



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**10 NOVEMBER 2021**

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**Wednesday, 10 November 2021**

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

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

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

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

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

## **Petitions**

*The following petition was lodged for presentation:*

### **Housing ACT—Gordon—petition 44-21**

*By Ms Lawder, from 49 residents:*

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: The public housing tenants residing in X XX GORDON ACT 2906 are causing considerable interference with the quiet enjoyment of our neighborhood.

- Continued aggressive, threatening and intimidating behaviour including;
  - Multiple threats against the lives of residents at X XX
  - Antagonizing residents of X XX though swearing (even at young children), taunting, revving cars, loud music.
  - Antagonizing members of the local community walking on the footpath at the end of X XX.
  - Residents of X XX have Personal Protection Orders out of fear for their safety.
- Dangerous hoon driving including; excessive revving, spinning tyres, speeding, burnouts. Local streets affected include;
  - X XX, X XX, X XX, X XX, X XX
- Excessive use of a Dirt Bike on surrounding streets and footpaths throughout Gordon.

Police job numbers: P2009219, P2016683, P2010978, P2006346, P1906753, P1906559, P1907033, P1909119, P1929098, P1927988, P1928597, P1939042, P2006942, P2005415

Residents have exhausted all options available through contact with Housing ACT, Local Members, Ministers and Police. This has caused unnecessary stress and anxiety for the residents of X XX and is impacting the health and well-being of families, including children and the elderly. The residents of X XX are not compatible with community living and their continued anti-social behaviors place us all in an untenable situation.

Your petitioners therefore request the Assembly to: Immediately remove the tenants from our community.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.*

### **Ministerial response**

The following response to a petition has been lodged:

#### **Planning—Gungahlin town centre—petition 16-21**

By **Mr Gentleman**, Minister for Minister for Planning and Land Management, dated 9 November 2021, in response to a petition lodged by Mr Braddock on 3 August 2021 concerning planning in the Gungahlin town centre.

*The response read as follows—*

Dear Mr Duncan

Thank you for your letter of 3 August 2021 providing petition No. 16-21 lodged by Mr Andrew Braddock MLA about planning, land release and development in Gungahlin town centre (the petition).

I am pleased that the continued planning and future development of the Gungahlin town centre has been of particular interest and focus of the Legislative Assembly over this year through debate, two resolutions and now this petition.

In addition, I note that Draft Variation to Territory Plan No. 364 (Gungahlin town centre) (DV364), which proposes changes to planning controls in part of the town centre, is currently subject to an inquiry by the Legislative Assembly's Standing Committee on Planning, Transport and City Services (the Committee). On 30 September 2021, the Standing Committee released its report into the draft variation, which includes 8 recommendations that the Government will consider.

Noting that the Government has four months to formally respond to the report (by 30 January 2022), I take this opportunity to provide a response to the specific matters raised by the petition.

#### **Land sales/auctions in Gungahlin and the town centre**

I am advised that the SLA met with Gungahlin Community Council executive on 4 May 2021 in response to their request to halt all land sales in the Gungahlin

Town Centre. I understand that the SLA offered to engage with the Community Council and other stakeholders via a placemaking approach for the remaining town centre land releases, however, the SLA remained committed to auctioning the sites on 12 May 2021. The auction proceeded and the sites were sold, several months before the petition was subsequently lodged with the Clerk of the Legislative Assembly.

I note that the SLA has also offered the opportunity to work with the Gungahlin Community Council and the wider Gungahlin community on how the sale of future blocks, consistent with the Government's Indicative Land Release Program, are brought to the market, the provision of open space and the interface with the linear park and future public realm.

### **Inquiry into DV364 and Assembly Resolution of 10 February 2021**

As I noted above, the Committee has now tabled a report in response to the inquiry into DV364 and the Government will now consider the recommendations made. The changes to the Territory Plan proposed through the variation were the result of considered planning work and extensive community engagement. While I note that the petition called for investigation into reasons for what was characterised as a 'significant reduction of commercial zoning resulting from DV364', I am satisfied that the Committee process provides the relevant and appropriate scrutiny called for.

Concurrently with my response to this petition as Minister for Planning and Land Management, I am tabling the Government's response to Legislative Assembly resolutions of 10 February 2021, moved by Ms Orr MLA, and of 2 June 2021, moved by Mr Braddock MLA. In this way, all relevant matters before the Assembly on the planning and future development of the Gungahlin town centre are responded to in a manner that allows clear consideration.

### **Objectives of the Gungahlin District Community and Recreational Facilities Assessment**

I confirm that the objectives of the Gungahlin District Community and Recreational Facilities Assessment are to:

- determine the study area's current and future demand for community and recreation facilities and identify gaps in service provision;
- identify blocks of vacant ACT Government owned land in areas within the district of Gungahlin that may be suitable for full market value community uses and community concessional uses and recreational uses;
- recommend which community use, or mix of community uses, are most suitable for the vacant blocks identified, making particular delineation between full market value and community concessional uses, and provide advice about which site(s) could be prioritised for community use; and
- provide commentary on the most appropriate community or recreational use/s for Blocks 12 and 13 Section 132 Casey and the proposed Gungahlin Community Centre including size requirements.

**Develop a strategy to attract business to be established in the Gungahlin town centre**

The petition called upon Government to develop a strategy to encourage businesses to be established in the Gungahlin town centre. I am pleased to advise that the Government is in the process of developing an employment prospectus on the benefits of Gungahlin and the town centre to support further economic development in the region. This prospectus will be provided to the Commonwealth Finance Minister.

More broadly, I would also like to provide the following advice on a range of matters that Transport Canberra and City Services (TCCS) are progressing in and around the Gungahlin town centre:

- The 2020-21 Budget provided \$0.3 million for improvements at Yerrabi Pond and \$45 million to better connect Belconnen and Gungahlin.
- A route planning study to improve cycle connectivity in the Gungahlin Town Centre, and to invest in a sophisticated traffic model to identify future transport improvements in the Gungahlin region is being considered.
- As surface carparks are developed, TCCS makes sure that these locations deliver their development parking requirements as required by the Territory Plan.
- The ACT Government has an ambitious target to plant over 450,000 trees on public land over the next 25 years, which will include more trees for Gungahlin. More details are identified through the Urban Forest Strategy 2021-2045. Since 2018, Urban Treescapes have removed 7 dead or dying trees, and 13 new trees have been planted. 100 potential planting sites within the study area have been identified and 25 of these locations will receive a planting during spring 2021.
- In association with improvements including Light Rail and Hibberson Street upgrade, the town centre has seen the installation of more bins, street furniture, and active maintenance of garden beds and points of interest. The centre square playspace received new nature play elements, rubber soft fall, a birds nest swing and fencing.
- TCCS are committed to active maintenance and ongoing improvement through its regular servicing program, as well as identified capital works projects.
- Based on the community feedback on Yerrabi Ponds from the public consultation (April – June 2021), the ACT Government will further investigate improved paths, more facilities such as seating and bins, enhanced landscaping, better parking arrangements and amenities to bring the community together such as access to power for social events.

**Community consultations about future land use**

As reflected in the Government response to the resolutions of 10 February 2021 and 2 June 2021, the Government agrees that engagement with the community on the future of the town centre and on individual proposed developments is important.

As the responsible Minister, I note the extensive engagement that has been supported to date in relation to Gungahlin, including through the Gungahlin town centre planning refresh and consultation on DV364.

The ACT Government through the Environment, Planning and Sustainable Development Directorate (EPSDD) has commenced the ACT Planning System Review and Reform Project (the Project), which is the first comprehensive review of the planning system in over 10 years. The objectives of the project and reiterated in the Parliamentary and Governing Agreement for the 10th Legislative Assembly, include to improve built form, place design and public realm outcomes across the Territory.

The Project will support implementation of a district approach to strategic planning to bridge the gap between ACT-wide and local area planning. This approach will include the development of District Strategies to identify the defining features of each district, what it is that sets them apart and that will help to shape resilient and strong individual districts that deliver a range of lifestyle choices for current and future Canberrans. The development of these strategies provides further opportunity for the setting of that defining character for the district of Gungahlin and I note workshops on this topic have already occurred.

Thank you for referring this petition of 3 August 2021 to me. I trust this information is of assistance.

### **Motion to take note of petition**

Motion (by **Madam Speaker**), pursuant to standing order 98A, agreed to:

That the petition and response so lodged be noted.

### **WorkSafe ACT—young workers strategy Ministerial statement**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.02): My statement is in regard to WorkSafe ACT activities and initiatives for young workers.

Madam Speaker, young workers aged between 15 and 24 are some of our most valuable but also our most vulnerable employees. Young workers bring skills, innovation and enthusiasm to workplaces. Protecting and promoting their health, safety and wellbeing at work is an investment we make in the future of our community.

Concerningly, young people are also one of the most vulnerable groups of workers. They are more likely to be injured at work and face greater risks of serious injury, with around 12 per cent of serious workers compensation claims made by this group. The reasons for this are varied and complex. Young workers are inexperienced in

working and at being in workplaces. They are less likely to be aware that they have work health and safety rights and responsibilities, and what these are. They may not be aware of the risks of a situation or activity, or how to protect themselves and others. They may be less sure or confident about raising issues or safety concerns, or about asking questions.

The nature of the work that young people do also contributes to their experience of work-related illness and injury. They are more likely to be employed in insecure or casual work, or under labour hire, unpaid internship or freelance arrangements. The most common industries where young workers make injury claims are construction, manufacturing, hospitality, retail, health care and social assistance.

The ACT government understands the need for targeted and focused work health and safety programs and initiatives for young workers and their employers. In addition to the work health and safety information and support provided to all employees and employers in the ACT and the compliance activities undertaken by WorkSafe ACT, the government has initiatives that aim to reduce illness and injury for our younger workforce.

The ACT government established the Young Workers Advice Service in 2019 in recognition of the vulnerability of young people in the workforce. The service is provided by UnionsACT under contract to the government. This service was part of a package of initiatives in the 2018-19 budget demonstrating a commitment to improving the rights and safety of Canberra workers, and providing funding over four years.

The core elements of the Young Workers Advice Service are outreach programs and include a contemporary social media presence through which young workers can receive one-on-one trusted information and support about their rights, entitlements and obligations at work. Fact sheets are provided by this service on topics such as bullying and harassment and the use of personal protective equipment, as well as topical and current issues such as COVID-19.

Participation by young people in the activities of the service remains strong. Between January and June this year there was a significant increase in the number of contacts made by young workers and other interested people. The service conducts sessions in schools in partnership with the Education Directorate and attends open days and outreach sessions at ACT university and institute of technology campuses.

As another National Safe Work Month has come to a close at the end of October, we have once again seen a spotlight shone on health and safety for employers and employees across the country. This year, WorkSafe ACT has declared November as Young Workers Month in recognition of the increased risks younger workers face as a result of their vulnerability to work accidents and injury, particularly in high-risk industries.

Through social media stories, information and resources are being rolled out encouraging young workers to stay safe and healthy at work. These are targeted at some of the unique working arrangements for younger workers in part-time jobs after

school, interning through a university, on work placements, doing apprenticeships and in their first jobs.

Cementing this focus on young workers, WorkSafe have released their young workers strategy. Running through until 2023, the young workers strategy will focus not only on young workers but on employers who have work health and safety obligations towards their youngest employees, as well as community stakeholders that support employees and employers to build their capability in working in a healthy and safe way.

The strategy has been informed by strong evidence—workers compensation data, investigations, information and feedback from stakeholders, including young workers, employer representatives, unions and advocates. It has been a collaborative effort between WorkSafe ACT and groups such as CIT apprentices, the ACT Young Workers Centre and the ACT government Youth Advisory Council.

Over two years the strategy aims to increase awareness and compliance amongst young workers with their work health and safety obligations and workers compensation entitlements. Within WorkSafe ACT there will be increased capability and capacity to be a responsive regulator for young workers' health, safety and wellbeing.

We know that knowledge, trust and confidence are central to young workers identifying and reporting health and safety risks and reporting incidents of illness and injury. Activities conducted in partnership with community stakeholders and employee advocates will provide information and support to young workers to address this critical issue. The focus will be broad and capture areas, such as work-related discrimination, that affect young workers' wellbeing and put them at risk of psychological harm and injury. The strategy prioritises those industries where there is a high representation of young workers and increased risks, such as accommodation and food services, retail, residential construction, and health care and social assistance.

We all benefit from the unique contribution young workers make to our community. Healthy and safe work promotes wellbeing and is good for young workers, good for business and good for the community. I thank all those who have been involved in developing the young workers strategy through the consultation and engagement activities. I look forward to this collaboration continuing as we work together with young workers and their employers to make work a healthy and safe place for them to be and thrive.

The ACT's work safety regulator has been busy over the past few months. Other activities that I would like to draw to the attention of members include: the launch of WorkSafe ACT's psychosocial hazards strategy on 6 October 2021; the planned activities to ensure compliance with obligations on businesses in relation to exposure to silica dust at work; and the continued compliance activities in relation to COVID-19 for commercial construction sites.

The psychosocial hazards strategy launched by WorkSafe ACT is a particularly important one for improving safety outcomes. The strategy, which launched in

October 2021, was timed to coincide with National Safe Work Month as part of WorkSafe’s “work safe, home safe” theme for the month. It is an important strategy for our regulator, and an important area for workplace safety for the Canberra community and all workers.

WorkSafe ACT’s psychosocial strategy will be used by the regulator to guide its activities in relation to psychosocial hazards under the WHS legislation by: increasing awareness on how to identify and manage psychosocial hazards and what true and sustainable compliance looks like; supporting compliance through promoting and developing materials for priority industries, small businesses and protecting at-risk work groups; supporting proactive enforcement and prioritising psychosocial hazard complaints and notifiable incidents; and building our own capacity and capability to effectively play our part in improving worker outcomes. Priority industries of the regulator for its psychosocial hazards work include health and community services, education and training, construction and hospitality.

In relation to silica dust exposure compliance activities, WorkSafe ACT will be continuing their focus on compliance with planned proactive campaigns and by engaging with local industry and trade unions to develop a better understanding of silica dust risk in construction. With work underway nationally and locally to improve the way our regulations deal with the risks of silica dust exposure, I expect that we will be well-positioned heading into 2022 to tackle the issues of silica dust safety at work.

Madam Speaker, I would like to thank ACT’s WorkSafe regulator for their work in keeping our Canberra workers safe and their work to guide the implementation of key safety initiatives in the ACT. Young people deserve safe and secure jobs, and I am extremely proud of this government’s strong and progressive initiatives that protect them. I present the following paper:

WorkSafe ACT activities and initiatives for young workers—Ministerial statement, 10 November 2021.

I move:

That the Assembly take note of the paper.

**MR PETTERSSON** (Yerrabi) (10.12): I rise today to commend WorkSafe ACT’s young workers strategy. Every Canberran has the right to safe, secure and decent work. Our community benefits when workplaces are safe and workers’ rights are protected. Young workers make up 39 per cent of the employed population in the ACT. They are an essential part of our workforce, yet they are some of the most vulnerable workers in the territory.

The Young Workers Centre has found that the exploitation of young workers is commonly linked to insecure employment. Most young workers are casually employed and struggle without the guarantee of secure and ongoing work. They deal with unpredictable schedules week to week, relying on rosters often given on short notice. They experience uncertainty around the number of hours that they will be

offered and, as a result, many are forced to take on multiple jobs to make ends meet. This insecurity produces an imbalance of power which leaves young workers vulnerable to wage-theft, unsafe work and bullying. It also makes it much harder for young people to stand up for their rights. If they speak up, they risk losing hours or losing their job entirely.

The lack of awareness that many young workers have about their rights and entitlements also prevents young people from standing up to exploitation. A Young Workers Centre report found that the most common reason young workers do not seek help is because they do not know how to do so. Without an understanding of their rights at work or where to report their concerns, young people will continue to be exploited in the workplace.

Young workers are also at a higher risk of physical injury. In 2021, they made up nearly half of all workers compensation claims. A culture of fast-paced work combined with a lack of experience leads to a high injury rate, and many are left to deal with these injuries themselves. Every Canberran has the same right to be safe at work, both physically and psychologically. Young workers clearly need more support and protection so they can enjoy safe and decent work. Educating Canberrans about their rights before they enter the workforce is key to empowering young workers. We want them to have the necessary knowledge to recognise and call out unsafe practices.

The experiences of young workers also indicate that employers need to do a lot better when it comes to meeting WHS obligations. The onus should not be on young people to have to protect themselves from harm in the workplace. Promoting compliance with and enforcement of WHS legislation in workplaces is crucial. WorkSafe ACT's young workers strategy provides a holistic plan to address these issues affecting young workers. The strategy will focus on increasing young workers' knowledge of their WHS and workers compensation rights. It will also focus on the compliance of employers and building WorkSafe's capacity as a regulator. Together, these aims will support the safety of young Canberrans and improve their experience in the workplace.

When creating the strategy, WorkSafe ACT spoke with young workers to learn more about the challenges that they face. They heard that young workers were concerned about their inadequate training and lack of understanding of WHS rights. Young workers were also hesitant to report problems, because they feared losing work or did not know where to report their concerns. These issues clearly demonstrate the need for better education of workers' rights and the role of WorkSafe ACT. In response to this need, the strategy calls for education campaigns in schools, higher education establishments and apprentice groups.

Young workers are also concerned about mental health issues. A 2021 study found that young Australian males working in the construction industry are twice as likely to take their own lives than any other young Australian man. A workplace culture of bullying and harassment, particularly towards apprentices and those starting off in the industry, greatly impacts the wellbeing of these young people.

Young employees in other industries also struggle with mental health. In a survey by the Young Workers Centre, 30 per cent of respondents said that work negatively

impacted their mental health. The young workers strategy recognises that mental health is a major aspect of WHS. A poor understanding of psychosocial hazards by employers can increase the risk of bullying and harassment. When employers do not manage these hazards, they can lead to psychosocial injuries. The strategy recommends that increasing the awareness of WHS obligations among duty holders will improve compliance. This will lead to better workplaces and greater mental wellbeing among young workers.

Madam Speaker, every Canberran deserves to work in safe and decent environments. We need to be doing more to protect young workers from unsafe work practices and exploitation. Implementing this strategy shows that we value our young workers and care about their health and wellbeing. As a government, we should always be leading the way on improving and protecting the rights of workers, and that means young workers.

**MR BRADDOCK (Yerrabi) (10.18):** I thank Mr Gentleman and WorkSafe ACT for this excellent initiative to protect young workers in the ACT. The Greens believe physical and mental workplace health and safety should underlie all other aspects of work. This means all workers have a right to both be safe and feel safe at work, irrespective of their age and enthusiasm. It is really welcome to see the regulator creating a specific strategy to benefit the safety and wellbeing of young people, who have been disproportionately impacted by the lockdowns over the last couple of years. We know the extent of this exposure thanks to the fantastic efforts of the Young Workers Centre and the work they have done to collect the stories and evidence of young workers.

We know that around 75 per cent of young workers are in insecure jobs. This makes it very difficult for them to speak up about their rights at work, including their right to a safe workplace. It is important to underscore from the outset that insecure work is one of the biggest predictors of workplace injury. As ANU researchers have reported, insecure workers come to work sick, they continue working whilst injured, they conceal OH&S accidents and they forgo health interventions.

It is important not to victim-blame, especially when young workers are involved. Employers must assume the lion's share of responsibility for creating safe workplaces, and regulatory intervention must be directed accordingly. Due in no small part to insecure employment, young Canberrans are reporting workplace injuries at alarming rates, with more than one-third of the respondents to a 2021 survey reporting being injured at work in the past year. Unsafe workplaces appear to have been normalised for young people; they appear to have been treated as disposable. This is not good enough.

It is clear that regulatory action to protect young people is both urgent and timely. Young migrant workers have been left particularly vulnerable. The impact of the pandemic has left them routinely subject to exploitation in their workplaces. Without access to income support, they are heavily reliant on their employers to maintain an income. The higher level of insecure work among young migrants, and the conditions of their visa arrangements, including hour caps for international students, means speaking up has been near impossible for them.

Once again, this proactive approach by WorkSafe ACT to reach out to young workers is very welcome. I look forward to hearing about the successful implementation of the strategy.

Question resolved in the affirmative.

## **Gungahlin—town centre Ministerial statement**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (10.21): I am pleased to table the government's concurrent responses to the Assembly resolutions of 10 February 2021 and 2 June 2021, moved by Ms Orr and Mr Braddock, respectively, concerning planning and development within the Gungahlin town centre. Separately, I have also provided my response, as Minister for Planning and Land Management, to the Clerk in relation to petition No 16-21 from Mr Braddock that was received on 3 August 2021, concerning planning, land release and development in the Gungahlin town centre.

I thank both Ms Orr and Mr Braddock for bringing these important considerations forward and for their continuing interest in the Gungahlin town centre. I provided a ministerial statement to the Assembly on 11 May 2021 on planning for the Gungahlin town centre and I am now pleased to provide this further tabling statement on similar matters.

The future of the town centre has also been examined by the Legislative Assembly's Standing Committee on Planning, Transport and City Services through its inquiry into draft variation to the Territory Plan No 364—Gungahlin town centre. The committee tabled its report containing eight recommendations on 30 September 2021. The government will consider these recommendations, and I look forward to providing a formal response.

Gungahlin is still very much growing and evolving. The Gungahlin district population is estimated to reach approximately 82,500 people this year, an increase of over 6,000 residents from 2017. Several of its suburbs are still under development, with the last suburb, Kenny, to commence development in the coming years. The town centre is also continuing to grow and evolve. Envisaged as a lower scale urban village when development commenced in the 1990s, the centre has grown rapidly, attracting new residents, businesses and investment. It has also been transformed through light rail.

However, a key challenge for the town centre has been its ability to provide employment, particularly that of large-scale commercial office developments for federal government departments. Employment opportunities in Gungahlin are important, as they are equally for other centres across Canberra. The ACT government continues to support location of a federal government department in Gungahlin but not necessarily at the loss of one from another town centre.

As of 1 September 2021, there is approximately 13.5 hectares of land in the town centre yet to be released by the government for future development. Most of this land is located to the east of Kate Crace Street and is where most of the planning control changes are proposed through draft variation No 364. The town centre already has these levers in place for further employment and new commercial office developments. Land is available and infrastructure is in place. There is essential and established retail, services and facilities in the town centre; and light rail is operating.

Another lever available to government is the planning system. Planning is an ongoing process, of course. It is a review process. The government continually looks at lessons and innovations from within Canberra, other cities in Australia and around the world to apply to get positive development outcomes. We need a planning system that is right for today. All our town centres are currently seeing the benefit of our commitment to greater urban infill. Bringing residents to our town centres has opened up opportunities in the night-time economy. Our town centres are no longer ghost towns at the end of the public service day. We have seen new pubs and restaurants open up in our town centres, which is great for our people and great for the city.

Best practice development will come from a best practice planning system. I am firmly of the view that our planning system needs to be more outcomes focused. I said this back in 2015 through my statement of planning intent and I continue to hold this view. This is a major pillar of our current ACT planning system review and reform project work—to move the planning system from being rather prescriptive to much more outcomes and performance focused.

Canberra also needs a planning system that can facilitate growth without compromising the unique characteristics of our city. I do not want to see development that threatens our surrounding natural landscape, with endless urban sprawl and congestion. In this context, the ACT planning system review and reform project is currently underway. Its objective is to improve built form, place design, and public realm outcomes across the territory. This will include incorporating character, context and design as key elements of the system to substantially lift the quality of the design of new developments, while maintaining Canberra's valued character.

A new level of strategic planning is proposed to be introduced for the territory's districts. District strategies will establish more detailed planning guidance and desired outcomes for development in districts and for areas of growth and change, such as the Gungahlin town centre, in line with the strategic directions of the ACT planning strategy. Until this work is completed and a new Territory Plan is introduced, we can only use our existing tools and levers. More generally, the planning system can facilitate outcomes but cannot dictate outcomes. There is a need for the development industry and the market to take up opportunities.

In relation to the two resolutions that contain 18 matters, the government's response proposes that seven matters are agreed, nine matters are agreed in principle and two items are noted. I am pleased to be able to confirm that the government will undertake precinct planning for the blocks along Flemington Road east of Kate Crace Street. These blocks are a crucial part of the Gungahlin town centre. Precinct planning will

allow best practice mixed-use development. We want these blocks to provide a strong employment base and be a great place to live. I thank Ms Orr in particular for her focus on best practice mixed-use developments.

This precinct planning will be done with substantial community consultation. I have heard very strongly the desire from the Gungahlin community to have a say in the development of their town centre and this planning work responds to those calls. The current planning settings and Territory Plan already allow commercial development and best practice design. I would encourage our developers to be moving to better design outcomes now and not wait for a new planning system.

I would also like to reiterate that the government wants new employment in the Gungahlin town centre. It wants a planning system that is more outcomes and performance focused, rather than being prescriptive; it wants good design, high quality and mixed-use outcomes, and it wants all these in partnership with the local community. I am confident that we can do this through the new Territory Plan. I present the following papers:

Gungahlin Town Centre—Government response to Assembly resolutions of 10 February and 2 June 2021.

Gungahlin Town Centre—Ministerial statement, 10 November 2021.

I move:

That the Assembly take note of the paper.

**MR BRADDOCK** (Yerrabi) (10.29): I thank Mr Gentleman for tabling this response to Ms Orr's and my motions about the future of the Gungahlin town centre, as well as the response to the petition that I sponsored on behalf of the Gungahlin Community Council. I thank all those who have been working to make the Gungahlin town centre better. As a Gungahlin resident and representative, I am very proud to have brought this important local issue to the Assembly. I will continue to unashamedly advocate for a better outcome for Gungahlin. We need to ensure the Gungahlin town centre does not become a dormitory suburb, dominated by apartment towers with small, empty tenancies on the ground floor.

I welcome the government taking a precinct approach to development and ensuring community views are involved in the process. The news that the blocks along Flemington Road east of Kate Crace Street will receive additional consultation is an important first step to achieving this. I note that the question of the future mix of residential and commercial in the Gungahlin town centre is not yet formally resolved. The Indicative Land Release Program still has listed for sale each year unspecified blocks with 300 apartments for the next four years. I look forward to seeing this resolved in the pending government response to the planning committee's report on draft variation 364. I will continue to stand up for the residents of Gungahlin to ensure that sufficient space is made available for commercial, for community, for trees and for outdoor space.

