



Debates

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Tuesday, 30 November 2021

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Tuesday, 30 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 petitions were lodged for presentation:

Health—eating disorder support services—petition 34-21

By Dr Paterson, from 741 residents:

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

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

People with eating disorders in the ACT are unable to access adequate treatment options. There are no in-patient services for eating disorder treatment in Canberra.

There is one free specialised outpatient treatment option in the ACT—the Eating Disorders Program—which, despite the best efforts of a dedicated team, has a wait list of up to 12 months.

Eating disorders affect approximately 4 in every 100 people in Australia. At the end of 2020, the ACT's population was 431,484. Around 17,259 Canberrans could be living with an eating disorder.

The mortality rate for people with eating disorders is up to six times higher than that for people without eating disorders. The increased risk of premature death exists for all types of eating disorders, however people living with anorexia nervosa have the highest mortality rate of all psychiatric conditions.

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

- update the Assembly about progress on the ACT Government's 'Eating Disorder Position Statement'.

- refresh the ‘Position Statement’ considering the ‘Project Agreement for the Community Health and Hospitals Program Australian Capital Territory Initiatives’ with the Commonwealth Government which commits to establishing a community-based residential eating disorder treatment centre.
- detail actions that have been taken to improve access for more patients to the Eating Disorders Program.
- commit to reviewing demand and backlog to ensure appropriate resourcing and support for the Eating Disorders Program.

Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Health and Community Wellbeing.

Woden—indoor sports facilities—petition 23-21

By Ms Davidson, from 1,271 residents:

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

The following residents of the ACT draw to the attention of the Assembly that the ACT’s increasing population has a severe shortage of indoor sports facilities (exacerbated by the closure of Woden’s basketball stadium) leading to teams turning players away.

Recreation facilities provide many benefits to communities by bringing people of all ages, abilities and backgrounds together to socialise and keep fit. In addition to the physical and mental health outcomes, they can inspire and motivate people while fostering community pride.

A centrally located facility in Woden is accessible by public transport and would attract people to the centre to connect to the community and support small business in the area.

Your petitioners therefore request the Assembly to call on the Government to:

- build and own a multi-purpose indoor sports stadium in the Woden Town Centre that can be hired at a reasonable cost by local community sports groups.

Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Planning, Transport and City Services.

Phillip—swimming pool—petitions 42-21 and 47-21

By Mrs Jones, from 374 and 115 residents:

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

The following residents of the ACT draw to the attention of the Assembly the closure for this summer of the much loved 50 year old Phillip Swimming Pool,

when the growing population requires centrally located public pools that are accessible and seeks government intervention to have it open before the end of this summer.

Recreation facilities provide many benefits to communities by bringing people of all ages, abilities and backgrounds together to socialise, have fun and keep fit. They can inspire and motivate people while fostering community pride. The rink and pool have lost essential workers and income due to the COVID-19 lockdown.

The election commitment to a new ice rink in Tuggeranong has undermined the financial viability of the Phillip Swimming and Ice Skating Centre. In effect, the 50 year old Phillip Pool has been privatised, run down and is likely to close permanently.

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

- provide a grant to fix the Phillip Pool and assist in ensuring it occurs;
- keep the Phillip Pool open until it, or another outdoor pool, is available and open for the people of Woden for the long term.

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

Motion to take note of petitions

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

That the petitions so lodged be noted.

Health—eating disorder support services—petition 34-21

DR PATERSON (Murrumbidgee) (10.03): In early August a community member, Ms Kate Steen, who I would like to recognise here today in the Assembly, wrote to me asking that I sponsor a petition. Her email read as follows:

I'm a 34-year-old mum, I live in your electorate, I'm a lawyer and, last Thursday, I was diagnosed at the local Medical Centre with anorexia. I was referred to the Eating Disorders Program run by ACT Health in Phillip. When I rang them this week, I was told I couldn't be given an estimated wait time but that it could be up to a year, and I'm nervous about waiting that long because I don't know if I will have the resolve for recovery in a year ...

It's a time critical issue and unfortunately moments of clarity in the journey are too few and far between. The system has to be positioned to take people in as soon as they reach out for help, because it's such a brief, shiny moment. Today I'm motivated to recover. I hope I feel the same tomorrow. There's a lot of tomorrows in 12 months.

Similarly, I have had other community members—and I would like to recognise Bernadette here today as well—and parents of young women suffering eating

disorders engage with me in despair at their situation. I thank everyone who has shared their story with me, and I note those here in the Assembly. I am dedicated to working with you to ensure that your families receive the care and support that you need.

I commend the ACT government's commitment to improving the services and supports for people living with eating disorders in our community. I am pleased that there is recognition of the need to do more. I welcome the current tender for the design of the residential care facility which will provide a home-like environment with intensive nutritional and psychological treatment to help establish a safe, healthy relationship with food and exercise. I commend the ACT government for its inclusion of people with lived experience in the design process.

Eating disorders affect approximately four in every 100 people in Australia. That is roughly 17,000 Canberrans. What is equally concerning is that the mortality rate for people with eating disorders is up to six times higher than for those who do not have an eating disorder. This figure particularly reflects people who suffer from anorexia nervosa. Anorexia nervosa is both a psychological and medical condition and can affect anyone of any age, gender, socio-economic demographic, cultural background or stage of life.

According to the Butterfly Foundation, eating disorders can result from many different causes, including discrimination, trauma, exposure to violence and abuse, pressure to conform to social or cultural stereotypes or desire for sports performance. Given that anorexia nervosa is both a medical and psychological condition, the disease requires a multidisciplinary approach involving medical doctors, psychiatrists, psychologists, nurses, dietitians and physiotherapists. Our support systems need to recognise and fully reflect that anorexia is a treatable disease and, as such, provide environments of hope to enable people to recover and thrive. As highlighted by Kate's email to me back in August, we need to do more to provide timely, accessible eating disorder support for people in our community.

Madam Speaker, I am proud to present today 741 signatories to this petition calling on the ACT government to update the Assembly about progress on the ACT government's eating disorder position statement and refresh the statement, detail the actions that have been taken to improve access for more patients to the ACT's eating disorder program and commit to reviewing demand and reducing the backlog to provide appropriate eating disorder resourcing and support.

I look forward to hearing more and remaining closely involved in this matter to ensure positive outcomes for our community. Eating disorders are an absolutely debilitating experience for everyone involved and for too many people in our community. We need to do more.

Health—eating disorder support services—petition 34-21
Woden—indoor sports facilities—petition 23-21

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

Minister for Mental Health) (10.07): As Minister for Mental Health, I am pleased to be able to speak to the petition brought by Dr Paterson. The petition refers to the eating disorder position statement which was presented to the Assembly on 25 October 2018. I look forward to, at some point, being able to provide an update on that position statement and updating the Assembly on the actions that have been taken and are in progress to address eating disorder treatment in the ACT. The residential treatment centre that was mentioned earlier is expected to fill a critical gap between inpatient hospitalisation and outpatient programs to provide an opportunity for a more intensive psychological recovery and improved integration of services.

At the heart of this petition are calls for better services for people with eating disorders and their families and carers in the ACT. This is a call the ACT government understands. It is committed to improving eating disorder services in the ACT, across the full spectrum of care, so that we can provide the best treatment and care for people with eating disorders when they need it and where they need it.

There are several key services that are operational or in development. I am looking forward to providing an overview of each of the programs and their contribution to the eating disorder spectrum of care within the ACT. I am very encouraged by how much work has progressed throughout the project to date. I acknowledge the importance of establishing new models of care and services that reflect the evidence base to support people with an eating disorder.

There are a number of interventions that I have talked about previously in this place and that I look forward to providing updates on at a future date, but I would like to reiterate our commitment to making these services operational as soon as possible and the ongoing funding that has been provided in the current ACT budget. There are a number of programs, including an early intervention program and a parenting group, providing support to people while we continue to work on the development of the residential care centre.

I would also like to speak briefly to the petition regarding multi-use indoor sports courts in the Woden town centre. It will come as a surprise to nobody in this place that I am a keen supporter of community supports facilities, having advocated for multi-use indoor sports courts in the Woden town centre for many years. I am sure Minister Rattenbury has very fond memories of my advocacy on this in 2014 when he was the Minister for Sport and Recreation. Former Murrumbidgee MLA Caroline Le Couteur was a great partner in advocacy for indoor sports courts in Woden during the Ninth Assembly.

With the loss of the former Southern Cross Club basketball courts in Woden, as well as the CIT sports hall, there has been increasing pressure on school sports halls and other small community halls over the past six years. Many small volunteer-run community groups are forced to book sports courts further afield, such as in Tuggeranong, Belconnen or Queanbeyan. Nearby Weston Creek is also feeling the pressure on its community sports facilities, particularly with the growing population in nearby Molonglo Valley, which does not yet have its own sports and recreation facilities, other than being able to book the Charles Weston School hall.

Having sports and recreation facilities close to where people live has benefits beyond just physical fitness. Research shows that shared sports and recreation facilities that can be accessed easily by small, informal groups helps to build social connection and community resilience. These facilities are needed by everyone in our community. Community halls and sports courts that can be booked for short periods by small community groups provide opportunities for participation by children, adults, older Canberrans, Aboriginal and Torres Strait Islander sports groups, people with disability, LGBTIQA groups—and I just want to give a shout out to Queer Zumba for being fantastic—and our multicultural community. They enable us to engage in all kinds of sports, as well as yoga and fitness classes, dance, meditation and many other activities.

As our communities recover from the public health, economic and social isolation impacts of COVID-19, and as we prepare for a future where heatwaves and bushfire and smoke events are more common, indoor sports and recreation facilities are even more important. They are spaces where we can shelter from natural disasters during an emergency and where we can build community connections and resilience and take care of our physical and mental wellbeing.

I look forward to the ACT government's facilities management plan that was agreed to in Mr Davis's motion in April this year and which I hope will provide community sporting groups with greater certainty about where and when there will be work on sports facilities across our city so that we no longer need to petition or lobby for facilities for individual sports or in specific geographic areas.

Health—eating disorder support services—petition 34-21
Woden—indoor sports facilities—petition 23-21
Phillip—swimming pool—petitions 42-21 and 47-21

MRS JONES (Murrumbidgee) (10.12): Today is a unique day, as all three petitions that have been tabled are of special interest to me. On the indoor sports facility petition, this is something that I support as well. I believe that facilities in the Woden town centre must cater to the future and the very many people who will be living in that town centre.

On the eating disorders position statement, from very early in my time here in the Assembly I have met with and spoken to people who were struggling in this area and for whom there were not appropriate services in the ACT. I am sorry to see that we have not really sorted this out yet. I am very much in support of that petition as well.

The Phillip pool petition asked the Assembly to provide a grant to upgrade the Phillip pool and to get the maintenance done to ensure that the pool is kept open until another outdoor pool, or the current one, is available in the long term for the people of Woden. The people of Woden deserve a swimming pool. They have always had a swimming pool. The fact that that swimming pool was sold to a private developer on a 99-year lease should not mean that there is any possibility that they will end up without their own swimming pool.

