the Assembly.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.38): I struggle with these sorts of motions that Mrs Jones brings forward because they are a mixture of important and relevant issues and, frankly, personal sledging and colourful interpretations. I will focus on the important issues that have been flagged in Mrs Jones's motion today. I am very conscious of the need to provide the right services for women incarcerated at the AMC but also to think about how we make sure that those women do not get into the AMC in the first place.

One of the key factors amongst the female detainees is the significant number on remand—well over half. That is why we are focusing on things like providing accommodation specifically for females to avoid them going to the AMC in the first place. There are day-to-day issues, and I will address those in response to the concerns raised by Mrs Jones, but I want to really flag that we are thinking carefully

and long term about how to make sure that we have the best possible outcomes for women involved in the justice system in the ACT on a daily basis.

I do not believe we have failed to provide appropriate accommodation facilities for women detained at the Alexander Maconochie Centre. We responded as best we could to a dramatic increase in female detainees and provided the best accommodation available. That is why I will be moving the amendment to Mrs Jones's motion that I have circulated in my name.

The move of female detainees in November 2017 was considered the only feasible option at the time, given the number of women in detention, the limitations on the available accommodation within the AMC, the suitability of other contingencies considered at that time and the need to best uphold the human rights of female detainees. The move was intended as a medium-term but temporary solution in order to explore feasible options available to the government.

Mrs Jones highlighted in her remarks that, prior to that, given the dramatic escalation in numbers, females were accommodated in a range of places in the AMC. Some were in the cottages but some were in the management unit and in the health unit. That was entirely unsatisfactory, and that that is why the move was made to the special care centre, which is where the females are now housed.

To give members some sense of the numbers, in 2013 the AMC held an average of 12 female detainees. We had accommodation for 29 and we had 12 detainees. In 2016 the number increased to 23 and then by 2017, around the time of the move, there were 43 detainees. That is nearly a 100 per cent increase in the space of 12 months. These things are unpredictable and impossible to plan for, but it is incumbent on us to make sure we come up with the best possible solution with the resources available. That is why the special care centre was chosen as a place for the females, where they can all be in one place together and we can focus on providing services appropriate to our female detainees in one place.

As of yesterday, there are currently 33 women accommodated in the AMC, with 20 on remand and 13 sentenced. I do not expect those numbers to drop dramatically in the short term, so we continue to have numbers above the beds available in the cottage part of the gaol. On 28 November 2017 the women were moved from the women's cottage section and the other special purpose beds being used to handle the overflow to the accommodation known as the special care centre. That increased the bed capacity for women from 29 to 57.

ACT Corrective Services took measures to maintain the standards of separation of men and women and to minimise visibility. Screens and window frosting were installed to restrict the potential for inappropriate lines of sight between men and women. These enhancements did not affect the women's access to adequate sunlight or air. When women are required to be escorted from the special care centre, escorting officers communicate with the movement control officer prior to that occurring to ensure that no male detainees are on the walkways at the time. Once walkways are cleared, the officers will escort the women to their destination. The walkways remain clear of other cohorts for the duration of the escort.

Mrs Jones raised the issue of a female detainee being able to see her accused attacker. I acknowledge that that may well have happened; I do not dispute the assertion and I am sure that that was distressing for the female involved. It is colourful for Mrs Jones to insert that into her narrative, but that could have happened under the previous accommodation arrangements. The Hume Health Centre is in the middle of the AMC, and if a woman had been escorted from the cottages to the Hume Health Centre she may have had the same interaction. That does not diminish the fact that it may have been distressing for her, but Mrs Jones is suggesting that this is a direct result of the move of accommodation. We need to be factual about what we are talking about here.

I acknowledge that this move has not been without its challenges, and I am not suggesting it has been perfect. I speak regularly with non-government service providers, women's services, advocates and oversight agencies and I have been made aware of some of the concerns raised by Mrs Jones. Indeed, some of these issues have been publicly articulated by the Inspector of Correctional Services, and the government's response to his report is publicly available.

I have also met with current and former detainees, women with lived experience of incarceration, and I have listened to their views with respect. I have spent time sitting with them in the new accommodation area and I believe I have had the opportunity to take on board their genuine feedback on the conditions. They have raised experiences with me that I have found worrying. I have personally directed changes and improvements to be prioritised at the AMC so that we take on board that feedback and deal with it urgently.

Both I and ACT Corrective Services remain committed to addressing further issues that come up and providing the safest possible accommodation. As the AMC includes both male and female detainees within its security environment Corrective Services has to manage a number of risks. It achieves this through dynamic security arrangements and detainee management strategies to limit interaction and to protect the rights and safety of each detainee.

I should take some time to speak on the specifics of the security incident in April this year; it is deeply regrettable that an incident of this nature occurred. I note that the detainees in question were able to coordinate the incident in such a way as to allow them to have unsupervised contact in a restricted zone, away from both male and female compounds. This is not acceptable in the AMC environment. Corrective Services takes its responsibilities to provide a safe and secure facility at the AMC very seriously and it took immediate steps to strengthen security procedures to reduce the potential for another incident.

As Mrs Jones is aware, in response to this incident the Executive Director of Corrective Services commissioned an internal management review, through the issuing of terms of reference and the appointment of a reviewer. I reassure members that an internal management review is a genuinely investigative processes that has strong and practical outcomes for policy, practice and infrastructure.

Corrective Services completed the works to construct a new internal perimeter fence for the women's compound on 6 August this year. This incident highlighted the need to make infrastructure changes at the AMC. Two detainees voluntarily and deliberately jumped fences to find a place where they could meet up. Mrs Jones has made a particular assertion about what those detainees got up to. For the record, those detainees have denied Mrs Jones's claim to Corrective Services. Because there is no security footage, there is no way of verifying her claims about what took place while they were outside CCTV range. It is colourful for her to suggest that, but it is not based on any fact. I do not know what the detainees got up to and they have declined to disclose that to Corrective Services.

I will also spend a short moment to advise members that the AMC is certainly not in any state of complacency about the needs of female detainees. I recognise that female offenders often have specific needs that differ from male offenders and it is important that these needs are considered when providing accommodation and programs, such as educational, training and rehabilitation. A women offenders framework will formalise this process.

ACT Corrective Services began the planning phase of a women offenders framework in August this year. The framework aims to address the specific needs of female offenders in order to optimise their chances of successful rehabilitation and reintegration into the community. The development of the framework will involve consultation and active engagement with non-government organisations and key stakeholders and is expected to be completed by the end of the financial year. Of the 33 women currently in custody, 17 are employed in prison work, with the remaining 16 unemployed because they are new receptions, do not want to work or have not yet completed their OH&S training.

Corrective Services continue to seek new partnerships with the non-government women's sector and the broader community sector to offer new programs and rehabilitate these women, who very often come to the AMC as victims with experiences of trauma and deep disadvantage that require care and sometimes long-term support to fully appreciate and address.

I note Mrs Jones's observations about the reintegration centre and whether it will have a male focus only or whether women will be offered those services also. This is a difficult issue. This is designed to be a minimum security environment. It is outside the wire at the AMC; it is focused on maximising people's sense of being ready to leave custody and going back to some sort of normal life. Because it is a low security environment, the mixing of males and females is something some in our community are concerned about, and that is the question we are seeking to work through at the moment. I have sought advice from a range of staff of Corrective Services, but also community stakeholders, as to how we might address that question.

At this stage we do not have a clear answer to that question because there is not an easy answer, but we can address this in a range of ways. The women do not necessarily need to be physically in the reintegration centre to undertake an integration program, and we are currently exploring a range of opportunities. These are not finalised, so I am not in a position to brief the Assembly today, but when we have gone through all the available options we will provide an update to the chamber.

In closing, I again reiterate that I am not shying away from some of the difficulties the women are facing. I assure the Assembly that Corrective Services is working hard to address them. I am taking a particular interest in them because I have had those conversations I alluded to earlier and I am aware of some of those challenges. Some of them can be fixed readily; some will take a little longer.

As per my amendment, I will look forward to reporting back to the Assembly with a further statement on all the policies and procedures to support women in the AMC. There are a lot, and it would be good to provide them in a comprehensive form so that members can have access to that information. I commend the amendment circulated in my name, and I now move:

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

“(1) notes:

- (a) ACT Corrective Services acknowledges that the current use of the Special Care Centre for female detainees is not a long-term solution;
- (b) that the 2017 decision to move female detainees from the women’s community centre to the Special Care Centre was the most appropriate option available due to the rapid increase in the number of female detainees;
- (c) steps have been taken to improve the availability of services and supports available to female detainees, and a Women and Children Coordinator position has been created within ACT Corrective Services;
- (d) that a female offenders framework is currently under development to better support women’s experience in the correctional system; and
- (e) that the ACT Government is funding new programs designed to reduce offending and recidivism, including women’s housing and bail support programs, utilising a Justice Reinvestment methodology;

(2) further notes that:

- (a) on 29 April 2019, there was an incident involving a male detainee and a female detainee breaching an internal perimeter fence and entering a restricted area to coordinate unauthorised contact;
- (b) an internal management review to establish the circumstances surrounding the security breach was undertaken by ACT Corrective Services;
- (c) ACT Corrective Services has constructed a new internal perimeter fence for the women’s compound, and undertaken further security upgrades in response to the incident;
- (d) since 2017, the Alexander Maconochie Centre (AMC) has provided additional fencing, screening and visual barriers to reduce visibility between gendered areas; and
- (e) ACT Corrective Services believes this approach continues to provide a more appropriate and secure accommodation than previously considered alternatives; and

(3) calls on the ACT Government to:

- (a) continue to work with community organisations to provide female detainees in the AMC access to activities to build confidence and support while incarcerated; and
- (b) report back to the Assembly on all policies and procedures to support women in the AMC.”.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.51): I thank Mrs Jones for bringing this motion to the Assembly to give us a chance to talk about the issues that she has raised and the work that Minister Rattenbury has been doing as corrections minister to support women at the AMC. I support Mr Rattenbury’s amendment to this motion. He has already described clearly the number of women in prisons in Australia. That is growing faster than the rate of men. There has been a dramatic rise in those that are being held on remand—that is, those that have been charged and not granted bail while waiting for trial or sentencing.