It will be important going forward to get clarity and precision about what best practice mixed-use development is. There are some great examples of guidelines and research across the globe in this regard. I would love to see some of this innovation being developed in Gungahlin in consultation with the broader community and developers. Once again, I urge the ACT government and others to be innovative in thinking beyond the federal government when considering what kinds of industries and employment can be encouraged to set up and flourish in Gungahlin.

Similar to mixed-use development, there is a wealth of examples across the globe about initiatives that local governments have successfully implemented to attract commerce and trade to areas that do not share Gungahlin's considerable transport, population and aesthetic amenity. I look forward to hearing more about how the new planning system will deliver its vision for high quality outcomes for Gungahlin.

Finally, we know that a healthy democracy flourishes only with engaged citizens who are supported to have a genuine, equitable and effective voice. My motion called for the people of Gungahlin to exercise their voice over the future of their town centre. We are closer to achieving this outcome, but there is still more to do.

**MS ORR** (Yerrabi) (10.32): In responding briefly to Minister Gentlemen's ministerial statement, I acknowledge the commitment he has made to do a precinct sale for those remaining blocks around Flemington Road. As my colleague Mr Braddock has already indicated, there is a lot of concern and a lot of want within the community to see those blocks bring our town centre to life. I think the steps that Mr Gentlemen has taken—that we look at how we can do this in a different way, on a different scale, where we are taking the whole and not just the individual block—will provide a lot of benefit to our community and realise the aspirations that we want to see.

A little differently to my colleague Mr Braddock, in relation to the housing that is on those blocks, I am very supportive of having housing in our town centre. We know that people do want to have a home and we have a great place up in Gungahlin where they can live. But I would like to put it on the record that we do not do that at the expense of commercial opportunities. We must ensure that we have a good balance and that people have homes, places where they can go to work, places where they can go and get a coffee and places where they can have a catch-up with a friend. We need to make sure that we have all those uses going on in our town centre. That is certainly the feedback I hear overwhelmingly from people. They want to have a really active and lively place that they can all congregate around and come together in.

I am very encouraged by the steps that have been taken in responding to the motions, including my own, and the feedback from the community. We should definitely note the work that the Gungahlin Community Council has done. It has really been incorporated into the response that has come forward. While there is still a lot of work to be done and a lot to be written about these blocks and the development of the town centre, it has certainly come a long way from when it was just the Raiders club, Woolworths and a sandwich shop. I am sure we will continue to develop and prosper just the same in our communities.

Question resolved in the affirmative.

## **Community organisations—COVID-19 pandemic lockdown Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.34): On Thursday, 16 September 2021 the Assembly passed a resolution about community sector support through the COVID-19 pandemic lockdown. The ACT government committed to report back to the Assembly on the resolution by 10 November.

The COVID-19 pandemic has highlighted the crucial role that the non-government sector plays during crises and emergencies. From the onset of the COVID-19 pandemic, community organisations rallied support to meet the needs of both existing and new clients, as well as their local communities.

We know that COVID-19 has had a disproportionate effect on people who are already vulnerable. Now, more than ever, vulnerable Canberrans must be able to reach out and get help when they need it. For many, the first place they will turn to is their trusted services.

I would like to acknowledge the work of the ACT community sector through the COVID-19 pandemic lockdown. Their willingness to respond, adapt and continue service delivery in difficult and challenging times has been truly amazing. Community organisations have stepped up to help their communities, to shift to new models of service delivery, to channel information to communities and to advocate for those people who are most in need.

During the lockdown ACT community sector organisations have responded to significant increases in demand for services, including crisis responses. In responding to this increased demand, they have provided much-needed service to the community and to the most vulnerable Canberrans, through the toughest period in our city's history.

The ACT government is recognising this much-needed support through an additional \$75 million funding boost in the 2021-22 budget. This will support those most in need and strengthen the partnership between government and the community sector. This includes new funding to expand homelessness services, increased community and multicultural sector funding, and more support for Aboriginal and Torres Strait Islander Canberrans.

Now, more than ever, we see government and the community sector working together in true partnership. The ACT government has continued to meet with community partners, in COVID-safe ways, throughout this period. Online forums, sector updates via email and newsletters, and, where safe and appropriate, service visits, have been vital to continue the flow of information about the needs of the sector through this difficult period. These mechanisms have also provided an opportunity for information sharing to support government efforts.

Community sector workers have told us that Canberrans who have not previously engaged with services have required assistance to navigate income support and service systems for the first time, and to obtain practical support, including information, advice and financial relief.

Recognising the need for long-term food security, we have committed funding to increase capacity and resources across Canberra's food relief organisations. This complements the immediate COVID-19 food relief response, providing a response in both the short term and longer term as we progress through and beyond the pandemic.

The ACT government is investing \$475,000 over four years to develop a fit-for-purpose database and cross-community collaborative approach to food security across the territory. Through this investment, a database will be developed to facilitate data-driven and evidence-informed decision-making. This will be managed by a dedicated project coordinator in the community services sector, and investing in this initiative will empower and enable us to continue to work together to meet the need.

Additionally, the funding will support the establishment of a food relief network with representation of government and community service providers to focus on ensuring food security across Canberra and establishing connections with broader critical social and health wraparound support. This increased collaboration will ensure food relief services are linked with existing services across community organisations, opening pathways to those accessing emergency food relief to also receive support for any additional needs.

The community sector has told us that more support is needed now to respond to domestic and family violence in our community. The domestic and family violence COVID-19 roundtable convened by the Coordinator-General for Family Safety and the Victims of Crime Commissioner is one way in which the government and community sector are coming together to improve responses for people experiencing domestic and family violence during the lockdown.

This forum has identified possible priority areas for the upcoming family, domestic and sexual violence national partnership agreement. Financial support and security will be provided to frontline services, as the ACT government works with the commonwealth to finalise the agreement. This will include funding boosts to identified frontline services so that they can respond to increases in demand and complexity of need because of the pandemic.

The government is also aware of the significant challenges that the ACT lockdown has created for unpaid carers who care for vulnerable people in the ACT community. The Community Services Directorate continues to work in close partnership with Carers ACT in delivering on actions to support carers under the ACT Carers Strategy 2018-28.

Recognising the many services and community organisations that would be impacted by the delayed ACT government budget, all contracts for ongoing funding with community organisations that were due to expire on 30 June 2021 were extended so

that there would be no interruption in service for the community. This includes funding for 80 community organisations and the continuation of the Child, Youth and Family Services Program, the Community Development Program, including emergency assistance and financial aid, and community transport.

It also includes funding for vulnerable children to access early childhood education and care, funding for services through Child and Youth Protection Services, the Office for Multicultural Affairs, the Office for Seniors and Veterans, the Office for Aboriginal and Torres Strait Islander Affairs, and all specialist homelessness services. This covers 175 community programs.

In addition, the government has sought proactively to reassure the ACT community sector that a flexible approach will be taken in response to all contracts for non-COVID-19 related services. All community organisations that receive funding through the Community Services and Health directorates were provided with written advice that all reporting requirements and contracted outputs would be managed flexibly throughout the COVID lockdown restrictions. Organisations were also informed that they could provide services flexibly to respond to community need during this challenging time.

We know there has been an increase in people accessing homelessness services in the ACT. The complexity of their needs has also increased, particularly through the challenges brought about by the impact of the COVID-19 pandemic from March 2020 through to our just finished lockdown. During this time the specialist homelessness sector has demonstrated its responsiveness in adapting service delivery in a COVID-safe operating environment and continuing to provide services to those in need.

The ACT government continues to work closely with frontline services to ensure continuity of specialist homelessness services, including programs which commenced operation during the COVID-19 pandemic. These programs cover crisis accommodation, transitional housing, domestic violence counselling, education, support and advocacy services.

This builds on recent government actions in this area, including funding of \$1.948 million in the 2020-21 budget for five specialist homelessness programs in response to COVID-19 as part of the government's commitment to addressing homelessness in the ACT.

Since the pandemic began, many community organisations have experienced a significant drop in their incomes, due to reduced revenue, cancellation of fundraising events and reduced philanthropic donations. To assist the sector to continue to afford rent, as part of the ACT's economic stimulus package response to the COVID-19 pandemic, the ACT government has provided rent relief to over 230 of its tenants, of which 186 are community tenants. This relief has been extended, and I am pleased to say that eligible organisations will have their rent waived through to December 2021.

In addition, the recent budget committed \$4 million over four years to increase the community sector indexation rate applied to annual funding. This will assist

community organisations to meet higher wage costs following the recent Fair Work Commission decision to increase the national minimum wage and award wages by 2.5 per cent.

The ACT has the highest payroll tax threshold in the country, with payroll tax not being imposed in the ACT until an employer's annual Australia-wide wages exceed \$2 million. Community sector organisations will continue to be supported through payroll tax exemptions. Those that are charitable organisations, including those providing education at or below the secondary level of education, are exempt from payroll tax.

The current public health emergency has put greater strain on the financial situation of more Canberrans. As it did last year, the government provided additional support to those households most in need, including an additional \$200 rebate to around 31,000 low income households who receive the utilities concession. This brought the total concession to \$1,000 in 2021-22 and an ongoing \$50 increase to the pensioner rates rebates.

A land tax credit of up to \$100 per week will also be provided to residential landlords who provide rent relief between 1 August 2021 and 31 December 2021 to tenants impacted by COVID-19. This support uses the mechanisms available to the ACT government and complements the primary role of the commonwealth in providing income support, including temporary support through the COVID-19 disaster payment and its ongoing support through JobSeeker.

We acknowledge the impact that the pandemic has had on families. In addition to providing food vouchers for children, young people, carers and families engaging with Child and Youth Protection Services, food vouchers have also been provided to families engaging with child and family centres. Child and Youth Protection Services has done grocery shopping and provided additional support to children, young people, carers and families who have been required to quarantine or isolate due to testing positive for COVID-19 or for other reasons under the public health directions.

In addition, the social recovery team has assisted with taxi vouchers to enable safe transport of people and families out of quarantine and back to their homes. Support is first and foremost provided to ensure that the ACT's children and young people are safe and aims to alleviate any additional pressure within the community sector. The ACT Hardship Fund has also been extended for 12 months to 30 June 2022 to ensure that Canberrans who are temporarily unable to work under a COVID-19 direction or health guidance are not left behind.

As we eventually transition through this crisis, and turn our minds to recovery, it is important that we learn lessons and seize new opportunities that have been presented. The ACT government had already been planning for some time to change the way it partners with non-government organisations in the health and community services sectors through a commissioning approach. Working in genuine partnership will help us to jointly address priorities, such as increasing our focus on early support and addressing sector sustainability.

Commissioning will enable us to consider longstanding issues for the sector, including the length of funding agreements and the full costs of service delivery. While we know that longer term funding works better—giving organisations more security, and allowing them to plan more strategically and attract and retain staff—existing procurement models have often made this difficult.

The additional funding through the 2021-22 budget, combined with our close relationships with our community partners, will help to deliver support to Canberrans who need it most. We also recognise that sector organisations themselves invest significantly in the upkeep of the human, physical and digital infrastructure of the sector. I commend sector leaders for their ongoing commitment to ensuring the health of the organisations they lead and support for the communities they serve.

The level of cooperation between the ACT government and community sector organisations throughout this difficult period has been extremely gratifying, with great goodwill demonstrated by all. I am confident that this strong partnership will continue, and we will build on the many lessons learned over this time.

In closing, I would again like to thank the community sector for the support provided to Canberrans through the COVID-19 pandemic lockdown. Their continued support will help individuals and the community to recover from the impacts of COVID-19. The ACT government will work in partnership with the community sector into the future to continue providing this much-needed support.

I would again like to thank Mr Davis for moving his motion on 16 September, and the Assembly for endorsing it. The matters that the motion highlighted will continue to be monitored by the ACT government as we make progress on important reforms in partnership with the community sector. I present the following paper:

COVID-19 pandemic lockdown—Community sector support—Ministerial statement, 10 November 2021.

I move:

That the Assembly take note of the paper.

**MR DAVIS** (Brindabella) (10.47): I sincerely thank Minister Stephen-Smith, for her ministerial statement, and all members of this Assembly for unanimously supporting my motion in September, which thanked and supported the ACT's invaluable community sector for their response during the pandemic, and particularly through the lockdown.

I would like to reflect on the enormous and effective response of the ACT community sector during our lockdown this year—providing groceries, liaising with vulnerable communities, managing accommodation and providing quarantine to people with COVID. It is clear that the ACT's not-for-profit community sector was critical to our effective response.

COVID has brought with it huge increases in demand for social services, as people have lost their incomes, and those who went into this crisis without an income were pushed even further into the margins, into extreme circumstances, especially while the federal government continued to drop social security payments.

The Vital Signs report released this week found that while we have the highest income per capita here in the ACT, more than 38,000 of our friends and neighbours still live in poverty. These people are more likely to be living with a disability, be single parents, or an older person still in the rental market. Sometimes the higher-than-average incomes in this city can hide the precarious experiences of those on low to no incomes.

The increased demand for services driven by the lockdown has been heavily shared by our community sector. My motion responded to an open letter to the Chief Minister from the Canberra community sector peak bodies, including ACTCOSS, ACT Shelter, ATODA, the Canberra Multicultural Community Forum, the Community Housing Industry Association ACT, and the Mental Health Community Coalition, calling for increased security and supports for the sector to be able to effectively respond.

In my conversations with these organisations, it was clear that while demand for community services had dramatically increased, the sector was under strain without adequate resourcing. My motion acknowledged the contribution of the sector and called on the government to examine the financial support and security to community sector organisations during this period.

The community sector is an essential service in this city. Its health is important for our economy; more importantly, it is important for ensuring that our community is safe, connected and cared for.

Community sector workers are some of the lowest paid workers in our city. The fact that they have been pivotal to our response is indicative of the need to consider how we can best build a resilient community sector into the future. This is an important area of work as we begin the social recovery from COVID. We must ensure that we are all well equipped to respond to future social crises with a strong relationship between the sector and government.

Integral to this is ensuring that our community services are reasonably funded and provided with security of funding so that they can attract and retain talent and build organisational knowledge and strength. We need strategic and considered thought as to how to best support this sector to develop, attract and retain a professional, appropriately remunerated community sector workforce. I look forward to assisting the government in undertaking this important work.

Once again I thank Minister Stephen-Smith for the response and all members of this Assembly for joining me in thanking and supporting our invaluable community sector.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Seniors, Veterans, Families and Community Services, Minister for Disability, Minister for Justice Health and

Minister for Mental Health) (10.51): I thank Minister Stephen-Smith for her response and thank Mr Davis again for bringing this important motion to this place.

Many of us in the ACT have just started to return to offices, schools and universities, and social gatherings after three of the most challenging months in the last two years, but there are many who cannot safely do this yet, including older Canberrans, people with disability, and carers. It is important that we continue to support and include everyone in our community, even if they cannot always be with us in person.

I would like to acknowledge the incredible efforts of the community sector in all it has done to support the Canberra community through this time. Our community sector organisations have contributed enormously to government understanding of where the greatest needs are in our community, what we can do to support those most at risk, and delivering vital services.

With my ministerial responsibilities for mental health, disability, seniors, veterans and their families, carers, the health and wellbeing of people in the justice system and in youth justice, as well as food relief and social recovery, I have had the privilege of listening to our community sector organisations advocate with strength and love for those most at risk from both the health and economic impacts of this pandemic.

I would particularly like to thank some of the community sector organisations who have taken the time to share with me what their members and clients are experiencing and provide constructive advice on how we can support our community—Carers ACT, Health Care Consumers Association and National Disability Services, and disability support provider organisations, including Focus ACT and Hartley Lifecare, Winnunga Nimmityjah Aboriginal Health Service, COTA ACT, ADACAS, Advocacy for Inclusion, Hepatitis ACT, CatholicCare, Multicultural Hub, YWCA Canberra, and many others too numerous to list, including through webinars organised by the Community Services Directorate with the disability sector, older Canberrans, NGOs generally and ministerial advisory councils.

Canberra's community sector have demonstrated how they can move quickly to respond to challenges, have existing relationships of trust with their clients and great community networks which can operationalise services quickly. They have been invaluable partners in delivering food relief through assisting with meals in Housing ACT's Condamine Court and Ainslie Village, and phone and internet access and activity packs to assist with the requirement to quarantine.

This partnership between ACT government and the community sector was called on again to provide support to people who were not able to quarantine safely at home, providing safe accommodation, food and other material needs, as well as supporting sometimes very complex health and wellbeing needs. Additionally, NGOs have been working closely with the Community Services Directorate to provide support to our multicultural community, particularly households quarantining due to a positive COVID contact.

The ACT government's Office for Disability also provided much-needed support in partnership with National Disability Services to support disability support providers

where COVID cases or quarantine for close contacts had occurred. This included workforce management, access to PPE and training in correct use, and case management support for people with complex needs. Without this partnership, we would not have had the same outcomes that we have seen with the recent cases in that area.

I am very thankful for the work of all involved and the work they continue to do as we continue to see COVID cases in our community. The last three months in particular have provided an opportunity to learn how we can better connect the work of different directorates, health services and community sector organisations to provide the best possible outcomes.

While the last three months have been a period of intense workload, and there will be more work ahead of us as the pandemic continues, I look forward to a time when we are able to sit down with our community sector partners and have those conversations about how we can build resilience within the sector and within our community more broadly for the next time our community faces a crisis. We want to make sure that the roof is fixed while the sun is shining, to be ready for the next storm.

The ACT government has a strong and enduring relationship with the local community sector, and I look forward to building on that in the coming years. It is crucial that the relationship remains strong, that we continuously improve how we work together and that the NGO sector is supported to remain ready to help our community. This is the foundation of a strong social compact.

Once again, I thank the community sector for their ongoing commitment to working in partnership with the ACT government for the benefit of the Canberra community. I acknowledge the intensity of work that has been required and the kindness shown by so many in our city over the last two years, particularly in recent months. I wish everyone in the community sector well, and hope that you are able to rest and recharge over the summer. I look forward to working closely with you into 2022.

Question resolved in the affirmative.

## **Trees—urban canopy**

### **Ministerial statement**

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (10.56): It is a pleasure to provide the Assembly with an update on the implementation of the Urban Forest Strategy 2021-45. The strategy was released in March this year, and in the months since we have seen great progress in implementation, despite the massive challenges that the COVID-19 health emergency has thrown at us. Last month we released new data and a report highlighting some of the key achievements that have been made to date. I will be tabling a copy of this report.

As of 2020, Canberra's canopy cover is estimated to be 22.5 per cent of the urban footprint. We know this through updated light detection and ranging—LiDAR—analysis, which I released last month. This is a great baseline that we can now use to

track further progress as the city's tree canopy continues to grow towards our ambitious target of 30 per cent coverage by 2045.

Unfortunately, this coverage is not always equal across the city. A great new interactive canopy cover mapping tool is now available on the ACT government website, which allows Canberrans to check the canopy coverage on their own blocks, and other blocks as well. I encourage all members to jump online and have a look.

This tool shows us that older suburbs, like those in central Canberra and the Woden Valley, have very well-established tree canopy cover, at 28.2 per cent and 30.6 per cent. By contrast, some of the newer suburbs have substantially less, like Gungahlin, which only has 14.3 per cent coverage, and the Molonglo Valley, which has 8.6 per cent coverage. However, the older parts of Canberra also have a high proportion of ageing trees which will begin to reach end of life in coming years, requiring replanting.

We are committed to ensuring that future generations have equitable access to the many benefits of trees and are protected from the urban heat island effect. That is why our planting programs are targeted in these new areas. As these young trees grow, these communities will be able to benefit from the canopy. Our LiDAR data is a really useful tool to guide our planting efforts to achieve this goal going forward.

Our planting program has put 9,000 new trees in the ground this year alone, and the 2021-22 budget committed funding to plant 54,000 new trees by 2024—our largest tree-planting effort since self-government. These new plantings on public land will put us on track to meet our target, together with other reforms highlighted in the Urban Forest Strategy to encourage canopy cover on private land, which I will speak to further in a moment.

In addition to planting new trees ourselves, a priority focus for the government as we work towards our canopy cover target is working in partnership with the Canberra community. As the report shows, much has already been achieved in this space. The government has delivered an innovative street forestry pilot partnership with local residents to identify locations for new planting. We have supported new and established community groups to undertake local planting and maintenance initiatives under the Adopt a Park and Urban Parks and Places community volunteer programs. We have continued the successful annual Tree Week event, which gives Canberrans an opportunity to learn more about trees and to celebrate the benefits that they bring to our city.

We have also been asking Canberrans to nominate locations where they would like to see trees established, with over 3,000 suggestions made to date via our YourSay page. Over half of these suggestions have already been responded to, with the planting of new trees.

All of these community engagement initiatives will make cumulative, long-term contributions towards our canopy cover target. They also inform our approach to even deeper engagement. For example, the street forestry pilot revealed that around 17 per cent of participating residents did not want a street tree planted on their verge. This

points to a need for ongoing education and engagement to ensure that as many Canberrans as possible are aware of the benefits of our urban forest and support actions to maintain and enhance it.

The strategy recognises that increasing Canberra's canopy cover also delivers biodiversity and cultural heritage outcomes. By collaborating across the ACT government with community groups like ACT for Bees and with the Ngunnawal community, we have developed a comprehensive approach to planning and implementing on-ground actions to improve biodiversity and wildlife habitat while honouring and protecting Ngunnawal culture.

To list just a few key actions, we have further developed a "tree selector" online education tool which, when completed, will assist the community to choose the right tree species for their residence; we have created educational information on how to care for street trees; we have identified sites where natural regeneration around mature trees can be promoted through changing land management practices; we have undertaken site assessments and awareness raising to better identify and protect Ngunnawal heritage values; and we have incorporated plant species of significance to Ngunnawal people into the municipal infrastructure standards for tree species.

Practical on-ground assistance has been provided to re-use the by-product of urban forest maintenance activities to "close the loop" and provide mulch and other products for beneficial re-use. In 2020-21 the ACT government provided over 3,000 cubic metres of mulch to community groups, as well as 900 large logs for nature play, park improvements and habitat restoration projects.

Further funding has been allocated in the most recent budget to support an expansion of re-use for community benefit and assist in creating a circular economy. This includes the procurement of a truck and loader to enable the distribution and re-use of wood by-products and investigations into a drying kiln to produce sawn timber for use by schools in the community.

While it has been a busy start for implementation of the Urban Forest Strategy, there is a lot more work to do, and we are getting on with that. The 2021-22 budget provided \$14.9 million of investment for a significant expansion of our tree-planting effort over the coming years, which is a level of planting that greatly exceeds any previous planting efforts made in this century.

We will be prioritising the new plantings in vacant street tree sites located in areas with low canopy cover and an increased vulnerability to urban heat. We will also focus on planting along active travel routes within suburbs with lower canopy cover, because we know that shade makes a big difference to people's willingness to hop on a bike or travel by foot during Canberra's hot summers.

Tree planting in existing gaps in our canopy is rightly the focus in the coming few years. However, it is only one element of a complex and ongoing task to protect and enhance our urban forest. In the coming years, our focus will also turn to renewal, through the replacement of trees that have reached the end of their life and require replacement with a new tree. This will be challenging for the community as

long-established but end-of-life trees are progressively and strategically removed and replaced. But I am confident that the range of complementary education and engagement strategies in the Urban Forest Strategy will succeed in ensuring that Canberrans understand and support this requirement.

As part of the Urban Forest Strategy, we also committed to review the Tree Protection Act to ensure that trees on private land have the right protections and that there are mechanisms to replace trees when these need to be removed at the end of life or to facilitate approved development. Trees on private land provide around half of Canberra's overall canopy cover and will therefore play an important role in achieving our 30 per cent canopy cover target.

I will have more to update the Assembly on in the new year in relation to this commitment, but work is well advanced and ACT government agencies are collaborating closely to ensure that the options that we bring forward are well calibrated for our city's unique circumstances. I also look forward to engaging with the community to ensure that Canberra's tree protection legislation reflects our ambitions for a diverse, healthy and sustainable urban forest.

This report demonstrates that we are well on track to achieve our canopy cover target by 2045, with a lot of great work underway across the diverse actions included in the Urban Forest Strategy. I look forward to reporting back to the Assembly each year as we continue to make progress towards the goal of a greener, cooler Canberra that retains its great amenity and unique character, even in a changing climate.

I present the following papers:

Urban tree canopy coverage—Government response to the Assembly resolution of 31 March 2021.

Urban Forest Strategy—Implementation update—Ministerial statement, 10 November 2021.

I move:

That the Assembly take note of the ministerial statement.

**MS CASTLEY (Yerrabi) (11.05):** The Canberra Liberals are ambitious for our territory's environment and future. As the Canberra Liberals shadow minister for the environment, I welcome the opportunity to respond to Minister Steel's ministerial statement—the Urban Forest Strategy implementation update—and thank him for the information and the detail that he shared with the Assembly about this important issue. That was the point of the Assembly resolution on 31 March this year—to require the government to provide detailed information about Canberra's current tree canopy to understand that data suburb by suburb, and to require the minister to provide an annual progress update on how we are tracking in relation to our 30 per cent tree canopy target by 2045.

The Canberra Liberals share Canberra's strong support for ambitious targets on the environment, from our tree canopy coverage to achieving net zero emissions by 2045;

but, as we all know, it is one thing to have ambitious goals and another to set out a plan for how we are going to achieve them.

Our kids might harbour ambitions to be selected for the Ashes or go to the Olympics—or, like someone in my house, to be a TikTok influencer. I would say that that is great; just tell us how we are going to get there. Again, the question becomes: it is great to set that goal but where is the plan and what are we doing to achieve it?

So, too, with the environment. Let us acknowledge our ambitious goals. They are great; we all share them and we hope for them. But let us not let the government shrink from the real, hard, challenging work—and it is challenging—of setting out the detailed plan. It is a road map, to use the jargon of the day, as to how the government will lead us there.

We know that Canberra's canopy cover is estimated to be 22.5 per cent of the urban footprint; but, as the minister pointed out, coverage is not equal across our territory—not at all. There is great disparity in our tree canopy coverage, and it reflects poor planning by the government, which has overseen a decline in Canberra's environment.