The Phillip swimming pool is the only outdoor swimming facility on the south side open to the public—the only one. The north side has many, in particular Dickson,

which is very well loved, and we have Phillip. There are many, particularly teenagers, on the south side who rely on this swimming pool for whole days during the summer. Their parents know that they are somewhere safe and doing an activity that is good for them. Before going to the lease conditions, I seek leave to table a petition containing 194 additional signatures which was received through my website.

Leave granted.

MRS JONES: I table the following out-of-order petition:

Petition which does not conform with the standing orders—Phillip Pool—
Mrs Jones (194 signatures).

The two official petitions containing 374 and 115 signatures and this petition containing 194 signatures take this petition to well over 600 signatures. This is a significant petition and it shows the depth of feeling about this swimming pool in my electorate and in the Woden Valley. I have spent time, from Weston Creek, at the Phillip swimming pool. It is a fantastic swimming pool and it must be maintained for the people of our region. It is part of the Australian way of life to have the opportunity to go to an open-air swimming pool in summer. I would not like to see the people of the south side of Canberra denied that opportunity.

On the conditions that the pool was sold under, under the 99-year lease, paragraph 4(r) states:

Authority may by notice in writing to the Lessee specifying the repairs and maintenance needed require the Lessee to effect necessary work in accordance with the notice.

It also states:

If the Lessee does not carry out the required work within the time specified by the Authority any person or persons duly authorised by the Authority with such equipment as is necessary may enter the premises and carry out the necessary work and all costs and expenses incurred by the Authority in carrying out the work shall be paid by the Lessee to the Authority on demand and from the date of such demand until paid shall for all purposes of this lease be a debt due and payable to the Authority by the Lessee ...

It is pretty sad that we got to the position that we did and this swimming pool is closed for this summer. I believe it can be open before the end of summer. If the government have the drive to get the repair work done, they are well entitled to get it done themselves and charge the lessee. It is not good enough that, after a year of being cooped up at home for most of winter, under COVID, the people of the Woden Valley and the surrounding region cannot go to their open-air swimming pool this summer, when it is particularly needed. It may have been because inspections were not done or communication with the owner was not perfect, but the terms of the lease allow very much for that work to be carried out.

I believe that the pool can be open this summer. It should be open this summer, because it is a basic service to the people of that region. I do not believe that it is acceptable to say, “Oh well, people can use Stromlo.” Stromlo is a very different facility. It is a fantastic facility. But people with asthma do not always swim at indoor pools, where the chlorination levels are higher. People with allergies need to sometimes swim at outdoor pools, where the risks of fungal spores are lower. Swimmers have a right to have a strong preference as to the kind of swimming pool they swim at. *(Time expired.)*

Question resolved in the affirmative.

Planning, Transport and City Services—Standing Committee Reference

Motion (by **Mrs Jones**, by leave) agreed to:

That the petitions and out-of-order petition relating to the Phillip Pool be referred to the Standing Committee on Planning, Transport and City Services.

Report 7

MS ORR (Yerrabi) (10.19): I present the following report:

Planning, Transport and City Services—Standing Committee—Report 7—*Road Transport Legislation Amendment Bill 2021 and Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2)*, dated 18 November 2021, including a dissenting report (Ms Clay), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Today I rise to speak to the report by the Standing Committee on Planning, Transport and City Services on the inquiry into the Road Transport Legislation Amendment Bill 2021 and the Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2). I am presenting this report as acting chair for this inquiry, as was agreed by the committee, because the chair of the committee, Ms Clay, presented the Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2) to the Assembly on 22 June 2021. The Road Transport Legislation Amendment Bill 2021 was presented to the Assembly by the Minister for Transport and City Services on 5 August 2021.

The committee resolved to inquire into the two bills cognately. The committee received 46 submissions and held one public hearing, where we heard from witnesses, including the Minister for Transport and City Services, directorate officials, stakeholders and the community.

The report makes four recommendations in relation to the bills, public education campaigns and dedicated infrastructure for vulnerable road users. The report also includes a dissenting report. On behalf of the committee, I would like to thank everyone who participated in or assisted with this inquiry. In particular, I thank my colleagues Ms Clay and Mr Parton, and especially the committee secretariat, for all their hard work on this inquiry. I commend the report to the Assembly.

MS CLAY (Ginninderra) (10.21): I rise to speak to the dissenting report tabled in my name. Our committee inquired into two bills before the Legislative Assembly: the Clay bill and the government bill. We ran a really robust inquiry, with 46 submissions and a public hearing. We have produced a solid report that shows the need for a law change to improve road safety. It also shows that we need better education and we need more separated infrastructure. Unfortunately, I do not think one of the recommendations is right and it does not match up with my interpretation of the evidence that was presented. I disagree with committee recommendation 1.

I think the government bill should be passed, but not in its current form. I think it needs amendment. The government bill should be amended to include a traffic infringement notice for the offence of negligent driving causing actual bodily harm, with a penalty set in the range of \$900 to \$1,200. Most witnesses argued in favour of a traffic infringement notice rather than court-only prosecution, including individual members of the community, Pedal Power ACT, We Ride Australia, the Australian Federal Police Association and the ACT Law Society.

The Director of Public Prosecutions has also noted a strong preference for traffic infringement notices for road traffic offences. The Acting Commander for ACT Policing said that traffic infringement notices were a very useful mechanism and that whether or not it is a court prosecution or a traffic infringement notice, rights are upheld, because if someone wishes to dispute an offence they have the option of going to court. Most witnesses found traffic infringement notices in this context were fair, proportionate, simple and a better use of scarce police and judicial resources. They also argued that an offence with a court-only prosecution would not be enforced at all.

We had an excellent debate about the level of penalty that should apply to the offence of negligent driving that causes actual harm. As a result, I have changed my original recommendation. I now think the penalty should be set somewhere between \$900 and \$1,200. I also think the amendment should include special protection for vulnerable road users in the new hierarchy of offences, in addition to providing extra protection for all road users.

The need for special protection is backed up by all evidence showing that our roads are getting safer, except for vulnerable road users. Road safety for motorists is improving, but almost half of serious road injuries and more than one-third of road deaths were suffered by vulnerable road users. Minister Steel noted that the 2020 ACT road crash report showed that two fatalities and 190 injuries occurred involving vulnerable road users. This represented 29 per cent of fatalities and 31 per cent of injuries that occurred in 2020. Our vulnerable road users continue to be overrepresented in road casualty statistics.

If passed unamended, I am concerned that the government bill will not meet its stated aim of improving road safety and strengthening the regulatory and enforcement framework. I have presented detailed reasons in my tabled dissenting report. I otherwise support the committee recommendations. I note my appreciation for the cooperative and constructive work of this committee, particularly our very hardworking committee secretariat, and the work of my colleagues Ms Orr and Mr Parton.

Question resolved in the affirmative.

Drugs of Dependence (Personal Use) Amendment Bill 2021— Select Committee Report

MR CAIN (Ginninderra) (10.24): I present the following report:

Drugs of Dependence (Personal Use) Amendment Bill 2021—Select Committee—Report—*Inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021*, dated 25 November 2021, including a dissenting report (Mr Cain), together with a copy of the relevant minutes of proceedings.

I move:

That the report be noted.

I clarify that I speak not as chair of this committee but as a committee member and as a member for the electorate of Ginninderra.

I was very pleased to be a part of this committee process that inquired into this very significant piece of legislation. It should be noted—and it will be fairly obvious from the published report—that I dissent from the recommendations that support the passage of the bill.

I also provide amendments to recommendations that touch on the implementation of the bill as if it were, indeed, passed. Instead, I focus my attention on the changes made to the Drugs of Dependence Act by way of the Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019.

I agree with the majority of recommendations in the report, in particular 7 to 16, which relate to improving and better resourcing the drug support sector and advancing harm minimisation policies and practices. The only exception is that, given my dissent from supporting the bill, the fourth point in recommendation 16 is redundant.

I also agree with the content of chapters 1 and 3 of the committee report—background and the services sector respectively—except with regard to recommendations from which I have indicated my dissent, or those that I would amend.

In my dissenting report I present the reasons why I believe that the Drugs of Dependence (Personal Use) Amendment Bill 2021 should not be passed. I will make some general comments before I move to my substantive arguments.

The Drugs of Dependence Act 1989 specifies penalties for the possession, sale and supply of prohibited substances, drugs of dependence, and has a separate set of offences for cannabis. The ACT Criminal Code Regulation 2005 defines 185 prohibited substances, which include heroin, ecstasy or MDMA, and cannabis. The regulation also defines 75 drugs of dependence, which it refers to as controlled substances, controlled medicines, which include amphetamine, cocaine and methylamphetamine.

Sections 169 and 171 of the act have general offences for possessing drugs of dependence and prohibited substances respectively. The penalties comprise up to two years in prison, or 50 penalty units, or both, and the value of the penalty unit for an individual is \$160, setting the maximum fine in this case at \$8,000.

The act has separate offences for cannabis. Section 171A of the act specifies a process for a simple cannabis offence. A police officer on duty must serve an offence notice on the person or child and their parents, or whoever has that role, with whom they are residing. The notice must specify some processes, including that if a person pays the prescribed penalty within 60 days then all liability is discharged and there is no conviction. The prescribed penalty is \$100.

Since 2001 the ACT has had a non-legislative approach to police diversion called the Illicit Drug Diversion Program. Its aim is to divert people away from the criminal justice system to health and social services. ACT Policing stated that its internal governance specifies various criteria for diversion, including the amount, the person's age, the context and whether other offences are involved.

In 2019-20, ACT Policing completed 192 referrals under the Illicit Drug Diversion Program. The drugs most commonly involved were cocaine, with 68 instances, cannabis, with 56, and ecstasy, with 34. ACT Policing advised the committee that it:

... rarely criminalises the personal use of substances—resources are targeted at drug trafficking. However, criminality can often be driven by drug use. For instance, drug possession offences are regularly prosecuted alongside other more serious offences.

ACT Policing already adopts a harm minimisation approach to illicit drugs.

This bill seeks to decriminalise possession of certain drugs under personal possession limits for 11 prohibited substances and drugs of dependence. The drugs and their personal possession limits are listed in the bill and include cocaine, heroin, LSD, MDMA or ecstasy, methylamphetamine, ice and magic mushrooms.

The above amounts are below those amounts that would constitute trafficable amounts prescribed in the commonwealth legislation. It was uncontested that these substances are extremely harmful to the mental and physical health of the user and that the use of some would significantly increase the harm that a user would inflict on themselves and those around them, as well as consequential destruction of property.

It seemed, in my opinion, that there were three views on the bill presented by those who engaged with the inquiry, both in submissions and in public and private hearings: to reject it or express strong reservations about it; to modify it so that it would only apply to cannabis and MDMA or cocaine; or to support it, sometimes with changes around which drugs are listed and the settings of the personal possession limits.

The submissions that rejected the bill argued that the ACT already has an effective approach to drugs. Both the ACT Law Society and a former ACT Attorney-General, Mr Stefaniak, argued that, given that ACT police are already diverting drug users from the criminal justice system, the bill would have limited additional effect. The Law Society stated:

... it is relatively uncommon for drug users to come to the courts charged only with drug possession ... In cases where a police officer detects a person in possession of only a small quantity of an illicit drug for the first time, we understand that the Australian Federal Police is already adopting a diversionary approach.