Compared to men, women are more likely to spend shorter periods of time in prison. Within the AMC, women are a small minority of prisoners but are often a very high-needs group. The challenges that women face and the issues with which they present are often quite different from those of men. A healthy prison is one where everyone is, and feels, safe, is respected and encouraged to improve themselves, is given every opportunity to do so through the provision of purposeful activity, and is enabled to maintain contact with their families in preparing for release.

In 2017 the female detainees at the AMC were moved from the cottages to the special care centre because of their increasing numbers. The special care centre is not a long-term solution, but rehousing within the main prison was the best interim solution for female detainees at the AMC. The move to the special care centre improves on the previous arrangements, where female detainees resided in the management unit and health wards and were unable to access different services. This approach provides more appropriate and secure accommodation than previously considered alternatives.

Corrective Services advises that there has been an increase in purposeful activities for female detainees, such as employment in the bakery, since the move. Corrective Services has advised me that they have completed risk mitigation work after the decision to transfer the women in 2017. As a result of this work, Winnunga health and community services were engaged to support female detainees in the move by providing additional counselling sessions.

I am further advised that every opportunity is taken to limit the physical contact between male and female prisoners. The minister has described occasions when that might occur, the circumstances surrounding it and the work that the corrections officers do to ensure that that does not happen. A new internal fence has been constructed for the women’s compound, including further security upgrades in

response to the incident in April 2019. Improvements have also been made to remove the line of sight for men into the women's compound.

I note that Corrective Services have taken steps to improve the availability of services and support women with the creation of a women and children coordinator position. The women and children coordinator works closely with families of all detainees to mitigate the negative impacts on children of incarcerated parents. The women's care team, comprising a women's case manager and two program facilitators, develops programs and services targeted to the specific needs of the female detainee cohort. I know from the women that I have spoken to out at the AMC about the engagement of the women's case manager that it has made a significant difference to their lives and improved the support that they get within the AMC.

In addition, Corrective Services are currently developing a female offender framework, which Mr Rattenbury has referred to, to further address the needs of female detainees. The development of this framework will require consultation and active engagement with non-government organisations and key stakeholders in the coming months. The framework aims to meet the specific needs of female offenders and to address their issues in order to optimise the chance of successful rehabilitation and reintegration into the community post release.

I had the chance to visit the AMC earlier this year and speak with some of the women who live at the AMC about the different sorts of things that have been going on over the last 18 months to two years to support them better and to meet their specific needs, in particular their employment in the bakery. When you talk to some of the women who have been engaged in that work, you come to understand the difference that it has made to their lives, the pride that they have in their work, the dignity that they feel they have because they have learned a new skill. I found it quite a moving experience to talk to them and to hear how they were getting some hope back into their lives through that engagement.

I look forward to continuing to work with the Women's Centre for Health Matters and other community organisations to ensure that there is improved support for women at the AMC. The AMC women have access to and the opportunity to participate in pathways from prison, the Toora coming home program, drug and alcohol counselling, west Belconnen family services, as well as the circle of security program, individual counselling, Alcoholics Anonymous and other programs specifically targeted at Aboriginal and Torres Strait Islander female detainees, including Worldview, Winnunga health services and the yarning circle. In addition, the mental health of female detainees is supported through the SMART recovery program, the anger management program and the cognitive self-change program.

Mr Assistant Speaker, there is no doubt that there is more work to do. The minister has made a very good start to better meet the needs of women in the AMC. I will continue to work with the minister to ensure that their needs are met and that their lives can be improved during the time that they are in the AMC so that when they are released they can have a good crack at having a decent life when they are outside again.

**MRS JONES** (Murrumbidgee) (4.58): I need some guidance, Mr Assistant Speaker. I will speak to Mr Rattenbury's amendment. I want to move my own amendment to Mr Rattenbury's amendment. If there is then further discussion, I am happy to close later but if there is not, I am happy to close now.

**MR ASSISTANT SPEAKER** (Mr Pettersson): I am in your hands.

**Mr Rattenbury**: I think we need to see the amendment to decide if it is—

**MRS JONES**: It is on your desk. It should be. I circulated it before we started on this motion.

**MR ASSISTANT SPEAKER**: Mrs Jones, why don't you just move your amendment?

**MRS JONES**: Okay. I move my amendment to Mr Rattenbury's amendment:

Omit paragraph (3)(b), substitute:

“(b) report back to the Assembly on how the Minister will resolve the issue of proximity to the men by the last sitting week this year.”.

I go back to what Mr Rattenbury said in his speech. Mr Rattenbury said about the reports that I have had from women inside the centre, “I am sure it was distressing.” He is sure it was distressing, but what? Is it that he is sure it was distressing to see your own attacker? Is it that he is sure it was distressing, but tough luck? That is the effect of the actions of the minister because he does not have a plan and has not enunciated a plan to stop this situation from being in existence. He is sure that that was distressing, but what?

Minister Rattenbury is very good at saying with his mouth that he cares about something, but his actions show otherwise. His actions are not resolving the close proximity of the women to the men, which means that matters like this can occur. It means that this woman's story is valid, and I will take it as valid. I will not assume it is invalid. If it is valid, it should be resolved. Minister Rattenbury likes to come in here and call my stories colourful. Well, I am sorry if the lives of the women in the AMC have been colourful, Mr Rattenbury. I am sorry if this does not make him comfortable. I am sorry if he finds it difficult to come here and discuss this topic again and again. But I, as the shadow minister, am not satisfied that there is a resolution anywhere in the pipeline.

The minister talks about a plan for women that is under construction, but he does not say what this plan will achieve. Will the plan achieve the women being housed not in close proximity to the men? Will the plan resolve men being able to see the women when they are being escorted around the facility? Unless it does, it is not resolving the fundamental issue that I have brought forward in this motion to discuss.

I probably do not need to explain too deeply that I am disappointed with the amendment. Is there no plan to fix the close proximity? They have been in here for a

couple of years already. I did not jump to conclusions. I supported the move of the women into this facility, which you euphemistically called a special care centre. This is a maximum security men's unit. That is what it was built for. That is what it is. It is not special care. That is a euphemism for what you are actually doing here, which is housing women in inappropriate housing.

Two years with no plan for how they will be moved out says to me that it is practically long term. That is a fairly long time. Some people will have come out, done small bits of sentences and gone back into the community and we still do not have a solution on the horizon.

In paragraph 1(d), the minister notes:

... a female offenders framework is currently under development to better support women's experience in the correctional system ...

But how will this stop the catcalling and the yahooping? How will it make that stop? I am really keen to hear; I would be very happy to hear. I would not be talking about this topic if the minister had addressed it. I would welcome the minister addressing it.

The minister states in paragraph 1(e) that the government is funding new programs. But that does not fix the problem. The women do not want to leave the unit because of their experience of walking around the facility. That experience can only be resolved by their not being on the men's side of the facility.

Paragraph 2(d) of the minister's amendment states that there is:

... additional fencing, screening and visual barriers to reduce visibility between gendered areas ...

I am telling you that it has not worked enough. It has not worked enough. Maybe it is better than nothing, but it has not actually fixed the problem. There is no fix on the horizon for this problem, and it does not fix the problem when they are moving around.

In paragraph 2(c) the minister says that there is a new internal perimeter fence around the women's compound. The other outcome that the minister failed to mention today, from the incident that happened when the women jumped the fence, is that now they are only allowed into their yard for one hour a day.

**Mr Rattenbury:** That is not true.

**MRS JONES:** If that is not true, I will be very glad to hear it, Mr Rattenbury, because that was the case when I asked a question at estimates. It was one hour a day.

In paragraph 2(e) the minister states:

ACT Corrective Services believe this approach continues to provide a more appropriate and secure accommodation than previously considered alternatives;

I presume that means compared to the management unit. How far have we fallen? This prison was meant to be something good. Now we are saying that the women can deal with being in a maximum security men's wing which is free of men but where men can see and hear them, talk to them, shout at them and catcall them. But it is okay, because it is better than before.

I have waited two years, minister. I have waited years since you moved those women into that facility to complain that it is not good enough, because I thought it would be temporary and there would be a plan. I was waiting, assuming that there would be a plan. As I have said before, this minister is bright. He has the capacity and the ability to resolve this issue. But when faced with the opportunity to spend more money on the prison, he wants to build a reintegration centre, so-called, outside the walls because it is cheaper, presumably. In the first instance, it was going to be for the men. They are now trying to work out how they can retrospectively let some of the women in there. Perhaps—maybe—it might be possible.

Everything is the wrong way around. You have a significant problem inside the centre, which is that women are being housed in the centre of the men's compounds. They are being called out at. They are not able to be in the calm position they should be in in order to address the reasons for their offending. There is no solution whatsoever on the horizon.

I am a realist. I know that with Minister Berry and Minister Rattenbury both in agreement on this amendment, it will pass this place. That is what happens here. I accept that, which is why I have now actually circulated a further amendment to Mr Rattenbury's amendment. It amends paragraph 3(b) by asking how the minister will resolve the issue of proximity to the men and to report back to the Assembly by the last sitting week this year.

Have a heart; have a plan; just tell us the plan. Even tell us what could be the plan or what might be the plan. Give us some hope that there is going to be a plan to move the women out of the men's side. I would like to see this issue resolved. I do not think it is unreasonable. When the minister had money available to him that is what he should have spent it on first and the reintegration centre second. I commend my amendment to the Assembly. I hope those opposite will accept it, because I think it is about time that the community and the women in the AMC got the idea that this arrangement is not permanent for them.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (5.06): I do not propose to support Mrs Jones's amendment because I believe it actually narrows the report that I intend to provide when I come back to the Assembly. It specifies a particular thing, when my proposed amendment actually calls for a broader report. So I think that would do the Assembly a disservice and I do not propose to support Mrs Jones's amendment.

**Mrs Jones's amendment to Mr Rattenbury's proposed amendment negated.**

**MRS JONES** (Murrumbidgee) (5.07): I move a further amendment to Mr Rattenbury's amendment:

Add new paragraph (3)(c):

“(c) report back to the Assembly on how the Minister will resolve the issue of proximity to the men by the last sitting week this year.”.

The amendment that will be circulated is exactly the same as the previous amendment, but it changes “paragraph 3(b)” to “paragraph 3(c)” so that the minister can provide this broad report, which he has covered in paragraph 3(b), which states:

report back to the Assembly on all policies and procedures to support women in the AMC ...