Many streets in the newer suburbs in my electorate of Yerrabi are almost treeless, with communities deprived of much-needed green space—not to mention local parks and reserves are poorly maintained, with nature strips that are weed infested. We must do better. It is not good enough that Gungahlin has only 14.13 per cent of tree canopy coverage. I would like to make it clear to the minister today that I will be tracking the figure closely on behalf of my constituents.

The minister boasts in his ministerial statement that the government will plant 54,000 new trees by 2024. I have to ask: why has it taken this long? Why hasn't it happened earlier, particularly in the new suburbs of Gungahlin, where the tree canopy is so low?

I also have concerns about how decisions are made about where the trees are planted, particularly looking at the autumn and spring 2021 planting programs. In autumn this year, we know that 977 trees were planted in Belconnen, which has a tree canopy coverage of 24 per cent, compared to only 680 in Gungahlin, where the canopy coverage is 10 per cent less. Looking at the spring 2021 planting program, again, we see the same pattern, with 810 new plantings in Belconnen, compared to less than 600 in Gungahlin.

As the report clearly states, 26 suburbs have a canopy cover of less than 15 per cent, with the Gungahlin suburbs of Crace, Bonner, Forde, Franklin, Taylor and Harrison in that section. The figure for Gungahlin itself is only 8.3 per cent; for Crace it is only 8.8 per cent. It is hard to understand, therefore, why the priorities for autumn and spring were not in those neglected suburbs rather than in Belconnen.

In conclusion, I note that, by 2023-24, tree plantings are projected by the government to be 20,000 each year—the annual number that we require to reach our target. The Canberra Liberals understand and strongly support the importance of achieving at least a 30 per cent tree canopy, sooner rather than later, and want to emphasise the

tripartisan support for this worthy environment goal. That is why the Canberra Liberals moved an amendment in March to stress the tripartisan support for this target.

Canberrans are concerned about loss of trees because we know how much our trees add to our environment, our wellbeing and quality of life. The tree canopies that we have are under threat, particularly in our older suburbs, and in our newer suburbs, which are barren and grey. The tripartisan effort to achieve at least a 30 per cent urban tree canopy is a worthwhile ambition that will make a positive difference to the place that Canberrans call home.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (11.10): I rise today to speak in support of the ministerial statement provided on the Urban Forest Strategy implementation plan update. I would like to commend the minister for the significant work that is currently being undertaken to support the ACT’s living infrastructure, and particularly focus on how we nurture and grow our urban forest.

These issues are ones that have been of significant interest to the ACT Greens, and there has been a long history of work from both government and the crossbench. I refer to Caroline Le Couteur’s motion calling for a review of the Tree Protection Act, the Territory Plan and government infrastructure standards, to “make room for trees” in development and to get better protection for trees in 2017. Shane Rattenbury, who was then the Minister for Climate Change, set the 30 per cent tree canopy and permeable surface target for the city of Canberra in 2019. The parliamentary agreement for the 10th Assembly committed the Labor-Greens government to delivering the 30 per cent canopy target and associated actions. Also, this report was in response to my colleague Andrew Braddock’s successful passing of a motion committing the ACT government to provide annual progress reports and updates, to report on the tree canopy in every suburb in Canberra every five years, and support for the community to participate in the achievement of the tree canopy target.

With ministerial responsibility for living infrastructure, I am really pleased to see where we are at, and that we do have a clear plan about how to reach our 30 per cent target. This update provides this plan and shows how we are working towards it.

Key to this is providing a baseline to understand what our current canopy is and what we need to do to focus our effort. The updated light detection and ranging analysis has allowed us to estimate more accurately the current tree canopy coverage and has provided us with a better picture of our living infrastructure in Canberra.

It is also particularly useful that we can see, very accurately, the differences in tree canopy across our city, and which suburbs are more at risk from urban heat island effects and climate change. There will be different challenges. In new suburbs, it is about growing canopy; in some of our older suburbs, it is about ensuring that we are replacing trees, maintaining coverage and getting to the 30 per cent.

The update provides a broad range of strategies that are being deployed to grow and nurture our urban forest. There is still much work to be done, and this includes the

very exciting task that we have ahead of us to plant 54,000 trees over the next four years. I am particularly excited about the work that we will do with our community partners and the broader public on how we can all do our bit in supporting living infrastructure across our city.

There is more policy and legislative work to be done. As a government, we will continue to work to identify the tools that we need to ensure that we mitigate our heat island effect, plant more trees and support green living infrastructure across the city. I look forward to working with my government colleagues on this.

**MR BRADDOCK** (Yerrabi) (11.14): I would like to thank Minister Steel and City Services for this report responding to my motion earlier this year. I brought the motion to the Assembly because of my deep concerns that our suburbs were crowding out the trees, making them hotter and more vulnerable to climate change and impacting our local ecosystems. It was not enough to wait for the trees to grow. I wanted certainty and clarity about who is going to do what heavy lifting to get us to that 30 per cent target, starting with the suburbs with the lowest levels of coverage.

I had a lot of questions. For example, how were we going ensure compliance and enforcement to avoid any further tragic losses to our urban forest? What contribution are our communities and volunteers going to make, and how are we going to support them with stable, secure and sufficient funding and easy, accessible and responsive approval processes? Also what contribution are private leaseholders and developers going to make, with what safeguards and incentives? How are we going to efficiently and effectively report on our progress and make adjustments when necessary? And finally, how are we going to ensure tree canopy cover is equitable so that we do not create tree-haves versus tree-have-nots?

There has been considerable, detailed work put in to explain the many different elements of our urban tree management and how this will contribute to Canberra in achieving that 30 per cent canopy goal. Again, I thank Minister Steel and his staff and all the public servants who put their time and expertise into this report. The level of information is very useful.

I also welcome the inclusion of information about guides scheduled to come out of the directorate, such as the microclimate guide, the climate-wise landscape guide and the tree canopy cover equivalence tool and look forward to seeing those in due course. And with the release of draft variation 369, we are starting to see the different elements of protecting trees on public and private land come together.

As flagged in the urban forestry strategy, we will need to ramp up our comprehensive protection of mature trees. This needs to be done through genuine barriers and deterrents to removal, as well as through effective monitoring, compliance and enforcement. I hope this legislation truly recognises the value that trees provide. A sapling is a poor substitute for a beautiful, mature tree that provides cooling, shade, aesthetic and home to the local wildlife.

I was pleased to note the progress in cultural site assessments and the work to increase awareness and appreciation among TCCS staff of the cultural values of trees for local

Indigenous groups. Similarly, the multi-pronged actions to retain and enhance the ecosystem values of Canberra's urban trees, particularly through collaborations with community groups, is to be celebrated.

We do know there is a lot more work to be done. Having good data about tree coverage and vulnerability to heat stress is an excellent start, as is prioritising of vulnerable areas for planting. This is the first step to equity of access to the cooling shade of trees in Canberra.

Now we need to turn the hard work into actually making it happen, getting trees planted and nurtured so as to cool our suburbs, make our suburbs greener and more beautiful. As I said back in March, I look forward to working together to realise the vision of making every Canberra suburb green and leafy, and walking through Gungahlin's urban areas in years to come under the cool shade of a tree.

Question resolved in the affirmative.

## **Mental health—mental health nursing Ministerial statement**

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Seniors, Veterans, Families and Community Services, Minister for Disability, Minister for Justice Health and Minister for Mental Health) (11.18): The ACT celebrated Mental Health Month in October, with a number of important events where we celebrated the individual, collective and collaborative efforts made across our community in support of our vision for a kind, connected and informed community that promotes mental health and wellbeing. During these events we also acknowledged the critical role that services play in the support and improvement of positive mental health. An important component of effective mental health services is a strong mental health nursing workforce.

In my previous statement to the Legislative Assembly of October 2021 I outlined the commitment of the ACT government to address the increased need for mental health support and wellbeing during and after lockdown. I noted in that statement the need to improve service access for people who are at increased risk of mental ill health and who experience barriers in accessing services. This requires a multifaceted response, including a well-supported mental health nursing workforce that works alongside consumers and carers in the development, implementation and evaluation of initiatives.

The ACT government is pleased to partner with the University of Canberra in the establishment of the Professor of Mental Health Nursing, a conjoint position with ACT Health under the auspices of the Chief Nursing and Midwifery Office. The focus of the Professor of Mental Health Nursing role is to strengthen the mental health nursing workforce through developing and supporting innovations in mental health nursing care, leading and facilitating mental health nursing research, and building the capacity of nurses to translate research evidence into clinical practice. A key initiative for this position will be the development of a new graduate certificate in mental health at the University of Canberra.

This course will be designed for multidisciplinary learners and emphasise the connected social, emotional, spiritual, cultural, physical and mental wellbeing of individuals and communities. Embedding these values within this education will contribute to our vision for a connected and informed community that promotes and maintains mental health and wellbeing. To address the ongoing need for mental health nurses, the professor will enhance the mental health preparation of nursing students and facilitate pathways into the profession.

Nurse preparation will be strengthened through the revision and expansion of the mental health component of the Bachelor of Nursing and professional practice placements. The position will also support and evaluate new pathways into mental health nursing.

To build the research capacity of mental health nurses, the professor will establish a supportive research community to enhance and extend the current activities of the SYNERGY: Nursing and Midwifery Research Centre. Under the professor's mentorship, emerging research leaders will develop into a resource where they share their skills, translate their work into practice and facilitate new projects relevant to the ACT.

The position will also support the towards a safer culture initiative which has been instrumental in identifying opportunities to enhance the safety of health professionals. In collaboration with the project team, the professor will add research rigour to the next phases of this project to provide a basis for ongoing developments and, again, to strengthen the research capacity of mental health nurses.

An important aspect of the professor's work will be to incorporate the perspectives of people with lived experience of mental health challenges. This will ensure mental health nurses continue to practise, with the needs of consumers and carers at the forefront of their work.

Our nurses often have the unique experience of working with consumers from a clinical, social and emotional perspective. In this way, nurses have always been multidisciplinary health workers, but the lived experience is always invaluable. Our consumers and carers have unique experiences of the healthcare system and I look forward to seeing how educational lived experience further strengthens the expertise of our nurses.

I am proud that we are able to establish this position in the ACT, especially as we reflect on Mental Health Month and the needs of our community as we transition out of lockdown and continue to navigate the COVID-19 pandemic.

Our mental health workforce continues to play an important role to support our community to deal with the mental health impacts of the pandemic, and nurses are an important part of this response. The Professor of Mental Health Nursing position will strengthen our mental health nursing workforce to continue to support the mental health and wellbeing of our community.

I present the following paper:

Professor of Mental Health Nursing—Ministerial statement, 10 November 2021.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Standing orders—suspension**

Motion (by **Mr Gentleman**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would allow Mr Hanson to move his motion, in relation to correspondence from Senator Seselja, following the conclusion of Notice No 1, Private Members' business.

## **Government Procurement Amendment Bill 2021**

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

Title read by Clerk.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (11.24): I, and also on behalf of Mr Gentleman, move:

That this bill be agreed to in principle.

I am pleased to present the Government Procurement Amendment Bill 2021. This bill that I present to the Assembly today amends the Government Procurement Act 2001 to improve the operation of the Secure Local Jobs Code. The Secure Local Jobs Code commenced on 15 January 2019. The code is established in part 2B of the Government Procurement Act 2001. The code was developed to strengthen the ACT government's procurement practices by ensuring ACT government contracts are only awarded to businesses that meet high ethical and labour standards.

These amendments ensure the code can continue to effectively support secure, local jobs in the Canberra region. The amendments that I am introducing today were identified through a review of the operation of the Secure Local Jobs Code undertaken by the Secure Local Jobs Code Advisory Council. The report of that review was finalised in December last year and included 10 recommendations. Among the recommendations from the review there were a number that focused on strengthening the act and the Government Procurement Regulation 2007.

Our government is working to deliver Australia's most effective procurement regime for protecting and promoting local jobs and the rights of Canberrans at work. So we

are always looking for opportunities to improve our existing arrangements. This bill gives effect to the advisory council's recommendations in the following ways: Firstly, it amends section 22S of the act to enhance the Secure Local Jobs Code Registrar's powers to obtain information or documentation to improve compliance with the code obligations and make determinations; and to provide the registrar with appropriate inspection and entry powers for the purpose of undertaking investigations into non-compliance with the code obligations.

What these changes mean in practice is that the registrar will have the power to enter the premises of a code-certified entity performing territory-funded work to inspect, examine, ask questions or gather information about their compliance with the Secure Local Jobs Code. This will be useful in instances where non-compliance is suspected to be occurring but other authorities have not yet got involved.

These changes will also mean the registrar has the power to give anything, including information or documents obtained from an investigation, to any entity responsible for the administration of a workplace law. This will ensure that, if the registrar becomes aware of non-compliance with workplace laws in the course of assessing compliance with the code, they are able to pass this on to the appropriate authorities for further investigation.

Importantly too, the bill will give the registrar the power to suspend or place conditions on an entity's certificate if they suspect failure to comply with the code. This is important because at present an investigation can be underway for non-compliance but this does not prevent a contractor from bidding for other ACT government work. This is because the Secure Local Jobs Code certificate remains active until an investigation is completed and it is cancelled or other conditions imposed. Giving the registrar the ability to suspend code certification while an investigation is underway is an important mechanism for ensuring ACT government agencies do not repeatedly contract with non-compliant entities while previous issues are being investigated.

The bill also makes a series of changes to the current requirements in relation to the submission of a labour relations, training and workplace equity plan by prospective suppliers. The bill amends section 22G of the act to adjust the threshold at which a plan must be submitted for territory-funded construction work, taking it from \$25,000 to \$200,000. Plan submission requirements for security, cleaning, and traffic management covered by the code will remain at \$25,000.

Tenderers that have previously engaged with the territory under a contract for territory-funded work and submitted a labour relations, training and workplace equity plan will also now be required to demonstrate how they have complied with the commitments in those previous plans as part of their response to any ACT government tender.

In summary, this bill will enhance the overall operation of the Secure Local Jobs Code and strengthen the ACT government's procurement practices so that territory-funded contracts in industries that are vulnerable to insecure work are only awarded to businesses that meet the highest ethical and labour standards. These amendments will

continue to drive safe and secure jobs for Canberrans, encouraging suppliers to meet the highest standards relating to pay, employment conditions, superannuation, the health and safety of their workers and the payment of tax in line with both the code obligations and workplace laws.

I commend the bill to the Assembly.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.29): I am pleased to present the Government Procurement Amendment Bill 2021 along with Minister Steel. This bill amends the Government Procurement Act 2001 to improve the operation of the Secure Local Jobs Code.

When the ACT government introduced the Secure Local Jobs Code in 2019 it was a nation-leading suite of measures, and it still is. The government only wants to do business with suppliers who treat their workers fairly. It is important that we use our significant buying power to look to protect workers in the ACT and ensure good safety and good project outcomes. Government contracts should only be awarded to businesses that meet the highest ethical and labour standards.

Businesses demonstrate that they can meet their obligations under the code by completing a labour relations, workplace training and equity plan. These plans include information on how entities will comply with the code and how they support employment security, health and wellbeing, diversity and career development for workers. The plan must be developed in consultation with employees and include a statement about how this was done. The successful tenderer will need to operate in alignment with the plan for the duration of the project.

Late last year I was presented with a review of the operations of the Secure Local Jobs Code by the Secure Local Jobs Advisory Council. The council consists of representatives from employers and employees from industries covered by the code. I want to put on the record my appreciation for the work of the advisory council and for their insightful review. Many of these members were involved in the very inception of the code and I know that they take pride in it, as we do in government. The amendments in the bill today address recommendations made by the council. The amendments will better enable practical implementation and further enhance the code.

The review outlined legislative changes that should be made to strengthen the powers of the registrar. Central to this legislative change is the amendment to section 22 of the act. Minister Steel has outlined how these changes will enhance the powers of the registrar to enter premises and investigate code-certified entities. This change will mean stricter adherence to the code and better outcomes for workers on ACT government projects.

The advisory council also recommended that greater emphasis be given to existing tools within the pre-procurement process, especially the labour relations, workplace training and equity plans.

Inclusion of the entity's history of compliance will also be included as a step in this process. That means if the entity has previously provided government work we will know if there have been any issues with the workplace rights or safety on that project and ensure that it does not happen again. As I have said, this government only wants to do business with businesses who treat their workers properly.

The review has provided practical recommendations. One of these is that the threshold for LRWTE plans be increased in the construction industry from \$25,000 to \$200,000. This is because construction tenders under \$200,000 are smaller scale projects and the LRWTE plan is not the most efficient or effective method of detailing obligations and project plans.

The bill also makes an adjustment to include rights of appeal for complainants. Currently the act only allows for code entities to appeal a ruling against them with no right of reply or access for the complainant. This legislation changes this to give them equal rights to appeal a decision of the registrar. All of these measures will strengthen the code.

There was also significant funding allocated in the 2021-22 ACT budget to support and grow the Secure Local Jobs Code branch and respond to the administrative, governance and resourcing recommendations from the review. I am extremely pleased that the Secure Local Jobs Code will continue to grow and strengthen under this government.

In this place the Canberra Liberals often use the talking points from big business to oppose the code. For example, earlier this year Mr Cain tried to disallow it. Despite this, the government is pressing ahead with strengthening the code, because we know that this is the best thing for Canberra workers and their families.

The government has made it clear that it only wants to do business with ethical employers who do the right thing by treating their employees fairly. These amendments will help hold to account businesses who do not meet their industrial and legal obligations, and for those reasons I commend the bill to the Assembly.

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

## **Leave of absence**

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

That leave of absence be granted to Ms Berry for this sitting due to family reasons.

## **Public Health Amendment Bill 2021**

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

Title read by Clerk.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (11.36): I move:

That this bill be agreed to in principle.

The Public Health Amendment Bill clarifies and strengthens the operation of the key enforcement mechanism for compliance with emergency public health orders under the Public Health Act 1997. The bill makes temporary changes to the Public Health Act that are necessary to ensure that the government's response to the COVID-19 pandemic can continue to effectively address public health risks. These changes are particularly important as we move into the next phase of the public health response, with the ACT enjoying some of the highest rates of COVID-19 vaccination internationally but with the continuing uncertainty about the impact on transmission rates.

The territory has done an amazing job, following the public health emergency directions, in getting vaccinated. The ACT has achieved the significant milestone of 95 per cent of the population 12 and over fully vaccinated. This does not mean we can rest on our laurels. We must all continue to do what we can to slow the spread of the virus and keep our families, friends and community safe.

It is important that agencies on the ground have appropriate and proportionate tools to support the public health response to COVID-19. Since March 2020 ACT government compliance agencies have worked to mature their approach to COVID-19 engagement and compliance. Details of the approach are outlined in the COVID-19 Public Health Emergency Directions—Compliance engagement and enforcement framework.

The framework is publicly available on the ACT government COVID-19 website. Its regulatory approach is closely modelled on Access Canberra's risk-based "engage, educate, enforce" escalating regulatory model which emphasises working with businesses and the community to achieve voluntary compliance where possible. The framework ensures the ACT government's regulatory approach to the COVID-19 Public Health Emergency Directions aligns with existing regulatory principles and practices across government.

The amendments proposed in the bill do not reflect a change in the government's approach to compliance. The ACT has been very successful in its management of COVID-19, including through compliance activities. Through direct engagement with businesses and community groups, the ACT government compliance agencies have been able to support a shared understanding of the rules and build stronger stakeholder relationships.

This engagement has included a range of strategies, from one-on-one, in-person engagement to communication via email and direct messaging, webinars with businesses and peak bodies, as well as the use of social media. Understandably, each change to the Public Health Emergency Directions is accompanied by questions from industry about how the new directions will affect a business and the community.

During the recent ACT lockdown, compliance agencies combined their inspection efforts into a single team. Resources were deployed geographically, focusing on high-density areas. Following each change in the Public Health Emergency Directions, the regulatory focus shifted to businesses impacted by the changes. Proactive inspections were undertaken with a range of different industries, including hospitality, real estate, personal services and retail. Agencies shared intelligence and conducted joint compliance activities to ensure businesses understood and were complying with the requirements.

Due to the strong stakeholder relationships developed through this work, when restrictions were eased on 15 October 2021 many businesses were pleased to see our COVID compliance inspectors out and about. Again, they were engaging with businesses to ensure they understood the public health requirements and allowing businesses the opportunity to clarify any issues.

A total of 9,739 inspections were undertaken during the lockdown. Of these, 1,380 were direct engagements, and 8,359 were observational. The engage-and-educate compliance approach adopted during the lockdown has proven to be effective, as there was, understandably, some confusion about some requirements for businesses. Generally, there was no need to take enforcement action, as most of the issues identified were resolved through follow-up engagement in person or by phone.

Through this judicious approach, we have been able to avoid the level of enforcement action that has been seen in other jurisdictions. By comparison, New South Wales is reported to have issued more than 47,000 infringement notices during its most recent lockdown.

The collaborative efforts of ACT government compliance agencies and ACT Policing have seen strong support and cooperation from the whole community, including the business community. This support, together with our high vaccination rates, has allowed the ACT to ease restrictions out of lockdown and on our pathway to a COVID-19 normal environment.

That said, we must be prepared to continue to respond to the public health risks of COVID-19, especially as the ACT and Australia open up to the rest of the world. To that end, the bill makes important changes to the operation of the offence of failing to follow a COVID-19 direction under section 120 of the Public Health Act. Essentially, the bill inserts new sections 120A to 120D to enable some different conditions to apply to COVID-19 public health directions than are enabled in the existing section 120.

The bill creates a new temporary offence in section 120B(1). It is an offence to fail to comply with a direction that has been given under section 120 while a COVID-19 declaration is in force. However, a person may rely on a reasonable excuse for not following a direction. In keeping with the existing offence in section 120, subsection 4, a maximum penalty of 50 penalty units will apply. Under the Legislation Act 2001, section 133, this represents a maximum penalty of \$8,000 for a natural person and \$40,500 for a corporation. So the maximum penalties are the same.

However, the bill clarifies that strict liability applies in relation to the first element of the offence, that a COVID-19 direction is in force. Applying strict liability means that the prosecution will not be required to establish a fault element in relation to the existence of the direction and whether the accused person was aware of it.

As a safeguard to the application of strict liability, the amendments include a requirement that a COVID-19 direction that is not given to a particular person, for example a direction that applies to a class of people or activities, is a notifiable instrument under the new section 120A.

This formalises the current practice of notifying directions on the ACT Legislation Register and provides an additional level of formal transparency that to date has been substantively delivered throughout the public health emergency. The notification of directions, together with administrative arrangements to communicate their impacts on the community or sections of the community, means that anyone affected has a reasonable opportunity to understand their obligations.

The bill also introduces a requirement that, before requiring a person to comply with a COVID-19 direction, an authorised officer must, if reasonably practicable, warn a person that failure to comply with a direction without reasonable excuse is an offence. This serves as an additional safeguard for the community where they may be unclear of their obligations to follow a direction. A failure to comply with this requirement does not affect the liability of the person to follow a direction and does not prevent an authorised officer taking enforcement action.

Amendments also include technical amendments to support authorised officers to issue infringement notices to people aged 18 years and older for failing to comply with a COVID-19 direction, or to people aged 16 years and older in relation to a face mask direction. The infringement penalty unit amounts remain unchanged.

The technical provisions are further detailed in the explanatory statement as presented with the bill. As the bill creates a new strict liability offence for failing to comply with a COVID-19 direction, the bill has undergone a comprehensive human rights compatibility assessment as a significant bill. The bill engages and supports the right to life under the Human Rights Act 2004 in that it aims to reduce the risk of COVID-19 spread and reduce impacts on the community. In particular, it seeks to protect vulnerable members of the community.

The bill also engages the right to privacy in that it strengthens mechanisms supporting authorised officers' powers to require a person to comply with COVID-19 directions. The right to be presumed innocent is also engaged due to the use of strict liability in elements of the COVID-19-related offences. The ACT Attorney-General has considered the bill and issued a statement of compatibility with the Human Rights Act 2004.

The limitations on rights made by the bill are necessary and reasonable in a free and democratic society and go no further than necessary to achieve the required public health outcomes. That said, as an added protection, the proposed changes expire 12 months after the repeal of the COVID-19 emergency declaration.

I commend the bill to the Assembly.

Debate (on motion by **Mrs Jones**) adjourned to the next sitting.

## **ACT Government Campaign Advertising—Acting Independent Reviewer**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.46): I move:

That, in accordance with section 12 of the *Government Agencies (Campaign Advertising) Act 2009*, this Assembly approves the appointment of Mr William ‘Bill’ Campbell AO PSM QC as Acting Independent Reviewer—ACT Government Campaign Advertising for a period of three years commencing 12 November 2021. This appointment is effective in instances when the Independent Reviewer—ACT Government Campaign Advertising cannot for any reason exercise the functions of the position.

I present to the Assembly a motion to appoint Mr Bill Campbell AO PSM QC as Acting Independent Reviewer—ACT Government Campaign Advertising. If appointed, Mr Campbell will be called upon to review ACT government advertising campaigns if the Independent Reviewer, Professor Dennis Pearce AO, is unavailable.

I would like to take the opportunity this morning to acknowledge Mr Ian Govey AM who has recently resigned from the role of Acting Independent Reviewer and thank him for his service.

The Independent Reviewer, Professor Pearce, and Acting Independent Reviewer, Mr Campbell, if appointed, would continue to review government campaigns over \$40,000 to ensure that they comply with the *Government Agencies (Campaign Advertising) Act 2009*, which aims to prevent the misuse of public funds. This is an important role in ensuring integrity, transparency and trust in the use of public funds for government communications. As part of the review process, the reports of the Independent Reviewer are presented to the Assembly on a biannual basis.

In nominating Mr Campbell, I have every confidence that he will perform the duties of the position with the highest integrity and professionalism. He is a public international lawyer with a distinguished career history and extensive experience in law and interpretation of legislation. He held the position of General Counsel, International Law, and Head of the Office of International Law in the federal Attorney-General’s Department. He has advised successive Australian governments on all areas of international law and its implementation in Australia.

Mr Campbell was appointed an Officer of the Order of Australia for his distinguished service to public administration and to international legal practice through senior council and advisory roles, and awarded the Public Service Medal for outstanding public service through exceptional contribution to commonwealth law in the international arena, particularly in relation to natural resource management. He was

appointed an Honorary Professor of Law at the Australian National University College of Law in February 2019.

I consider Mr Campbell to be a highly qualified candidate to undertake this role for the Assembly and trust that this view is shared by other MLAs.