The ACT government, ACT Policing and the AFP Association recommended a staged approach. ACT Policing was concerned about the practicalities of how the new law would be enforced. Police can at least visually identify cannabis and MDMA with reasonable accuracy and test these substances at the roadside. This is not so easy for other substances which may be in pill or powder form of various colours.

Participants in the inquiry who supported the bill emphasised the benefits of decriminalisation, such as reduced harm, reduced stigma and increased use of drug treatment services. However, we have yet to see an independent review of the implementation of the simple cannabis offence under the Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019. Surely, such a review is a prerequisite to further decriminalisation options.

This is a complex matter involving justice, health and social services, where a change in one area will often have effects across government. Accordingly, drug policy requires a whole-of-government evaluation and response. This more comprehensive approach is far superior to that of a member presenting an initiative that only addresses one aspect of government operations responding to the use of harmful drugs.

It is also clear, given statements by the Chief Minister after the passage of the Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019—and I refer to a *Canberra Weekly* article on 29 September 2019—that this really is a Labor Party position, and it is disingenuous to have one of their members present the bill in his capacity as a private member. The ACT Greens have a well-established position in support of decriminalisation.

In my view, the government should be willing to take full ownership of the impact of these harmful substances by developing a whole-of-government package that deals with the criminal, policing, health and regulatory aspects of removing this gross harm from our community.

The committee received evidence that the treatment sector needs significant additional resourcing and that a detailed planning process is required to ensure that it can meet demand. Decriminalisation will likely place further pressure on an under-resourced drug support and health sector. It is my view that the priority for the sector is resourcing. I am supportive of the claim for increased funding, and this is discussed further in chapter 3 of the committee report.

Generally, criminalising behaviour is a genuine disincentive to adoption of such behaviour. In this case, those who contemplate engaging in illicit drug-taking and who are influenced by whether their behaviour would amount to criminal conduct would be less likely to try these substances. The criminal sanction is a stick to avoid harmful behaviour for individuals and for the community, and an important one.

Another potential negative effect of the bill is drug tourism. Decriminalisation could lead to increased criminal activity by suppliers and distributors. It is my view that we should avoid the risk of drug producers, drug suppliers, drug distributors and drug users coming to the ACT from interstate and placing increased pressure on the police and health services.

The only source for these illicit drugs is criminal activity, and this will not change if the bill, which would be the first of its kind in Australia, is passed. Those producing and trafficking these drugs may well be encouraged to increase their criminal activity in the ACT, placing further strains on the police and drug sector.

During the inquiry there was debate about the effect of decriminalising certain drugs in Portugal. However, it is important to remember that Canberra's contemporary circumstances do not reflect those of Portugal in the early 2000s. In particular, Portugal had a problem with heroin. This limits the generalisation of the Portugal case study for the ACT.

There was a commonwealth parliamentary inquiry into the decriminalisation of illicit drugs in Portugal. That was part of its terms of reference. The parliamentary Joint Committee on Law Enforcement, a committee of the parliament of the Commonwealth of Australia, in 2018 conducted an inquiry into crystal methamphetamine—ice—which concluded with a report in March 2018. This committee visited Portugal as part of its studies. It noted, about the legislative change in Portugal:

This legislative change was implemented alongside a substantial investment in drug treatment, harm reduction and social re-integration policies.

Further, the efficacy of decriminalisation in Portugal is actually disputed, and claims of success are linked to ready access to treatment, which comes back again to the issue of resourcing. In my opinion, additional resourcing will deliver more benefits to the ACT than the proposed bill.

Part 9.1 of the commonwealth Criminal Code creates various drug offences, including for possession. This raises the issue that the commonwealth law would override the

bill if the Assembly passed it. It also raises the question of whether this would create significant risk or uncertainty for ACT Policing. The committee received a wide range of evidence on this point. The explanatory memorandum to the bill does not address this issue directly and instead focuses on trafficking.

Canberra Community Law believed that there was sufficient uncertainty that the ACT government should sign a memorandum of understanding with the commonwealth government to clarify that persons who commit a simple drug offence will not be charged under the Criminal Code.

The committee questioned the AFP Association about whether it had any concerns for its members that the commonwealth might prosecute its offences despite ACT legislation. It said:

... it does leave our members in a position where they are conflicted and potentially open to scrutiny from internal affairs, ACLEI and the other bodies that do scrutinise them.

The AFP Association also said:

... we will be lobbying the Commonwealth to act because a lot of those drugs, we would say, are not socially acceptable ... if you question the average punter ... about whether they would find it acceptable that someone was carrying around X amount ... of ice ... the majority of people would say ... that it is not acceptable.

The amendments would conflict with the commonwealth Criminal Code. It is fundamental to the rule of law that a jurisdiction should not enact legislation that is inconsistent with laws of a superior jurisdiction. (*Time expired.*)

DR PATERSON (Murrumbidgee) (10.40): I would like to speak in reflection on the Drugs of Dependence (Personal Use) Amendment Bill 2021 inquiry that the committee has just concluded. My colleague Mr Pettersson tabled his bill and it was then referred to a select committee, of which I was deputy chair. The bill proposes to decriminalise small quantities of 11 currently prohibited substances, considered to be drugs of dependence, for personal use. I am proud to stand here and state that I fully support recommendation 1 of this report—that the Assembly should pass this amendment bill.

I would like to begin by highlighting the comments provided during public hearings, particularly by the Uniting Church. Their submission really struck me because it explicitly talks about treating people who experience drug dependency with dignity, recognising the worth of every person and treating all with respect. I quote Reverend Simon Hansford and Ms Emma Maiden of the Uniting Church:

The challenge for us in this issue is that so much criminality and blame and accusation, is part of this issue. We want to argue that the best way of treating this is as a social and health issue and not as a criminal one. We are arguing, too, that restoration of those who are drug dependent, of caring for them and providing them with connection and community is at the heart of the church's understanding of the gospel and who they are ...

We are concerned that current laws create barriers to treatment. We want to say strongly that treatment works, and the more we can connect people who need and want treatment to that treatment the better our society will be. Taking away the criminal consequences of being caught with a small amount of drugs for personal use is actually a really big part of reducing the stigma.

When you talk to people who have been drug users, the criminal consequence is one of the barriers for them in terms of reaching out for help and assistance when they have needed it. I do feel that very act of not having that criminal consequence is very important.

We also advocate that what we want in our society is for there to be open and honest conversation around people with drug and alcohol use. All the evidence shows that having those open and honest conversations means that we do not drive this kind of behaviour into the shadows. That is what we would like to see and why we support a decriminalised system.

Some very important points have been raised here. It is the shadows that scare us as a community. If we bring the people who are most vulnerable, most traumatised, struggling in a cycle of addiction, out of the shadows and into the light of the caring and compassionate society that we are, the very people left in the shadows are those that are producing and supplying these drugs to our community, and that is exactly where the police can focus their attention.

Throughout the public hearings held between 8 and 30 July, the committee heard from 51 community members and stakeholders. We heard from parents, those who live everyday with the loss of their child, and we heard from those who were at the point of despair at how to get their children help. As a member of this committee, I cannot thank you enough for your bravery in sharing your stories with the committee. I have very real compassion for your stories and experiences, and that is why I feel very passionate about seeing this bill become law in the ACT.

I wish to share with the Assembly some direct quotes, particularly from Mr Ross Bingham and Mrs Mary Bingham, who spoke of their experience with their son Cameron. They said:

When Cameron had an episode at home again, we rang the police. They spoke to both of us; they knew us well, as they had been to our house many times. They said that the only way to help him would be to get him arrested ... Ross and I agreed; we went and did that ... The only thing is that Cameron is a dual citizen ... He has a US passport as well. We held off on getting him arrested because you do not want to have your own kid arrested on a criminal charge. He would lose his American passport. Any opportunities for him to go and work in the States and live there would be finished. We held off on that for a bit. He is not a criminal; it just leads to criminal acts—violence, there is a lot of property damage that we have had over the years, and all sorts of things. Cameron, as a normal person, is funny and charismatic; he is a real hoot to be around ... He is a really kind soul. This stuff turns them into real monsters. At the end of the day, that is what we ended up having to do.

I also quote another parent, Mrs Marion McConnell:

Our son died from a heroin overdose in 1992. My personal experience, as covered in my submission, left me with a deep-rooted conviction that our prohibition drug laws were pointlessly destroying lives and families, that these laws were unjust and wrong and served no real purpose.

I do support the bill wholeheartedly because I believe criminal sanctions for personal drug use cause more harm than they do good ... I really think that criminalising people who use drugs, small amounts of drugs, is just not helpful. It does not help them to discuss if they have issues.

Mrs McConnell, unfortunately, was not alone in her experience of losing a child to heroin in the ACT. The inquiry really highlighted the blight of heroin on this community in the 1990s, and the impacts are still felt today. These parents and friends who have lost loved ones have been advocating for decades for their voice to be heard. If their loved one had received the help they needed, had lived in a community that showed compassion to those experiencing drug addiction, perhaps they would be here today. These families are normal, everyday families, contributing to society like everyone else, yet they have experienced so much loss.

No-one is above the impacts of drug addiction. What concerns me the most—and I think it was significantly highlighted by the inquiry—is the lack of voices from people with lived experience of drug use and dependence. I believe this highlights the stigma and trauma associated with drug dependency, and ultimately the disempowering nature of addiction.

Today, the conversation and fear in the community are very much about methamphetamine. It is worth noting that alcohol causes the most harm to our community, so let us start from that point. We do not fear alcohol like we do methamphetamine because it is legalised, glamorised and part of our culture. Yet for every person in our community that has been the brunt of alcohol-induced family violence, sexual violence or random acts of violence on our streets, every person who has been seriously injured or killed as a result of an alcohol-induced accident, alcohol is a very harmful drug. The billions of dollars behind this industry ensure that we do not stigmatise alcohol the way we do illicit drugs.

Methamphetamine does cause harm to those that use the drug and to our community. So does heroin. However, those using methamphetamine are those that need the most help in our community. I want to live in a community that views these people with compassion and supports them to get whatever help they may need.

That is exactly what the results of the survey that was conducted as part of this inquiry found. Overwhelmingly, Canberrans want to see drug dependency treated as a public health issue rather than as a criminal justice matter. I do understand that there are concerns about what this bill means. I say to people that do have concerns that I have never been involved in an inquiry that has had such a solid research evidence base. This is solid reform that has the potential to reduce harm from drugs. There are decades of research evidence to back this up. Similar human rights and health-focused reforms are occurring worldwide, and the overwhelming evidence is that decriminalisation does not increase drug use.

Further, I would like to point to the federal parliamentary Joint Committee on Law Enforcement and their 2018 inquiry into crystal methamphetamine—ice. This was a law enforcement inquiry that brought that lens to it, yet in its final recommendation the committee urged Australian governments to implement its recommendations, stating that improvements can and must be made in addressing methamphetamine use in Australia. In the committee's opinion, this should be done by shifting the focus on methamphetamine from a law enforcement problem to a health issue within an environment where treatment and support are readily available and without stigmatisation.