Then he can also report back to the Assembly on how he will resolve the issue of proximity to the men by the last sitting week this year.

**Mrs Jones's** amendment to **Mr Rattenbury's** proposed amendment negatived.

**Mr Rattenbury's** amendment, as amended, agreed to.

Original question, as amended, resolved in the affirmative.

## **Climate strategy 2019-25**

**MR GUPTA** (Yerrabi) (5.09): I move:

That this Assembly:

(1) notes that the ACT Climate Change Strategy 2019-25:

- (a) is implementing measures that support all Canberra households in the ACT and is improving the liveability of our entire city in response to global climate change;
- (b) outlines how achieving 100 percent renewable electricity, a 40 percent reduction in emissions by 2020, and zero net emissions by 2045 will assist households to save on energy costs;
- (c) clearly outlines why it is in the long-term interests of all ACT residents to have a comprehensive strategy in place to combat and adapt to climate change, and that why simply ignoring the climate change danger is no longer tenable;
- (d) works in conjunction with the ACT Government's new Living Infrastructure Plan to increase the comfort and enviable lifestyle in our suburbs by keeping our streets, parks and houses cool, healthy and liveable, with measures to ensure adequate tree cover and assess local needs for managing heat;
- (e) is implementing new approaches to increasing productivity of key transport corridors;

- (f) helps suburban residents to access the rapid bus and light rail networks through feeder services and expanding the Park and Ride network;
  - (g) outlines measures to assist the transition to zero emissions vehicles to support those needing cars to commute or travel, by exploring and trialling financial incentives to support the uptake of zero emissions vehicles from 2021;
  - (h) introduces mandatory disclosure of energy performance for all rental properties and moves towards minimum energy performance requirements to come into force from 2022-23, which supports individuals and families to make a considered choice when choosing a rental property;
  - (i) expands the Energy Efficiency Improvement Scheme to increase support and lower day-to-day energy costs for low income households;
  - (j) actively supports vulnerable and low-income individuals and households' participation in shifting to zero net emissions; and
  - (k) will provide food and garden waste collection for all households, including multi-unit dwellings from 2023; and
- (2) calls on the ACT Government to initiate a comprehensive awareness program and actively promote the measures outlined in the ACT Climate Strategy 2019-25 that support Canberra households to take full advantage of its cost saving and energy efficiency measures.

I am very pleased to bring forward this motion before the Assembly. The ACT is leading the nation and the world on climate action, and we have some of the most ambitious emissions reductions targets in the world. The ACT climate change strategy 2019-25 is building upon the work we have already done as we accelerate to 100 per cent renewable electricity from 2020. However, the strategy is also delivering benefit to our community through cost saving measures, greater energy efficiency, more comfortable homes and a cooler city.

In May this year the ACT joined other cities and nations to declare a climate emergency, which acknowledged the need for urgent and decisive action to address the global threat of climate change. That climate change strategy reflects the ACT government's commitment to investigate options and opportunities across how our government operates in order to best respond to this challenge.

It is no longer tenable to ignore the threat of climate change. This strategy clearly outlines why it is in the long-term interests of Canberrans to have a comprehensive plan to reach 100 per cent renewable energy and zero net emissions. This strategy takes measures to address climate change issues in different sectors in the community, such as businesses, schools and households, delivering benefits to all households in the ACT.

Taking early action to reduce emissions and prepare for climate change is more cost-effective than delaying action. The energy efficiency improvement scheme is a key mechanism for delivering on the ACT emissions reduction targets by helping households and businesses reduce emissions and energy costs.

From the scheme's commencement in 2013 until mid-2019, the scheme has fulfilled its objectives and has helped more than 74,000 households and businesses save approximately \$400 million over the lifetime of the energy-saving items installed. The strategy outlines plans to expand the energy efficiency improvement scheme to increase support and lower day-to-day energy costs for low income and vulnerable households.

The strategy outlines how a transition to renewable energy will reduce transport costs such as running costs and petrol costs and reduce energy costs through the transition to renewable energy and away from gas. Transport and gas will be the two largest sources of emissions from 2020. In order to reach our zero net emissions target, we need to address these emissions. The strategy outlines ways that our government will encourage a shift from gas by removing the requirement for gas connections in new suburbs, and will work to provide services, incentives and a regulatory framework to support this transition.

The transition away from gas will benefit the community by encouraging a shift to more cost-effective energy. All-electric buildings are currently more cost-effective than installing gas connections in new buildings. This is because electric heating and hot water technology are becoming increasingly efficient, so electrical appliances have lower running costs than their gas-powered counterparts. An all-electric approach would also reduce the cost of building homes in new suburbs, as it would avoid the need for costly new gas infrastructure to be built. I am pleased that the strategy outlines plans to conduct a campaign to support the transition from gas by highlighting electric options and savings opportunities for the ACT community.

As outlined, transport will be one of the greatest emitters when we move towards our targets. The strategy outlines plans to responsibly reduce car use and to trial and evaluate innovative approaches to planning and development. We will implement new approaches to increasing the productivity of key transport corridors, which will benefit the entire community and support access to the rapid bus and light rail network. The strategy also outlines measures to assist in the transition to zero emissions vehicles to support those needing cars to commute or travel by exploring and trialling financial incentives to support the uptake of zero emissions vehicles from 2021.

Across the ACT, maximum, minimum and average temperatures are already increasing and are projected to continue to rise. I am sure we all remember the last sweltering summer we experienced, when just walking outside was a challenge. We are seeing more days of extreme heat and increased severity of storms and bushfires, which will increase the risk to the health and wellbeing of the community, our environment and the city's built assets and infrastructure.

I am pleased that the climate strategy works in conjunction with the ACT government's new living infrastructure plan to increase the comfort and enviable lifestyle in our suburbs by keeping our streets, parks and houses cool, healthy and livable, with measures to ensure adequate tree cover and assess local needs for managing heat. An adequate tree canopy can reduce temperatures by 10 degrees. The

plan will work towards 30 per cent urban canopy cover and 30 per cent surface permeability, which will help us to manage heat and increase the comfort and livability of our suburbs.

Mr Assistant Speaker, this strategy is also fundamentally compassionate. Our government is committed to a just transition to net zero emissions that support low income and vulnerable people through this process. Our targets for 100 per cent renewable energy and a 40 per cent reduction in emissions by 2020 are changing how energy, transport and households operate. These targets are driving innovation and development, which help businesses and households to save money, whilst introducing new technology and practices to the community.

As the take-up of renewable energy increases, we see a correlation with costs going down for consumers as more options enter the market, assisted by technological advancement. However, we understand that we cannot solely rely on costs going down. This strategy is actively working to support vulnerable individuals and households to make this transition so that we do not lock out lower income and vulnerable households who may not have the up-front capital to invest in the infrastructure necessary for this transition. The strategy achieves this by partnering with community service organisations to identify vulnerable and disengaged sectors of the community and implement measures to support their participation in shifting to net zero emissions.

The strategy also outlines ways that our government will continue to upgrade the infrastructure and appliances of those living in public housing as we shift to all-electric public housing.

This plan also outlines additional benefits and bonuses for Canberra households. The strategy outlines plans for our responsible waste practices that will divert organic waste from landfill. We will be providing food and garden waste collection for all households, including multi-unit dwellings, from 2023, which is something that residents can look forward to.

Unfortunately, those across the chamber do not share the same commitment to acting on climate change. In fact, they do not even have a plan. All they can do is attack those who are actually working on a comprehensive solution to climate change, because, frankly, they do not have anything else to offer. When the leader of the Canberra Liberals, Mr Coe, was recently asked multiple times what the Canberra Liberals' plan was for climate change, he simply could not answer the question.

I recently searched for "climate change" on the Canberra Liberals website. The most recent search result was from 19 September 2016. The Canberra Liberals claim that this government is arrogant and out of touch with the community. But when we are amidst a climate emergency, when the world and the market are rapidly moving towards a modern and sustainable future, and when Canberrans tell us they want action on climate change, for Mr Coe and the Canberra Liberals to use this as a political game is disgracefully out of touch with those they claim to represent.

Acting on climate change has been a passion of mine for a long time. In my capacity as the president of the Australia India Business Council's Canberra chapter, at a 2009 annual Australia India address I made the focus of the night combating climate change and the shift to clean energy and renewables. This was during a time when India was starting to make serious efforts to conserve energy, harness renewable energy, protect forests and enhance understanding about climate change through government. I was delighted to initiate a conversation about addressing climate change and the benefits of renewable energy then, and I am happy to talk about it now.

Mr Assistant Speaker, in conclusion, I am pleased to move this motion to highlight how our government is taking substantive, pragmatic and compassionate action to address climate change. It is important that, as we make this transition, we bring the community along with us and ensure that they benefit from our actions to tackle climate change. I believe a comprehensive awareness program that actively promotes the measures outlined in the ACT climate strategy 2019-25 will greatly benefit our local community so that individuals and households can take full advantage of its cost saving and energy efficiency measures.

Our government is consulting and listening to our community. We are the only ones who have a plan to tackle this challenge in the ACT, while supporting the individuals in our community. I congratulate all those who have worked on developing the climate strategy. I commend this motion to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (5.21): I was anticipating that there would be quite a lot of speakers on this motion—and I am still hopeful that there will be, because climate change is, after all, the biggest issue facing the world as a whole. I am planning, however, to focus on only one aspect of Mr Gupta's motion rather than the full breadth of it. What I am focusing on is the living infrastructure plan. This plan covers living urban infrastructure such as trees and other vegetation, soils, lakes and wetlands.

Trees are a very important climate change adaptation measure for cities like Canberra. It does not matter what we do; we now know that climate change has started and that our climate will get hotter, regardless of what sort of mitigation we do. There is a substantial degree of warming already built into the system, so we are already feeling the impacts. We felt this last January, which was our hottest on record. The mean temperature was 34.5 degrees Celsius, which was 6.3 degrees above average. January 2019 was the first time we have ever had more than four consecutive days over 40 degrees.

Hopefully, members have had a chance to look at the CSIRO heat map of the ACT, because it is really stunning. You can see the suburbs—the older suburbs have lots of trees, and they are nice and cool. There is 12 degrees difference between different parts of Canberra. It was done at 10.54 am on a summer's day in 2017. In the shady areas around Lake Burley Griffin it was 28.8 degrees, while at the same time in parts of Gungahlin it was almost 41 degrees.