In accordance with the legislation, we require a special majority of Assembly members to accept this nomination so that the government can implement the necessary processes for approval of campaign advertising.

In closing, I present Mr Campbell's nomination for consideration by the Assembly.

**MR HANSON** (Murrumbidgee) (11.49): The opposition will be supporting Mr Campbell's appointment and will support the motion.

**MR ASSISTANT SPEAKER** (Mr Davis): The Government Agencies (Campaign Advertising) Act 2009 requires this appointment must be agreed to by a special majority of the Assembly, which is 17 votes. That being the case, I direct a vote to be taken.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 23

Noes 0

Mr Barr	Mrs Kikkert
Mr Braddock	Ms Lawder
Ms Burch	Mr Milligan
Mr Cain	Ms Orr
Ms Castley	Mr Parton
Ms Cheyne	Dr Paterson
Ms Clay	Mr Pettersson
Ms Davidson	Mr Rattenbury
Mr Davis	Mr Steel
Mr Gentleman	Ms Stephen-Smith
Mr Hanson	Ms Vassarotti
Mrs Jones	

Question resolved in the affirmative, with the concurrence of a two-thirds majority.

**Sitting suspended from 11.54 am to 2 pm.**

## **Ministerial arrangements**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (2.01): The Deputy Chief Minister is absent from question time today, for reasons the Assembly is aware.

I will endeavour to assist members with questions in the Deputy Chief Minister's portfolios.

## **Questions without notice**

### **Light rail—vehicle fleet**

**MRS JONES:** My question is directed to the Minister for Transport and City Services. Minister, last week it was reported 12 CAF Urbos 3 light rail vehicles that operate on Sydney's L1 Inner West light rail line were going to be taken out of service for 18 months because of serious cracking issues near the wheel arches of these vehicles. Buses have replaced trams on this line. These are the same vehicles that we operate here in the ACT. Minister, what have you done to satisfy yourself that our light rail vehicles are indeed safe?

**MR STEEL:** I thank Mrs Jones for her question. Following the reports of problems with the light rail fleet servicing Sydney's Inner West line the operator and maintainer of our light rail line, Canberra Metro, is undertaking inspections of the full vehicle fleet. This has not detected any cracking in the LRV frames to date.

The Canberra fleet operates on a different track type and it has differences in the operating profile in terms of the track geometry compared to the Inner West line in Sydney. There are differences in vibration, braking and speeds compared to the Sydney system, as well. The Canberra fleet is also significantly younger than both the Sydney and the West Midlands fleets, with the LRVs only having travelled up to 190,000 kilometres. The Inner West fleet has travelled up to 350,000 to 500,000 kilometres.

Canberra Metro has advised that CAF has undertaken inspections of LRVs in the ACT and have not detected any cracking in the frame structure around the wheel arches. Senior representatives from Canberra Metro, CMET, CAF and TCCS also attended an in-person inspection on Tuesday, 9 November this year. Regular inspections will continue to check for this issue, in addition to the ongoing maintenance and inspection program already in place.

Of course, the maintenance and operations of our light rail—particular in relation to safety—is a focus of our National Rail Safety Regulator, who is actively investigating the situation in New South Wales and has not raised any concerns regarding the Canberra fleet. Our light rail system is subject to ongoing safety compliance monitoring by the ONRSR. Equivalent checks have also been undertaken in Newcastle, New South Wales, which also operates these light rail vehicles. I understand that no issues have been identified there, either.

**MRS JONES:** I have a supplementary question. Minister, when did you first become aware of the New South Wales cracking issue?

**MR STEEL:** When it was reported in the media.

**MR PARTON:** Minister, given these problems with the Urbos 3 LRVs, will the government continue to procure these vehicles for future stages of light rail?

**MR STEEL:** We are currently going through a procurement process for the next stage of light rail. That has some time to go. As part of that process, I am sure that Major Projects Canberra will be making sure that any future light rail vehicles that are procured through CAF or another delivery partner meet the safety standards expected by the government.

### **Light rail—vehicle fleet**

**MR HANSON:** My question is to the Minister for Transport and City Services. Minister, it is clear that the Urbos 3 LRV suffers from major manufacturing faults resulting in cracking that have put several public transport systems—in cities such as Birmingham, Belgrade and, most recently, Sydney—out of order for significant period of time. Minister, if a manufacturing fault such as the cracking in the Urbos 3 were to occur in a light rail vehicle owned by the ACT government, what are the warranty arrangements that are in place?

**MR STEEL:** It is important to note that we have a public-private partnership agreement with Canberra Metro consortium, which is a group of companies that have designed, have constructed, have financed, do operate and do maintain our light rail system on stage 1. That includes, of course, CAF. CAF is responsible for manufacturing and maintaining the LRVs throughout the 20-year period of the PPP. This provides very clear lines of responsibility for any asset issues.

This differs from arrangements that may be in place in other cities around the world. CAF operates, I understand, in around 30 cities around the world. It is a major supplier of LRVs. It would be responsible for making sure that services are available to the community under the contract that we have with the consortium.

**MR HANSON:** Minister, are you confident that CAF will be able to repair a fault in a rapid time frame and that light rail would return to operations as soon as possible? And what time frame would that be?

**MR STEEL:** No faults have been identified in the ACT.

**MR PARTON:** Minister, when will you be upfront with the public about the true cost of these projected problems given the ongoing increases in costs that seem to emerge?

**MR STEEL:** I refer the member to the answer to the last question.

### **Environment—invasive plants**

**MR DAVIS:** My question is to the Minister for the Environment: if you have spent any time talking to the constituents in Tuggeranong you will have heard the phrase African lovegrass once or twice I am sure. So I was thrilled to see a \$3 million announcement in the most recent budget to tackle invasive weeds, including African lovegrass. Can you provide an update on how specifically African lovegrass will be addressed through this funding commitment?

**MS VASSAROTTI:** Thanks, Mr Davis, for the question. You are right; African lovegrass is probably one of our biggest threats to the grassy ecosystems in the ACT. We know it really transforms ecosystems, resulting in a loss of biodiversity and also really significant increases in fire danger. So it is one of our top three invasive plant species that we are managing and quite a lot of work is already happening in that area. For instance, in 2020-21 the gross infestation area that was treated was 1,829 hectares.

We will be using the additional funding to attack this issue using a range of control methods. We have biocontrol, prescribed burning, herbicide application, manual removal, grazing, slashing, mulching and revegetation. We have found, really excitingly, that using a combination of method means we do not need to use as much herbicide as we otherwise would.

With the recent budget allocations, we will see five new invasive species staff in a dedicated biosecurity rapid response unit, and that will really enhance the capacity of our biosecurity and rural service in its ability to coordinate, respond and manage the biosecurity threats that impact on the territory's environmental, agricultural and social values. So absolutely African lovegrass will be a significant focus of this, and we are really looking to implement a go-hard, go-early approach, particularly for new biosecurity incursions, which aligns with best practice advice in this area.

**MR DAVIS:** Minister, what would you recommend to my constituents in Tuggeranong should they identify an African lovegrass outbreak?

**MS VASSAROTTI:** Thank you for the question.

In keeping with this go-hard, go-early approach, we are really dependent on this being a joint activity with the community. People who live in these suburbs understand their suburbs and they will detect incursions early. So they are really well placed to assist us in the task of responding to these incursions. We really encourage people and citizen scientists to report invasive plants. You can get involved by signing into the Canberra NatureMapr app or the Atlas of Living Australia, which is iNaturalistAU, and you can also report incursions through Access Canberra.

The other things I really also encourage residents to get involved in—if they do have the time and capacity—are their local catchment group or ParkCare group. This is a great way to get involved in the tangible work of responding to these weeds. I was reading just today a great example of some work happening in a local group in Weston. So there are lots of ways to get involved.

**MS CLAY:** Minister, what work and resources do you have planned specifically for different electorates and for my electorate in Ginninderra for African lovegrass and invasive weeds.

**MS VASSAROTTI:** The ACT government will continue the significant work to respond to invasive plants and weeds. This is a particular issue with the weather patterns we have. We have the invasive plants plan, and there are dashboards provided on the EPSDD website, where members of the community can have a look at what is happening and monitor progress in real time. The operation dashboard is a really good

way of looking at your own local area, where work has been identified and see it happen.

Given the weather patterns, particularly with the La Nina weather pattern, this is an area of work we are really prioritising. With the rapid response team one of the exciting elements of this is that we will see people working across different land types.

For members of local communities there is lots of engagement in this area. I was excited last week to be involved in a Landcare weeds forum, which brought together government land managers, environmental volunteers, researchers and rural landholders to look at how we are responding and how we can do more integrated work. So I really encourage local people interested in this area to get involved in local groups but also get on to the website and see what is going on in real time.

### **Light rail—vehicle fleet**

**MR PARTON:** My question is to the Minister for Transport and City Services. Minister, for stage 2 of light rail, the LRVs will need to be retrofitted with battery packs to allow for wireless operation within the parliamentary zone. My understanding is that that will increase the weight of the vehicle by as much as 16 tonnes, or nearly 50 per cent, and that the batteries will be directly above the suspect wheel arches. Minister, given that in several other jurisdictions the Urbos 3 LRV cracked even without these batteries fitted, are you confident that we will have no issues with cracking once the LRVs are retrofitted?

**MR STEEL:** That will be explored through the procurement process; the exact location of the batteries—may be on the roof, not necessarily on the floor, as Mr Parton is suggesting; there could be a range of places where those are retrofitted, depending on what technology is available at the time. Those discussions will be held. We will, of course, be seeking further information from CAF, as part of that procurement process and what delivery partner is able to provide the solution that is required to ensure wire-free running on Commonwealth Avenue and through the parliamentary triangle, including through the retrofitting of the existing vehicles, as well as being provided on the brand-new vehicles.

**MR PARTON:** Minister, how can you be confident at all, irrespective of where batteries are placed on the roof, given that extra weight on the roof, that the LRV will have no issues with cracking, when we see this exact same issue in so many other jurisdictions that operate the Urbos 3?

**MR STEEL:** We will be seeking further information from CAF as part of the procurement on those vehicles. As I have described, we will continue through the procurement process to make sure that we have safe LRVs that can operate, as they have been for some time, already since April 2019 in Canberra. We are, of course, working very closely with other jurisdictions like the New South Wales government, to understand the extent of the issue there. Once we have further information, we will continue to make sure that in future procurements we look at past performance on a

range of different networks, not only ours but those in other jurisdictions, to make sure that we have fit-for-purpose vehicles that are operating and well maintained.

**MRS JONES:** Minister, are you involved in the procurement process, and when was the government warned about the world-wide cracking issues? Will you be proceeding on that basis, and will you be involved in the acquisition of a further four LRVs with this known potential issue?

**MR STEEL:** It is five LRVs, Madam Speaker, for the future procurement. I was not involved in the procurement for stage 1 of light rail. I was not a minister at the time. I am not directly involved in the procurement process. That is a matter for the delegate to sign off on, in accordance with appropriate probity guidelines. That will be a matter for Major Projects Canberra to work through with the delivery partners and through the procurement process, to make sure that we have safe LRVs that can deliver and operate the extension of the route down to Commonwealth Park, as well as the existing route from Gungahlin through to Alinga Street, which has operated successfully now for around 2½ years.

### **COVID-19—vaccination rollout**

**MS ORR:** My question is to the Minister for Health. Minister, we know vaccinations are the key to continuing our pathway to a COVID-safe summer. Can you please update the Assembly on the ACT's progress in protecting our community?

**MS STEPHEN-SMITH:** I thank Ms Orr for the question. Members, of course, would be aware that the ACT's COVID-19 vaccination program is world leading, with more than 95 per cent of Canberrans aged 12 years and older being double dose vaccinated against COVID-19. Last weekend Canberrans will have observed several landmarks across our beautiful city lit up in aqua to mark the significant milestone along our path to achieving a COVID-safe summer.

Since the commencement of the program in February 2021, this government has administered more than 408,000 COVID-19 vaccine doses to eligible Canberrans through ACT government clinics. To complement this remarkable vaccination uptake, we continue to roll out updates to the vaccination program. On 22 October, ACT government vaccination clinics began offering third doses to eligible individuals who are severely immunocompromised. While this makes up only a small number of Canberrans, our clinics have already supported 167 severely immunocompromised Canberrans to receive third dose protection against COVID-19, with an additional 52 appointments scheduled.

I am also pleased to report that, on 1 November, the ACT government took additional steps to ensure that we remain one of the most vaccinated cities in the world by offering booster appointments to all eligible adults across the ACT. Now anyone aged 18 years and older who received their second vaccine dose at least six months ago can easily access a COVID-19 vaccine booster at an ACT government clinic by contacting ACT Health. In the first three days of operation more than 3,300 booster vaccines were administered to Canberrans and a further 2,298 appointments had been booked at a future date at our clinics.

Our vaccination program continues to be an essential part of the COVID-19 response. I would also like to acknowledge the significant contribution of Canberra's general practitioners and pharmacists in achieving these high vaccination rates. *(Time expired.)*

**MS ORR:** Minister, given it is critical that every Canberran is offered the chance to receive a vaccination—to ensure that even the most vulnerable in our community are protected—what steps has the ACT government taken to ensure vulnerable Canberrans are given every opportunity to get vaccinated?

**MS STEPHEN-SMITH:** I thank Ms Orr for the supplementary. The government has been absolutely determined to ensure that our most vulnerable and hard-to-reach communities are offered every opportunity to access the COVID-19 vaccine. With more than 95 per cent of the eligible Canberra community now fully vaccinated, the ACT government continues to work with the community sector to offer COVID-19 vaccinations to people who have difficulty accessing mainstream health services in spaces that are appropriate for them.

Under the equity to access program, the ACT government uses play space and detailed vaccination data to provide targeted in-reach and mobile vaccination clinics to areas of the community that are under-represented in vaccination uptake, ensuring we take the program to where it is needed most. These clinics have reached members of our cultural and linguistically diverse community, people living with disability and their families and carers, LGBTIQ+ community members and people living in insecure accommodation. Under the program, more than 3,000 COVID-19 vaccine doses have been administered to people living in high-risk areas of the community.

Just this week, on Monday, the team organised a pop-up at Chisholm Community Centre and was able to provide five first dose COVID-19 vaccinations and three second doses to the community. These are pretty small numbers, but one of these doses was to a young member of our community who remarked to our staff that they had been very hesitant to receive a vaccination and had been putting it off. But the ability to walk to the clinic, chat and learn about the vaccination process with staff and the considered space meant that this individual felt safe and ready to receive a dose of vaccine. This is slow and resource-intensive work, but it is vital and it reflects the expectations of our community that Canberra is equitable, fair and supports those who are most in need.

Through our ongoing commitment and the tireless work of our fantastic health professionals, our community can be confident that the COVID-19 vaccine is and remains accessible to every eligible Canberran.

**DR PATERSON:** A supplementary.

**MADAM SPEAKER:** Dr Paterson.

**DR PATERSON:** Minister, can you update members on the progress of protecting vulnerable groups, including our Aboriginal and Torres Strait Islander community and people living with a disability?

**MS STEPHEN-SMITH:** I thank Dr Paterson for that supplementary question. Of course, the ACT has led the nation not only in the overall rate of vaccination uptake but in providing these targeted vaccination clinics that have reached all corners of our community. I acknowledge that in some states and territories the rate of vaccination for Aboriginal and Torres Strait Islander communities is well below that of the community as a whole.

Happily, that is not the case in the ACT. As at 3 November, ACT vaccination rates, using a reporting method agreed by the commonwealth government Aboriginal and Torres Strait Islander advisory group, showed that the uptake of eligible Aboriginal and Torres Strait Islander Canberrans is actually equivalent to the general population. However, we know that some in the community who are still eligible have not come forward, and we are working to provide every opportunity to them.

I particularly want to acknowledge the partnerships we have with Winnunga Nimmityjah Aboriginal Health Service, Gugan Gulwan Aboriginal Corporation and Yedding Mura Aboriginal Corporation in supporting both the vaccination rollout and also those members of the Aboriginal and Torres Strait Islander community who have been directly affected by this outbreak.

Madam Speaker, we also perform well above the national average in vaccination uptake for people with disability. The most recent commonwealth data from 28 October shows that, depending on age, at least 85 per cent of NDIS participants have received one COVID-19 vaccine dose. This compares with a national first dose uptake for NDIS participants of only 77.4 per cent for participants 16 and older and 59.1 per cent for participants 12 to 15.

The ACT government has taken additional steps in protecting Canberrans who rely on in-home community support to complete their day-to-day activities. On 1 November, with the support of the community, the Chief Health Officer introduced a public health direction that requires disability and aged-care workers to have received at least one dose by 15 November and to be fully vaccinated by 13 December.

### **Municipal services—swimming pools**

**MR MILLIGAN:** My question is to the Minister for Sport and Recreation or, today, to the Chief Minister. We have a swimming pool problem in the ACT. The budget funding for Civic pool mysteriously stops at the end of 2021. Gungahlin's pool is closed due to retiling that is needed and the government will not say when it will open. Phillip pool has lost revenue from the ice skating rink over the lockdown period and your government has given the owners permission to go against their lease conditions and not open this summer. Will the government provide a lockdown business support payment to the Phillip pool and assist it to open before the end of this summer?

**MR BARR:** I thank Mr Milligan for the question. Clearly there are a number of separate issues pertaining to the age of particular swimming pool infrastructure contained within his question. He is seeking an announcement of policy from me now,

which I will not be giving. However, the matters as they pertain to the future operations of those pools, some of which are government-owned assets and managed under contract for the government and others are private assets, have a very different set of arrangements. But there should be no expectation that the government will be bailing out private sector operators.

**MR MILLIGAN:** Why was there no continued funding for Civic pool beyond 2020-21?

**MR BARR:** There are certainly elements of funding that are year by year based upon the trading circumstances and the asset condition of Civic pool. Those are reviewed annually.

**MRS JONES:** After the toughest winter for many Canberra families when people would like to go the pool, why can't the government get Phillip Swimming Pool to open, fund Civic pool and repair and reopen Gungahlin's largest pool?

**MR BARR:** Phillip pool is a privately owned asset. The owner has indicated that any repair work necessary could not be completed before the end of summer anyway, regardless of the funding source. The issues in relation to tiles at Gungahlin pool have been well canvassed. The government procurement process has selected a tenderer to repair the tiles at Gungahlin pool, but COVID travel restrictions have set that back in terms of the time frame. I observe, of course, that the changes I announced yesterday allow for increased capacity across the rest of the territory's pools, and the territory has recently opened a brand new world-class facility at Stromlo.

### **National Multicultural Festival—COVID-19**

**MS CLAY:** My question is to the Minister for Multicultural Affairs. I asked about Summernats and other major events coming up in 2022 at a public COVID committee hearing on 1 November. The Chief Health Officer told us that festival guidelines were under development to help events proceed, and that the spoken advice would be available to major events to assist them to comply. Will the Multicultural Festival be held in 2022 on this basis?

**MS CHEYNE:** I, also, was asked questions on this by Mr Pettersson during the estimates hearings, and I will refer members to my comments then. But to reflect on them and to reflect on comments that the Chief Minister has made, going forward we are working through our calendar of events. We have a big calendar of events, usually, and we are working with the Chief Health Officer at the moment on how we can deliver events safely and effectively.

**MS CLAY:** Have the Multicultural Festival event organisers been provided with bespoke advice?

**MS CHEYNE:** As I mentioned, we are working through this with the Chief Health Officer. I appreciate that many community organisations are looking for certainty in the lead-up to the very special and very treasured festival—it will be the 25th

anniversary—but we need to work through that with the Chief Health Officer. We are doing that as quickly as we can, and when I have more to say on it, I will.

**MR BRADDOCK:** Minister, what would be the impact on multicultural communities if it had to be delayed?

**MS CHEYNE:** I thank Mr Braddock for the question. We absolutely understand how much this festival means to the entire community, but especially to our multicultural communities, who use this as an opportunity to showcase their incredible performances and their culture, but also use this as a fundraising opportunity. If there were any delay we would be working through that with the multicultural community and looking to support them in a variety of ways.

### **Planning—housing affordability**

**MRS KIKKERT:** My question is to the Chief Minister. Chief Minister, according to CoreLogic's home values index for the 12 months to the end of October 2021, house prices in Canberra have risen 29.04 per cent but unit prices have only risen 12.95 per cent. This distinction suggests that factors other than interest rates may be driving the difference, such as the supply of detached housing. To help contain the runaway housing market boom in Canberra, will you commit to actually delivering all the land for detached housing promised in the budget?

**MR BARR:** Firstly, I advise Mrs Kikkert not to draw the conclusion that she has in relation to what would be a small volume of overall transactions, noting where movement has been and the fact that this has been consistent across not only Australia but globally as a result of lower interest rates—more money chasing largely a fixed supply. No matter how much new you release, you are not shifting the dial by more than a couple of per cent in any jurisdiction anywhere in the world. Asset price inflation is a result of low interest rates. It is also a result of favourable taxation treatment—significantly favourable taxation treatment—in relation to investment in housing over investment in other more productive areas of the economy.

In relation to land release, the government continues an aggressive land release program that is ahead of the projected population increase for the territory, which is half what it would otherwise have been, because of COVID.

**MRS KIKKERT:** Chief Minister, will you commit to reporting more transparently on land release performance for detached housing, rather than rolling it up into the statistics for higher density housing?

**MR BARR:** There are various reporting mechanisms in relation to detached housing, semidetached housing and high density housing, contained within monthly, quarterly and annual reporting.

**MR PARTON:** Chief Minister, did you enjoy the benefit of a backyard when you were growing up? Can you understand why others, particularly families, want the benefit of a backyard?

**MR BARR:** For most of my childhood, no, but for some parts, yes. I have lived in units. I have lived in tiny units, sharing a bedroom with my sibling at various points in my childhood. At other points, I have had the opportunity of a backyard—not a large backyard; we were never a rich family. I think the suggestion and implication in Mr Parton’s question is somewhat offensive.

I do not believe that it reflects a situation that is pertinent just to Canberra. This is a national and international issue. When you look at house price inflation across the OECD, you will see that Australia is at the lower end of that. But we are still experiencing—because of low interest rates and because of favourable tax policy settings at a national level—house price inflation that is well above annual wage growth. That is not sustainable.

The market ultimately will correct this, but there are a lot of mechanisms in place to ensure that that correction is very slow. And there are clearly policy settings at a federal level that are there to ensure that more people, that the majority of people who are home owners, do not see the value of their assets decline.

We need to be frank about this. We want housing to be cheaper. That means that the value of everyone’s home has to fall—

**Mrs Jones:** Or remain stagnant for a period of time.

**MR BARR:** To allow wages to increase. *(Time expired.)*

### **Access Canberra—services**

**DR PATERSON:** My question is to the Minister for Business and Better Regulation. How did customer demand for Access Canberra services change during the lockdown, and how did Access Canberra respond?

**MS CHEYNE:** I thank Dr Paterson for the question. Very often, Access Canberra is the gateway to government information and services. That did not change during lockdown but, of course, the information that Canberrans were seeking and the number of Canberrans seeking particular information changed markedly.

Prior to the lockdown commencing on 12 August, Access Canberra handled on average around 1,600 calls a day on the regular contact centre line. During the lockdown that number jumped to an average of over 2,700 a day. In addition, during the lockdown Access Canberra handled an average of 1,360 calls per day on the COVID-19 helpline, and that was compared to an average of 290 per day prior to the lockdown.

Scaling up our contact centre was a necessary service change because Access Canberra service centres closed on 12 August in line with the public health directions. During the lockdown period, and once the health situation allowed for it, Access Canberra pivoted to provide bookable appointments to support customers needing to complete one of the small handful of transactions which cannot be completed online.

It is really important for me in responding to this question to thank all of the staff at Access Canberra for their exceptional hard work supporting our community over this difficult period. They provided information and assistance on a scale without precedence and following a very difficult 18 months of bushfire, hail and a previous lockdown, and they did it for Canberrans dealing with all of the challenges of the pandemic and the lockdown. They should be absolutely commended for their professionalism, their dedication and their care.

**DR PATERSON:** Minister, now that we are out of lockdown how is Access Canberra transitioning to resuming service delivery in the COVID-safe way?

**MS CHEYNE:** I thank Dr Paterson for the supplementary. From 1 November, all service centres except for Dickson reopened for business-as-usual operating hours. The Dickson service centre is continuing to operate as a land titles service office, continuing to operate by appointment and as a drop-and-run service for our legal practitioners. This is a temporary arrangement which will be maintained until February, subject to review.

As expected, since reopening, service centres have experienced some longer than normal wait times and queues as a result of pent-up demand for services and the ongoing need to observe density limits within each service centre for both customers and for staff. We expect service centres to continue to be very busy over the coming weeks, and I encourage people to consider delaying non-urgent transactions or seeing if their transaction is one of the more than 450 that can be completed online. Canberrans can also look online to see what the wait times may be. They have been on average 67 minutes.

I thank the overwhelming majority of Canberrans for their patience and understanding during this time. Regrettably and unfortunately, there have been a number of unacceptable instances of occupational violence against Access Canberra staff. Every worker should feel safe and respected at work, and we will not tolerate abuse. I remind our community that all our frontline workers must be treated with respect, undertaking the important work they do to support our community.

**MRS JONES:** Minister, have you taken any decision or have any decisions been made regarding restarting driver licence tests, as I have received some concerns from the multicultural community that they are not able to be undertaken at the moment.

**MS CHEYNE:** Driver licence testing is something we are actively considering. We have certainly heard feedback from the community. We are considering this in line with the easing of restrictions. My expectation is that this is likely to recommence perhaps next week. I will come back if that advice requires updating. But I reflect that driver licence testing requires people to be in even closer quarters than they might otherwise be in a service centre, and our primary consideration has been the safety of our staff. But we are working through it and we have certainly heard that feedback.

### **Planning—housing affordability**

**MS LAWDER:** My question is to the Minister for Housing and Suburban Development—or, today, the Chief Minister. Chief Minister, in Taylor stage 1B,

178 blocks were allocated for affordable housing. It appears that 12—or approximately 12—are allocated for Housing ACT and an inspection of the site suggests that these have already been built. We are advised that the remaining lots were tendered in 2019 and the results of that tender apparently remain unresolved. An inspection of Taylor stage 1B suggests that, apart from the Housing ACT dwellings, nothing has been built and there is no sign of construction. Chief Minister, given the shortage of land for detached dwellings in the ACT, given that over 7,000 people were in a ballot for Taylor land just this past weekend, and given the acute rental stress and growing demand for affordable housing, why have you failed those in need of affordable housing in Taylor?