This inquiry gives me confidence to stand here today, as a member of the committee and as a member of this Assembly, representing the community of Murrumbidgee and the broader ACT population, strong in the view that this legislation should be supported and passed.

I believe that we should view people experiencing drug dependency in the ACT as experiencing a health issue, and they should be offered support services and treatment accordingly. The benefits of decriminalisation include reduced harm, reduced stigma, reduced trauma, and increased treatment and support services to help provide a path forward.

I wish to thank Mr Pettersson for bringing this legislation to the Assembly. I also want to thank and acknowledge my colleagues Mr Davis and Mr Cain for their role in the committee's inquiry, as well as everyone who provided submissions and presented during the public hearings. I look forward to the ACT government's progressive and inclusive approach on this matter.

MR DAVIS (Brindabella) (10.51): I rise as the third member of the Select Committee on the Drugs of Dependence (Personal Use) Amendment Bill 2021. As the ACT Greens spokesperson on health and drug harm reduction, let me say from the outset that the ACT Greens wholeheartedly endorse all of the committee's recommendations—in particular, that this Assembly resolve to enact the Drugs of Dependence (Personal Use) Amendment Bill 2021.

The war on drugs has failed. Despite the fearmongering and stigma that have flowed from Richard Nixon's now infamous war on drugs, we know that most drug use is actually recreational and causes little ongoing harm to the individual consuming these substances. The ACT Alcohol, Tobacco and Other Drug Association, ATODA, told us in their submission to this inquiry that 43 per cent of Australians have used drugs. These people are our siblings, parents, colleagues and friends. Statistically, they are the people sitting in this chamber right now. Peter Taylor, a member of the advocacy network Family and Friends for Drug Law Reform, who strongly supports decriminalisation, put this to us in his submission:

The drugs are not evil, taking drugs is not evil—it is young people dying needlessly that is evil. And as a caring, and extremely well-informed electorate, we have to take the very well researched steps to banish this evil.

One of the most important lessons we have learnt from COVID-19 is the importance of deeply considered public health approaches that emphasise equality, safety and health over punitive responses to human behaviour. Knowing that drug use is common and is undertaken by people from a broad cross-section of society only emphasises the fact that it is the responsibility of progressive, evidence-based governments to try and reduce the possible harms of drug use. The drugs are not evil and people are not evil; stigma, discrimination and inaction are evil.

It is time to take a health and wellbeing approach to the use of drugs. We have known this for decades—for decades, while people have suffered, while people who have required support from our health system have been shamed and punished instead. Our criminal justice system has not provided an effective and compassionate method of caring for people with substance use issues. In fact, we know that fear of punitive sanction drives people underground and can tragically lead to people overdosing and suffering for years without help because of a fear of retribution. We need to build a health service system in which drug use is destigmatised and anyone who wants support can get it.

This report condones this nation-leading and life-saving policy shift. We are calling on the government to support the decriminalisation of possession, with a number of important, progressive amendments to the bill that is before us. We are calling on the government to support community-based models of harm reduction, and we are calling on the government to work in collaboration with the drug and alcohol sector to significantly expand their remit and capacity across a range of rehabilitation and support services.

Over the last six months, it has been my privilege to have learnt from harm reduction experts about the impact of the criminalisation of drug use on individuals, their families and our community. Reducing the harm of drugs is a policy area which the Greens across the country have been vehemently advocating for decades.

I would like to thank Australian Greens former leader Dr Richard Di Natale in particular, who is a passionate advocate for issues of drug harm reduction. During his time in parliament, Richard got the nation talking about pill testing, the use of medicinal marijuana and the need for safe injecting rooms. I would also like to shout out to my colleague in the NSW state parliament, Ms Cate Faerhmann, who is, simultaneously to us, advocating for decriminalisation. Minister Rattenbury has led the charge here in the ACT, seeing through the pilot pill-testing trials and successfully advocating for the upcoming pilot of the pill-testing site that was funded in the last budget. The ACT Greens went to the last election with the most significant and detailed harm reduction policy ever put before the ACT electorate. We promised to take a health approach to the use of drugs. This is a promise that I am proud to continue to deliver on today.

I am someone who has loved someone who has suffered from substance abuse. That experience has burdened me personally to such a degree that the Greens' positions on drug law reform have long been personally challenging. While I am incredibly proud of my membership of the Greens, nobody can be expected to be in lock step with their

party on every policy, and the question of drug law reform always took me to a deeply conservative place. I know what it feels like to wish those I loved would have “just said no”. I have come to understand now how naive that thinking was, and I am proud to have come to a more informed place, thanks to the free and fearless contributions of so many who have contributed to the committee’s work.

My work on this committee has spoken to me not only on an intellectual level but on a personal one, too. On the first day of committee hearings in early July, we heard from family members of people who have suffered from substance use and the punitive approach that has historically been taken against these members of our community. Peter was one of those parents and he bravely spoke this truth:

It is wrong that I am here because my son died from a heroin overdose. He should not have died. He should be here today, enjoying life like his contemporaries, like his brother is. He should be here, being an uncle and possibly a father himself. It is painful for me to relive losing a child, as it is for others who have spoken previously. It is a parent’s worst nightmare. I am here because perhaps the contribution I can make to this hearing might save a life in the future.

As Peter’s testimony serves devastatingly to demonstrate, for a small group of drug users, their use can become highly problematic for them and their families. These people need health systems and responses that reduce the harm that can be caused by drug use and, should they be willing, end their substance use.

The contributions of all of the families that we heard from have helped lead us to this report—families, parents and friends whose experiences of caring and advocating for their loved ones provide often heart-wrenching insight into the complexity of navigating care systems, especially within a medico-legal system under which merely the possession of drugs is not only heavily stigmatised but criminalised.

This legislation and this report offer us the opportunity to fundamentally change the experience of people who use drugs and those who care for them in our city. Decriminalisation is an important step in ensuring that those who need help for their drug use feel safe to access it. The vision it sets for the government to meet is one in which drug users have dignity, are given support when it is required, and are allowed to live their lives without fear of needlessly winding up in the criminal justice system.

The current punitive, criminalisation model of responding to drug use only serves to drive those who need it away from health services and supports. As the peak body representing organisations that work every day with people who use drugs, the expert consensus view shared by ATODA on behalf of these organisations was simply this:

Decriminalisation can reduce drug harms and saves government spending on the criminal justice system. The current system artificially constrains the life chances and diminishes the social and economic contributions of those who are marked with criminal records solely for drug use. It also impacts their families’ wellbeing and can entrench disadvantage for future generations.

We know that people who use drugs are not a homogenous category. They certainly are not treated as a homogenous category. Discrimination in the applicability of the

law is rife and experiences of discrimination within the criminal justice system are undeniable. We know that people from marginalised backgrounds are much more likely to end up in this system. The ACT Justice Reform Group pointed this out in their submission:

People who already experience marginalisation and discrimination, including Aboriginal and/or Torres Strait Islanders, people who are experiencing homelessness and people with mental health issues are particularly impacted by the criminalisation of drug use, and can find themselves caught up in the justice system rather than offered appropriate medical treatment. We know that criminalisation of drug use produces and extends disadvantage. For those already experiencing marginalisation, criminalisation can compound and entrench social exclusion and lead to poorer health outcomes. This is because criminalisation produces and legitimises significant stigma and because both stigma and incarceration currently reduce potential contact with AOD treatment services.

The criminalisation of drug use is not limited to possession. As the JRG points out, drug-related crime is significantly higher than direct drug offences. We need to work on ensuring that people who have a problematic relationship with drugs are provided with support to ensure that we can prevent as many people as possible from ending up in our criminal justice system. This includes ensuring that the fines that may arise out of a simple drug offence notice may be discharged through alternative means to make sure that people who are financially marginalised are not re-criminalised through an inability to pay a fine. Wraparound issues such as dealing with the housing crisis and ensuring security of housing for people with substance use issues are also of the utmost importance.

Decriminalisation goes hand in hand with destigmatisation. Decriminalisation encourages people to access support. The Ted Noffs Foundation, an organisation that works in Canberra with young people experiencing addiction, told us:

When getting referrals, and interacting with families of young people that have substance use issues, there has often been a delay in accessing treatment due to the negative stigma attached to people who use Alcohol and other Drugs. This stigma grows from drug use and addiction being treated as a legal issue rather than a health issue. These young people are seen as criminals and delinquents. Young people experiment with substance use. For some young people, this leads to addiction. Rather than seek support, young people hide in this addiction because they are fearful of the repercussions. Families of these young people don't seek or delay seeking support, worried about how their children might be seen or how they may be judged. This amendment will help to shift the way the community sees substance use. This amendment will have a positive impact for those young people who have substance use issues, as their addiction will be seen as a health issue. It will mean that young people and parents will seek support much sooner.

Just before lockdown this year, I was lucky enough to meet with and visit their therapeutic site nestled in the foothills of Mount Majura. There I met with a number of young people using the services of Ted Noffs. I was struck by their resilience and their sparkiness. It was clear to me that these children needed care, mental health support and understanding, not punishment.

Historically and contemporarily, this view has been shared across the political spectrum. While the Greens have led these conversations in the public arena for some time, it was former Liberal Chief Minister Kate Carnell who was brave enough, and assured of her convictions enough, to campaign for safe, prescription-based heroin during the height of the heroin crisis. It is a disgrace that the politics of the far right have overtaken the Canberra Liberals such that they can no longer support evidence-based, small “l” liberal reforms such as this.

While some members of the police force have chosen to pursue a fear-based response to this reform, this is not the universal view of people who have worked in the police forces. Former Commissioner of the Australian Federal Police Mick Palmer understands it clearly. He said:

Our current use and possess illicit drug laws operate to criminalise a health problem, isolate and punish people who most need support and address only the symptoms while ignoring the causes.

As Commissioner Palmer argues, it is our responsibility to ensure that those who want help are able to receive it. I genuinely understand how complex and morally vexing this issue can be for people, and I empathise with those who are concerned about this debate. I am pleased that the community response to this committee inquiry has been overwhelmingly positive. The community survey undertaken by the committee during the inquiry found that, overwhelmingly, the community also takes a health-based approach to drug use, preferring people found in possession of drugs to be given referrals to support services over any form of punitive sanction.

Everybody who seeks assistance from an alcohol and other drug service should be able to get support. We heard overwhelming evidence from the drug and alcohol sector that current funding levels for these services need to significantly increase. Many of these organisations cited a review commissioned by the Australian government which found that, in order to meet demand for effective AOD interventions, funding needs to double.

The committee’s report acknowledges this need and calls on the government to significantly increase funding to the harm reduction, peer support and alcohol and other drug treatment sectors. This funding increase would allow the service sector to work in genuine collaboration with the government to develop and source innovative and effective interventions for people who use drugs. This work is an opportunity like never before to transform the way we respond to drug use in our community. I am proud to be a member of a party and a member of a committee that have chosen to support compassion, reason and understanding.