The heat effect of urban warming is amplified in cities such as Canberra because we have large areas of concrete, roads and other heat-absorbing materials. We have all tried walking across bitumen on a summer's day, and it is simply not humanly possible. The city heats up during the day and stays hot during the night as the heat absorbed during the day is released. Trees, which create a shady canopy, are one of the best measures we have to respond to this urban heat island effect.

Our living water infrastructure, such as wetlands and permeable surfaces like lawns, is also very important for climate change adaptation. In our dry summer climate, breezes over lakes, ponds and damp vegetation can significantly reduce the urban temperature. More severe storm events will also increase the peak water load that our infrastructure has to handle, and wetlands are an important way of managing this. I am very pleased that we are building wetlands, including a considerable number of new wetlands in my electorate of Murrumbidgee.

Of course, there are other benefits of the ACT's living infrastructure. On an emotional level, our lakes, wetlands and trees are loved by the community. Certainly, the wetlands that have been installed to date in Canberra have been very much appreciated by neighbours. The better suburbs deliberative democracy process last year ranked lakes, ponds and wetlands first out of 14 priorities, and street and park trees at number two. Canberra's urban trees also have important biodiversity value, particularly for bird life, as well as for a wide range of insects. Water is also critical in the urban environment for our wildlife, especially during hot summer days.

Why do we need a plan? In my experience everywhere, not just in government, what gets measured and planned for is most likely to be looked after. Other issues tend to fall through the cracks. For action to be taken on living infrastructure, part of the public service needs to be responsible for managing it, and targets are a really great way of ensuring that the public service and government focus on something and keep it on track. Living infrastructure has often fallen through the cracks both here and around the country. This plan, I hope, will be the first step towards fixing that.

I am particularly pleased with action 2 of the living infrastructure plan, which is:

Achieve 30% tree canopy cover (or equivalent) and 30% permeable surfaces in Canberra's urban footprint by 2045.

This compares to current tree canopy cover, on average, over the ACT's urban areas of 21 per cent. I should emphasise that this is only for the urban areas. Clearly, Namadgi National Park has a much higher canopy target than 21 per cent. For me, that commitment is the key achievement of the plan, and I wish to see it as a key achievement of the implementation of the plan.

Importantly, these targets are not just for public land, as is the case in some other cities. They are for the whole urban area—except, I believe, we have taken out Lake Burley Griffin, which is fair enough, as there are not many trees growing on Lake Burley Griffin. But it is critical that it is for the whole urban area. To mitigate summer heat and maintain our living infrastructure system, trees and permeability are needed on both our private land and, importantly, our public places.

How can we actually deliver this? It will require practical action. It will require different actions in three different urban settings in Canberra: firstly, public places in existing suburbs; secondly, private land in existing suburbs; and, thirdly, our new suburbs.

In existing public places, permeability needs to be assessed, but I suspect that it is already quite high, because parks are usually highly permeable, and in most older suburbs grass verges exceed 30 per cent of the overall road reserve. However, in our older suburbs the tree stock has been declining. This can be turned around with budget investment, backed by a sensible plan. The good news is that, after years of Greens lobbying, this year's ACT budget includes a commitment to funding more street trees and park trees. The bad news is that that is only an extra 17,000 trees, whereas we clearly need more trees—in the order of hundreds of thousands of trees. I understand that our urban forest is currently in the order of about 750,000 trees. Of course, to get from 20 per cent to 30 per cent, we are talking about a very large increase in trees, not just the small amount that is currently being funded. This is really good, but it is not quite enough yet—a long way from not quite enough yet.

On other land in existing suburbs, the challenge is more complex. We cannot just decide to do it, and do it as a government. When one house is replaced by another house, the new house is almost always larger. As part of the development process, almost always, the existing trees are removed and permeable surfaces like lawns shrink to a fraction of their former size. The same pattern is seen over and over again, wherever we see apartments, infrastructure or offices being built. Members will no doubt remember the large trees and permeable spaces that were lost when the former members' car park was converted into a building site last year. That is typical of what is happening, unfortunately, throughout Canberra.

What is the solution? First, we need much stronger tree protection legislation to better protect existing trees. I asked a question about protecting existing trees earlier today, during question time, and it is not clear that we are doing a lot. Second, we need to make room for trees and permeable spaces during redevelopment. The good news is that the living infrastructure plan commits to action in both of these areas, building on my motion on trees that the Legislative Assembly passed in 2017.

The third setting is in new suburbs. This is one of the saddest areas, because clearly this is an area where the ACT government, through the planning system and the TCCS guidelines in terms of various bits of infrastructure, has control over how many trees there are, what space there is and, to a large extent, the permeable surfaces.

The bad news is that, as anyone who has seen the shocking aerial photographs of Wright and Coombs will know, we are simply not developing these with adequate room for trees or permeable spaces on public or private land. Most new suburban houses do not have room on their block for any sort of garden, let alone any self-respecting tree.

When you go out into the public realm, little bits of space have been left; I think someone has been praying that this would turn into trees. In a lot of cases they do not

turn into trees. That is for a number of reasons, the most basic of which is that, generally speaking, they are not big enough for a large tree to actually grow on.

In some cases the trees that have been planted, unfortunately, are actively destroyed by the residents because the amount of house development is such that they feel there are inadequate amounts of parking, or they have been destroyed by the builders during the building process, because it was the easiest place to park their stuff.

Even if the trees do survive, an unfortunate number of them are what I understand are known in the trade as lollipop trees; in other words, they are long and skinny and have a little bit of canopy at the top. They are the only sorts of trees that can be fitted in where there is not a lot of space, but they do not provide the beautiful tree coverage that we see in the older suburbs of Canberra, some of which have over 30 per cent tree canopy. As Canberra gets hotter and hotter, this is the sort of thing that we will want to see.

Fixing this will require significant changes to the planning rules for the design of new suburbs, the planning rules for building new homes and the infrastructure standards for road design. Currently, our planning rules say nothing about permeable surfaces. This is something I was banging on about in the Seventh Assembly. It is something that the Greens put in our submission to the housing choices process. It is something that we think the government needs to act on. I am very pleased to see that the living infrastructure plan commits the government to act on it, and I hope that will happen very soon.

On that note, one thing I would like to see the living infrastructure plan have is interim targets. We have interim targets as far as the climate change strategy as a whole is concerned, and I think that is really good. Some of us may still be around as members of this place in 2045, but I hazard a guess that I am not the only person who will be gone by that point in time. We need to make plans before that, and particularly if we are making plans for tree canopy cover. Trees have wonderful points, but one of their points which maybe is not so wonderful is that they take a long time to grow. It will do no good if we plant all of our trees in 2045. We have to start planting them now; then we have to start looking after them. It is not just about planting trees; it is about looking after them.

I think the government can make a lot more use of the considerable enthusiasm of the people of Canberra for trees, when it comes to looking after them. I am very pleased about the government's new adopt a park grants system. I understand that it will enable small community groups, or potentially even individuals, to get small grants of up to \$5,000 for positive works in a park near them. I imagine that an awful lot of those will involve tree planting and maintenance of existing tree planting.

Near me, in Hughes, a group called Tree-mendous got a small amount of money with Greening Australia. It planted trees and it is now incredibly well organised. On the tree guards around the trees, there is a ziplock bag, and that contains information for the next person as to when it was last watered, so that people can water in a reasonable time span. They are trying to get a couple of litres every fortnight to the young trees. If we can do that, our trees will survive.

In conclusion, the living infrastructure plan is good for the future of Canberra. It will help our city to adapt to climate change. It will help to protect and improve our urban amenity. It will help to protect biodiversity, and help our wildlife survive in the sadly inevitable future of the city. It will help the people of Canberra to survive in the sadly inevitable hotter future of the city.

We do not want a city where the only place in which you can be at all comfortable in the summer is in an air-conditioned apartment, an air-conditioned office or an air-conditioned shopping mall. We want Canberra to be a place where it is safe and pleasant to go outside, even in the summer.

There are lots of other good things in Mr Gupta's motion, and I look forward to all of them being implemented quickly. I note that Mr Coe made some positive comments about trees; thus I hope that the Liberals will support the implementation of the living infrastructure plan.

**MS ORR** (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (5.36): I thank Mr Gupta for bringing forward this motion today which highlights the government's strong commitment to acting on climate change for the benefit of every Canberran. The ACT climate change strategy 2019-25 outlines the next steps that we need take to reduce our impact on the environment and ensure that our transition to a cleaner future involves every Canberran, not just those who can afford it.

As a government we are taking real action on climate change. This strategy will focus on community leadership and just transitions; creating a cleaner and more accessible public transport system; our energy, buildings and urban development; the ACT government leading industry and the community; waste avoidance and management; and land use and biodiversity.

We will support Canberrans to transition from using gas as an energy source to renewable electricity and we will plant more trees across the ACT. We will support households to improve their energy efficiency, which will reduce their energy bills and their impact on the environment. We will reduce greenhouse gas emissions and reach our target of net zero emissions by 2045. All these important actions will be taken to protect our environment and the people who live in our city.

Mr Gupta's motion calls on the ACT government to initiate a comprehensive awareness program and actively promote the measures outlined in the climate strategy. I support this call and I think it is vital that, as a government and as members of this Assembly, we provide Canberrans with information and support to understand why we are pushing this progressive climate agenda. I note that members of the opposition have been running commentary about the strategy that seeks to cause confusion and fear amongst the community. It is disappointing that those opposite are trying to spread misinformation rather than support Canberrans to transition to a cleaner future.

I reflect on the events in my life since the strategy was released. Just after the strategy was released and there was a lot of press coverage of it, particularly the focus on gas and car-free days, my parents were at my apartment, having a good old time, just hanging out. Dad was showing me his new Raiders green ugg boots that he has been wearing religiously since the prospect of a semifinal came up. He made this comment to me, "We've got to replace the stove but we are probably better doing it in electricity because you are banning me from using gas." I looked at him and said, "Dad, you don't have a gas stove now. I don't see what the problem is. And what is your issue with gas?" He looked at me and said, "I don't really understand why gas is bad."