**MR BARR:** I do not accept the premise of the question, but I will take the detail on notice. This is not my direct portfolio, so I do not have the information in relation to that particular land release. I will take the question on notice.

I make the general observation that those who solely view the housing affordability issue through the lens of supply-side solutions do not understand the economics of the housing market and do not understand the nature of superior goods in terms of people's desire, as their income rises, to spend more on housing. I make the observation that, fuelled by a federal government economic stimulus program, we have seen hundreds of millions of dollars borrowed and, by way of government grants, invested in improving the housing stock in the ACT, making it bigger—already the biggest housing in Australia and the biggest in the world—and making it better. The result of that is the price increases.

It is a superior good, Madam Speaker. Go to economics textbooks, and understand that concept, and understand what has just occurred in this country, and why, combined with interest rates at the level they are and the favourable tax treatments, we have just poured hundreds of millions of dollars of public money into making housing more expensive.

**MS LAWDER:** Chief Minister, when will the results from that 2019 tender be resolved, and why has it taken so long?

**MR BARR:** I have taken that element of the question on notice.

**MR CAIN:** Chief Minister, when will the government release more detached housing blocks, particularly given that many Canberrans are moving interstate to buy land and build a detached house?

**MR BARR:** With respect to the second part, and the inference in Mr Cain's supplementary question about people moving interstate, in fact more people are moving into the ACT. So the net inflow is in fact from New South Wales to the ACT, not the other way round. The data comprehensively addressed this fallacy that was raised by the former Leader of the Opposition at the last election. The ACT will continue to release more land, and that land release is outlined in the Indicative Land Release Program. It covers the next four-year period. Beyond that, the government has funded a range of planning and estate development work to see further greenfield

land released. We also need to focus on delivering renewal, and there are a number of projects underway that do go to increase the housing supply.

But let us not forget that policies that fuel the demand side and policies that increase the size and quality of housing push up the price of housing. It is basic economics; it should not be that surprising. Given that all federal policy settings are put in place to ensure that the price of housing does not fall, ever, we must accept that fact, and not try and shift the blame on housing affordability from the government—and the level of government—that is responsible for it. *(Time expired.)*

### **Business—support**

**MS CASTLEY:** My question is to the Chief Minister. The construction sector represents 5,500 mostly small businesses employing almost 15,000 Canberrans, yet it endured the longest shutdown in the country, resulting in the loss of almost 2,200 jobs. The latest CommSec report reveals the ACT has the most impacted construction industry across the country, with work down 8.1 per cent compared to last year; yet the government turned its back on these small businesses by refusing them access to top-up and extension payments, a decision the government only reversed following strong industry lobbying. Why did the government deny top-up and extension payments to small construction businesses that have suffered a 30 per cent downturn?

**MR BARR:** The government did not, Madam Speaker. In fact, almost every assertion in Ms Castley's question is incorrect and I reject it outright. This is continuing a pattern of incorrect assertions underpinning political questions that have absolutely no validity.

**MADAM SPEAKER:** A supplementary.

**MS CASTLEY:** Minister, will the government guarantee a seven-day turnaround for processing the applications for this sector?

**MR BARR:** In relation to special consideration payments for the construction sector—a small portion of the sector, less than five per cent—that was impacted by ongoing public health restrictions between late September and 15 October, we have received 67 applications.

**Mrs Jones:** How long will they take to turn around.

**MR BARR:** The turnaround time on those will be within the 30-day limit that has been set.

**MRS KIKKERT:** A supplementary. Chief Minister, when will you meet construction sector leaders who have been seeking a meeting with you since lockdown?

**MR BARR:** Construction sector leaders have not been seeking a meeting with me. Construction sector leaders—

**Mrs Jones:** Apparently they are. That just goes to show how little you know!

**MADAM SPEAKER:** Members! Mrs Jones, that is not helpful.

**MR BARR:** Construction sector leaders have met with Minister Cheyne, with Minister Gentleman, I believe also with Minister Vassarotti, and with officials, often five times a week and then three times a week. There are no remaining issues to be raised with the government at this time.

**Alexander Maconochie Centre—transitional release centre**

**MR BRADDOCK:** My question is to the Minister for Corrections. The transitional release centre at AMC is important for papering detainees for reintegration back into the community, but during estimates you stated it had been closed due to COVID reasons. When will this centre be reopened?

**MR GENTLEMAN:** I thank Mr Braddock for the question around the transitional release centre. I will refer to the transitional release program in my answer as well. The centre refers to the lower security accommodation within the greater AMC area but external to the main perimeter of AMC. It can accommodate up to 20 eligible male detainees, and is specifically utilised for detainees participating in the release program, or the TRP.

The program is structured to engage eligible detainees in reintegrative activities that will assist them to transition from custody back to the community. So they are able to leave AMC during the day, for example, and attend work. The program is open to sentenced male and female detainees, but the centre itself is only available for male detainees.

At the moment we have been using the centre for COVID activities, but as soon as the pressure is released on those COVID activities and we are able to open up normal business as usual at the AMC we should be able to see those opportunities for the centre into the future.

**MR BRADDOCK:** Will the government be changing the criteria for participation in the transitional release program so that more detainees can access that program?

**MR GENTLEMAN:** Yes, in one aspect. We have funded a study into women detainees at the AMC who were previously not able to use that function. They were able to use the transitional release program, but the centre itself was not designed for women detainees. Part of the study we are doing will look at that and see whether we can make an opportunity for women detainees in the centre into the future.

I have asked Ray Johnson, the commissioner, to look particularly at women's accommodation across AMC. You would have heard recently that we were able to release women back into the designed area for women detainees at AMC, who were previously engaged in the men's area. I am pleased that that has been able to go forward. No doubt the financial resources for the study going forward for women detainees should help us look at whether we can use the TRC into the future for them too.

**MS CLAY:** Minister, can you tell me more about what the COVID activities are?

**MR GENTLEMAN:** During the COVID pandemic and the restriction of operations at AMC we have had to manage both staff and detainees in a COVID-safe manner. That means that we have had to look at opportunities to accommodate people in different areas of the AMC to ensure we can be COVID safe in the operational sense. The appropriate PPE has been issued to all staff where needed across the AMC.

I am very pleased with the way our new acting commissioner has been able to manage the situation. You have heard the recent reports that I have given about detainees and about staff in relation to COVID. He has managed it very well, and I am very pleased that staff have reacted well to the program.

### **Business—Better Regulation Taskforce**

**MR CAIN:** My question is to the Minister for Better Regulation. Minister, phase 1—the discovery phase—of the government’s Better Regulation Taskforce was meant to report by 30 June but has not. Minister, speaking about the taskforce earlier this year, you said that one of the first and most critical initiatives of the discovery phase was “talking to business about how to talk to business”. Minister, when will this report be completed?

**MS CHEYNE:** I thank Mr Cain for the question. Early next year.

**MR CAIN:** It would have been nice if you had been more specific. How much was allocated in this report, and how much of that has already been spent?

**MS CHEYNE:** I will take the question on notice. The Better Regulation Taskforce was established in August 2020 as part of the jobs and economic recovery plan, so there was funding for staffing associated with that, but I will get the detail for Mr Cain on notice.

**DR PATERSON:** Minister, can you further outline what the Better Regulation Taskforce’s intentions are, and what work has been done to progress that.

**MS CHEYNE:** As I mentioned, the Better Regulation Taskforce was established out of the August 2020 jobs and economic recovery plan. It is a critical piece of work for us really to understand what the regulatory issues for us in the ACT are and where we can be supporting businesses to do business better. We have had a considerable number of engagements so far. I was quite surprised by the questioning, given that we covered this in estimates, but that does seem to be the theme of today. The task force does have a very big agenda and it has had a considerable number of workshops, including around the night-time economy and around procurement. It is also meeting with Aboriginal and Torres Strait Islander businesses to learn what we can be doing better to support them. The Better Regulation Taskforce has a critical role in working through a legislative review—again, seeing where we can tighten things up and make things a bit simpler or a bit more straightforward through our statute book. That work is underway, and I look forward to receiving it and being able to work with my colleagues right across the statute book.

Importantly—again, I covered this in estimates at length—the Better Regulation Taskforce is also working on automatic mutual recognition, which is a commonwealth-led initiative. It will have serious implications—many of them positive ones—for the ACT and right around Australia in that licences will be automatically recognised. So, licences that are created or established in one state will be recognised in another, which will assist with the freedom of movement across Australia.

### **Transport—electric scooters**

**MR PETTERSSON:** My question is to the Minister for Transport and City Services. Minister, the ACT government was recently handed an independent review of the shared e-scooter scheme. What did that review find?

**MR STEEL:** I thank Mr Pettersson for his question. I know that he has a keen interest in the scheme, and for good reason: they are fun; they are convenient; and they are affordable. E-scooters are proving very popular with Canberrans.

The ACT government recently commissioned a review of the scheme, which we committed to do when we first rolled out the e-scooter shared scheme in Canberra. The review has made 16 high-level recommendations across the themes of enhancing transport outcomes, improving road safety, protecting public spaces, and strengthening operations to enhance compliance and enforcement.

The key findings of the review have included that: shared mobility services are attractive and a travel choice that is good for shorter trips, particularly amongst young people; users have generally found e-scooters to be safe, but there are opportunities to enhance safety, particularly in areas where they are being used alongside pedestrians and cyclists; there is unmet demand in parts of Canberra and an opportunity to connect shared e-scooters with the broader public transport system and other modes of transport; and the scheme broadly aligns with the goals of the ACT Transport Strategy 2020.

The review also recommended that the ACT government consider future expansion of the scheme to more parts of Canberra. They are very useful recommendations that have been provided, and I would like to thank the independent reviewer, Curijo, for their work.

**MR PETTERSSON:** Minister, what is the government's plan for expanding the e-scooter shared scheme?

**MR STEEL:** One of the key recommendations from the review was that the ACT government consider expanding operating zones in major centres of Canberra. The ACT government has accepted that recommendation, and we will be exploring a phased expansion of the current scheme across the whole city by the end of 2022. Subject to discussions with e-scooter providers, this is proposed to start by connecting two existing zones, central Canberra and Belconnen, before expanding first into Gungahlin and Woden and then into Tuggeranong, Weston Creek and Molonglo.

One particular focus will be integrating the shared e-scooter scheme with public transport and other flexible transport services. We want to make sure that Canberrans are able to ride light rail or catch a bus and then also use e-scooters to connect for the first and last mile, making that easier through better integration with these transport modes across Canberra's different regions.

Planning for the expansion will include working with the scooter operators to connect town centres via Canberra's extensive shared path network. We will be using geofencing technology so that people can move between regions safely and without using major arterial roads.

As we look to expand the e-scooter shared scheme, we will also be working with local communities to match the rollout to their specific needs. This will include better understanding of the kinds of trips that people want to make and what tailored safety measures may be needed in different regions of Canberra.

**MR PARTON:** Minister, are you able to give me an indicative start date for e-scooter share scheme services in Tuggeranong?

**MR STEEL:** As I have mentioned, we will be rolling these out by the end of 2022. We see this as an important thing to do in order to provide new transport options in parts of Canberra where the scheme is currently not operating. That is particularly in light of the work that the government is doing on disruption—major public and private projects that are being built around the city. We see this as an additional mode of transport, which, hopefully, will provide better connections with our public transport system as well, to provide efficient travel into other parts of Canberra, particularly for commuters, but also for other purposes.

Following the regions I have listed, we will be going to Tuggeranong.

**Mr Parton:** Point of order. The question was specifically about an indicative start date for Tuggeranong—more clear than “sometime in 2022”. I am not sure that the minister has got to that in his answer.

**MADAM SPEAKER:** He has a minute to go. He is answering in order.

**MR STEEL:** Thank you, Madam Speaker; I have answered it.

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

### **Supplementary answer to question without notice Access Canberra—services**

**MS CHEYNE:** Just to confirm what I said before in answer to Mrs Jones's question, the expectation is that driver licence assessments will recommence from next week and, for the benefit of members, learner drivers who had their appointments cancelled due to the lockdown and the restrictions will be prioritised when those assessments recommence. Access Canberra will be directly contacting those drivers. They do not need to contact Access Canberra to rebook.

## Health—skin cancer

**DR PATERSON** (Murrumbidgee) (3.00): I move:

That this Assembly:

(1) notes that:

- (a) Australia has the unfortunate title of being a world leader in skin cancer rates;
- (b) skin cancer is one of the most easily preventable types of cancer—avoided through awareness and practice of sun safety behaviours;
- (c) government, medical and scientific bodies and other organisations are very effective in conveying sun smart messages, particularly for children;
- (d) research carried out in the summer of 2019 assessed parental and primary caregiver’s attitudes towards sun safe hat and sunscreen use at a major children’s playground in the ACT. Findings identified that:
  - (i) nearly one-third of caregivers were not wearing sunscreen;
  - (ii) nearly three-quarters were not wearing a sun safe hat for their entire period of time at the playground;
  - (iii) over 80 percent believe it is important to model sun smart behaviours; and
  - (iv) 93 percent stated a desire for government supported sun safety messaging at playgrounds to reinforce and support good sun safety practices by parents/adults and the child/children in their care;
- (e) there is significant room for improvement in the use of sun safe hats and sunscreen for adults in ACT playgrounds; and
- (f) improved sun smart messaging would provide a public health benefit for dermatology and skin cancer prevention strategies; and

(2) calls on the ACT Government to explore opportunities to convey sun smart/sun safety messaging—for parents and caregivers as well as children—in ACT playgrounds through:

- (a) murals painted by local artists; and/or
- (b) posters and other forms of signage.

Australia is world renowned for our outdoor lifestyle, sporting activities and sun-drenched summers. Exposure to sunshine and vitamin D has many positive outcomes for our mental health and wellbeing. Unfortunately, however, there are many disadvantages if we do not practise sun-safe behaviours and activity. Australia, together with New Zealand, leads the world in skin cancer rates, despite it being one of the most easily preventable forms of cancer.

Many of us in the Assembly will have grown up in the 1980s with the Cancer Council’s Slip, Slop, Slap sun-safety messaging. Today it has been further extended to become Slip, Slop, Slap, Seek and Slide. Slip on sun protective clothing, slop on SPV30+ sunscreen, slap on a hat, one that protects your face, head, neck and ears,

seek shade or shelter, and slide on some UV protection sunglasses to block out the sun. It is catchy and it is effective, and our kids are excellent at practising it.

Our schools are excellent at sun-smart practices, to the extent that between August and May children are unable to go outdoors during school hours in the playground if they do not have a hat. Often, children are the ones reminding their parents and caregivers on weekends to slip, slop, slap. However, somewhere along the way it seems that, while we remember that message, we often neglect the practice.

I was contacted recently by a constituent who has undertaken research in this space in the ACT. Dr Vangelis Kanellis is a lecturer at the ANU College of Health and Medicine, as well as a medical registrar and honorary dermatology registrar at the Canberra Hospital. Drawing from my previous research career, I am always really interested in research that is locally relevant and how evidence can be applied for practical outcomes in our community.

The research that Dr Kanellis conducted sought to understand the efficacy and effect of sun-smart awareness and practices by parents and primary caregivers at a public playground in the ACT. The research was undertaken in the summer of 2019. They asked parents and caregivers about their perspectives on the importance of sun-smart messaging and behaviour.

The findings identified that nearly one-third of caregivers at that playground were not wearing sunscreen; nearly three-quarters were not wearing a sun-safe hat for the entire period of time they were out at the playground; over 80 per cent believe it is important to model sun-smart behaviours; and 93 per cent stated a desire for government-supported sun-safety messaging at playgrounds to reinforce and support sun-safety practices by parents and adults and the child or children in their care. So there is clearly work to be done here.

There are three main types of skin cancer: basal cell carcinoma, squamous cell carcinoma and melanoma. The main cause of skin cancer, the cause of over 95 per cent of them, is the result of overexposure to UV radiation. We all know that UV radiation emits from the sun as well as from artificial sources such as solariums. Australia has banned the use of solariums because research has shown that people who use them have a much higher risk of developing skin cancer. This is one preventative measure that we as a nation have taken, and that is great. However, unfortunately, most areas of Australia experience high levels of sun-related UV radiation year round.

The World Health Organisation notes that higher UV radiation levels are associated with countries such as Australia and New Zealand, located in low altitude zones, and that long-term, repeated UV radiation exposure is a major risk factor for skin cancers. Compounded by this, some members of our community are at greater risk of developing skin cancer than others, including those with fair or freckled skin; people who have light-coloured or red hair and light coloured eyes; people who work or otherwise spend extended periods of time outdoors; and those with a family history of skin cancer.

The Cancer Council notes that around two in three Australians will be diagnosed with some form of skin cancer before the age of 70. That is way too many people, for what effectively can be a preventable form of cancer. Further, SunSmart Australia reports that around 2,000 Australians die from skin cancer each year. And Medicare records indicate the treatment of more than 100 skin cancers every hour across the country. The cost to the nation's health system is estimated to be more than \$700 million annually.

While skin cancers are often diagnosed in those aged over 40 and can sometimes develop very quickly, in as little as six weeks, activities which lead to cancer can be the result of behaviour undertaken when the person was much younger.

Melanoma is the most common cancer affecting 18 to 35-year-olds—those who are most likely to be standing around ACT playgrounds, supervising children. Cricket is an example of a sport in the ACT where people, often in this age group, are exposed to UV radiation for lengthy periods of time and must take extra caution to ensure that they practise sun-smart behaviour.

The good news here is that skin cancers are one of the most easily preventable forms of cancer. Theoretically, I think most of us are well aware of what we should be doing to reduce our risk, including, as adults, to model good behaviour for our children. But this research conducted in the ACT indicates that, in practice, we are not always very good at it, despite knowing what we should do and despite thinking that it is important to practise this behaviour.

Research further indicates that improved messaging aimed at adults, including parents and caregivers in and around children's play spaces, where they are often spending long periods of time exposed to UV radiation, could help to support behavioural change and positive outcomes.

The 2020-21 ACT budget has committed significant funds for upgrades to various playgrounds across the ACT. I am particularly pleased to have recently seen the funding commitment to and final designs for the Duffy shops, including playground space, in my electorate. During community consultation, one of the most important issues raised was the need for shade cover at the playground. I am really pleased to see this included in the final designs, and I know the community are too.

Thank you, Mr Steel, and your hardworking team in the Transport Canberra and City Services Directorate for delivering exactly what the community has requested. Shade cover certainly ticks one of those five boxes of slip, slop, slap, seek and slide, and will go a long way towards helping prevent unnecessary skin cancers in our community.

I bring this motion to the Assembly today to call on the ACT government to explore opportunities to convey more sun-smart and sun-safety messaging in playgrounds in the ACT. The ACT is a progressive jurisdiction and leads the way with so many positive initiatives.

Let us start leading the way in a reduction of skin cancer rates among members of our community. Let us do more to convey these really important messages about

sun-smart and sun-safety behaviours and let us work with key stakeholder organisations to help spread those messages together—organisations like the Cancer Council, SunSmart, our sporting bodies and groups and others.

We have many talented local artists in our community who can develop murals, posters and other forms of signage to provide important messages and reminders to help prevent skin cancer. Improved sun-smart messaging will help individuals in our community and will provide a broad public health benefit for a skin cancer prevention strategy.

**MRS JONES** (Murrumbidgee) (3.09): The Canberra Liberals support Dr Paterson's motion today. In 2021, one in 15 Australians will be diagnosed with a melanoma in their lifetime. As the motion notes, Australia has the unenviable title of being a world leader in skin cancer rates. This is a consequence of Australia's geography, increasingly the effects of climate change and also the Australian lifestyle that we all know and love.

Having said that, at the same time concerns to do with skin cancer must also be balanced, and people need to have plenty of information about the maintenance of vitamin D in the body, which is something that can also be impacted by not being in the sun enough. So it is about finding the right levels.

The ANU National Centre for Epidemiology and Population Health's Professor Robyn Lucas recommends short periods in the sun several times per day in winter and to try and bare as much skin as you can. So it is a really difficult balancing act as we teach the next generation to be sun smart. But sun smart also means being in the sun some of the time. We do not need to be afraid of the sun; we need to learn to manage it.

Australia's sun-smart messages, as Dr Paterson has said, have been world-leading public health campaigns. Slip, Slop, Slap is now part of the Australian vernacular. It is also important to note that the message has now been updated, as mentioned, to Slip, Slop, Slap, Seek and Slide, with "seek" meaning seeking shade and "slide" meaning sliding on some sunglasses. Mind you, I have got to add, sunglasses on children are very hard to maintain, and sunglasses for children are very expensive. I am not sure that I am into the last one. But if they have got a good hat on, they have got shade for their eyes as well.

On the data, this campaign has been hugely successful, with the number of 30-year-olds having been diagnosed with a melanoma in 1982 being one in 604 and the number in 2020 being one in 1,169. That is an almost 50 per cent reduction.

Life habits start young, and we have to do all we can to reinforce sun-smart messages amongst our young people. Making sun-smart messages part of children's regular play activities from an early age is a positive step that we can take to impress upon our young people the importance of preventing skin cancer. This way, fewer of this generation of young people, having learnt about the risks of skin cancer, will potentially suffer the tragic consequences the way previous generations of Australians have.

My father had a part of the back of his ear grafted onto his nose because when he was young he would go outside and play. You would go to the beach all day and you would get as red as a tomato. It was just part of life. That is no longer considered normal. And that is a huge improvement for our whole community.

The messaging has to work for older Canberrans too. Monitoring your skin, monitoring any changes and seeking treatment early on is critical to ensuring that potentially cancerous changes to one's skin are detected early and treated, whatever your age.

The Canberra Liberals support the motion and we look forward to the opportunities and initiatives that this will provide, hopefully, for local artists.

**MR DAVIS** (Brindabella) (3.13): The ACT Greens will be supporting the motion put forward by Dr Paterson today. I thank Dr Paterson for bringing forward the motion. I was particularly encouraged and delighted to hear that today's motion from Dr Paterson was a result of her active and engaged work with her constituents, reminding all of us that being good, effective local members is our first responsibility.

This motion reinforces and reminds all of us of the role we play in promoting healthy habits and modelling good practices for young people. As we have seen through the recent COVID-19 lockdowns in Canberra, public messaging is key to a health-based response to issues that we are facing as a society.

The ACT Greens are advocates for a preventative emphasis to public health measures. We want to build a culture of good health by healthy behaviours and opportunities to access preventative and accessible care, not a culture of simply focusing on treating disease and ill health. We understand that preventative health care is the most effective way to improve the health and wellbeing of all Canberrans and reduce our healthcare costs. If we are serious about tackling the need for acute healthcare services, we must embed preventative health measures in daily life.

Dr Paterson's motion calls upon the ACT government to action the types of preventative public awareness campaigns through a format that I am a particular fan of—that is, investigating and implementing murals and posters around ACT playgrounds to mainstream the importance of sun-smart health in the everyday lives of children, teenagers and parents in the ACT. Public art makes a beautiful and invaluable contribution to our city, and supporting local artists, while also supporting health messages, is an idea we should all enthusiastically support.

Too often, I fear that the education in schools around sun-smart safety feigns irrelevance to students once they have left the school campus, perhaps not by any fault of their own but by the association of the principles of this education. This is something that must be practised at schools, at home and in the community. We know that two-thirds of Australians will be diagnosed with some form of skin cancer by the age of 70. This statistic, if nothing else, should speak worlds about the importance of the unique and far-spread education campaigns that this motion seeks to explore and implement within the everyday areas of our public life.

A 2020 report by the Cancer Council ACT listed melanoma as the second most common diagnosed cancer among ACT males between 2013 and 2017, with an average number of 106 melanoma cases diagnosed per year. The same report listed melanoma as the third most common diagnosed cancer in ACT females in the same period, with an average of 77 melanoma cases diagnosed per year.

While these statistics are shocking, I am pleased to see that in the 2021-22 ACT budget the ACT government has committed to a new cancer research centre at the Canberra Hospital. It is a sincere hope of mine that these investments result in tangible improvements for those diagnosed with cancer in the present and that they grow increasingly unnecessary into the future. Preventative health care is the best way that we can keep people healthy and ensure that our hospitals are not overwhelmed so that they can continue to provide lifesaving services to those who need it, when they need it.

Its integral to the continued health of our citizens that the ACT government continue to implement a preventative health response to the issues facing our society right now. This motion is a small part of this work, but it is a really creative suggestion that will bring colour and movement to our public playgrounds, support artists and help us to prevent skin cancers in adults, as well as in the children they are modelling sun-smart behaviours to.

Once again, I thank Dr Paterson for presenting the motion that the Greens are pleased to support. In my final remarks, I would like to put on record my sincere thanks to Dr Rebecca Read of the Calvary Public Hospital and her ancillary staff who provided a tremendous amount of care over the previous six months to a family member of mine who is currently undergoing treatment for melanoma.

Mr Parton might have a wry grin on his face that we had such a good go at each other yesterday, but, interestingly enough, this is the one that actually touched home most to me in the sitting weeks planned. So I really do appreciate elevating the importance of the conversation. Like so many of these public health issues, they really are just concepts until they touch you personally and somebody that you love. It is really important. I thank Dr Paterson once again.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.18): I, too, thank Dr Paterson for bringing this motion to the Assembly and for her ongoing passion for improving the health and wellbeing of Canberrans. That is evidenced in this motion and, more broadly, in Dr Paterson's contributions since becoming a member of this place.

This motion highlights the unfortunate fact, as Mrs Jones indicated, that Australia has the highest melanoma incidence rate in the world. While Australia, unfortunately, leads the world in this statistic, the ACT's age-standardised incidence rate of melanoma, at 47.6 per 100,000, is well below the national average of 53.3, and significantly lower than Queensland, at 76.2, which is the highest rate in the nation.

Data from the Canberra Region Cancer Centre highlights that skin cancer makes up about three per cent of the case mix, with 96 cases this year, 70 of which were melanoma. A majority of cases are treated by surgeons, but 54 skin cancers treated in 2021-22 were treated with radiation therapy; 20 were melanoma, with the remainder being basal cell carcinoma.