I would like to thank all of those who came before the committee to share their personal experiences or their professional expertise. I would particularly like to thank Chris from CAHMA, Bronwyn from Directions, Marion and Bill from Family and Friends for Drug Law Reform, Josh from Hepatitis ACT, Gino from Harm Reduction Australia, Gemma and Craig from ACTCOSS, Devin from ATODA, Anusha from Canberra Community Law, and Julie from Winnunga. Your significant contributions to our community are humbling.

I would like to thank my fellow committee members, Dr Paterson and Mr Cain, for their hard work and commitment to the community throughout this process. I am proud that the report we have worked on together will be a small part of such an important and life-altering reform. Lastly, I would like to thank Mr Pettersson for having the political courage and strength of his convictions to bring this important legislation to the Assembly.

MR PETTERSSON (Yerrabi) (11.05): I thank all the members of the committee for their hard work inquiring into this bill throughout the year. The committee process is an important and often unappreciated part of the parliamentary system. Having observed some of the proceedings and some of the submissions, I believe that this inquiry was a productive and worthwhile inquiry that will benefit our discourse on this important issue, and I most definitely look forward to reading the report.

Since I first raised this proposal, I have been encouraged by the genuine community engagement in this debate. I think that, without fail, there is genuine community concern about the wellbeing of people that use drugs and the wider societal impact of these substances. This is an issue on which good people can have different views. I am heartened that this debate has, for the most part, been void of scaremongering.

I have said a lot about drug law reform over the past year, and I do not seek to turn the tabling of this report into a debate. I will save the substantive debate on this issue for the debate on the bill itself. Once again, I want to thank all members.

MR CAIN (Ginninderra) (11.07), in reply: I want to touch on something I closed with in my opening: this bill, if passed, would conflict with commonwealth legislation. The police, therefore, would have different obligations under ACT and commonwealth law. Preferring the ACT approach with respect to these extremely harmful substances may well place them at professional risk. The Legislative Assembly, in my opinion, cannot conscientiously place this burden on ACT police.

I want to emphasise that passage of this bill is not essential for effective government support for those who suffer from drug addiction. The government has an arsenal of resources and options available to it to improve support for the drug-affected community in our city.

Opposing the bill should not be equated with a cold-hearted indifference to people who suffer from drug harm. I would certainly reject that from my own perspective. Having seen what abuse of substances, of alcohol in particular, can do within a family and within a community, I want to say that opposing the bill should not be equated with a disregard for those who suffer, either the users or those around them.

In my opinion, the bill fails to offer a whole-of-government approach to this complex policy area. The bill fails to consider the risks and unintended consequences involved in decriminalisation, including the elevated risks of attracting drug tourism and further investment by local drug producers, traffickers and suppliers. The bill fails to recognise that criminalising possession is, for many, a deterrent to adopting such behaviour. The bill fails to recognise that diversion in the ACT is already working reasonably well. And the bill fails to satisfactorily resolve the issues around the conflict with commonwealth legislation.

I want to acknowledge the courageous participants in the inquiry, some of whom are here this morning, who were willing to tell the stories of their personal losses and heartbreak due to family members and friends who were victims of drug dependency. Their experiences reinforce for me that a whole-of-government response is needed to address the issue of the use of these harmful substances.

I want to thank the committee secretariat: Dr David Monk, the committee secretary; Ms Sophie Milne, research officer; and Ms Lydia Chung, administrative assistant. Their professional and diligent support was essential to the smooth working of our committee meetings, our public and private hearings, and the drafting of the chair's report and then the committee report.

I want to especially thank my committee colleagues, Dr Paterson and Mr Davis. Even when we held different points of view, I thank them for their professionalism and commitment to courteous discourse. We agree on one thing: we want the harm from these substances in the community to be diminished.

Question resolved in the affirmative.

Education and Community Inclusion—Standing Committee Statement by chair

MR PETTERSSON (Yerrabi) (11.11): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education and Community Inclusion. On 26 June 2021, ACT Auditor-General's report No 6/2021, *Teaching quality in ACT public schools*, was tabled in the Assembly. The Assembly resolution of appointment for the committee of 2 December 2020 stipulates:

...all reports of the ACT Auditor-General tabled in the Assembly stand referred to the Standing Committee on Public Accounts for inquiry and report ...

However, following a referral from the public accounts committee at its private meeting on 5 October 2021, the education and community inclusion committee resolved to undertake an inquiry into the Auditor-General's report on teaching quality. It follows that the terms of reference for each of the standing committee's inquiries into Auditor-General's performance audit reports are, in effect, the Auditor-General's report itself.

Submissions for the inquiry opened on 29 November 2021 and will close on 28 February 2022. Hearing dates will be advised in due course. The committee will report to the Assembly before the last sitting day of 2022.

Appropriation Bill 2021-2022

[Cognate bill:

Appropriation (Office of the Legislative Assembly) Bill 2021-2022

Cognate papers:

Standing Committee Reports on Appropriation Bill 2021-2022 and
Appropriation (Office of the Legislative Assembly) Bill 2021-2022]

Detail stage

Schedule 1—Appropriations—Proposed expenditure.

Debate resumed from 25 November 2021.

City Renewal Authority—Part 1.14.

MADAM SPEAKER: Members, I remind you that in debating order of the day No 1, executive business, you may also address your remarks to executive business order of the day No 2. The question before you is that the proposed expenditure for the City Renewal Authority, part 1.14, be agreed.

MS CLAY (Ginninderra) (11.12): The revitalisation and investment in public art has been a delightful part of the City Renewal Authority's work. It is great to see funding going to local artists to help rejuvenate our under-utilised spaces like Garema Place. Urban revitalisation is underway in Civic, along London Circuit in city west and extending to the Acton waterfront. Turning surface car parks next to the light rail corridor into residential and commercial spaces is common sense if we want to tackle urban sprawl and enable transit-oriented development.

I hear from many of my colleagues who live in the inner north about how much they appreciate the reactivations happening in places like Haig Park. The planned upgrades for the Sydney and Melbourne buildings are a good way of better using these unique heritage buildings in our city's heart. Those in Braddon will be looking forward to upgrades on Lonsdale Street. The ACT Greens went to the 2020 election with ambitious policies on reshaping this space. While the final version is different from what we had in mind, I am sure that the addition of better access for active travel will make this space more inviting.

I know that many other town centres are also receiving investment. Woden, in particular, has benefited. I wonder if the great success of the City Renewal Authority could be replicated in some of our older town centres which are due to receive upgrades in future years, such as Belconnen. I look forward to continuing to watch the work of the City Renewal Authority progress and I welcome initiatives to bring more art, more active travel and more activation into our town centres.

MR CAIN (Ginninderra) (11.14): As I have said before, I question the need for the City Renewal Authority. As members would be aware, we had a Land Development Agency that was fragmented into the Suburban Land Agency, the City Renewal Authority, and two paths in the planning directorate. I would encourage the various ministers involved with the activities of the City Renewal Authority to get out to the suburbs, particularly the outer suburbs. Canberra is more than just a city; it is the suburbs. It is my opinion that we need a whole-of-Canberra planning authority, as opposed to a segmented approach.

Proposed expenditure agreed to.

Legal Aid Commission (ACT)—Part 1.15.

MR CAIN (Ginninderra) (11.15): It is pleasing to see additional funding for legal aid in the territory. Demand is on the increase. I encourage the government to monitor the adequacy of funding for this important sector in our legal community, particularly to assist the vulnerable and needy. The need for legal assistance highlights a broader trend, and I would encourage the government to look at legislative reform to see what processes make legal actions and legal remedies expensive for this community. I welcome the funding for legal aid, and I encourage the government to continue to monitor this important legal service delivery area.

MR RATTENBURY (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (11.16): Members may recall that I spoke about the Legal Aid Commission last week, in my enthusiasm for the justice system. I do not intend to extend my comments too long today.

I thank Mr Cain for his remarks and note his comments. The Legal Aid Commission performs an incredibly important role, enabling people who cannot otherwise afford their own personal lawyer to get access to justice. I am pleased, therefore, that the government is able to provide the additional \$2.5 million over four years in this year's budget to support the Legal Aid Commission. I thank the staff over there for their continued hard work. I know that they are all very passionate about their role and very conscious of the important contribution they make to the Canberra community. I thank them for it.

Proposed expenditure agreed to.

Cultural Facilities Corporation—Part 1.16.

MS LAWDER (Brindabella) (11.17): It is my pleasure to speak today on the part of the 2021-22 appropriation bill relating to the Cultural Facilities Corporation. I would like to commend the great work that the team at the CFC do. It has been a very challenging two years for the arts. The CFC has been resilient despite these challenges.

I would like to take the opportunity to formally thank the outgoing CEO, Harriet Elvin, who has been in that role since its creation in 1997, overseeing projects such as the commissioning of the Playhouse theatre and the Canberra Museum and Gallery, and carols at Lanyon Homestead. I have always found Ms Elvin to be a very strong advocate for the arts and cultural facilities in the ACT. Her leadership in this space has been inspirational. I wish her all the best for her future endeavours and her new academic career. I am confident that she will achieve great things wherever she goes.

I take this opportunity to welcome a former arts minister and former member for Ginninderra, Gordon Ramsay, to the role of CEO of the Cultural Facilities Corporation. Whilst he has big shoes to fill, I am confident that he will continue to do great work for the CFC.

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) (11.19): I am proud to speak in support of this budget. It is a budget, as we have mentioned, which empowers our communities and sectors to build back stronger from this pandemic.

One of the key institutions in our ACT arts sector is the Cultural Facilities Corporation, which manages the Canberra Theatre Centre; the Canberra Museum and Gallery, including the Nolan collection; and the ACT historic places Lanyon Homestead, Calthorpes' House and Mugga-Mugga Cottage.

It would come as no surprise to anyone in this place that the Canberra Theatre Centre was one of the hardest hit facilities in the region. This reinforces how important it is to deliver a three-year program of upgrades for the Canberra Theatre Centre to enhance the safety of patrons, ensure a high level of work health and safety standards for all staff, improve security infrastructure, and implement other essential works.

This is the latest in a series of capital upgrades to the Canberra Theatre Centre. Most recently, prior to this budget, we provided almost \$1 million over two years, in the 2019-20 budget, to improve core building facilities at the Canberra Theatre Centre by investing in a building management system, plant and equipment. This investment also delivered upgrades to the theatre's electrical infrastructure and CCTV systems, improving functionality and security. Our investment this year ensures that the Canberra Theatre Centre maintains an appropriate standard as the region's premier performing arts centre and provides a safe, secure and welcoming environment for staff, patrons and visiting companies and artists.

To combat the significant impact of the COVID-19 pandemic on the CFC's theatre revenues, the ACT government will provide operational funding to support the CFC in rebuilding the operations of the Canberra Theatre Centre. This addresses the adverse impact of the pandemic on the theatre's revenues and builds on the strong support we provided for the same purpose in last year's economic and fiscal update, as well as in the 2020-21 budget.

Further funding for the CFC in this budget will ensure the continued delivery of vocational training for stage and theatre technicians over several years. As outlined in my statement of ambition for the arts, I firmly believe that capacity and capability building are the key to growing our arts sector and its resilience. The funding I have outlined is part of that crucial work.