It is a fair observation, because for a long time we have been told gas is the better energy source, it is the one we should use in place of coal. But actually there is an even better source now, which is renewable electricity from wind and from solar. I was sitting there with my dad and I said to him, "Induction is pretty good, and you can get this from electricity that is coming from renewable sources. You will not pollute, and it is fewer carbon emissions going into the atmosphere." Dad said, "Yes, actually that makes sense. I get it. If I have to replace my stove, I might as well not go gas. I might as well go electricity and take responsibility for doing my bit for the environment." I said, "Yes, if you're having to do it anyway, get in and actually do it."

Then he started off on the other point, which was car-free days. Quite to my amazement, he said to me, "I agree there should be fewer cars." I looked at him and said, "What do you mean?" My dad actually collects diecast model cars. He has far too many of them to fit in his house, and he is obsessed with these things. He has got his four-wheel drive, which he converted to a more efficient energy fuel source over the years. He is always focused on this. He loves to go to Summernats and all these other bits and pieces that I personally do not have a huge interest in but I keep going with his passions in life.

Anyway, he said, "No, I agree. We should have fewer cars. It makes sense. We have actually been doing this for a long time." I said, "What do you mean?" He said, "When I lived in Sydney," which was back in his youth, "even then we didn't get by with a car. We used public transport. I would drive to the train station to catch the train." I said, "Okay. You mean we should have more park-and-rides, the multiple park-and-rides we already have now and the few that we are already going to be investing in?" He said, "Yes, exactly; we should have stuff like that." I said, "Okay, great, Dad. I think you will find we're onto it."

I thought it was really interesting because the commentary we have heard from the opposition is that it will have an effect particularly in the outer suburbs. I do not think it is a secret to anyone in this place that I grew up in Giralang. When I was growing up, it was the outermost part of Canberra. I lived in the outermost part of Giralang. If you walked across the buffer you got to the highway. Even back then my parents bought in Giralang because they wanted to use the bus. They said, "It had a good bus service. We could just walk down to the bus stop." I said, "Okay, no worries."

We would go down to the bus. Even when I was living at home, saving up my deposit for my first place, I would catch the bus with my dad and with my aunt as well. She would hop on the bus at the stop before us and then my dad and I would hop on. I am terrible in the mornings, and dad always made sure he was there 10 minutes before the bus came, because even though I said to him, “No, it will turn up at the same time every day,” he always insisted on being there 10 minutes early. I would come running down the hill, and he would always turn to me and say, “You need to get up earlier.” I would say, “Thank you for your feedback,” and then we would hop on the bus and off we would all go. The three of us on a bus is three cars off the road. From an emissions point of view, that makes sense.

This idea that people who live in the outer suburbs do not want to use forms of transport that are anything other than a car perhaps misses the point a bit. I think people will opt into other options if those options are there for them. My dad, even just in this very brief discussion we had, identified two: park and ride, and buses.

Putting aside any debate we might have on the bus system—and I am not looking to open up and re-prosecute that in this discussion—we are making huge investments in forms of transportation other than cars. That includes bicycles, active transport, walking and the light rail as well, which has been hugely popular. Where I live, in Franklin, you know it is popular because in peak hours you have got to do a bit of a shuffle and squeeze to get on. If people were not going to use it, they would not be on it. I also note that it is powered 100 per cent by re-usable electricity.

After this conversation with my dad I thought, “There is hope.” He pointed out to me that in a few years he will be 70. I took warmth from what my dad said, in that you can have this conversation. I think sometimes we whittle it down to a battle of generations, but I think our older generations, if my dad is anything to go by, are actually quite open to having these discussions.

He also talked about it from the point of view that he knows the climate is getting warmer. He grew up on a farm. He is very plugged into what is happening within the cycles of the land and within our environment and our climate. He always pointed out to me he does not like the heat in the summer. The heat and the extreme heatwaves that we have had the last few years have actually claimed more lives than a lot of other things. I think in the discourse we do not actually acknowledge quite as much as we should that excessive heat is actually very bad for our health, and there are a lot of people, particularly our elderly, who are quite vulnerable to the stress that comes from these heatwaves.

The next morning I was listening to Mr Coe on the radio talking about the climate strategy, and I kept having to check myself and listen to what he was saying. There was, for me, what I found to be a very weird rationale and discussion going on there with what he was putting forward, because it did not seem like it was real. It was going around in a lot of circles, a bit like my speech at the moment, but not really getting to a point. I was sitting there thinking, “I don’t even know how you would start to rebut some of this stuff,” because it just was not really clear what he was trying to say.

But there was more than one comment he made about which I thought, “I’ve heard that before.” When I thought about it, it was actually George W Bush’s comment that it reminded me of, the comment he made for the Rio Earth Summit in 1992:

The American way of life is not up for negotiation.

That comment at the time was George W Bush saying, “We’re not going to get involved in climate action. We’re not going to take it because we don’t want to change anything we are doing.” That was the sense that I got from Mr Coe’s argument.

The problem with that is that, if you do nothing, if you have business as usual, we will continue to see a warming climate. And we cannot continue to have that. The impacts and the effects of that are far too extreme. We must take action to mitigate the effects of climate change on our environment, our economy and our community. The implementation of the ACT climate strategy of this government will ensure that every Canberran is provided with the support and resources to act against the climate crisis.

I look forward to working with the Canberra community to deliver on the priorities of this strategy. I am confident that a comprehensive awareness and education program will be warmly received by our community and will raise that awareness, much the same way as the one conversation I had with my dad when, 10 minutes later, his problems were not there. I commend Mr Gupta’s motion to the Assembly, and I look forward to voting for it.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.46): I thank Mr Gupta for bringing this matter before the Assembly this afternoon. The motion is quite comprehensive in stepping through the various elements of the climate strategy. I will particularly focus my comments this afternoon on: measures to support Canberra households and improve the livability of our city in response to climate change; how we go about delivering on the next phase of our city’s journey towards zero net emissions by 2045; how that will assist households to save on energy costs, noting the important correlation between our work within the strategy and the government’s new living infrastructure plan to increase the comfort and enviable lifestyle of our suburbs by keeping our streets, parks and houses cool, healthy and livable; and looking at the transition towards zero emission vehicles as we make that change along with the rest of the world.

In large part, given that we no longer manufacture vehicles in Australia, the vehicles that will be available for purchase in our nation in the coming decades will be determined by the transition in the large manufacturing markets away from internal combustion energy vehicles. This will perhaps initially be with a combination of hybrid and/or electric vehicles, but ultimately electric and hydrogen fuel cell vehicles will be the predominant form of power for personal transport, I imagine well before 2045. Certainly they will be an increasing part of our country’s automotive future.

As a nation of 25 million people we are tiny in the context of global motor vehicle production. What happens in Asia, Europe and the United States—particularly in the biggest economy in the United States, in the state of California—will have the biggest impact on the types of vehicles we will be driving in the future.

Going to point (a) of Mr Gupta's motion, it is important that we continue our focus on supporting all households in the ACT as we make this transition. The climate change strategy and indeed the interaction of that strategy and a range of other government programs sees us doing just that important work. We offer to Canberra households a range of concessions and incentives and initiatives designed to support the entire community as we transition our energy consumption.

For example, we provide a very significant \$700 per year utilities concession to help eligible pensioners, renters and owner-occupiers with their energy bills—water, electricity and gas. We provide a life support rebate to help those Canberrans who need electrically operated life support equipment. In a partnership with ActewAGL, we co-fund the energy support fund, which provides energy vouchers for distribution to the most vulnerable Canberrans to help them with energy bills.

We have a range of programs in place to help Canberrans save energy, to reduce their emissions and to cut their energy bills. The energy efficiency improvement scheme, for example, is a key mechanism in helping to ensure a fair transition towards a zero net emissions future. Since 2013 around 74,000 territory households and businesses have already participated in the scheme, including around 19,000 priority low income households and 16,000 rental properties.

Upgrades undertaken as part of this scheme so far are expected to deliver more than 6.5 million gigajoules of lifetime energy savings and \$400 million of lifetime energy bill savings. This scheme is helping households save around \$5.80 per week on their energy bills on average and has a focus on achieving ongoing energy savings for low-income priority households.

The next stage of the scheme will see a range of programs expanded. We are, for example, encouraging a shift away from gas appliances towards higher efficiency electric appliances. It is an encouragement scheme. Some of the accusations that have been made, maliciously and deliberately seeking to misinform the community on the government's intention, have suggested that somehow the gas network will be turned off and people will have to make a change next week, next month, next year. No, they do not. Not even next decade.

It is my expectation that, with the rate of technological research and the work occurring already to reduce the emissions intensity of our existing natural gas network, a reduction in emissions intensity will be sustainable in the short term without requiring appliance changes and that, over time, the emergence of new renewable gas technologies may well see by the point of transition in the mid-century that we can maintain a renewable gas network. There was an interesting article in the newspaper in the last week on the work already underway in relation to that.

In the meantime, for households who wish to save money and who are in a position to do so because either an appliance has reached the end of its life or they wish to make that switch as they move to a new property, for example, it is possible to make that transition towards higher efficiency electric appliances. That obviously helps achieve the broader goal of emissions reduction, but it does not mean we are turning off the gas network tomorrow. That alarmism does no-one any credit.

If we are to reach our mid-century goals there must be a multi-decade transition. That is a relatively gentle pace of transition. There will be no compulsion; encouragement and market forces will play a very significant part in this transition in terms of energy sources for heating, cooking and cooling as well as for private transport.

I reiterate the point that most of the world's major vehicle manufacturers will no longer be producing internal combustion engine vehicles in the 2030s. There will be within our city's car fleet, for the foreseeable future, vehicles that are powered by diesel, petrol or compressed natural gas. Those vehicles will eventually reach the end of their life and will be replaced by vehicles that produce zero emissions. They will predominantly be electric vehicles, but I suspect that with the pace of change around the hydrogen industry—it is supported at the federal level as well, and Australia has the capacity to be a significant hydrogen energy exporter—that will also be a fuel source for our domestic market.

I think the future is quite bright as it relates to this transition. It can be done in a way that brings everyone along on that journey. There is no need for populist alarmism. The language and characterisation that some have been using already in this debate poorly reflects on them. In the end they will be found out, because you can only peddle misinformation for so long. People are smart, they ask good questions and they will see through a pitiful scare campaign.