The good news is that the survival rate is high, with Cancer Australia reporting a 92 per cent chance of survival between 2013 and 2017. However, what is also clear is that prevention is far better than cure. And reducing the incidence of skin cancer, which is very preventable, requires continued effort to remind people of sun-smart behaviours.

That is why the ACT government continues to prioritise and invest in this preventative health activity, in partnership with the Cancer Council ACT. Through the ACT Health Directorate, the government provides \$330,000 annually to the Cancer Council ACT to provide support services, including for SunSmart programs. Through this funding, the Cancer Council promotes education about and awareness of sun protection behaviour to the ACT community through a range of programs and forums, including outdoor workplaces and secondary school settings.

These programs include the national SunSmart early childhood program, which supports ACT early childhood services with their UV protection policy and procedures, including resources and educator professional learning, and reviews early childhood services for their SunSmart status. The National SunSmart Schools Program supports ACT primary schools with their UV protection policy and procedures, including resources and teacher professional learning, and reviews schools for their SunSmart status.

Programs also work with outdoor workers and workplaces to support local workplaces with resources, posters, brochures and booklets, presentations on UV protection, and toolbox talks. ACT secondary schools are offered support via online resources, posters and teacher online professional learning.

Finally, for the general public, the programs provide awareness, advocacy and opportunities via local community events—for example, the Royal Canberra Show and National Skin Cancer Action Week—traditional and social media, including Facebook and Twitter; website support; and face-to-face interactions.

The above programs are reinforced in schools by ACT government sun protection policies, classroom engagement, positive teacher role modelling and uniform and shade provision.

All of this speaks to exactly what Dr Paterson was getting to in her motion: much of our current effort is focused on children and those around them in formal settings. We sometimes forget, as adults, that we all have a responsibility, all the time, to role model. I know that for myself. The other day, the first really warm, sunny day, I went out for a walk with a friend. Of course, I had my sunscreen on my face, as I always do, but I did not take a hat, I did not wear a long-sleeved shirt, and I ended up with

sunburnt shoulders. That was not a good example. It often happens at the very beginning of spring, when we are not really thinking about how hot that sun is, even though it is not actually that warm.

So this is a fantastic motion from Dr Paterson, with some really innovative thinking about how we can continue to reinforce messages to adults who act as role models in places where they are with children and young people. The maintenance of effort that we have seen over many decades has seen a shift in behaviour over time. That is really positive and it reinforces why having this kind of pervasive messaging in our community is so important.

Since 1996 the proportion of secondary students surveyed who reported that they like to get a suntan has significantly declined over time. For males, between 1996 and 2017 it decreased from 72 per cent to just over 50 per cent. For females, it has significantly reduced as well, from 82 per cent to 57 per cent. It is still probably a little higher than we would like to see.

Over the same period, the proportion of secondary students surveyed who reported ever having had severe sunburn that has blistered has significantly declined. When I think back to when we were at school, it might have been close to 100 per cent. It is good to see that for females the figure is 25 per cent—only slightly more likely than males, at 20.4 per cent—who report ever having had severe sunburn. But these numbers are still too high.

In 2017 the most common sun protection behaviours while outside for an hour or more between 11 am and 3 pm reported by secondary students surveyed were wearing SPF30 sunscreen, at 48.3 per cent; wearing a hat, at 43 per cent; and staying mainly in the shade, at 38 per cent. In 2017 almost 68 per cent of secondary students surveyed reported getting sunburnt at least once over the previous summer, with no significant difference between males and females. The proportion of students getting sunburnt at least once over the previous summer has decreased significantly over time, though. That is also good news, but, again, those numbers are too high and we can do more.

This trend shows that consistent messaging has worked over a number of years, from the incredibly successful Slip, Slop, Slap campaign that we all know so well—launched in 1981, which really makes me feel my age—through to the actions taken by the Cancer Council today.

Dr Paterson's suggestion to continue keeping a focus on this through innovative public artwork approaches is another approach that will complement the work that is already underway to continue our progress in reducing the incidence of skin cancer and its impact on the community.

Dr Paterson's motion calls for murals and the like in ACT playgrounds. She has suggested that cricket is an example of a sport where people spend a lot of time outside in the sun during summer. I look forward to working with my colleagues Minister Steel; Minister Berry as minister for sport and Minister Cheyne as the arts minister, and Dr Paterson herself, to think about how we can creatively respond to this motion and provide opportunities for local artists. I have seen many murals popping

up around my electorate, usually with natural scenes and scenes from the local community. There is opportunity there to build in those sun-smart messages.

This is a fantastic motion. I commend Dr Paterson for bringing it to the Assembly, and I am very pleased, on behalf of the government, to indicate support.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.26): I thank Dr Paterson for her motion regarding the importance of sun-safety messaging for Canberra children, particularly as we enter the warmer months of the year. Dr Paterson's motion outlines the risks of not being sun smart when out of the house. Ensuring that Canberra's kids take the right steps to protect themselves from the sun is a shared effort. Parents, guardians and other caregivers can lead by example through doing the Slip, Slop, Slap, Seek, Slide for themselves and helping children to do the same.

As a government, we can also play a role by making our public play spaces as inclusive and safe as they can be. This time last week, I announced the release of the draft ACT Play Spaces Strategy, a document mapping out the ACT government's plans to continue to improve and invest in playgrounds across our city. The strategy outlines key actions that will shape our government's ongoing investment in new and existing playgrounds. Action No 6 is particularly relevant to this motion, as it states that it will ensure that places are sustainable and resilient to a change in climate.

As we outline in the strategy, the ACT has a strong community commitment to protecting our city's open green spaces and enhancing living infrastructure such as our tree canopy. We recognise that the Canberra community wants to see more of our play spaces providing a focus on the environment and nature-based learning through play. We will be seeking feedback from the community about that action, as well as others, in the strategy.

When it comes to prioritising upgrades to Canberra's 515 play spaces across our city, the strategy recognises that more shade is one of the most common upgrade requests that we receive. It is also true that, as our climate changes, one of the most effective mitigating measures we can take is to improve the overall levels of shade, whether it is through artificial structures like shade sails or by planting trees to increase canopy cover. Many of the newer playgrounds have been established under trees that are already well established and mature.

This focus on shade ensures that playgrounds can be used more during summer and year round. In recent years, we have delivered more shade sails across Canberra, with six play spaces receiving this addition in 2019-20: Greenway, Hughes, Isaacs, Isabella Plains, Macquarie and Monash. A further seven play spaces are in the process of having shade sails installed, in Chisholm, Holt, Phillip, Dunlop, Bonner, Watson and Hackett. These play spaces started having their new shade sails installed in October. We anticipate that all of them will be complete before the end of the year so that people can enjoy those play spaces with shade over the summer period.

As part of the 2021-22 ACT budget, we have committed to planting 54,000 trees across Canberra by 2024. Some of these will be planted on verges and in places that

cool our residential streets. Others will be planted in public parks and green spaces to further strengthen canopy coverage and biodiversity. As this program gets underway, we will be looking for opportunities to undertake more planting around Canberra's play spaces because we recognise the huge contribution they make both to sun safety and for general amenity and play.

While we are taking tangible action to improve shade at play spaces around our city, Dr Paterson's motion raises the issue of the importance of using a range of platforms to remind parents, caregivers and guardians, as well as children, about sun-safety messages and the health benefits of protecting yourself from the sun. ACT Health provides annual up-to-date messaging on the public health benefits of sun safety, but we should always be looking for different ways that we can get those messages out to the community. I thank Dr Paterson for her suggestions for new methods to spread sun-safety messaging to more Canberrans—in particular, ways that we may be able to do this in our playgrounds, where thousands of Canberra children will be playing over the summer.

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (3.30): I rise briefly to speak in my capacity as Minister for the Arts, but first of all as a local member, to commend Dr Paterson for bringing forward this motion. Sun safety and sun smarts are a critical issue for all families and individuals, and exploring the ways in which we can ensure the health of everyone in our society is incredibly important. Dr Paterson has put forward some very pertinent suggestions, which Minister Stephen-Smith and Mr Steel have underlined, for creative ways in which we can explore messaging, get the community engaged and work with each other to achieve a better outcome for us all.

As Minister for the Arts, I want to acknowledge that Dr Paterson's suggestions very much coincide with the first strategy of the recently released statement of ambition. That is about creating amazing art and culture everywhere, at any time, for anyone. This is about how the arts help us to engage with and understand experiences. We interact with art all of the time, and we should be interacting with art all of the time. It should be simply everywhere you go. Dr Paterson's motion really speaks to this, and I commend her for it.

**DR PATERSON** (Murrumbidgee) (3.32), in reply: I thank my colleagues Minister Stephen-Smith, Minister Steel and Minister Cheyne for their support of this motion, and I thank the Canberra Liberals and the ACT Greens for supporting the motion. The speeches were a good reminder to thank all the doctors and nurses in the ACT health system for the care they give to those with skin cancer in our community. I thank Dr Kanellis for his commitment to the dermatological health of our community and for conducting this research and bringing it forward to the Assembly.

I had an interesting engagement with a constituent on Monday, a very dedicated, politically engaged community member who said that when they had heard about the motion, they had written to numerous New South Wales politicians—fair, bald, middle-aged men who had been standing outside in press conferences in the blazing sun not wearing hats. She said that she had had some interesting responses. While we

may take some inspiration from Bob Katter on this, as politicians, we do not need adopt all his—

*Members interjecting—*

**DR PATERSON:** As role models for the community, it speaks to how we present ourselves. Standing outside shops and doorknocking, out and about in the community, we should also be practising sun-smart behaviours.

Question resolved in the affirmative.

## **Members—conduct**

**MR HANSON** (Murrumbidgee) (3.34): I move:

That this Assembly:

(1) notes:

- (a) correspondence from Senator Seselja outlining that, in their joint motion of 8 October 2021, Ms Cheyne and Mr Rattenbury made false and misleading assertions about Senator Seselja and Senator McMahon; and
- (b) that their false and misleading assertions in their motion have been made public and provided to all Federal Senators and Members; and

(2) calls on Ms Cheyne and Mr Rattenbury to:

- (a) withdraw their misleading assertions made about Senator Seselja and Senator McMahon;
- (b) write to Senator McMahon and Senator Seselja apologising for their false and misleading assertions; and
- (c) write to all Federal Senators and Members apologising for misleading them and explain that they have withdrawn their assertions.

As all of us are aware, if you mislead this Assembly it is a requirement to come to this place at the earliest opportunity and withdraw. Yesterday, Madam Speaker, after question time, you tabled a letter from Senator Seselja that states that the joint motion that was moved by Ms Cheyne and Mr Rattenbury on 8 October contained elements that are inaccurate, misleading and false. The letter has been tabled, but I will quote from it so that members can be aware of what Senator Seselja said. He said:

I refer to your letter of 14 October 2021 to all Federal Senators to convey that the Australian Capital Territory (ACT) Legislative Assembly passed a resolution regarding the issue of assisted suicide on 8 October 2021. I am writing to alert you to the inaccurate and misleading nature of the correspondence you have authored.

Specifically, I refer you to Section 1(f) of the resolution which states:

*“at the explicit request of ACT Liberal Senator Zed Seselja, the Ensuring Northern Territory Rights Bill 2021 (Cth) deliberately excludes the ACT from any removal of a restriction on legislating on VAD;”*

This statement is categorically false and inaccurate. At no stage did I request—either explicitly or implicitly—that the ACT be removed from the legislation referred to in the resolution. The preparation and drafting of this legislation were entirely a matter for the Senator for the Northern Territory Dr Sam McMahon.

Attached is a copy of correspondence from Senator McMahon to ACT Labor Senator Katy Gallagher making clear that the drafting of the relevant legislation was entirely her own responsibility. I refer you in particular to this section of Senator McMahon's letter:

*I can categorically confirm that I made the decision of my own accord as a Senator for the NT to prepare legislation affecting the people of the NT to only include the NT. I considered it would not be appropriate for me as an NT representative to prepare Private Senators' legislation affecting the citizens of any other jurisdiction. I can further confirm to you that at no stage in my conversations with Senator Seselja did he instruct me on how I should draft my legislation.*

Senator Seselja goes on:

I would note that the *Canberra Times* reported on this letter and its contents on 24 July, 2021 therefore these facts were already public knowledge well in advance of when this resolution was considered.

I am alarmed that the Assembly has adopted a resolution containing such serious inaccuracies and falsehoods. I am further concerned that you have been put in the embarrassing position of diminishing the office and institution of Speaker by formally conveying a false and misleading resolution to Federal Senators.

Ministers Cheyne and Rattenbury who sponsored this resolution have either deliberately misled the Assembly or have been grossly incompetent in failing to ascertain the veracity of their own resolution.

As you would no doubt be aware, the Code of Conduct for all Members of the Legislative Assembly of the ACT explicitly provides:

*(1) Members should at all times act with integrity, honesty and diligence.*

Evidently and disappointingly, the very first principle of the Code of Conduct has been breached in this instance. To put it bluntly, by peddling false information in a letter which asks the Federal Parliament to give greater autonomy to the ACT Assembly you do your cause a grave disservice.

I have copied this letter to all Senators to ensure they do not draw false conclusions based on a dishonest assertion.

Madam Speaker, as the letter makes clear, for those who do not know, Senator Sam McMahon is a Liberal senator for the Northern Territory. Well before the co-sponsored motion from Mr Rattenbury and Ms Cheyne, she had been on the public record making her position very clear that the allegations that form part of their motion were, in her words, false, baseless and incorrect.

It appears to me that earlier commentary made in the *Sydney Morning Herald* has been mischaracterised and used in a misleading way. She has made this very clear on the public record. I quote from the *Canberra Times* of 24 July, weeks before the offending motion. The article is titled “ACT euthanasia: NT senator Sam McMahon lashes Labor for ‘false, baseless, and incorrect’ comments”. It says:

NT senator Sam McMahon says federal Labor’s claims that Zed Seselja blocked her from including the ACT in her new voluntary euthanasia bill are “false, baseless, and incorrect” ...

*The Canberra Times* has seen a letter from Senator McMahon to Senator Gallagher, which accuses the Labor frontbencher of peddling a false narrative about the ACT’s exclusion from her draft bill.

Madam Speaker, Ms Cheyne and Mr Rattenbury went ahead anyway and, through their motion and the words that are on the *Hansard* in their speeches, are either making the case that Senator McMahon is lying or saying that they were not aware of that statement and the public statements from Senator McMahon in the *Canberra Times*, despite the fact that they had been on the public record for a number of weeks leading up to their motion.

What is clear to me, based on the comments, the evidence, provided by Senator McMahon in her letter to Senator Gallagher and her public statements in the *Canberra Times*, is that Mr Rattenbury and Ms Cheyne have misled the Assembly in the wording of the motion and what they said during their speeches. Based on the form of this place, it is appropriate that they withdraw. If they fail to do so, Madam Speaker, they would, in effect, be calling Senator McMahon a liar.

It is an interesting question as to whether Ms Cheyne and Mr Rattenbury knew of the very clear statements from Senator McMahon and decided to go ahead anyway or whether they were unaware of her very clear and unambiguous statements. That is a matter for them to discuss as they speak to this. But it is not relevant. The point is that, based on very clear and definitive statements, they have misled. The motives of Ms Cheyne and Mr Rattenbury are not relevant to that question.

The nub of my motion, and what I hope for today, is that they accept that they have misled this Assembly and withdraw. Given that that has occurred and that a letter has gone to federal parliamentarians, it is appropriate that an apology be made and the record be corrected. That is an appropriate and correct course of action for the members to take.

As I said yesterday, this whole issue and episode have not helped us in our joint endeavour to get state rights for the ACT. It appears that the motivation of Ms Cheyne and Mr Rattenbury is less about arguing in a tripartisan way for state rights than seeing an opportunity to attack and smear Senator Seselja.

Regardless of the outcome of this motion today—the Labor Party and the Greens have got the numbers, so I am not confident that it will succeed, though I am not sure what the response is going to be—it would be apparent to senators and members on the hill

that what should be a tripartisan effort to secure territory rights seems to be far less important to Greens and Labor members here than political point-scoring. That is what has happened through their motion and subsequent actions and what has been, either intentionally or unintentionally, a mischaracterisation of statements for their own political advantage.

While we are trying to present a unified front on state rights and show ourselves to be a professional and respectful parliament, worthy of the trust of our federal parliament, it looks as though the very opposite is the case. In my view, the actions have put back our campaign for state rights. The politics that have been played on this—an attempt to smear, to play grubby politics and point score—seem to have been put in front of what should be a tripartisan attempt to establish state rights for the ACT.

The entire motion of 8 October was a misstep and a break away from that tripartisan approach. As members will be aware, it was moved without any notification to the Canberra Liberals. It did not go to the admin and procedure committee. It did not go through government business. We found out about it in the *Canberra Times*. It was not an accident. It was clearly a partisan ambush on Ms Lee's budget reply speech. I will quote from what Ms Lee said on that day:

The Canberra Liberals support territory rights. We signed a tripartisan motion earlier this year. Our position has not changed. And it is incredibly disappointing, appallingly disappointing, that Ms Cheyne, who received the letter from the federal Attorney-General, which is dated 1 October, has chosen this manner to bring it forward to the chamber today—incredibly disappointing.

I hope that this Assembly does the right thing and supports my motion. It would seem from the motion of 8 October that Ms Cheyne and Mr Rattenbury are far less interested in progressing the important issue of state rights in a mature and tripartisan way than in political point-scoring and damaging that cause. It seems that all they want to do is point score and attack a Liberal senator in the lead-up to the federal election, and that they saw this as an opportunity to do that. In the process, Senator McMahon, with the slur on her, seems to be collateral damage from the actions of the Labor Party and the Greens.

Members on the hill will have watched what is happening. Senator Seselja says that he was forwarded a copy of that letter. Senators up on the hill are well aware of what has occurred and the statements from Senator Seselja and Senator McMahon. They are looking at this parliament and how it responds, how it behaves.

We want to progress state rights—as we always have, and as Ms Lee has, under her leadership—as a tripartisan endeavour and put aside politicking and using this issue to try and smear and mischaracterise what people have said in another place.

My view is that the best way to deal with this is, as there has been a mislead, for those members to withdraw, to apologise—I think that in this case that is appropriate—and make sure that the federal members and senators that you corresponded with, Madam Speaker, are aware that the matter has been resolved. There is a way forward. It is a reasonable way forward on this matter. I personally do not want to see what we have

all agreed is an important issue for us—state rights and progressing that—descending to further political smear, opportunism and point-scoring. We have plenty of opportunity for that, members.

**Ms Cheyne:** Then what is this? What is this?

**MR HANSON:** If we want to play those games we have plenty of opportunity. Ms Cheyne says, “What is this?” If there is an allegation and evidence and, in this case, statements from senators stating that there has been a mislead, it falls to us to deal with it. I am sure Madam Speaker would agree that you cannot simply ignore it. You cannot simply pretend that it did not happen. When you become aware of a mislead, you come into this place and you withdraw. That is what I am asking for.

The subsequent actions are only there because we wrote to the federal parliament. Madam Speaker, on our behalf, wrote to the federal parliament. We need to manage that end of it in a reasonable way. This is a reasonable motion. It is a reasonable remedy for something that has happened. Hopefully, we can then put this matter behind us and, when it comes to the substantive issue of state rights, progress that issue in a tripartisan way, to the benefit of the residents of the ACT.

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (3.48): I appreciate the opportunity to respond to Mr Hanson’s motion. I will start by underlining that Mr Hanson did not accurately reflect the entire debate from 8 October by quoting Ms Lee about the timing of only some things.

Ms Lee referred to the date of the letter that we received from Minister Cash as being 1 October. However, I went on to make clear that we had received the letter “that week”. That week was the week beginning 4 October, which was a public holiday, so we did not receive it until 5 October, to my understanding. The motion referenced the Senate Standing Committee on Legal and Constitutional Affairs report, which was not handed down until the Wednesday afternoon, which, members will recall, was budget day. Bringing this on as an executive motion on the Friday was appropriate, as the timing worked out.

The opposition again doubled down on having no notice of a motion that was on the notice paper the night before. It was embarrassing then, and it is embarrassing now. Read the notice paper; it comes out the night before. Yesterday Mr Hanson was going on about how he has been in this place for 13 years, and he is the whip. If he did not draw this to the Leader of the Opposition’s attention, and if no staff and no members are actually reading the notice paper the night before, that is a matter for the Canberra Liberals. Stop going on about having no notice. You had plenty of notice. You could have interacted with the motion, and you chose not to.

Madam Speaker, we will not be supporting the motion that Mr Hanson has brought on today. That is because there is no false or misleading assertion. This is about semantics. It is a red herring from Senator Seselja and Mr Hanson to distract from the main issue at hand.

The joint motion of 8 October in the names of me and Minister Rattenbury, including the clause in question which Senator Seselja has written to you about, Madam Speaker, was one which reflected persistent media reporting, which reflected quotes from Senator McMahon, and which reflected an opinion article by Senator Seselja himself. On this basis, the motion was drafted from an evidence base which Minister Rattenbury and I are happy to walk members through for their awareness.

On 4 July 2021, the *Sydney Morning Herald* reported that Northern Territory Senator McMahon planned to introduce a private member's bill to reinstate the Northern Territory's power to legislate on the issue. Included in that article was a direct quote from Senator McMahon. The article stated:

“I did originally try to include the ACT in it, but in my conversations with Senator Zed Seselja he wasn't keen to do that,” Senator McMahon said. “If Zed's not interested and not going to support it, I don't think it would be worth doing. I'd be better off just doing it for the NT.”

The article goes on to report that Senator Seselja was unavailable for comment.

Madam Speaker, this was followed by repeated reporting across multiple outlets for an extended period, much of which was not refuted. Indeed, there is an article in the *RiotACT* on the very next day, 5 July, which includes quotes from me. It is odd to quote myself, but I will, because it goes to my belief that Senator McMahon was speaking the truth. I said:

Even when invited to speak for Canberrans on an issue as important as Territory rights, Zed only speaks for himself ... By asking NT Senator Sam McMahon to leave the ACT out of her prospective bill to restore Territory rights, Zed has not only abandoned Canberrans but he's gone against his own colleagues' wishes and actively and knowingly undermined the ACT Opposition Leader.

Can I be absolutely clear, Madam Speaker, that no-one contradicted this statement. No-one contacted me. I did not hear from Senator McMahon and I did not hear from Senator Seselja. If Senator Seselja is so up in arms about this, why did he or Senator McMahon not contact me then?

*Mr Parton interjecting—*

**MS CHEYNE:** I am pretty sure you have been there, Mr Parton. Senator Seselja himself penned an opinion piece in the *Canberra Times* on 21 July in which he not only did not defend the reporting—his own comments, penned by himself presumably—but actually reinforced it. This included the following:

How much do I trust 13—

he did say “13”—

members of the ACT's Labor-Greens government to legislate without constraint on assisted suicide? Not at all.

And he said:

The reality is that the Commonwealth Parliament is the only legislative check on the Assembly.

Madam Speaker, I turn now to what happened in the chamber on the day the motion was moved and passed, which was notably absent from Mr Hanson's remarks. Only one member of the Canberra Liberals spoke on the motion, but it was no less than the Leader of the Opposition. In that speech, there was no acknowledgement that any clause might not represent what we all believe to be true. Senator Seselja's name was not even mentioned by Ms Lee. The clause was not even up for debate. There was no amendment proposed. The motion was passed unanimously on the voices.

In his letter, Senator Seselja accuses Minister Rattenbury and me of failing to ascertain the veracity of our own resolution. Mr Hanson also questioned whether we knew this. The basis for this, according to Senator Seselja in his letter to you, Madam Speaker, is that Senator McMahon wrote to Senator Gallagher. He attaches that correspondence.

First, that is not correspondence that we received. Second, Senator McMahon's letter directly contradicts her own quote from 4 July but gives no explanation of why she said what she said on 4 July. It is a very carefully worded letter. Mr Hanson has already read it into the *Hansard*, so I will not speak on it again, but I encourage members to reflect on exactly the words that Senator McMahon uses.

Third, if the argument of Senator Seselja, and now Mr Hanson, is, as it appears, that we should have changed the wording based on reporting in one *Canberra Times* article that we should have been aware of, it logically follows that, if Minister Rattenbury and I did not, the Canberra Liberals should have amended the motion. They did not. They did not debate any clause; they did not seek to amend any part; they did not vote it down. It passed unanimously. That is the fact. And why? Because the motion is not false or misleading. There is ample evidence that points to its veracity, and plenty more that points to this being about nothing but semantics.

What is clear is that, no matter how it came about, the ACT is not represented in Senator McMahon's bill, because of Senator Seselja's position. Senator Seselja's letter is a red herring. This motion is nothing but a distraction from the main issue at hand. The fact remains that Senator Seselja does not stand for Canberrans on territory rights. Whichever way he wants to go about it or says that he is going about it, the fact remains that Senator Seselja is in the way.

I am glad he has toned it down today, but we have seen some extraordinary bluster and hyperbole from Mr Hanson regarding this. There was an incredible amount of effort to defend Senator Seselja on an issue that, by the Canberra Liberals' own actions in this place, they believed to be true. Mr Hanson reflects on the distraction from territory rights, but make no mistake: this distraction has been caused by Senator Seselja and Mr Hanson. Mr Hanson has spent more time in this place talking about Senator Seselja's record on territory rights than he has on the actual issue. That is a

fact. If only the Canberra Liberals could put in the same amount of effort to fight for territory rights as they do in defending Senator Seselja! I ask them to reflect on what and who they really stand for.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (3.59): The Greens will not be supporting Mr Hanson’s motion today. It is really a debate about how many angels can dance on the head of a pin. And I think it is an attempt at distraction. I do not believe the resolution that Minister Cheyne and I introduced, and that all members of this Assembly passed unamended, misled the Assembly or the federal members to whom it was sent. In fact, it seems clear to me that the motion accurately reflects the situation, and that Senator Seselja and Mr Hanson are going to some lengths to try and disguise an unfortunate and perhaps inconvenient truth.

That unfortunate truth is that the ACT community strongly supports the ACT’s right to legislate on the issue of voluntary assisted dying. But Senator Seselja, who purports to represent the ACT, is standing in the way of that. Senator Seselja is a very obvious and real barrier in the way of this reform. It seems very clear that this is due to his personal opposition to the idea of voluntary assisted dying, and he cannot help but let this take precedence over the wishes of his own constituents. There is no doubt that ACT residents are angry and confused that when it comes to advancing the rights of the ACT it is their own senator who stands in their way. It is such an outlandish betrayal that you would expect it to be the twist in a movie. The people pull off the mask of the bad guy and—what a shock!—it is their own senator who has been thwarting them.