I touched on this last week, and it is technically in the Major Projects section, but it would be remiss of me not to mention the significant injection of funds to support the redevelopment of the Canberra Theatre Centre. There is just shy of \$2.8 million in capital funding in this budget to progress planning and design for the expansion and redevelopment of the theatre. Redevelopment of the Canberra Theatre Centre will enable it to host a larger number and range of local, national and international events. The site investigations and planning work will inform a business case that considers a range of delivery models and commercial opportunities within the urban renewal context of the Canberra city centre.

I am proud to say that this budget also provides necessary support to CMAG, the Canberra Museum and Gallery, with nearly \$1 million for a package of works at CMAG to improve work health and safety standards and accessibility, together with a further package of works and initiatives to enhance CMAG's presence and profile on London Circuit and Civic Square, to support activation of the precinct.

CMAG is a hidden gem. It is well known to many of us in this place and has a dedicated audience and visitors, but we are keen to grow that. I have been firm in saying that CMAG might be known to us as a hidden gem but it should just be a gem. Let us not hide it away; let us expose it as much as possible to the Canberra community and to our domestic, and eventually international, visitors.

CMAG will benefit from funding provided in this budget for an upgrade to glazing and roof repairs in the North Building. This is an important upgrade to ensure that CMAG can maintain museum climate control standards to support the collection that is the story of Canberra.

Together, these initiatives will support the CFC in making a major contribution to the ACT arts sector's recovery from the pandemic and will drive us forward in our ambition to become Australia's arts capital.

I thank Ms Lawder for her acknowledgement of the outgoing CFC CEO, Ms Harriet Elvin AM, and I want to add my voice in acknowledging her incredible contribution over 24 years. We will miss Harriet dearly. She has been a source of support and guidance for me and a number of previous arts ministers, but also we need to hold a torch to her leadership in this sector. She has supported women and she has ensured that the Canberra theatre continues to thrive even during the most difficult of circumstances. We bid her a fond farewell. We have been incredibly grateful that, since she announced that she intended to resign, she stayed on while we did our recruitment process. Indeed, she went into a lockdown which affected the Canberra theatre and cultural facilities right across Canberra yet again.

We have been so grateful that Harriet has been such a firm part of our city and our city's story. She will continue to be, I am happy to say. I know that she will remain on call, but, as Ms Lawder also recognised, we very much look forward to welcoming Mr Gordon Ramsay into the role in a bit under two weeks. I look forward to working with him in a very different capacity. His enthusiasm for our cultural facilities is well known, and I know that he will be getting straight to work.

This is the last time that I intend to speak on the budget, so I want to take this opportunity to put on the record my thanks to the staff across all the directorates and agencies which I have responsibility for and engagement with, including Economic Development, artsACT, the Cultural Facilities Corporation, Access Canberra, the Better Regulation Taskforce, the Office of Multicultural Affairs, the Justice and Community Safety Directorate, the Human Rights Commission and Major Projects Canberra. I will speak more about the year in my adjournment speech later this week, but I feel enormously privileged to work with such professional, hardworking staff whose years have thrown them some extraordinary challenges. Without exception,

they have maintained their dedication and provided high-quality advice. I am in awe of what these teams can achieve and have achieved.

Without exception, in this budget each of my portfolios is represented with initiatives that are thoughtful, that go to the heart of who we are and who we want to be as a city, and that drive us forward with an economic recovery for the benefit of all. Budgets are not easy; preparing budget cases is not easy. I want to thank the teams behind these initiatives for their collaborative work with me in proposing them, securing support for them and now putting these initiatives into action. I will be genuinely excited to see these initiatives come to fruition in the coming years.

Finally, I want to thank Treasury officials Faheem and Britt, the Treasurer's office, my staff and the expenditure review committee for their engagement with me. This is a budget that we can be very proud of. I commend it to the Assembly.

Proposed expenditure agreed to.

ACT Executive—Part 1.17—proposed expenditure agreed to.

Icon Water Limited—Part 1.18—proposed expenditure agreed to.

Office of the Work Health and Safety Commissioner—Part 1.19.

MR CAIN (Ginninderra) (11.29): I speak briefly to indicate that the Canberra Liberals place a high priority on workplace safety. Workers should be able to achieve dignity and self-reliance through work and should be able to travel safely to work and, more importantly, be safe at work and travel home at the end of their day. During estimates we heard about the work of the Work Health and Safety Commissioner, and I want to commend her and her staff for their commitment to safety at work and efforts to ensure that workers have fulfilling and long-lasting careers.

MR BRADDOCK (Yerrabi) (11.30): On behalf of the ACT Greens, I thank the commissioner and all her staff, who contribute to making Canberra a safer place to work. Physical and mental workplace health and safety should underlie all other aspects of work. This means that all workers have the right to be safe and feel safe at work. For this reason, we welcome the extra investments that have been made in the workplace health and safety commission and the proactive approach to inspection, education, compliance and enforcement that the commissioner is undertaking, particularly in the residential construction sector.

I was really pleased to hear that the commissioner has made much progress towards the parliamentary agreement commitment towards regulations to protect tradespeople from silica dust. Silicosis is a terrible and insidious disease. Independent expertise is a critical aspect of effective regulation, and it was encouraging to hear that the commission has hired an occupational hygienist and a regulatory toxicology policy officer to help with this highly technical work, as well as doing some very innovative research and partnership work to monitor exposure in workplaces. I look forward to hearing further updates about this effort.

We know that insecure work is one of the single biggest predictors of workplace injury. As ANU researchers have reported, insecure workers come to work sick, continue working whilst injured, conceal occupational health and safety accidents, and forgo health interventions. It is critical not to blame the victims of injury here, especially where vulnerable workers are concerned. Employers must assume the lion's share of responsibility for creating safe workplaces.

For this reason, I am very pleased that this week all labour hire operators in the ACT are required to hold a licence. We hope that the proactive outreach to all industries known to use labour hire continues. We know that the biggest risk comes from businesses who are not connected to their industry community through peak bodies, unions or other organisations. We look forward to hearing more about how the commissioner is targeting these under-the-radar areas where workers may not be receiving the protection they are entitled to.

Migrant workers are particularly vulnerable to exploitation. 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 employers to maintain their incomes. A high level of insecure work among young migrants and the conditions of their visa arrangements mean that speaking up has been near impossible; in a workplace health and safety context, that is very problematic. The Greens would love to see greater focus, outreach and proactive protection for migrant workers in Canberra in the future.

Proposed expenditure agreed to.

ACT Gambling and Racing Commission—Part 1.20.

MR PARTON (Brindabella) (11.33): I am pleased to see that the ACT Gambling and Racing Commission is going about its business with the diligence that we would expect. The Canberra Liberals have no argument over the appropriation in this space. I, for one, am pleased to live in a jurisdiction which takes gambling harm seriously. We are blessed in the ACT to have the clubs as the primary operators of poker machines; for a long time, they have taken their role very seriously in regard to protections for those who could be harmed by gambling.

I still question what we have achieved by the ongoing machine reductions in regard to gambling harm and what the actual outcomes are there, but I am pleased that the minister is genuinely engaging with the industry. I would hope that, as we move forward in recovery from the worst of the pandemic, concessions can be given to allow the very survival of some clubs which are sailing very close to the wind.

One of the points I cannot resist making is that Minister Rattenbury is here, as the responsible minister for the ACT Gambling and Racing Commission. The minister has oversight of the Gambling and Racing Commission, yet he has made it abundantly clear that if he had his way he would be banning the sport of horseracing in the ACT. The Chief Minister can laugh all he likes, but I would direct the Chief Minister and others to Mr Rattenbury's Facebook page for Melbourne Cup day this year. He said:

The Greens want to abolish the cruel and inhumane use of animals for sport, recreation and entertainment.

What does that mean, exactly? What does that mean? I think the meaning is very clear, particularly considering that this statement was attached to a “Nup to the cup” graphic. This was a statement from the minister overseeing the Gambling and Racing Commission indicating that he and his party are on a mission to ban horseracing.

Everyone involved in the sport of horseracing should be made aware of this sentiment. Furthermore, I think it has much more far-reaching consequences. The minister’s statement was quite broad. He said:

The Greens want to abolish the cruel and inhumane use of animals for sport, recreation and entertainment.

Canberrans who enjoy the pursuits of pony club, all equestrian sports, flyball and all dog clubs have a right to be very concerned about what might be to come. In the land of the Greens, I am sure the Canberra Show would be animal free. It is up to the minister to clarify his statement at some stage. If he chooses not to, he can be assured that I will clarify it for him.

How can a member who has stated that he wants to see an end to horseracing be the minister overseeing the Gambling and Racing Commission? I can hear the minister saying, “Equestrian would not be a problem, because it is only pursuits with prize money involved.” I point the minister to the fact that there is \$40,000 up for grabs in the equestrian ring at the show in February. I can hear the minister saying, “No, it is because there is gambling.” Is it about animal welfare or is it about gambling harm? You cannot have it both ways; it is about one or the other.

I commend the recently released review into equine welfare by the ACT Racing Club. It is abundantly clear that our race club here in Canberra are a leading light in animal welfare. It is tough for them, because this is the only jurisdiction in the nation where a percentage of the point-of-consumption gaming tax does not go back to the racing codes. In Tasmania, 80 per cent of that tax goes back to the racing code. Here, it all goes to general revenue, even though a large percentage of it comes from betting on greyhound racing. Despite that ongoing reduction in income in real terms, our racing club are not cutting corners in the animal welfare space. They should be commended for that and not condemned in the way that this minister has done publicly.

MR RATTENBURY (Kurrajong) (11.38): I rise to very briefly note that Mr Parton may wish to consult the admin arrangements, from which he will note that I am not the minister responsible for racing in the ACT.

Proposed expenditure agreed to.

Public Trustee and Guardian—Part 1.21.

MR CAIN (Ginninderra) (11.39): I want to air something that has been raised before, and certainly it was raised during the estimates: for me, it is a puzzle why the Public

Trustee and Guardian are not administering the Chief Minister's Charitable Fund. The Public Trustee and Guardian already have experience in administering a not-for-profit fund at low cost; I speak of GreaterGood, the Capital Region Community Foundation. It is a puzzle to me. I believe that this Assembly needs an answer to this in clear terms. What is the expense of running the Chief Minister's Charitable Trust, compared to the expense if it were being run by the Public Trustee and Guardian?

Proposed expenditure agreed to.

Independent Competition and Regulatory Commission—Part 1.22—proposed expenditure agreed to.

Total Appropriated to Territory entities—proposed expenditure agreed to.

Treasurer's Advance—Part 1.23—proposed expenditure agreed to.

Capital Works Reserve—Part 1.24—proposed expenditure agreed to.

Total appropriations—proposed expenditure agreed to.

Clauses 1 to 10, by leave, taken together and agreed to.

Title.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (11.41): This is the last speaking opportunity before the bill is put to the vote; so I take the opportunity to thank members for their contribution to the budget debate, to again thank the various standing committees for their reports into the appropriation bill and to acknowledge the significant work undertaken in preparing the budget each year by officials within ACT Treasury and across the ACT public service.