I commend Mr Gupta for this motion today. It is a good opportunity to rebut a few of the silly things that have been bandied about by those opposite, who will have more opportunity in future motions, I am sure.

**MRS KIKKERT** (Ginninderra) (5.56): I am grateful to have a few moments to address Mr Gupta's motion. I congratulate Mr Gupta on drafting a motion that is guaranteed to be not just enthusiastically received and supported but also fully implemented. After all, calling on the Barr government to spend Canberra ratepayers' money to actively promote its own agenda is a bit like calling on the sun to rise tomorrow—everyone in this chamber knows it is going to happen whether Mr Gupta asks for it or not.

A striking example of this government comprehensively promoting its own agenda can be seen in what happened in Canberra's public schools last week. Following the passage of a motion jointly moved by Mr Rattenbury and Ms Berry on 22 August, the Minister for Education and Early Childhood Development ordered Barr government schools not to penalise any student who skipped class in order to attend Friday's staged protest.

In defending this decision Ms Berry stated that student agency is a key principle in this government's education strategy. She said young people want a greater say in what and how they learn and that they see themselves as decision-makers within their learning environments. That sounds pretty good, but like so many lofty ideals routinely offered up by those opposite, the reality is a bit less inspiring.

I was alerted to this reality by a 15-year-old constituent in my electorate of Ginninderra who attends a government school. She is trying to catch up with her school work. She explained to me how much pressure her school put her under last week to participate in Friday's protest. Nevertheless, keen to be a genuine decision-maker within her learning environment, she made the choice not to miss any lessons, to attend school and to learn.

Her agency was not honoured by this government's education system, however. She felt that whilst she had the right to attend school on Friday she did not have the right to be taught anything. She was told that students who showed up would just have to waste their school day watching movies instead. The message to this young Canberran could not have been any clearer: if she was not willing to join the students strike and if she wanted to attend school she was going to be denied a full day of lessons to just watch movies instead.

What sort of message is this government sending our students? What about encouraging her and other students who want to go to school to embrace that learning environment and use this time to seek assistance from your teachers, whether it be for your homework, assignments, exams coming up, or even learning the subject's lesson from your teacher?

These students are very much aware of their future and are investing their time and their talent to prepare themselves for their future in college, maybe university or CIT or even an apprenticeship. Attending school helps them in their chosen pathway, and this student chose to do that. How dare the minister take that away from her and other students. It is true that many young people want a greater say in what and how they learn, as Minister Berry stated. I put the education minister on notice that there are students who are keen to attend school and choose to learn in a school environment, and they should be honoured, encouraged and commended.

We must never, ever discourage students from wanting to attend school during a public protest at a public venue. All students are different. We must honour those students for expressing their free agency in how and where they learn, even in a school environment. They deserve it.

**MR COE** (Yerrabi—Leader of the Opposition) (6.00): We are not at all surprised to once again see a motion lauding the government from a Labor backbencher, but before I get to the substantial comments that I am going to make, I move the amendment circulated in my name:

Add new paragraph (3):

“(3) the comprehensive awareness program must be undertaken before 31 December 2019 and the Government must provide a report to the Assembly in February 2020 about the activities undertaken.”.

The Canberra Liberals—indeed, many people in Canberra—have significant concerns with what the government is proposing. This will have a significant impact on Canberrans. That is the point. The point of this is to change lifestyles. The point of this is to change behaviour. If you accept as a premise that the very intention is to change the way that people live, that is in effect discrediting the lives that Canberrans are living right now.

We on this side of the chamber do not object to the way that Canberrans are living. We do not object to the lifestyles that Canberrans have. The Labor Party and the Greens obviously do. They want to change behaviour. They want to change people's lifestyles. That is the essence of what is being proposed right now. That is why it is arrogant. That is why this government is so out of touch. Those opposite fundamentally think that the lifestyles that Canberrans have are wrong and should be changed. They think that they should be changed by government policy and manipulation. We on this side of the chamber do not accept that for one minute.

Those opposite think, for some reason, that Canberrans actually enjoy using petrol. They think that Canberrans enjoy using electricity and gas. Nobody enjoys spending \$100 to fill up the car with petrol. Nobody enjoys paying \$1,200 a year for car registration. The government seems quite willing and quite determined to increase the cost of car ownership. Why is it that those opposite want to increase the cost of car registration?

*Government members interjecting—*

**MR COE:** Let us have a look at goal 3F on page 51 of your own strategy:

Consider options for reforming car registration fees to incentivise efficient road use.

Blind Freddy knows that this is yet another way that they intend to use price signals, price levers and all the other jargon to describe what is, in effect, gouging Canberrans. They have been doing it for a long time. If those opposite do not already think that the cost of car registration is an issue in the ACT, they are very disconnected from the Canberra that I know.

The vast majority of people that I know recognise that what this government is doing is simply going to drive up the cost of owning a car. Just over here, people are paying \$17 or \$18 a day for parking. That is \$90 a week. It is \$180 of post-tax income per fortnight for parking in the city. That is huge money. It is because of this government, its policies and its greed. I see no reason whatsoever why anybody would have any confidence, as a result of this strategy, that things are going to get any cheaper.

This government seems absolutely determined to appease the Greens through this strategy and every other policy. The Greens seem to control the agenda of this government. If you do not think that is a perception out there in the community, once again that is another indication of just how disconnected members of the Labor Party are. Absolutely everybody in Canberra that I speak to says that the Greens drive the

agenda for the ACT government. This strategy, the climate change strategy, simply reaffirms that view.

It is interesting that the government would seek to bring about car-free days in the ACT. There is a letter going around on Facebook—a scan of a letter from Jon Stanhope back in 2009—saying that he categorically refused to have car-free days in Canberra. Not for one day would he allow it.

You wonder what has happened now. I like how they say it as if it is going to be just car-free days or just particular areas. If you go into what the Greens have proposed, you will see “deliver car-free days in Canberra as well as possibilities for car-free areas and share zones”. As well! You have car-free areas, you have shared zones, and then you have car-free days as a third. They are not two; we have three: car-free areas, shared zones and car-free days.

What does Mr Rattenbury say? What is a car-free day? When you say you are going have car-free days as well as car-free areas and share zones, I am curious as to why there are three things there. We are not talking about car-free areas and shared zones—

**Mr Barr:** There is the National Multicultural Festival next year.

**MR COE:** That is one of them. That is a car-free area. But what are car-free days? It is a different thing according to what the Greens have published.

**Mr Barr:** A day when there may well be an area that you do not drive your car in.

**MR COE:** I think you will find that these are three things. It is all very well for Mr Barr to try to backtrack from this plan that they were heralding as this great triumphant document that is going to change the climate. The reality is that the reception in Canberra is quite different from what they were expecting. The reality is that not rolling out gas, sending the price of gas through the roof and making it near impossible to maintain gas in industry in the ACT, is going to have a devastating impact on Canberrans’ lives. That is the intention. They are trying to change behaviour; they are trying to change lifestyles. That is in the document. We on this side do not rebuke Canberrans for the lives they live. It is simply the Labor Party and the Greens that have the arrogance to tell people that they are living the wrong way.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (6.10): I thank Mr Gupta for bringing this motion to the Assembly. Things are changing, whether Mr Coe likes it or not. The question is how we manage that change. The responsible thing to do is to manage that change by implementing a strategy to both deal with climate change adaptation and put in place measures to reduce emissions. That is exactly what the government has done.

Canberrans have expressed their concern about how climate change is impacting upon their lives. The government has responded with a detailed plan that goes out to 2045, with measures for how we can continue to lead the nation in protecting our

environment for future generations. It is a responsible plan that will support a just transition and support households over the next 25 years—not all at once, but over 25 years.

The ACT climate change strategy has a goal of achieving zero net carbon emissions by 2045. As the ACT hits 100 per cent renewable electricity, the third largest source of emissions will come from waste. The ACT government has some of the most ambitious waste reduction targets in the country, with a plan to divert 90 per cent of waste from landfill by 2025.

The government released the ACT waste feasibility study in May 2018, which included a recommendation that the green bin service, which we have rolled out to the whole of Canberra, be expanded to include food waste. This included a survey of household waste showing that approximately 37 per cent of waste bin content is organic food waste. Approximately 45 per cent of organic waste is generated by households, with the remainder generated by the commercial and industrial sectors. When residential and commercial food organic waste is combined, this amounts to approximately 40,000 tonnes of food waste going to landfill every year. It is a clear area we need to tackle to reduce the amount of waste producing emissions in landfill.

When food goes into landfill, in anaerobic conditions it turns into methane, a greenhouse gas that is 21 times more potent than carbon dioxide. Methane generated by organic waste decomposing in landfill is a significant cause of greenhouse gas emissions and is estimated to account for around 2.6 per cent of the ACT's greenhouse gas emissions.

The ACT government is planning for a food organics collection service to deal with this waste. We are looking at rolling out an education campaign on food waste avoidance, which was funded in the budget, as well as looking at where we process food and a site facility available for that, and how we can sell the compost or other material onto markets. This will provide real benefits to Canberrans in providing an extra service to households while also reducing emissions.

As highlighted in Mr Gupta's motion, a key priority of the ACT's climate strategy is to improve livability and to adapt to climate change. That is why it is incredibly important that we invest in ensuring that we plant more trees across the city. We have 766,000 trees in the city; it is one of the things that contribute to the character and livability of our city.

We know that over coming decades, particularly as the climate gets hotter and drier, we are going to see some of those trees decline and come to the end of their life. So we need to plant more trees. That is why I was very pleased that in the budget we were able to fund 17,000 more trees, which is the largest tree planting this century by the government. And that is just over four years; there will be more trees planted beyond that.

We are currently in the process of developing an urban forest strategy, which, combined with the living infrastructure plan, will set out a vision and pathway for how we can plant more trees and reach the targets that have been set out in the living

infrastructure plan of 30 per cent canopy cover across the city. This is an important thing, because we know, as Ms Le Couteur mentioned, that it is cooler in summer—around 10 degrees cooler—in areas that have higher canopy cover, and that helps to reduce energy consumption in those areas and helps us to adapt to climate change.