Today we have a question in this motion that Mr Seselja and Mr Hanson are insisting on, about the exact phrasing or wording in the resolution, regarding the role that Senator Seselja had in the ACT not being included in Senator McMahon’s bill about territory rights. I will just lay out some basic facts, because this seems to be what we need to do in response to this motion. Senator McMahon’s bill, if it had included the ACT, would have sought to return to the ACT Assembly the ability to legislate on the issue of voluntary assisted dying. Very clearly, Senator Seselja has, for a long time, been unsupportive of the ACT legislating on voluntary assisted dying. He has repeatedly rejected this idea. Recently, he even published an opinion piece setting out in detail why he thought this was a bad idea. Fair enough, that is his position. Senator Seselja is an ACT senator who opposes these rights for the ACT and is part of the current government, with influence and with a vote.

We also know, from the public record, that Senator Seselja discussed Senator McMahon’s bill with her. Following this discussion, Senator McMahon decided not to include the ACT in her bill. And here is what Senator McMahon said publicly about that in the *Sydney Morning Herald* on 4 July. Let me reinforce that this is a direct quote:

“I did originally try to include the ACT in it, but in my conversations with Senator Zed Seselja he wasn’t keen to do that,” Senator McMahon said. “If Zed’s not interested and not going to support it, I don’t think it would be worth doing.”

Now, it feels a bit strange to have to break this information down into its component atoms, but it seems very clear to me what that statement means. Here is what happened, as I understand it from the information. Senator McMahon originally wanted to include the ACT in her bill, but she had a conversation with Senator Seselja and he did not support that. Senator McMahon therefore did not include the ACT in the bill. That seems very obvious from the information that Senator McMahon provided to the *Sydney Morning Herald*. It feels as if I am describing the wings, beak, and quack of what is very obviously a duck.

Senator Seselja discussed with Senator McMahon that he did not support the ACT being in the bill. That is what Senator McMahon describes in her quotes. That is what we tried, through the wording of the motion, to capture. I believe it is accurate. That is the key point in this debate. I note that, over the period following these quotes, Senator Seselja did not take any of the many opportunities offered to him to deny the published narrative. A *Canberra Times* article on 6 July, for example, was entitled “Elizabeth Lee to urge Zed Seselja for territory rights to be restored”. This article again talked about the scenario I have already described, saying:

... the bill would only include the Northern Territory, after Senator McMahon said Senator Seselja would not support it.

It goes on to describe how Ms Lee is lobbying Mr Seselja to support territory rights. It also quotes a spokeswoman for Senator Seselja saying, “The senator’s views on euthanasia are well known and have not changed.” There was no denial of Senator McMahon’s quote.

Again, this reality seems very clear. Senator Seselja has been explicit about his opposition to the restoration of territory rights. Even his local Liberal members are lobbying him to change his mind. I thank them for that, because, as I have described, he is a significant barrier to this reform. But that is the situation. There then ensued a variety of reporting, including quotes from Mr Seselja, and an op ed from the senator repeating his position and certainly not refuting the position explained by Senator McMahon. This all took place within weeks of the original story. With all of those opportunities, not once did Senator Seselja take the opportunity to refute the original quote of Senator McMahon, which had been widely reported.

There is a later letter from Senator McMahon to Senator Gallagher, undated but reported on 24 July, which says, “At no stage in my conversations with Senator Seselja did he instruct me on how I should draft my legislation.” There is a very careful choice of words here. He may not have instructed her on how to draft her legislation, but, as we know from Senator McMahon’s own widely reported quote, he evidently made it clear that if she included the ACT he would not support the bill. Now we are definitely talking how many angels are dancing on the head of that pin. So my view is that, in the motion that Minister Cheyne and I sponsored, we did not make a false and misleading assertion.

There is clearly a political dispute here, and different people use different words to describe the same situation. The English language is flexible like that. But the central

point remains that the reason the ACT is not in Senator McMahon's bill is because of Senator Seselja's position. That was the point made in the resolution, and I stand by that. I would suggest to the Canberra Liberals that, rather than spending time trying to argue these semantics in the hope that they can disguise an inconvenient political reality, they turn their attention to lobbying for territory rights, just as Canberrans want them to.

And I suggest to Mr Seselja that, rather than spending time trying to argue these semantics in the hope that he can disguise an inconvenient political reality, he spend more time talking to his constituents about their strong support for territory rights and indeed their strong support for the introduction of voluntary assisted dying laws in the ACT. Almost all the Australian states now have voluntary assisted dying laws. The ACT will end up as an isolated, second-class island, where its citizens have fewer rights than their neighbours. And the champion of this situation, proudly putting himself in the way of any progress, is Senator Seselja. The ACT Greens will not be supporting Mr Hanson's motion today.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (4.08): Yesterday, I was a bit reluctant to indulge this stunt, out of respect for Ms Lee. With her being away, I thought we should not allow a couple of mischievous Canberra Liberals to undermine her. On reflection, I think that there are more than a couple. It is clear that this motion is at Senator Seselja's bidding; it is a whinge from a man who has control over the Canberra Liberals.

The report has no substance. Let us look at the record. We heard the quotes earlier on. There was the one on 4 July in the *Sydney Morning Herald* stating:

I did originally try to include the ACT in it, but in my conversations with Senator Zed Seselja he wasn't keen to do that.

She went on:

If Zed's not interested and not going to support it, I don't think it would be worth doing. I'd be better off just doing it for the NT.

And on 7 July the *Canberra Times* reported:

Senator McMahon told The Canberra Times that she chose to exclude the ACT after Senator Seselja's office indicated that he wouldn't support it.

Senator Seselja's opposition to euthanasia is well known and he has not supported previous attempts to overturn the ban, which was legislated under a bill spearheaded by Kevin Andrews in 1997. The ACT senator's spokeswoman on Monday said his views had not changed.

I understand that at least one of these statements from Senator McMahon was provided in writing to those journalists. I cannot find in the Senate *Hansard* a personal explanation from either Senator McMahon or Senator Seselja refuting media reports.

Mr Hanson understands that senators, like MLAs, can correct public reporting through the chamber. This is an important tool, particularly given the obligations placed on elected officials to be truthful in the chamber. If the public record is so incorrect, why has Senator Seselja not used the Senate chamber to correct the record? If there was an error in the motion moved in this place, why did those opposite not raise it at the time?

This motion is nothing more than Senator Seselja's showcasing his dominance over the Canberra Liberals in this place. This week demonstrates that Senator Seselja's zombie policies never went away. Yesterday, we had Mr Parton and Mr Cain in this place once again endorsing bulldozing Kowen Forest and west Murrumbidgee. This is Zed's policy. In question time today Mrs Jones led efforts to undermine Canberra's light rail, and Mr Parton will be up again this afternoon to back that up. They are following Senator Seselja's tracks, and this just confirms that those opposite never have, and never will, support light rail.

Tomorrow, Ms Castley will move a motion relating to parking, no doubt trying to find a home for all those Audis that Zed's apprentice was going to buy for her constituents in Yerrabi. Mr Hanson's motion is a signal to the conservative base that the Canberra Liberals have not changed their position on territory rights—that, like Zed, they oppose euthanasia. This is just the start of the greatest hits of the conservative Canberra Liberals, with more to come in the future. Of course, this motion is Senator Seselja's reminder to everyone that the Canberra Liberals remain staunchly conservative and probably the most right-wing Liberal party in the country.

This is what this motion is about; it is a reminder that the right-wing conservative Liberals are proudly still in this chamber. It is a demonstration that conservative Canberra Liberals are in the majority. Add those members I have mentioned and you will get more than 50 per cent of those opposite. Let the charade be over. Nothing has changed in the Canberra Liberals. Zed has always been in charge, and the Canberra Liberals remain proudly conservative.

**MR HANSON** (Murrumbidgee) (4.13), in reply: I must say I am disappointed, but perhaps not surprised, by the new standard that has been set by the Labor Party and the Greens in this place. That is, that you can come in here, speak falsehoods and mislead, and then get the Speaker to write to all federal members of parliament with matters that are inaccurate and misleading. Then, when you get caught out on it—as the government has, in this case, in categorical statements—you can come into this place and say, "It's all about semantics," "It's all a right-wing conspiracy," or you say, "You should have corrected the report because I spoke to the RiotACT, and you didn't then complain about it."

The defence of this mislead from members opposite is not only weak but, in Mr Gentleman's case, does not even try to defend the substance of the issue. He just tries to make baseless political point-scoring statements. Ms Cheyne's point seems to be mostly about saying, "These statements were made elsewhere, and I said stuff on the RiotACT and nobody complained; therefore, how is it a problem that I said something in here?" And for Mr Rattenbury it seems to be, "It was not quite what was said, but it's the vibe; it was close to what we meant," and so on.

You cannot do that. You cannot mislead. You cannot misspeak. You cannot come in here and say things that are not true and then just let it stand because you do not like Senator Seselja's position or you do not like Senator Seselja or you think that there is some political capital to be made. For example, after this we are going to be debating a bail bill. Mr Rattenbury's position is that he does not support that. I get that. I have made it clear that Mr Rattenbury will not be supporting it, but I have not been saying, "He tried to stop me from moving it. He explicitly told me not to move it," which is not true. That is basically what we have here. We know what Senator Seselja's position is on the bill that would have been before him on euthanasia. He is a man of conviction; he has his position.

That is his position. Whether you agree with it or not, that is what it is. It does not mean that, because you disagree with his position, you can mischaracterise it, misquote him or bolt together what seems to be a conspiracy theory by saying, "I read something here," or "I read something there," and "Someone said something over here," when we have categorical statements from those federal senators involved that this was not true. Your evidence seems to be that it was okay to move this motion because "it seems to be about right; it seems to accord with other articles I saw, including what I said on the RiotACT". When your evidence for something is your own comments on a website, you know you are in trouble.

We have reached a pretty grubby new standard here in the Legislative Assembly from the Labor Party and the Greens—that is, as I said, that you can come in here, make stuff up, essentially, and say things that are not true. It seems that you can mislead this Assembly, and you can then spread those misleads, those untruths, as far and wide as you like, including to the whole federal parliament. It seems that when you are caught out on it and when you have statements from federal senators—the only two people who would know what conversations were had—saying it is categorically false, somehow you can say, "No, we know better. And because we do not really like Senator Seselja's position on this, and we think that there is political capital to be made, we will just continue with the smear and with a political attack." That is the standard on this.

The Attorney-General and the Minister for Human Rights are championing the cause of this parliament in getting state rights. Mr Gentleman said that they could have made a statement in the Senate. Senator Seselja has written to every senator; he sent that letter to every senator. He is not shying away from it. He wants the public record to be corrected, and that is what he is doing here. But when you have the Attorney-General of this territory and the human rights minister of this territory behaving in such an untoward way on such an issue and trying to do grubby little point-scoring through misleads on an issue of territory rights then the senators and the members up on the hill will be looking at this place in despair.

To be honest, I am bitterly disappointed that this minister and the Attorney-General do not acknowledge the fact that, yes, it was a misstep, and, whatever led them to the conclusions they made, they accept that they got it wrong. They don't say, "We got it wrong. It led us to move a motion and it led us to make some misstatements in our speeches, but now that the record has been made clear, we can see we were wrong."

They should have acknowledged that they were under a misapprehension or whatever it was—which appeared to be the case—corrected the record, cleaned this up and moved on.

So we have a new standard in this place. We have a new low from the Greens and from the Labor Party, and when they lecture us about any number of things, as they do in this place, with regard to standards, behaviour, conduct and telling the truth and so on, let us remember this day as the new low, where you can just make stuff up, you can come into this place and mislead, use it to smear people, tell everybody about it, and when you get caught red-handed, you just make stuff up. I am disappointed. We will continue to fight for territory rights, and we will continue to argue for a better standard of accountability and responsibility in this place.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 7

Noes 14

Mr Cain

Ms Castley

Mr Hanson

Mrs Jones

Ms Lawder

Mr Milligan

Mr Parton

Mr Braddock

Ms Burch

Ms Cheyne

Ms Clay

Ms Davidson

Mr Davis

Mr Gentleman

Ms Orr

Dr Paterson

Mr Pettersson

Mr Rattenbury

Mr Steel

Ms Stephen-Smith

Ms Vassarotti

Question resolved in the negative.

## Bail Amendment Bill 2021

Debate resumed from 5 August 2021 on motion by **Mr Hanson**:

That this bill be agreed to in principle.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (4.25): The Bail Amendment Bill 2021 proposes to list the offence of assault of frontline community service provider in schedule 1 of the Bail Act 1992, to which the presumption of bail does not apply.

The ACT government is committed to continually working to ensure the safety and security of our frontline workers. We know frontline workers are critical to keeping our community safe, which has only been reinforced by the COVID-19 pandemic response. We are extremely grateful for their service to the ACT community. Only last year, the government introduced the offence of assault of frontline community service provider as part of the Crimes (Protection of Frontline Community Service

Providers) Amendment Act 2020. This offence recognises the importance of the safety and security of frontline workers. Anyone convicted of this offence will face consequences befitting their actions.

However, there are seven major issues which I will outline, meaning the government cannot support the bill that has been proposed by Mr Hanson and the amendment that he has suggested. The reform proposed by the bill is based on a mischaracterisation of the operation and purpose of the current bail system, which, it should be understood, does not provide for automatically granting bail to individuals charged with assault of frontline community service providers. That is a really important point. It does not grant automatic bail. The amendments proposed would unreasonably restrict the rights of a person charged with this offence and potentially pave the way for miscarriages of justice, including by incentivising early guilty pleas to avoid being remanded in custody.

The Bail Act balances dual principles that help to maintain trust and effectiveness in the justice system: that an accused is innocent until proven guilty, and the need to keep the accused person and the wider community safe. The act provides the courts and police with a detailed framework to resolve potential tensions between these principles in each individual case. Importantly, the bail system is designed to protect an accused's right to a fair trial and for the protection of the community. It is not a system of punishment. That is not the purpose of bail. The punishment comes with the sentencing process.

For these reasons, and in accordance with human rights principles, there is a presumption for most offences that an accused has a right to be granted bail. This may include conditions, unless there is a compelling reason not to. Most offences in the ACT have a presumption in favour of bail. This approach is generally consistent with the approaches in other Australian jurisdictions. The presumption of bail is only removed for the most serious types of criminal behaviour, where the sentencing options carry the most severe penalties. Importantly, contrary to Mr Hanson's statements when he introduced this bill, the presumption for bail does not guarantee bail nor mean that offenders automatically get bail. Perhaps he is referring to the category of more minor offences under section 8 of the Bail Act, for which there is a limited entitlement to bail. Assaulting a frontline community service provider is not in that category.

Assaulting a frontline community service provider falls into the category of offences for which there is a presumption in favour of bail. It is a presumption that can be displaced by evidence and consideration by a police officer or court, and it is not the same as an entitlement. The courts and police can still refuse bail once they have considered the criteria in section 22 of the Bail Act. Whether bail is refused will depend on the circumstances of the case. There is no evidence—none—that those charged with assault of a frontline community service provider have a greater risk of reoffending or failing to appear in court such to justify the removal of the presumption for bail.

In the ACT, the offences where there is no presumption for bail—as Mr Hanson proposes in this bill—include manslaughter, aggravated robbery, intentionally

inflicting grievous bodily harm, sexual assault in the first degree, sexual intercourse with a person under 10 years old, and trafficking in a commercial quantity of a controlled drug. These serious offences attract significant maximum penalties of between five to 25 years' imprisonment and are more likely to attract terms of immediate imprisonment at sentencing.

There is no kind of conduct falling within those offences that does not cause serious harm to someone. However, when it comes to assault, there is a broad scope of behaviour being captured. This can be very serious, such as striking a person, or less serious, such as spitting at a person. Clearly, none of these is acceptable, but one is much more likely to harm. Regardless, the offence would still place it in that same very serious category.

For a range of reasons, sentences for assaults, including those on frontline community service providers, vary greatly and range from non-conviction orders to imprisonment, depending on the circumstances of the case. These circumstances include factors like the severity of the assault, the situation it occurred in and the extent of any injuries. The maximum sentence for the offence of assault of a frontline community service provider is two years imprisonment. While assaults against frontline community service providers should be and are treated extremely seriously, including this offence in the list of those where no presumption of bail applies would be inconsistent with the existing bail framework and the other types of offences where the presumption for bail does not apply.

I appreciate that Mr Hanson has acknowledged that there are human rights implications to this bill and has provided his justifications. However, the government cannot agree with his conclusions. The disapplication of the presumption for bail would unreasonably limit human rights, particularly the right to liberty.

This is not some esoteric debate. More than just the principle of human rights is at stake—it is a person. To deprive a person of their liberty is a very serious move, and one only to be taken solemnly. When a person is held on bail, they are removed from their home and family, and clearly they are no longer able to work. Even if a person is acquitted and released, they may struggle to re-enter housing and employment. This in turn increases their chances of offending in the future and being involved in the criminal justice system. The evidence clearly shows that heavy-handed and excessively carceral policies only serve to increase crime. The bill also has the potential to limit the right to equality before the law, as the proposed change may have a disproportionate impact on communities that have higher levels of contact with frontline service providers.

The ACT government is particularly concerned about the potential for this bill to negatively impact on Aboriginal and Torres Strait Islander communities and other groups, including people living with mental illness, who have higher levels of contact with frontline community service providers. A 2020 study by the Queensland Sentencing Advisory Council into the penalty for assaults on public officers found that while serious assaults of public officers are most commonly committed by non-Indigenous people, Aboriginal and Torres Strait Islander peoples are overrepresented among those charged and sentenced for serious assaults of public officers.

The *Pathways to Justice* report noted that, nationally, Aboriginal and Torres Strait Islander people are already less likely to be granted bail than non-Indigenous people and that Aboriginal and Torres Strait Islander people are over-represented in incarceration rates for assaults, particularly including those that do not cause injury or bodily harm. There is a real potential for the amendments proposed in this bill to exacerbate structural disadvantages in the criminal justice framework for Aboriginal and Torres Strait Islander people. The government is firmly committed to taking the bold steps required to build communities, not prisons, and to reduce the over-representation of Aboriginal and Torres Strait Islander people in the justice system. We will not take bold steps in the opposite direction.

I note that the Canberra Liberals have been very active in keeping this issue prominent for the government. We agree that action is needed—action we are taking. However, we cannot take one step forward and two steps back. Without evidence that this bill has a real likelihood of improving safety outcomes, and where all evidence would suggest that it will continue to exacerbate issues of over-representation for Aboriginal and Torres Strait Islander people, we cannot in good conscience support it. You cannot be in favour of reducing the over-representation of Aboriginal and Torres Strait Islander people in the justice system while at the same time seeking to exacerbate it, which is what this proposed amendment will do. Much like the Canberra Liberals' stance on climate action, they are for the better future but against every single step that gets us there—every single step.

In that 2020 study referred to previously, the Queensland Sentencing Advisory Council noted that assaults of public officers are more likely in particular circumstances or conditions, including when dealing with people with mental health conditions or cognitive impairment, people with drug or alcohol dependence, people in situations of domestic and family violence, or people who have experienced significant and ongoing trauma in their lives. The council concluded that, regrettably, many of these individuals have had negative and confrontational experiences with first responders and often react accordingly. That is to say, the response is often instinctive, rather than after a full contemplation of all the consequences. As such, it is unlikely that a change in the presumption from one in favour of bail to a neutral presumption will impact on how this cohort responds in a moment of stress.

Keeping our frontline workers safe is vital to keeping the community safe and is always going to be a strong priority for this government. We see how integral their work is daily during the COVID-19 pandemic, and we will always strive to improve conditions so that they are able to undertake this vital work as safely as possible. I do thank Mr Hanson for bringing well-deserved attention to this issue, because it is important. And I do respect the intentions behind the bill. However, the effects of the bill are such that the government cannot support it.

In summary, I will outline the seven major issues we cannot support in this bill. I have touched on them all, but let me reiterate them at the end of my speech. It is very clear that we have undertaken a detailed analysis of this work. We have taken it seriously. I have contemplated it personally, and I have also sought detailed advice from my agencies, and there are seven key reasons why we cannot support this bill. Firstly, the

bill is based on a mischaracterisation of the operation and purpose of the current bail system, which does not provide for the automatic granting of bail to people charged with assault of a frontline community service provider.

Secondly, a broad spectrum of behaviour can be captured by the term “assault” and the range of sentencing options available to the court for offending of this type. Thirdly, the reform would be inconsistent with the existing bail framework and type of offending to which the presumption for bail does not apply. Fourthly, there is no evidence that indicates that those charged with assault of a frontline community service provider have a greater risk of reoffending or failing to appear in court such to justify the removal of the presumption for bail.

Fifthly, there is the impact on the right to liberty, which would severely impact on and harm people before they are even convicted. Sixthly, there is the potential for miscarriages of justice, including by incentivising early guilty pleas, to avoid being remanded in custody. And, finally, there is a likelihood of exacerbating disadvantage for Aboriginal and Torres Strait Islander communities and other vulnerable groups, such as those with mental health issues, who are most likely to come into contact with frontline community service providers.

In summary, the bill is unlikely to achieve its goals of promoting safety and is likely to cause significant harm to the welfare of individuals, to erode the integrity of the justice system and to marginalise some of the most vulnerable community members in this city. The government will not be supporting this bill today.

**MR HANSON** (Murrumbidgee) (4.38), in reply: I table a revised explanatory memorandum. I am somewhat surprised that the Minister for Police and Emergency Services is not in the chamber. The people under his charge—the police and emergency services first responders—are most affected by this. That he has chosen not to speak to this or even be in the chamber I find a little disappointing. I am sure those members would be disappointed, as well, that he is not here standing up for them. I wonder whether it indicates that there is a slightly different position at play here between the two ministers, or whether he just does not seem to care. Certainly, the feedback that I get from members of the emergency services and police is that the latter may be the case. I will start my words with those of the most affected by the government’s decision today to not support this bill. I will quote the Australian Federal Police Association’s statement, titled “ACT Attorney-General lets down first responders”.

The Australian Federal Police Association (AFPA) is disappointed with the ACT Government’s response, particularly that from Attorney-General Shane Rattenbury, to a bill tabled to change the presumption for bail for people who assault first responders.

AFPA President Alex Caruana expressed frustration, saying that Australian Federal Police and ACT Policing members would be disappointed and angry with the decision of the ACT Attorney-General.

“It’s clear that the Attorney-General values the rights of recidivist and dangerous offenders over community safety and those hard-working first responders who protect and administer health outcomes in the ACT.

“All this draft bill was trying to achieve was a fair and balanced judicial process, once a matter went to court. Instead, the Attorney-General has sided with those who assault first responders.”

The AFPA questions the Attorney-General’s reasoning for not supporting the Canberra Liberals’ bill, and expects supporting evidence to be made available.

The AFPA also rejects the Attorney-General’s statement implying that First Nations peoples are more likely to assault police officers or paramedics.

Mr Caruana said that people would continue to have been allowed to apply for bail under the Liberals’ proposed bill, and that the AFPA does not want to see people locked up without due process.

Over the last few months, four ACT Policing officers have been hospitalised due to assaults. Three of these officers were attacked and seriously injured by an alleged offender on bail for assaulting first responders on a previous occasion.

I will say that again: three of these officers were attacked and seriously injured by an alleged offender on bail for assaulting first responders on a previous occasion. The statement went on:

“The AFPA is asking for an even and balanced judicial process when an offender is arrested and charged for assaulting a frontline worker. I highly doubt there would be a miscarriage of justice or over-representation as claimed by the Attorney-General. Ultimately, the court could still grant bail.

“As it stands right now, Director of Public Prosecutions prosecutors have to fight to remand someone who assaults a first responder with one hand tied behind their back.

“We believe that the alleged offender and their legal representatives should have to prove why they deserve bail. Bail for serious and violent offences such as assaulting a first responder should be a privilege, not a right and near certainty.”  
Mr Caruana said.

That is what our first responders are saying, and Mr Rattenbury should well remember that their comments are not in any way a criticism of the Canberra Liberals; they are a criticism that has been made by Mr Rattenbury of our police. It is not us, ultimately, who would be the beneficiaries of this, and it is the AFPA who have instigated this and tried to put this forward. So when Mr Rattenbury raises his concerns and his criticisms of this, in essence he is criticising, disappointingly, the position of the AFPA.

We have been working on bail reform for many years, and I think that this is an important step along that long road. In my developing this bill, I would like to thank the Australian Federal Police Association, who have provided professional feedback and support and, as I said, have been arguing for this important reform. I would like to thank brave individuals who have come forward with their own stories, such as former police officer Jason Taylor. I spoke about him in my tabling speech. Jason would be here today, but the Assembly is not open in the gallery. I know that he is

working online, and I can assure Jason that we will continue to fight on this important cause. I know that he will not let this go, because although this is something that no longer affects him, he does not want what happened to him to affect other police out there on the front line.

I would like to thank the scrutiny of bills committee, which made some important observations that we adapted and included in the revised explanatory statement for the bill. And, of course, I would like to thank our frontline community service workers. They do important work in very difficult circumstances and they deserve the very best protections that we can provide.

This is a long road to reform, but it is a road that we, the Canberra Liberals, are committed to walking together with our frontline workers, and a cause we will always support. It is worth mentioning that the actual offence of assault on a frontline community service provider was a Liberal initiative. It was first proposed in a different form, but with the same effect, by now Senator Seselja when he was Leader of the Opposition, back when I was shadow police minister, a decade ago. I took up the charge as the shadow Attorney-General, as did Mrs Jones, as the shadow minister for police and emergency services. This government finally, after years of debate, agreed. So we will continue to argue for this reform, as we have for others. Our police and our emergency services workers deserve that.

The protection is that if a person is charged with assaulting one of our frontline workers they are not, essentially, going to get bail for that attack. There is a presumption. We do not unfairly remove the right to bail in this bill; it correctly treats these offences with the seriousness they deserve. It shifts these offences away from a presumption for bail; it does not go so far as imposing a presumption against bail.