I particularly want to acknowledge my office and the team within the office who manage the budget process each year. I single out Faheem Khan for special mention. Two budgets in one year is a very significant workload. And I would not wish that we had to have two budgets again in a calendar year, as it obviously has consumed months and months and months of very detailed deliberations in an extremely uncertain economic and public health environment.

I indicated in my remarks earlier in the detail debate that I would seek to provide the Assembly with up-to-date information on the territory's economic recovery. It is indeed very pleasing that yesterday Standard & Poor's reaffirmed the territory's AAA credit rating. We are the only state or territory left in the commonwealth with that highest possible credit rating. And it was pleasing to see the territory maintain that rating following this budget.

The economic position of the territory has improved since the tabling of the budget. The fiscal position of the government has improved since the tabling of the budget. These two things are somewhat linked. It is pleasing also to see a national economic

recovery underway. We get early indication of the strength of that recovery through almost real-time data that the Australian banks provide in terms of spending across the economy.

I do want to also note, of course, that the Australian Bureau of Statistics are now undertaking a more contemporary data release that assists us in tracking the economic recovery and having a good understanding if we necessarily need to make more frequent fiscal policy decisions. Having access to this sort of data is very helpful.

I can advise the Assembly that this data came through just this morning: we are seeing very strong levels of consumer spending across the economy and in a diverse range of industry settings. Credit card spending is up 20 per cent on the equivalent pre-COVID periods when benchmarked against 2019. They are also up, though, on the COVID rebound periods equivalent in 2020. In the ACT the retail trade figures that came out just for the final two weeks of October, before we were fully out of lockdown, saw a 20 per cent increase in retail spending.

As I foreshadowed during the lockdown, we were anticipating a V-shaped recovery. We are certainly experiencing that. And in some industry sectors, retail spending is now up over 30 per cent. What we are seeing across recreation, personal care, transport, clothing and footwear, food and hospitality services is an incredibly strong rebound, demonstrating that there was a significant amount of pent-up demand, as you would anticipate.

What we have seen is that the accumulated savings from households and businesses on their balance sheets—not all businesses but many businesses on their balance sheets, as a result of government stimulus payments, government support payments or indeed household or business savings, particularly in industry sectors that were not significantly impacted by lockdowns—across the nation is more than \$330 billion. The ACT's share of that, at around two per cent of the Australian economy, sees over \$6 billion of accumulated savings sitting with households and businesses in the territory. And what we are clearly seeing now, as we come out of lockdown and as things have freed up, is that that money is now being spent in our economy.

A new variant of the virus emerging and the necessary caution around international border reopening that the commonwealth announced overnight—a further at least two-week delay in the return of certain visa classes, particularly skilled migrants and international students—puts a slight dampener on those industry sectors. I think it is worth noting that, given the international border closures, our restrictions are likely to be in place even more so over the summer period as a result of this new variant. What that will mean is a lot of domestic tourism.

I make two observations there, in an ACT context, on why this is somewhat helpful in terms of our economy. Firstly, about 90 per cent of our tourism market is domestic. Australia is an importer of tourism services normally. We see more Australians travelling and spending money overseas than international tourists spend when they visit Australia. So we see a net outflow of money. That, again, will not be the case over this summer. More of that tourism dollar will be spent domestically. Pleasingly,

we are already seeing really strong forward bookings for the summer period for the ACT across the tourism sector.

Also, we expect the Treasurer to raise this point: domestic tourism is subject to the GST; international tourism is not. The taxes that you pay are paid to foreign governments when you travel overseas. So the other potential uplift for the territory, as the GST is our single largest source of revenue, is that the more domestic tourism there is, the greater the total GST pool.

For those who are unfamiliar with how the GST pool is distributed, it is not based on where the expenditure occurs. It does not matter where in Australia the money is spent; it all goes into one pool and then is distributed according to a somewhat complex but necessarily important formula of horizontal fiscal equalisation, where smaller jurisdictions, those who have less capacity to raise their own revenue, receive a greater than per capita share of the GST distribution, all of which is to say that the more money that is spent domestically in the Australian economy is not only good for the businesses where that money is spent but also good for the tax collections of the states and territories. As the GST is our single largest revenue source, it is also good for the recovery of the territory's fiscal position, which, as Standard & Poor's observed in their commentary on the ACT economy and the ACT budget, is already proceeding well ahead of the forecasts that were necessarily conservative in the budget that I delivered several months ago.

I have tabled in the Assembly the September quarter data. That shows that own-source revenue has increased and that, further, in the September quarter, in which we traditionally do see reasonably strong revenue collections, we also have seen that exceed those expectations and the territory was, in fact, operating quite a strong budget surplus in the September quarter. But we do normally do so, as a lot of territory expenditure occurs, obviously, after the passage of the appropriation bills and when we start seeing significant expenditure, for example, on new infrastructure projects.

In short, the recovery in retail spending is then flowing through into the labour market, and the ACT experienced the single largest increase in payroll jobs, according to the ABS data, as we started to emerge out of lockdown—the single largest increase of any of the states and territories in the most recent data. So what we are seeing is that, unsurprisingly as the economy opens up again and public health restrictions are eased, jobs flow back in quite significant numbers into a number of the most impacted industry sectors.

Combined with a 20 to 30 per cent increase in spending across these areas coming into the Christmas period in particular—and it is very clear already from just simply the foot traffic and the data from Google Analytics on where people are, where they are spending their time—we are seeing a significant return to a range of activities that people have not been able to do during lockdown, and that is feeding through into a really strong economic picture coming into the final quarter of this calendar year.

Provided we can continue to manage the public health situation and the new variants of the virus do not elude our vaccination protection and we are able to successfully

manage future waves of the pandemic, of which there still will be more—the pandemic is clearly not over—we do, I think, have a reasonably positive both economic and public health outlook ahead. Fundamental to that, though, will be an active take-up of the vaccine booster program ahead of the winter of 2022.

As our economic fortunes and our fiscal position are very, very strongly tied to the success of our public health response, one of the single most important things that we can all do, not only to protect our own health and the health of those that we love dearly—our family, our friends, our work colleagues—and the best thing that we can all do is, when it is time to get that booster shot, come forward and get it, to maintain the world-leading levels of protection that we have in this community. It is the best thing for your health but it is also the best thing for our economy.

On that note, I commend the budget to the Assembly and say, with the greatest level of confidence I have had over the course of this year, that our strong vaccination program and our strong public health response will see us enjoy a very strong economic recovery and a more prosperous 2022. I commend the budget to the Assembly.

Title agreed to.

Question put:

That this bill be agreed to.

The Assembly voted—

Ayes 16

Noes 9

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

Question resolved in the affirmative.

Bill agreed to.

Appropriation (Office of the Legislative Assembly) Bill 2021-2022

Debate resumed from 8 October 2021, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR CAIN (Ginninderra) (11.59): I want to speak briefly and I want to thank the staff of the Office of the Legislative Assembly, particularly for their handling of the

challenges imposed by the COVID outbreak and related restrictions. From the Canberra Liberals, thank you to OLA for managing us so well during this time.

I do look forward, as well, to the further digitisation of Assembly business, particularly the questions database. And I will be watching with interest the implementation of the Laing review of the committee structure.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (12.00), in reply: I thank Mr Cain for his comments. I echo those remarks on the functioning of the Assembly but, of course, this bill covers the Integrity Commissioner, the Auditor-General and the Electoral Commissioner as well—an important separation of powers between the executive and those offices of the parliament. In having a separate appropriation bill, I think that could achieve that separation in the legislative sense but also in a fiscal sense.

There is a formal process associated with this particular appropriation bill each year. I thank Madam Speaker for representing the Assembly and appearing before the various bodies before the budget cabinet process. Where there is a difference between what is requested and what the government is able to provide in the appropriation bill, there is, of course, a statement of reasons tabled. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.02 to 2.00 pm.

Questions without notice

Bushfires—preparation

MS LEE: My question is to the minister for emergency services. Minister, fuel reduction through prescribed burns is important for maintaining the safety of Canberrans during bushfire seasons. Yet, as you said in your recent statement on the ACT high-risk weather season preparedness and seasonal outlook, with the wetter than expected season, this has not been able to happen. Minister, what percentage of our annual target did you achieve last winter in the ACT?

MR GENTLEMAN: I thank the member for the question. It is an important question as we lead up to bushfire season. Of course, the season has been delayed this year, but we have seen these rains that have occurred, and grass is growing quite rapidly. Of particular concern is the western edge, if that starts to dry out.

We took a number of actions last year for fuel load reduction in both prescribed burning and also strategic slashing and grazing, as we do each year in preparedness

for the season. I can advise that the BOP was done, but I will have to come back with the detail of the actual number in percentage terms.

MS LEE: Minister, which areas of the ACT have been targeted for prescribed burns this year?

MR GENTLEMAN: We manage 187,000 hectares for the ACT and the six foreshore. In relation to the activities most indicated, of the 2021 BOP, we have completed 94.4 per cent of the actions identified in the BOP. That is prescribed burns but also, as I mentioned, the other actions that take place. Activities for prescribed burning, physical activity and access management most impacted—about 90, 84 and 79 per cent of completion respectively.

MR MILLIGAN: Minister, with the wetter season, and the inability for prescribed burns, will there be a catch-up period, and when will that commence?

MR GENTLEMAN: Yes, there is work that occurs right throughout the year for the ACT in ensuring that we can manage those fuel loads into the future. It is usually reliant on the weather at the time. If it is quite wet, it is difficult to do the burns; if it is windy and dangerous, it is difficult to do the burns as well. We leave that operational control within ESA and the Rural Fire Service, to manage those windows of opportunity.

Building—combustible cladding

MRS JONES: Madam Speaker, my question is to the Minister for Sustainable Building and Construction: in estimates you confirmed that the ACT government believes 90 buildings in private hands in the ACT are potentially affected by combustible cladding? Are you satisfied that the informal kerbside identification conducted by ACT Fire & Rescue in 2019 is an adequate assessment of the scope of the combustible cladding issue in the ACT?

MS VASSAROTTI: I thank the member for the question. In response to the cladding issue that was identified, as early as 2017 the government formed an interagency building cladding reform group to determine whether or not combustible materials had been used in buildings and the ways in which those materials were posing a risk. As part of that, in December 2019 a cladding audit response team was established to look at both government buildings and also to get a sense of what was happening in relation to private buildings.

As part of that the response team undertook desktop analysis of certainly privately owned buildings, and that included a kerbside identification of buildings with cladding material that was carried out by ACT Fire & Rescue in the most likely suburbs—around town centres, transit corridors and areas where there is apartment development. The outcome of that assessment and identification was around 90 apartment buildings of three storeys or higher—

Mrs Jones: On a point of order on relevance, Madam Speaker, while the information is very interesting, my question was about whether the minister was satisfied with that methodology she is now describing in detail.

MADAM SPEAKER: In the minute or so—or half a minute—if you can come to that, Ms Vassarotti.

MS VASSAROTTI: Absolutely. This assessment looked at the areas of highest risk and we tried to identify everything. It is the case that some of that number are not expected to have cladding, and there may be some additional buildings that have the cladding. So the very short answer is yes, I am satisfied.