These are just a couple of the measures that are outlined in this very comprehensive strategy that is taking a responsible approach to managing climate change and our environment. These are measures that will benefit Canberrans and support them during this transition that we all must take. If we do not, we know that we are going to face significant issues in the future. The government is committed to making sure that we support households and we support workers through a just transition in that process.

**MS CHEYNE** (Ginninderra) (6.16): “Doesn’t my future matter?” “Boo, climate change” and the very polite but equally earnest “Save our planet, please”—these were just some of the placards Canberra school students held up at Friday’s School Strike 4 Climate. The message was clear: we need climate justice now. Students felt this issue was so important that they were willing to give up their education to make this case. That is what the opposition does not get. This means so much to people and it means so much to kids. It is the lack of care and the lack of action shown by people like the federal government, shown by people like the opposition, which makes these kids take these tricky decisions to give up their education for a few hours to make the point about why it is so important.

I was proud to march with my colleagues in the ACT Labor and union contingent to support this student-led movement, and it was great to see a broad representation of Canberra at the strike. People of all ages, backgrounds and occupations turned out, taking time off school, work and other commitments to make their voices heard. I even saw families of three generations—school students, parents and grandparents—all marching together. It was particularly inspiring to hear directly from these young people. Local high school students and even two year 6s made speeches and others performed songs to highlight the importance and urgency of climate action.

I was impressed but not surprised by how eloquent, passionate and intelligent these young leaders were. In fact, the strike was primarily organised by school students, with some support from adults. The students were not just painting posters; they were the ones liaising with police, obtaining permits and arranging public liability insurance. I take a moment to thank these students and everyone else who worked so hard to pull off the seamless event and to contrast Mr Hanson’s juvenile commentary on such an important issue.

Climate change is one of the defining issues of our generation and we need to act now. The School Strike 4 Climate made that clear on Friday. There is no time to wait and there is no planet B. That is exactly why an ACT climate strategy is so important, taking action where we have the power to do so. We have already come so far in the ACT. We have led the way as an Australian jurisdiction. In a week’s time we will be the eighth jurisdiction in the world to transition to 100 per cent renewable energy. It is time and it is right for us to set out a strategy, a plan and a conversation to have with the community about how we can all do more to avert a climate disaster.

The Liberals' campaign of misinformation has been nothing short of egregious. They have no plan to tackle the very real threat of climate change, and we have heard that very clearly today, with just criticism and criticism and no solutions. It is not just Mr Hanson and Mr Coe. Let us reflect for a moment on Miss C Burch, whose Facebook post last Friday was her most popular ever but in the worst way possible for her. Miss C Burch suggested that a school drop-off could include an adult ferrying children in a trolley attached to a bike. "This is what school drop-off will look like if the Barr government gets its way," she threatened.

Almost immediately the responses trickled in and then they came in a flood. "Looks fantastic," "Yes, let us have more of this," "How great is this? Kids are having fun outdoors, mum is getting exercise, showing them how to be healthy, safe, productive adults," "Great idea," or "Keep up the good work." Here is another:

As a constituent of yours, a commuter cyclist and dad, who takes his son to day care in a bike trailer three days a week, I am keen to understand why you think using active transport to ferry kids to and from schools is a bad thing.

**Mr Coe:** Why do you like Candice's Facebook so much?

**MS CHEYNE:** If I am honest, I found that this post was shared so much, Mr Coe, I just could not get away from it. I find this post incredibly disappointing and it confirms my suspicions that the Canberra Liberals are deeply anti-active transport. This post follows another recent post where you advocated that people should be able to illegally park their cars for free at major sports matches and not get fined. Why are cars, and not people, such a priority?

Pertinently—and I suggest the Leader of the Opposition listen—this should be that moment when you realise that what you stand for is completely irrelevant today and everybody is eons ahead of you. If that post was not a lesson, I do not know what is. The opposition needs to wake up. This is a moral challenge. Their obsession with a campaign of misinformation reflects their failure to deliver any coherent policy on one of the biggest challenges facing our city, our country and the planet.

I note that Minister Rattenbury corrected the record on a number of issues during question time, but it is important to keep being clear about what exactly is the truth. We have never, ever suggested that we would force people out of their cars. Car-free days are not banning the use of cars across the territory. We already temporarily close roads in designated areas. And guess what? On the weekend London, Paris and Berlin did it too and there were not riots; people got on with it. People used these spaces that are almost always dedicated to cars in different ways. It helped people think about things differently and move about their city differently. What is wrong with that?

We are not requiring people to drive electric vehicles tomorrow. People can make their own choices about the vehicles they drive. But zero emission vehicles are becoming more attractive. They are coming onto the market in an affordable way. And perhaps less affordable, but still relevant, Porsche, of all car companies, has a new all-electric, four-door coupe. As more people look to take up zero emission vehicles, it makes sense that we provide measures to assist with that transition.

As Minister Orr and others have made clear, there is no proposal that will force people to pay for the removal of gas heating, water or cooking. But if households want to voluntarily make the switch, why should we not support them? That is exactly what this strategy sets out. This is a climate strategy which is a reasonable, measured response to the very real threat of climate change. Canberrans, young and old, have expressed their concern about how climate change is impacting upon their lives.

The government have responded in the past and we are going to keep responding now and into the future. This is a detailed plan with measures on how we can continue to lead the nation in protecting our environment for future generations, and I am pleased to have been able to speak about it today. I commend the motion.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (6.23): I thank Mr Gupta for bringing this motion to the Assembly. I am conscious that I do not have a whole lot of time left to speak but, having made some remarks in question time today, I feel I have perhaps had something to say already. I am certainly pleased to discuss the climate change strategy and the living infrastructure plan which, with the Chief Minister, I released last week. I am pleased to say that it has been received very positively in most of the community, outside the Canberra Liberals' echo chamber. Indeed, around Australia more broadly it has had a very positive reaction.

Together, the documents set out the next phase of the ACT's response to climate change and provide the next steps on the pathway to achieving a resilient, net zero emissions Canberra by 2045. Climate change is a massive global challenge that requires urgent action. We are already seeing the impacts of climate change, both locally and around the world.

We are seeing species extinctions. The world just had its hottest six months on record. There were massive heatwaves across the Northern Hemisphere. The Amazon is burning on a scale never seen before. The scientists are telling us our carbon budget to stay below two degrees is fast evaporating. Students are striking from school. Overall, we are seeing significant impacts and significant reaction where people are demanding stronger action from their leaders, whether it is in politics, in business or in the community. People understand this and they want real action.

The community is very concerned and our local community here in Canberra is very positive about climate change action. Nearly 90 per cent of the ACT community recognise climate change as a genuine problem for the future and understand the need to act now to reduce its impacts. To fail to take action on climate change is to fail the community and to saddle them with more difficulty and more costs. If we fail to take action on climate change, it is the most vulnerable in our community who will struggle the most.

It is critical that we take steps to both mitigate and adapt to climate change. The actions that we have taken so far in the ACT have brought significant environmental, economic and social benefits. Just one example: through our world-leading transition

to 100 per cent renewable electricity we have created some great opportunities in our region in business development, training and education. We predict that we will attract about \$500 million over 20 years in low carbon investment in the ACT. We also have the Southern Hemisphere's only accredited wind training program here, at our very own CIT, that is creating new trades opportunities for young people and producing skilled workers for the Australian industry.

The actions that we will take in the future, which are outlined in the new strategy, will also bring significant environmental, economic and social benefits. The key areas addressed in the climate change strategy are transport, natural gas, the built environment and waste. These are key areas in which we need to reduce emissions in order to reach net zero emissions by 2045. The strategy also includes extensive initiatives relating to working together with the community, ensuring that we make a just transition, and also reaching zero emissions in ACT government operations.

Not only will our actions mean that the ACT does its part in mitigating climate change; it will also ensure that our city and our community are adapted to the climate change impacts. These are impacts that will occur regardless, and in fact are already occurring. The very hot summer, the record temperatures, the severe drought, the extended bushfire seasons—these are all examples of climate change affecting our region. And they are predicted to worsen.

Let me mention just a couple of examples of how measures in this strategy are important for climate change but will also offer significant co-benefits to Canberra residents. The new living infrastructure plan contains an action to significantly increase the tree canopy or equivalent in the ACT urban environment. By 2045 we will reach a 30 per cent tree canopy cover and 30 per cent permeable surfaces in Canberra's urban footprint. This is a commitment to ensure that we retain our bush capital legacy and also that we can tackle the issue of urban heat in a changing climate. As Ms Le Couteur touched on, trees bring many other benefits to Canberra—amenity, wildlife, a chance to interact with nature—and Canberrans really love their trees and their bush capital environment. This is an example of a co-benefit. We are responding to climate change and improving our city at the same time.

The plan to address the issue of inefficient rental properties is another good example. The poor performance, in energy terms, of rental properties has direct impacts on the lives of renters, such as health impacts from extreme heat and cold and high energy costs from heating and cooling. The plan commits the government to introducing minimum energy performance standards for rental properties from 2023, meaning a property will need to meet standards before it can be rented. Not only will this assist in lowering emissions from properties; it will deliver benefits to many in the community, including improved comfort and health outcomes and reduced energy costs for renters. Similarly, the energy efficiency improvement scheme—through the new strategy it is extended to 2030 and expanded to include new activities—has been reducing emissions in the built environment but also saving literally millions of dollars for householders, and improving health and wellbeing.

I really was genuinely shocked last week when the Canberra Liberals voted against continuing this scheme, which has brought significant benefits to Canberrans,

particularly the most vulnerable households via its priority household requirement. That really was cutting off your nose to spite your face. The return on investment on that scheme has been what can only be described as impressive, at four to one. It is shaping enormous benefits for our city. Yet, through either a misunderstanding or some ideological stance, the Canberra Liberals actually voted against it. I still get surprised in this place from time to time, but I was genuinely surprised last week.

There are many initiatives in the climate change strategy and the living infrastructure plan and Mr Gupta has already talked about some of them, as have other members. I do not intend to reiterate them tonight but they cover all sorts of areas.