Each case would be judged on its own merits. That puts it in the same class as a range of other offences, and Mr Rattenbury has cherry-picked some. There is a list of dozens of offences. We trust our judges and magistrates and want to give them this ability when presiding over decisions where, in some cases, some very serious offences in this category would have occurred. In this matter there will be a range of assaults on frontline community providers, from some that might be quite minor and not major to some that are very serious. We trust our magistrates and our judges, and we want to make sure that they have the ability to do that without the presumption for bail.

Bail is not there for punishment. We have never argued that that is the case, but it is true that it will send a message. And it will keep our frontline services members safe. As was said in the statement from the AFPA, on three occasions when frontline workers were assaulted, they were assaulted by people on bail for that offence. I am not just making stuff up; this is about keeping people safe. We tell our frontline community service providers to go out there and put themselves in harm's way, and by not supporting this bill we are not doing everything we can to support them and keep them out of harm's way.

I want to send a message to our community service providers that we have their backs. And I want to send the message to perpetrators who think it is okay to go out there

and attack a police officer, an ambo or a first responder that it is not okay, and that they will not get the presumption of bail if they do that. It is summed up by frontline workers themselves. I will quote from another statement from the AFPA, which said:

Should bail procedures better protect first responders in the ACT? Should the commission of alleged violent crimes preclude bail being granted? Does the ACT government have more of an obligation to protect employees it contracts from the AFP to police in Canberra? We think so.

They said that the bill “is comprehensive and will provide our members with the safety that they expect”. I will quote from Jason Taylor, who I mentioned before—the former police officer who was assaulted on the job and has suffered greatly as a consequence. He said:

We do not deserve to be treated as punching bags for members of the public who don’t like it when we do our jobs.

You are a member of the ACT Legislative Assembly. You have been and will continue to be involved in the creation of laws that put people in Police and Emergency Service roles in harm’s way. You have an obligation to us when this harm becomes too much to deal with.

Please, do the right thing.

Today, the Labor Party and the Greens will not be doing the right thing. They will be letting down our police. They will be letting down our first responders, but we will continue this fight. It took us years of lobbying, moving motions and arguing that we needed legislation in the first place to create an offence of assaulting a frontline community service provider, and we will continue to argue that if that occurs then there should be no presumption for bail. We stand with our police. We stand with our first responders and our emergency services personnel. It is disappointing that this government chooses not to stand with them.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 7

Mr Cain  
Ms Castley  
Mr Hanson  
Mrs Jones  
Ms Lawder  
Mr Milligan  
Mr Parton

Noes 14

Mr Braddock  
Ms Burch  
Ms Cheyne  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Gentleman  
Ms Orr  
Dr Paterson  
Mr Pettersson  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith  
Ms Vassarotti

Question resolved in the negative.

Bill negatived.

## Light rail—vehicle fleet

MR PARTON (Brindabella) (4.55):

That this Assembly:

(1) notes:

- (a) the NSW Inner West Light Rail line has been decommissioned for 18 months because of structural issues with the CAF Urbos 3 light rail vehicles;
- (b) that the same vehicles are used on the ACT light rail line;
- (c) that the NSW CAF Urbos 3 vehicles were purchased seven years ago; and
- (d) that the ACT fleet was purchased two to three years ago; and

(2) calls on the ACT Government to:

- (a) report back to the Assembly on the risks for our light rail vehicle fleet by the second sitting week of 2022; and
- (b) advise the Assembly on the contingency planning it will undertake in the event the fault experienced in NSW and other countries emerges in the ACT light rail vehicle fleet.

For a number of weeks my office has been examining the issue of cracking in the wheel arches of the CAF Urbos 3 light rail vehicles. It is something that became apparent to us earlier in the year, after issues arose in some other jurisdictions, particularly when services in some other cities were closed down for periods of time. Even if the Sydney issue had not come to the fore, after arriving at the conclusion that we were talking about the same vehicles that are in service here in the ACT, we were certainly planning to ask a series of questions of the minister on this issue this week.

It was no surprise to me last Friday that the New South Wales minister for transport was advised that an inner west light rail service would have to be decommissioned for up to 18 months while serious flaws are rectified. Apparently, hundreds of these vehicles around the world could be affected by cracks in their wheel arches. According to the Transport for New South Wales Chief Operations Officer, if cracks are evident, their rectification requires quite complex engineering, with no quick fix or easy solution. It is one of the things that has been made clear to us by the office of the transport minister in New South Wales.

In my time as transport shadow minister, I have become a bit of a light rail nerd. I have done a hell of a lot of reading and research, and we have reached out and spoken to people in the space in other jurisdictions. When this issue arose in Birmingham, for instance, I know that they went down the path of what could be described now as a quick-fix solution, a bandaid solution, only to find that the problem reappeared within eight weeks; so they were most frustrated by that. But you live and learn from what goes on in other places.

One of the things that I find a bit curious about this discovery is that apparently this government were not aware—but surely were aware—of the problem, and they made

the decision to procure these vehicles anyway. Concerns with the CAF Urbos 3 light rail vehicles go back to 2014, which was well before this government decided that they were the best option. I would be extremely surprised if these issues were not raised with government prior to the purchase.

Needless to say, it would be most interesting to see what sort of technical advice influenced the government's purchasing decision. Surely, one of the considerations would have involved a few questions on the engineering quality, life and type expectations for the basic design of these LRVs. Given these developments, surely this chamber would benefit from a run-down on what led the procurement evaluation body to recommend this particular vehicle.

I should, obviously, try not to be too negative about this issue. I am very grateful for the public exposure of this problem, as we now have enough warning to do something about having a thorough examination of our vehicles. If nothing else, the timing of the purchase of our vehicles, as opposed to the ones in Sydney, in theory, gives us potentially a little time. It is my understanding that the cracking of the wheel arches cannot simply be picked up, though, through a casual browse; rather, it needs a pretty forensic detection process.

I have had lengthy discussions with the office of the New South Wales transport minister, and I have been told that the exercise to find the wheel arch cracks was massive. It involved the removal of the floor on one of the LRVs and, even upon doing that, the engineers were confronted with a really thick coat of noise pollution paint that had to be stripped back before they finally got to see the cracks.

Given how extreme that exercise was, I do not believe that we in the Assembly, or the Canberra community, should accept a quick nod and a wink from the transport minister, and a sort of, "She'll be right, Jack. We've had a bit of a squiz; we've had a bit of a look and it seems to be okay."

I would note that I received advice from Mr Steel's office within two hours of the Rob Stokes press conference on Friday afternoon, assuring me that everything was hunky-dory. Again, my internal response was: given the extreme nature of the New South Wales exercise in actually finding the problem, how could you possibly say with any degree of certainty that the same issue does not exist here, within two hours of that press conference?

The question is: should we take a closer look? Given the mounting evidence from around the world and given what has happened in Sydney, surely, a resounding yes from this chamber would be a no-brainer. Those with any appreciation of risk management planning will know that any outcome that presents a potentially catastrophic consequence ought to have strategies to mitigate or eliminate that consequence. The consequences are not flash, if our light rail vehicles end up being taken out of service.

If our light rail vehicles did in fact have a problem, the problem will give us enormous grief. I dread the thought of where we would find the buses to plug the gap. I am sure that the minister would be somewhat perturbed by that as well.

We are, in fact, dealing with a potentially serious problem here, and the old adage that bad news does not improve with age is a compelling one. It goes to the nub of this motion. I would also add that, as we move forward on this project and retrofit each of the LRVs to navigate the parliamentary triangle section of track wire free, I cannot see any other conclusion than that exercise would exacerbate this problem.

My understanding is that this retrofit will involve the installation of two very heavy batteries. The figures that I am working on are eight tonnes. I understand that the minister was asked questions on this in the chamber today, and certainly gave the indication that there was not a final decision here on the retrofitting—indeed, exactly which batteries are going to go on, or exactly where they are going to be on the roof of the vehicle. Surely, wherever you put heavy batteries, they will cause some pressure in areas where we do not want pressure to be caused.

Eight tonnes seems very heavy for a battery, but a lot of power storage is needed. One of the many things that I have discovered on my light rail nerd journey is that these CAF Urbos 3 vehicles do not have axles. The floor is flat. I did not know that. There is a motor powering each wheel, and that does use a lot of power.

All we are asking for here is for the government to take a couple of common-sense, precautionary steps to make sure that everything is okay and, if it is not, we will have to deal with the bad news. It may well be the case, of course, that our vehicles are all right and they do not have a problem—or, at least, they do not have one yet. But the stats look uncomfortably like they are running against us. So let us, at the very least, exercise a degree of prudence and do the things called for in this motion. If it turns out that everything is well and good, then this chamber and I can stop worrying—and, more importantly, so can the commuting public.

This motion is not an onerous one. We are simply asking for considered advice on the risks—not this instant, but in a reasonable time frame that permits a thorough assessment. I note that it appears that we may be in general agreement here, and I will speak very briefly to the proposed amendment after I have heard Mr Steel and others speak.

To complement this, we need a contingency plan in the event that a deeper level of precautionary assessment of modifications is needed. Worse still, and we find that we have a problem similar to Sydney's, surely this has to be a worthwhile exercise. I would note that Mr Gentleman characterised this motion as a “zombie” idea earlier or, indeed, put it in that category. I understand that we have tripartisan support here, but I am assuming that Mr Gentleman will be the outlier.

That is all I have to say at this stage, and I look forward to hearing from Mr Steel and others.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.04): I thank Mr Parton for bringing forward this motion. Canberra's light rail system is a central part of our public transport network. It makes up around one in five trips taken on public transport every day across Canberra. Pre-COVID, over 24,000 passengers a week were hopping aboard. It

provides a frequent and convenient connection to the city for people on Canberra's north side, significantly reducing the number of cars on our roads and attracting people to public transport, as well as reducing the harmful emissions that would otherwise be created. Light rail is really important for Canberra's future, and it means that we take its safety and reliability extremely seriously.

As Mr Parton has noted, our service runs with a fleet of 14 CAF Urbos 3 light rail vehicles. These vehicles came into service when stage 1 of light rail commenced operations 2½ years ago, in April 2019.

Following reports of problems with the light rail fleet servicing Sydney's inner west line, the operator and maintainer of our light rail line, Canberra Metro, has undertaken inspections of the full vehicle fleet. These have not detected any cracking in the LRV frames to date. I note that equivalent checks have been undertaken on the Newcastle light rail system, which also uses these light rail vehicles, and no issues have been identified there either. What the Canberra and Newcastle systems have in common is that they are both far newer than Sydney's inner west line, with Newcastle's system also having been commissioned in 2019.

The inner west light rail network operates on a variety of different track types, including a mixture of in-slab and ballast, which is not used in Canberra. The inner west light rail vehicles were manufactured by CAF, but the maintenance of the vehicles has recently been changed to Alstom via Transport for New South Wales, as part of the extension of the Sydney light rail network.

The Office of the National Rail Safety Regulator is actively investigating the situation in New South Wales and has not raised any concerns regarding the Canberra fleet of light rail vehicles. Our light rail system is subject to ongoing monitoring and reporting to ensure that Canberra Metro is fully complying with more than 10 key acts, regulations and standards, as well as ONRSR operating guidelines.

Canberra Metro undertakes an ongoing program of inspections and maintenance of the light rail fleet to ensure that all LRVs are safe to operate and there is no risk to customers, staff or community safety. Transport Canberra and City Services is now working closely with Canberra Metro and the New South Wales government to understand progress on the rectification for the inner west fleet, and any insights that we can gain from the situation there.

We will respond in more detail regarding contingency plans in a future sitting of the Assembly. One point worth noting up-front is that Canberra's light rail system is delivered under a PPP contract with Canberra Metro. As part of this public-private partnership agreement, Canberra Metro is contractually bound to run services to particular performance benchmarks, and to do so with a safe and well-maintained fleet and equipment, including LRVs. If problems were to emerge with Canberra's LRVs in the future, this would be a matter for Canberra Metro to resolve in the first instance under the contract for service.

We have also already demonstrated through the construction of the Sandford Street light rail stop what occurs when light rail services cannot operate. Full bus

replacement services were offered. Again, this is not necessary because there is no evidence that there is cracking at this time in the ACT in relation to the light rail vehicles that are in operation.

In relation to the future procurement for stage 2 of light rail, and similar to stage 1, we have a rigorous governance framework in place. This includes a light rail project board with multi-agency representation and independent board members as well, with decades of experience in delivering major infrastructure projects, including rail infrastructure.

We have a governance framework that also includes review by the expenditure review committee and, of course, cabinet as well. So we have a robust framework in place that will consider these issues as part of future procurement. Of course, we will be engaging directly with CAF and Canberra Metro as we go forward.

The government has taken rapid and practical steps to understand whether there is a problem here, confirm that our fleet is safe and able to continue operating, and put the right processes in place for ongoing, proactive monitoring as light rail services keep running.

What has Mr Parton done? He does what he always does—fly off the handle without a scrap of evidence to go on and make outrageous claims that often have no basis in reality. The only loose unit here is Mr Parton. In the hushed tones and wild eyes of an internet conspiracy video, Mr Parton stood beside the light rail tracks and suggested to Canberrans that there would be cost blowouts and service cancellations galore because of the issues identified in New South Wales—except that he knew full well that there is no current evidence of any issue in the ACT in relation to our light rail system because my office told him so last Friday afternoon. But like any good shock jock, he cares far more about drumming up anger and uncertainty than he does about the actual facts in relation to our light rail system.

This goes to a general approach by the Canberra Liberals. We have been seeing a pattern of behaviour whereby they will take any opportunity to attack light rail—attack a light rail system that has been incredibly popular and has been running very well for the last 2½ years.

In a media interview earlier today—it took Mr Parton a while—but he finally said that he supported light rail coming down to the south side. In reality, we know that the Canberra Liberals' support for light rail is not even a millimetre deep. Scratch the surface and what you see is exactly the same blinkered, ideological opposition that has been their position since Zed Seselja was sitting on that side of the table eight years ago.

This motion, I fear, is part of a concerted campaign by Mr Parton and the Liberals to undermine light rail because they never want to see light rail stage 2 actually get built to Woden. That is what it is about at the end of the day—their approach. That is what Mr Parton's last motion in this place, on stage 2A and the business case, was about. The Liberals were scaremongering about the development of stage 2. It is what this

constant stream of negativity from the Canberra Liberals is about. Let us call it for what it is.

The Liberals' hatred of light rail contorts them into some pretty interesting positions. Ms Lee used her budget reply to call for more construction apprentices in Canberra. That is fair enough; we support that. But Mr Parton is out there actively undermining the largest construction project in Canberra's history—one that will support many training jobs. Raising London Circuit and the light rail stage 2A projects will work towards a minimum 10 per cent of labour spend on employing and supporting apprentices and trainees. These projects will also have a focus on supporting women and Aboriginal and Torres Strait Islander peoples in trades.

If Ms Lee wants more apprentices on construction sites, why are the Liberals continuing their pattern of behaviour in attacking the largest infrastructure project in the territory that will support our apprentices? Ms Lee has been over in Glasgow, telling Scottish parliamentarians that she believes everyone wants climate change action and the ACT is right to put ambitious plans in place to tackle harmful emissions. Maybe she will be telling them what she told us—and I quote:

In the history of the planet, climate has always been changing and we, in our very short time on Earth in geological terms, need to be aware ... and put that in context.

Anyway, here at home, here in Canberra, all that we hear are constant attacks on a project that will dramatically cut transport emissions for a cleaner environment and make it easier for people to use public transport, particularly on the south side, with stage 2 of light rail. I hope that at some point Ms Lee can lead her party to understanding what a big role light rail plays in the climate change story.

Ms Lee and the Canberra Liberals have a choice here. They can keep giving Mr Parton free rein to spout whatever nonsense comes into his mind when he is out in front of a shaky camera and, in the process, make it clear that they do not support light rail and cannot be trusted to deliver it to Woden; or they can turn down the volume on the "Parto conspiracy hour" and be part of a genuine conversation about how we are going to deliver what is a very complex and challenging infrastructure project in light rail stage 2 to Woden.

We welcome that conversation. Delivering Canberra's biggest infrastructure project will not be easy. Mr Parton needs to understand that every time he flies off the handle, he just hands Canberrans yet more proof that the Liberals hate light rail, hate better public transport, and hate the thousands of jobs and opportunities for construction apprentices that it will create.

The government is happy to agree with this motion, with some minor amendments. In particular, we will bring forward an update on any further engagement with the New South Wales government and Canberra Metro about this issue before the end of the parliamentary year—not in 2022, as the original motion proposed. We know that this will be of strong interest to Canberrans, and we want to give people the maximum confidence to return to public transport, if the health situation allows it in the new year.

I look forward to providing an update to members before we adjourn for the summer recess in December. I encourage the Liberals to take a more supportive approach in relation to light rail, in the future. I move the following amendment:

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

“(1) notes that:

- (a) the NSW Inner West Light Rail line has been decommissioned for 18 months because of structural issues with the CAF Urbos 3 light rail vehicles;
- (b) that the same vehicles are used on the ACT light rail line;
- (c) that the NSW CAF Urbos 3 vehicles were purchased seven years ago; and
- (d) that the ACT fleet was purchased two to three years ago; and

(2) calls on the ACT Government to:

- (a) report back to the Assembly on outcomes of safety inspections on the light rail vehicle fleet by the last sitting day of 2021; and
- (b) advise the Assembly on the contingency planning it will undertake in the event the fault experienced in NSW and other countries emerges in the ACT light rail vehicle fleet.”.

**MS CLAY** (Ginninderra) (5.14): I rise to speak to Mr Parton’s motion and the amendment circulated by Minister Steel. The amendment brings forward the reporting date and is a sign of the government’s commitment to transparency and accountability. We Greens know that scrutiny and transparency are really essential. We need to make sure that our government is accountable and we need to make sure that people can trust our political system. We took those values to the election.

We want our infrastructure projects to be held to the standards of accountability and transparency. We want them to be subject to quality public engagement for their whole duration. We want the documents to be clear, and we want the reports to be made. We want open and transparent access to government information, and we want a clear presumption of proactive disclosure as part of a robust freedom of information system. We have seen all that with the amendment to this motion.

I am really, really pleased to see that we are going to get a report even sooner than the report was called for. I believe that the commitment to this prompt disclosure of the outcomes of the safety inspections by the last sitting day of 2021 really demonstrates that commitment to these goals. As such, the ACT Greens will be supporting Minister Steel’s tabled amendment to the motion.

**MR PARTON** (Brindabella) (5.16): I want to thank both Mr Steel and Ms Clay for their very sensible engagement with my office on this motion. I genuinely appreciate Mr Steel’s goodwill.

I note Mr Steel’s assurances in his speech that through the public-private partnership the onus on providing these light rail services would fall on Canberra Metro, should

the LRVs be out of action for a period of time. I would love to hear what Canberra Metro has to say about that assurance, given that, of course, it is the ACT government that owns the actual vehicles. Hopefully we never have to get to that point and hopefully we do not have to deal with a worst-possible case scenario here.

I really appreciate the goodwill of moving the report date forward. On the outside, I think this all looks very, very sensible.

In response to Mr Steel's suggestion that I am just making mischief by raising this issue, how ridiculous, how absurd, is it to suggest that the shadow minister for transport raising safety issues that have manifested themselves in four or five other jurisdictions and how ridiculous is it to suggest that my raising that safety issue is somehow out of order and making mischief! I would be negligent in my duty as a member of this place, and as a shadow minister for transport, by not raising these issues. I would note that as this motion has come to the chamber and will be amended slightly, if it was such a ridiculous thing for me to raise, why is that we will pass the motion?

Indeed, I was not the first to raise these issues in connection directly to the ACT. It was the New South Wales minister for transport. He was the one, in his press conference on Friday afternoon, who very clearly indicated that this was a structural issue that was a basic design flaw and that it was likely to include Canberra.

As the shadow minister for transport, it is my job to scrutinise transport-related matters. That is exactly what I will continue to do. If Mr Steel does not like that, then that is his problem.

I appreciate the video views. I really appreciate the video views. If the minister would like some tips on communication strategies through social media, I am more than happy to give him or his staff a private briefing.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Ginninderra electorate—community engagement**

**MR CAIN** (Ginninderra) (5.19): I would like to take a few moments to talk about my activities since the end of lockdown. It has been great, in particular, to start getting out and about again in the Ginninderra community. In the past week I met a Ginninderra resident to discuss the need for a community-made pathway to be better maintained by the government. It is a pathway that has been frequently used, and such usage has led to the exposure of obstacles and trip hazards. I have written to the minister on this topic.

Many residents have come to me about mowing in Ginninderra—the need for mowing and more constant supervision of the parks and green areas in Ginninderra. People who are near or amongst the grassy areas are very concerned for their personal safety from snakes and other hazards.

It was good to attend the Planning Institute Awards for Planning Excellence in the ACT recently. As shadow minister for planning, it was good to see a lot of innovation and celebration as Canberra looks to see what the future of urban planning looks like, with a particular interest, of course, in Ginninderra and the broader Canberra community.

Later this week I will be with my colleague, the shadow minister for the environment, Ms Castley, to do a tour of the Lawson grasslands, to have an inspection of this wonderful precinct and to consider the plans that seem to be ahead for it. I very much look forward in the next few weeks to filling my calendar with meetings with community organisations and residents. Again, I state that my priority as a member of this place is to look after the interests of my local electorate, Ginninderra. I look forward to my shadow responsibilities and my support for the Canberra Liberals and how I can benefit my electorate in that way, as well.

### **Lake Tuggeranong—community feedback**

**MR DAVIS** (Brindabella) (5.21): Madam Speaker, it is a little over a year since I had the humbling privilege of being elected to this place. As you would know as a longstanding member for Brindabella, ours is a community that has historically felt a little bit left behind, like it was not getting a fair shake of the sauce bottle. So you can only imagine my excitement, when reading the 2021-22 ACT budget, to see all of the new, exciting investments that are being made in our community, be it the dog park in Lanyon; upgrades to the playgrounds in Chisholm and Gordon; upgrades to the shops at Monash, Lanyon and Calwell; or the \$2 million for the Tuggeranong Arts Centre. The one that got me particularly excited was the \$4.5 million for a complete revitalisation of the Lake Tuggeranong foreshore. You might have heard that the government has that planned.

I was really excited to see that, after being down on the lake's foreshore in March with the minister for water, Mr Rattenbury, announcing the launch of the floating wetlands project. As you would know, the community in Tuggeranong has for a long time been very concerned about the water quality in Lake Tuggeranong, and the floating wetlands have proven a very welcome addition. Their purpose, of course, is to collect run-off and sediment that flows in through the stormwater drains into Lake Tuggeranong—to collect that run-off and sediment so that it does not become blue-green algal blooms.

Of course, there is an ongoing challenge about how we utilise all of the space around the lake's foreshore, particularly since in recent times we have welcomed hundreds, if not thousands, of new residents to the Greenway foreshore in developments along areas like Cynthea Teague Circuit, Mortimer Lewis Drive and the like. I am particularly excited, as I know you are, Madam Speaker, to have launched a survey to

ensure that the perspectives of those in our community are accurately reflected in the government's plans.

It is really important at all times that the Greens pillar of grassroots democracy reinforces everything that I do and everything that my colleagues do in this place. I have tried to be as broad as possible in the development and promotion of this survey so that I can compile a comprehensive report for Minister Steel and his transport and city services department to ensure that that \$4.5 million is invested in the best possible way that serves Tuggeranong and Tuggeranites.

The wonderful thing about the Lake Tuggeranong foreshore is that we know it is not utilised by only Tuggeranong residents and fellow Tuggeranites; it is becoming a truly activated space with beautiful green spaces and lots of nature. The learn to ride school next to Mimi's coffee shop is particularly popular. It is becoming a waterway and a recreational area that is attracting Canberrans from all around the city to come down to Tuggeranong, get a coffee at the Brew Bar or at Jindebah and take in the sites and facilities of the south side.

I encourage all of my constituents to jump onto my website, [johnnathandavis.com.au](http://johnnathandavis.com.au), to take that survey so that I can ensure as many constituents' views are represented in the report that I will compile for the government. I am delighted to tell you, Madam Speaker, that so far we have received more than 250 responses to the survey. What I have been particularly encouraged by is how many of my constituents have taken advantage of the free-form text. Rather than picking one or two things, they have actually been able to provide me with some really detailed, specific examples of where investment can be made.

One such example, and I think it is the best one, is that we hear all the time that we need more bins. What I have learned from one of my constituents is that we do not need more bins around Lake Tuggeranong necessarily; we need better bins. Michael from Greenway sent me some great pictures of where the birds had managed to get into the current bins behind the takeaway shops there. They are actually the main culprits for spilling out all sorts of nonsense around that park area. If we were a bit more creative about what kinds of bins we were procuring and we were making sure that the birds were not getting in, a very simple, modest investment would actually keep that whole place a lot tidier. I encourage Tuggeranites to think creatively about how to activate and improve the space, and to let us make sure that the \$4.5 million appropriated in the last budget is spent effectively and efficiently so that we can get the best Lake Tuggeranong foreshore that we deserve.

### **Municipal services—skate parks**

**MS DAVIDSON** (Murrumbidgee) (5.26): Madam Speaker, I am once again asking for a moment of your time to talk about community sports facilities. While I have advocated for indoor multi-use sports courts in Woden for almost 10 years, I am also a big fan of outdoor sports, and not just the kind that can be played on a well-lit grassy oval.

Skating is a physical activity that can be accessed and enjoyed by people of all ages, income levels, genders and cultures, as we saw at this year's Olympics. It is a sport where you can express yourself in a creative and liberating way. The freedom of movement and satisfaction in mastering a trick is good for your mental wellbeing.

I was very happy to see the ACT government's announcement in February this year that the Belconnen skate park will get a competition standard half-pipe. It was something I called for during 2020 and I look forward to seeing the incredible standard of competition we will be able to host in Canberra when it is constructed. I understand that that construction is likely to happen in autumn next year.

I still have hope that we will see funding in future for a skate park in Dickson. I note the advocacy of Canberra's skateboarding community for improvements to Weston skate park, as well as upgrades to the 20-year-old Gunners skate park near Yerrabi Pond and the expansion of Tuggeranong skate park with its beautiful lake views. Might I suggest that Mr Davis's survey is an excellent way for people to make their views on the Tuggeranong skate park heard.

Most of all, though, I look forward to seeing the facilities management plan that was agreed to in Mr Davis's motion in April this year, which must, of course, include skating.

Question resolved in the affirmative.

**The Assembly adjourned at 5.28 pm.**