*At 6.30 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put and passed.*

**The Assembly adjourned at 6.30 pm.**

## Schedules of amendments

### Schedule 1

#### Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018

##### Amendments moved by the Chief Minister

2

##### Clause 4

Proposed section 4, note 1, dot point

Page 2, line 17—

*omit the dot point, substitute*

- s 162 (Cultivation of 1 or 2 cannabis plants)

3

##### Clause 4

Proposed section 4, note 1, new dot points

Page 2, line 19—

*insert*

- s 171AAA (Cultivation of more than 4 cannabis plants at premises)
- s 171AAB (Cannabis plant cultivation—other offences)
- s 171AAC (Storage of cannabis)

4

##### Clause 5

Page 3, line 1—

*omit clause 5, substitute*

#### **5 Cultivation of 1 or 2 cannabis plants** **New section 162 (1A)**

*insert*

(1A) This section does not apply if the person—

- (a) is 18 years old or older; and
- (b) cultivates the plants in the ACT.

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

5

##### Clause 6

Proposed new section 171AA

Page 4, line 3—

*omit proposed new section 171AA, substitute*

#### **171AA Possessing cannabis**

(1) A person commits an offence if the person possesses—

- (a) 50g or less of dried cannabis; or
- (b) 150g or less of cannabis that has been harvested and—
  - (i) is not dried cannabis; or
  - (ii) is a mixture of dried cannabis and cannabis that is not dried cannabis.

Maximum penalty: 1 penalty unit.

- (2) A person commits an offence if the person possesses—
- (a) more than 50g of dried cannabis; or
  - (b) more than 150g of cannabis that has been harvested and—
    - (i) is not dried cannabis; or
    - (ii) is a mixture of dried cannabis and cannabis that is not dried cannabis.

Maximum penalty: 50 penalty units, imprisonment for 2 years or both.

- (3) Subsection (1) does not apply if the person—
- (a) is 18 years old or older; and
  - (b) possesses the cannabis in the ACT.
- (4) Subsections (1) and (2) do not apply if the person is authorised under the *Medicines, Poisons and Therapeutic Goods Act 2008*, or another territory law, to possess the cannabis.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (4) (see Criminal Code, s 58).

- (5) In this section:

***dried cannabis*** means cannabis that has been subjected to a drying process.

## 6

### Clause 6

#### Proposed new sections 171AAA to 171AAC

#### Page 4, line 14—

*insert*

#### **171AAA Cultivation of more than 4 cannabis plants at premises**

- (1) A person commits an offence if—
- (a) the person cultivates a cannabis plant at premises; and
  - (b) more than 4 cannabis plants are being cultivated at the premises.

Maximum penalty: 50 penalty units, imprisonment for 2 years or both.

- (2) Strict liability applies to subsection (1) (b).
- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant—
- (a) lived at the premises when cultivating the cannabis; and
  - (b) was not aware, and could not reasonably have been expected to be aware, that more than 4 cannabis plants were being cultivated at the premises.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (3) (see Criminal Code, s 59).

#### **171AAB Cannabis plant cultivation—other offences**

- (1) A person commits an offence if—
- (a) the person cultivates a cannabis plant; and
  - (b) the cannabis plant is cultivated at a place other than where the person lives.
- Maximum penalty: 50 penalty units, imprisonment for 2 years or both.
- (2) A person commits an offence if—
- (a) the person cultivates a cannabis plant; and

- (b) the cannabis plant is cultivated in an area lawfully accessible to a member of the public.

Maximum penalty: 50 penalty units, imprisonment for 2 years or both.

**171AAC Storage of cannabis**

- (1) A person commits an offence if the person—
  - (a) possesses harvested cannabis; and
  - (b) does not store the cannabis out of reach of children.

Maximum penalty: 50 penalty units, imprisonment for 2 years or both.

- (2) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant took all reasonable steps to ensure that a child could not access the cannabis.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (2) (see Criminal Code, s 59).

7

**Clause 7**

**Proposed new section 171A (7), definition of *simple cannabis offence*, paragraph (a)**

**Page 4, line 19—**

*omit*

of 1 to 4

*substitute*

of 1 or 2

8

**Clause 7**

**Proposed new section 171A (7), definition of *simple cannabis offence*, paragraph (b)**

**Page 4, line 23—**

*omit paragraph (b), substitute*

- (b) an offence against section 171AA (1).

9

**Clause 8**

**Proposed new section 171AB (2) (b)**

**Page 5, line 9—**

*omit proposed new section 171AB (2) (b), substitute*

- (b) a child is exposed to smoke or vapour from the cannabis the person is smoking.

10

**Clause 8**

**Proposed new section 171AB (2A)**

**Page 5, line 10—**

*insert*

- (2A) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that the defendant—

- (a) took all reasonable steps to ensure that the child was not exposed to the smoke or vapour; or
- (b) believed on reasonable grounds that the child was 18 years old or older.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (2A) (see Criminal Code, s 59).

**11****Schedule 1, part 1.1****Amendment 1.1**

Page 7, line 7—

*omit*

ss 169, 171 and 171AA

*substitute*

pt 10

**12****Schedule 1, part 1.1****Amendment 1.2**

Page 7, line 9—

*omit the amendment***13****Schedule 1, part 1.2****Amendment 1.4, proposed new section 9A**

Page 8, line 5—

*omit proposed new section 9A, substitute***9A Application of Act to certain cannabis use not prohibited under Drugs of Dependence Act 1989**

- (1) The defined provisions of this Act do not apply to an adult to the extent that the substance is an amount of cannabis that the adult is not prohibited from cultivating or possessing under the *Drugs of Dependence Act 1989*.
- (2) In this section:
 

*defined provisions of this Act* means the following:

  - (a) section 26 (2) (Supplying declared substances);
  - (b) section 33 (Manufacturing regulated substances);
  - (c) section 35 (1) (Obtaining certain declared substances);
  - (d) section 36 (Possessing certain declared substances);
  - (e) section 37 (2) (Administering certain declared substances).

**Schedule 2****Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018**Amendments moved by Mr Rattenbury**1****Clause 2**

Page 2, line 4—

*omit clause 2, substitute***2****Commencement**

- (1) This Act commences on a day fixed by the Minister by written notice.
 

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) However, the Minister must not fix a commencement day that is before the notification day of the guidance material required to be published under section 171BA.
- (3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

## 2

### Proposed new clause 4A

Page 2, line 24—

*insert*

#### 4A New section 4A

*in part 1, insert*

#### 4A Objects of Act

The objects of this Act include the following:

- (a) to minimise harm resulting from the use of drugs of dependence;
- (b) to promote a balanced approach across the three pillars of harm minimisation—
- (i) demand reduction; and
  - (ii) supply reduction; and
  - (iii) harm reduction;
- (c) to reflect an evidence-based approach to drug policy, which puts the health and safety of the ACT community ahead of all other policy objectives.

## 3

### Clause 5

#### Proposed new section 162 (2)

Page 3, line 8—

*omit proposed new section 162 (2), substitute*

- (2) In this section:  
*cultivates*—see the Criminal Code, section 615.

## 4

### Clause 6

#### Proposed new section 171AA (4) and (5)

Page 4, line 14—

*insert*

- (4) Subsection (2) does not apply to a person if the person—
- (a) possesses not more than 150g of cannabis; and
  - (b) either—
    - (i) has a relevant diagnosis; or
    - (ii) is acting on behalf of a person who has a relevant diagnosis.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) (see Criminal Code, s 58).

- (5) In this section:  
*relevant diagnosis* means a diagnosis by a doctor of any of the following:

- (a) spasticity related to multiple sclerosis;
- (b) nausea and vomiting related to chemotherapy treatment for cancer;
- (c) pain or anxiety related to the active malignancy of a life limiting disease with a life expectancy that is reasonably expected to be 12 months or less;
- (d) any other condition the chief health officer approves, in writing, for the prescribing of medicinal cannabis.

5

**Proposed new clause 8A**

Page 6, line 6—

*insert***8A New section 171BA***in part 10, insert***171BA Guidance material**

- (1) The Minister must prepare and publish guidance material to inform the community about the legal and health implications of the amendments of this part made by the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019*.
- (2) The guidance material is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

6

**Proposed new clause 8B**

Page 6, line 6—

*insert***8B New part 12***insert***Part 12 Cannabis advisory council****198 Establishment of cannabis advisory council**

The cannabis advisory council is established.

**199 Functions of cannabis advisory council**

The council has the following functions:

- (a) advising the Minister about—
  - (i) issues arising from the exceptions created for people 18 years old and older from offences relating to cultivating and possessing cannabis in the ACT; and
  - (ii) emerging or urgent cannabis issues; and
  - (iii) cannabis reforms and policy; and
  - (iv) further cannabis legislative change; and
  - (v) anything else in relation to cannabis requested by the Minister;
- (b) any other function given to the council under this Act or another territory law.

**200 Membership of cannabis advisory council**

- (1) The council is made up of at least 5, and not more than 7, members appointed by the Minister.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) In appointing members to the council, the Minister must, unless it is not reasonably practicable, ensure that the council includes—
- (a) at least 1 member who—
    - (i) is a representative of the community of drug users in the ACT; or
    - (ii) is or has been a personal user of a drug of dependence; and
  - (b) up to 6 members with experience or expertise in at least 1 of the following fields:
    - (i) drug and alcohol treatment and support;
    - (ii) scientific, evidence-based cannabis research;
    - (iii) drug and alcohol policy and legislation;
    - (iv) law enforcement;
    - (v) mental health treatment, care and support.
- (3) A person must be appointed to the council for not longer than 3 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

#### **200A Procedures of cannabis advisory council**

- (1) The council must meet at least once each quarter.
- (2) The council may conduct its proceedings (including its meetings) as it considers appropriate.
- (3) The council must give a report to the Minister at least once each year.
- (4) Within 6 sitting days of receiving a report mentioned in subsection (3), the Minister must table the report in the Legislative Assembly.
- (5) The council may, as it considers appropriate—
  - (a) publish its considerations; and
  - (b) give confidential advice to the Minister.

#### **200B Information for council**

- (1) The council may ask the Minister, in writing, to give the council stated information that it considers relevant to the exercise of its functions.
- (2) The Minister must comply with a request under subsection (1) if it is reasonable and practicable to do so.

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#### **Proposed new clause 8C**

Page 6, line 6—

*insert*

#### **8C New section 205A**

*insert*

**205A      Review of certain amendments related to cannabis**

- (1) The Minister must review the operation of the amendments of this Act made by the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* as soon as practicable after the end of their 3rd year of operation.
  - (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
  - (3) This section expires 5 years after the day it commences.
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