MRS JONES: Better late than never! Minister, if you know which buildings are affected, or at least likely affected, why have you not completed a full audit of those actual buildings, as the government has done for its own buildings?

MS VASSAROTTI: The buildings we are talking about are in private hands. They could potentially have combustible cladding, and what needs to happen is a detailed assessment of each building. In relation to the support being provided by government to those private owners, we have developed a scheme and as part of that we gone out and have contacted all the apartment owners. Significant information has been provided to strata managers as well as owner occupier organisations to support them to go through a process of assessment.

There has been a list of registered providers to support people going through that assessment, and there is a rebate scheme is provided to support up to 50 per cent of the assessment under the threshold of \$20,000. If it identified that people do have cladding, we are in the process of developing a concessional loan scheme to support private owners to deal with the issue.

MR PARTON: What do you say to owners and owners' corporations who are worried about self-reporting their combustible cladding due to concerns their insurance premiums will rise and their valuations will fall?

MS VASSAROTTI: I thank the member for the supplementary question. I would say to owners that it is really important to understand the safety risk of apartments. This issue has been identified for some time and it is important to work with strata managements and owner-occupier organisations to ensure safety risks are managed. This goes beyond cladding; there's a whole range of issues that people need to ensure are being looked after.

I encourage people to engage with the scheme in terms of the information that can be provided to determine whether or not there is an issue. It is absolutely the case that assessments will identify whether there is potentially combustible cladding and how it can be managed in particular ways. I encourage people to engage with the scheme, particularly given we are providing support for people to manage the issue.

Sustainable Household Scheme—suppliers

MR HANSON: My question is to the Minister for Climate Action. Recent reports have revealed a large influx of operators from outside the ACT taking advantage of the Sustainable Household Scheme, with concerns raised in the community about

potential quality issues from potentially alleged “rogue operators”. What standards has your government set for suppliers to protect Canberra households using the Sustainable Household Scheme?

MR BARR: I thank Mr Hanson for the question. That reporting was entirely erroneous and had no basis in fact. The scheme has in place a very rigorous set of protections in terms of, for example, a new entrant seeking to suddenly merge into the industry. So you need to be in operation within the ACT for 12 months prior to the commencement of the scheme in order to participate. You need to be accredited with the various industry bodies, and if there is any evidence that you are not adhering to the rules of the scheme, you are kicked out immediately.

We have been auditing regularly; we have been assessing the processes; we had a pilot scheme, and the evidence is that the scheme is working particularly effectively. I can advise the Assembly that 564 installations have been completed. There are 1,575 loans approved pending installation, and 1,882 loan applications. The average loan value is \$9,700, and \$20.1 million has been approved in terms of the total loan application value. A total of 3.8 megawatts of rooftop solar power has already been installed under the scheme. It is performing very well. It is being very rigorously monitored to ensure that consumers are protected and are getting exactly what they paid for. There is zero tolerance on the supplier side for any rogue behaviour.

MR HANSON: Will your government provide a warranty to Canberrans if the installation or materials are found to be substandard under the Sustainable Household Scheme?

MR BARR: No, the consumer warranty protections sit with the product suppliers and installers.

DR PATERSON: Can you outline the benefits to the ACT community of the household scheme?

MR BARR: Thank you for the question. They are threefold. The benefits are threefold. The scheme supports emissions reduction. It supports a reduction in household energy bills because the switch to more efficient appliances results in smaller bills for households, and it supports a sustainable program of job creation and ongoing jobs in the industry. It is not a crazy, must-begin-in-six-months homebuilder-type scheme that fuels a massive level of demand and then everything falls off a cliff. This goes on, I hope, well beyond this term of government.

Schools—end-of-year events

DR PATERSON: My question is to the Minister for Education and Youth Affairs. Minister, COVID-19 has been an ongoing challenge for all schools this year. How are schools celebrating the end of such a year?

MS BERRY: I thank Dr Paterson for her question. Yes, it has been a remarkable year for all schools in the ACT and around the country. I want to acknowledge the mammoth effort of parents, students and all school staff during this period. Teachers

have been extraordinary this year—continuing to provide an excellent education to our children through some of the most difficult circumstances, I think we can all agree.

Everyone working in education has gone above and beyond. School admin staff have supported teaching teams and families through rapid change. BSOs and maintenance staff have kept school facilities functioning. School leaders have been steering their ships and keeping communities feeling hopeful and united.

Allied health professionals have continued to help students access learning and have supported wellbeing for our children. School cleaners, who we were really pleased to have welcomed into the public service, have done an incredible job this year in keeping our communities safe. Of course, the support staff in the Education Directorate have been liaising with health officials at all hours of the day every day, setting up pop-up testing clinics, delivering Chromebooks, developing remote education, administering additional funding and, throughout everything, keeping on delivering government policies like building new schools for our city.

After the year that we have had, it is great to see that we can come together in a COVID-safe way to celebrate, with graduations, formals and other end-of-year events.

DR PATERSON: Minister, how are schools implementing the health advice to keep these events COVID-safe?

MS BERRY: As I said, it has been great to be able to get together again in a COVID-safe way to celebrate the end of the year; but, of course, we need to maintain vigilance. The Chief Health Officer has developed COVID-safe guidelines for all of our end-of-year events. Public schools are following these guidelines very closely. The guidelines require that every event has a COVID safety plan and follows the broader community COVID requirements.

I want to acknowledge that there will be students and families who will not be able to attend these events because they have been identified as close contacts or because they have developed symptoms. I know it is heartbreaking that they will not be able to celebrate these milestones with their peers. But I am sure that they will find a way to celebrate at home.

The Education Directorate has developed a guide to virtual end-of-year events, which also has lots of great ideas for celebrating remotely. Also, if everybody is doing the right thing, we will keep making sure that our community can remain safe.

MR HANSON: Minister, is it true that teachers are being exploited by this government, as the AEU assert in their recent teacher survey report?

Ms Berry: Madam Speaker, I seek your advice on whether that question is relevant and in line with the questions that have been asked. Of course, I have mentioned teachers, but it is a bit vague.

Mr Hanson: On the point of order, Madam Speaker, on relevance—

MADAM SPEAKER: The question was around COVID safety in graduation.

Mr Hanson: The minister, in her answer—but this is not just about the question; it also goes to relevance in her answer—talked about teachers, the work that teachers have been doing and the hard work that all of the staff have been doing. I think my question, which goes to the exploitation of teachers, goes to that point.

MADAM SPEAKER: Mr Hanson, sit down. I call the minister, on the topic of teachers and their activity during the course of the year.

Mr Hanson: The last supp that I'm getting!

MS BERRY: We will do our best, Mr Hanson. What I can say is that the Australian Education Union have done an excellent job in representing their members and advocating for their members' health and wellbeing and industrial relations rights, with respect to their advocacy to the government. The ACT government works very closely and listens very carefully to the—

Mr Hanson: Madam Speaker, on relevance, the question was not whether the AEU—

MADAM SPEAKER: Mr Hanson, resume your seat. I am very aware of what your question was. It only scraped into being in order. The minister is talking about the union and the support provided to teachers—

Mr Hanson: But, Madam Speaker—

MADAM SPEAKER: There is no point of order. Take your seat. Do you have anything to add, Ms Berry?

MS BERRY: No, I think I will leave it there, Madam Speaker.

Mr Parton interjecting—

MADAM SPEAKER: Mr Parton, your commentary is only useful to yourself.

Visitor

MADAM SPEAKER: Members, can I draw your attention to the presence in the gallery of Mr Richard Mulcahy, a former member. Welcome back to question time. I do wonder why you are here in question time, but you would understand and appreciate that the standing orders do not allow a question from the floor of the gallery, so you will need to contain yourself, Mr Mulcahy.

Questions without notice

Graffiti—removal

MR DAVIS: My question is to the Minister for Transport Canberra and City Services. A number of constituents have reached out to me regarding graffiti on public and private property in Tuggeranong. Specifically I have heard concerns that it

is difficult to have graffiti removed from private fences that face on to public areas. Can you please outline TCCS's responsibilities for graffiti removal in these circumstances?

MR STEEL: I thank Mr Davis for his question. We take the issue of illegal graffiti very seriously. We have a graffiti management strategy in place to help reduce the incidences of graffiti vandalism in the territory. The five key elements include prevention through anti-graffiti paint coatings; rapid removal; diversion through 30 legal graffiti sites across the city—and this place is well attuned to where those are now!—community awareness and education; and also through legislation.

Importantly, under the Common Boundaries Act 1981 it is the responsibility of leaseholders to remove graffiti from their private property, and that includes fences even where the graffiti face public land.

MR DAVIS: Minister, what are the barriers to the government implementing a policy that would see them take graffiti off privately owned fences that face public land?

MR STEEL: I thank the member for his supplementary. We will continue to work together with private leaseholders to tackle the broad issue of graffiti vandalism across the territory in the ways I have outlined under our graffiti strategy. There are a range of things residents and householders can do to address graffiti. That includes painting over it; planting trees together with Transport Canberra and City Services, if appropriate, to create a barrier so the graffiti cannot be seen or does not happen in the first place; spraying with high-pressure hoses; using solvents that can be purchased from local hardware stores to remove graffiti; and a range of other methods.

TCCS is always happy to assist, and information is on the website if people need further information. But we will continue working together on public assets and with private leaseholders on their own properties to address this issue across the territory.

MR BRADDOCK: Minister, can you provide a rough estimate of the average cost of removing graffiti from a private fence?

MR STEEL: That really depends on the vandalism in question. If there is a particular piece Mr Braddock has in mind I am happy to come back to him., but it depends on what type of paint has been used and what measures need to be taken to prevent it occurring. We try to take a preventative approach to this issue. It is, of course, the leaseholder's responsibility to finance that, although we have been working collaboratively on prevention programs, particularly through the establishment of murals both on public and private property, which means that vandals are less likely to undertake graffiti on those surfaces. We are always open to a proactive, collaborative approach, but it is the responsibility of leaseholders to undertake this type of work on their own assets.

Housing ACT—repairs

MR PARTON: My question is to the Minister for Housing and Suburban Development. Minister, the Housing website and total facilities management contract

state that repairs must be completed within 20 days of a request being received. Responding to a question on notice about repairs, you said that providers must meet Housing ACT's obligations under the Residential Tenancies Act 1997, which states:

... the lessor must make repairs, other than urgent repairs, within 4 weeks of being notified ...

The Housing ACT tenancy agreement has the same four-week time line following notification. Why, then, Minister, did you respond to a question on 24 June stating that the repair time line is triggered only once an assessment of that request has been done?

MS BERRY: I can provide some information about that. Of course, when a notification is made to the total facilities management operator they need to go out and assess the repair work. If the repair work needed is more than has been identified in the original request, the time frame will shift.

The initial response is that the repair work will happen within that period, but after an assessment is made, it could be the case—and it depends on individual circumstances—that there are more issues that are identified when the total facilities manager turns up to a person's home and does an assessment. That is the reason why sometimes it takes a bit longer for repairs to occur—sometimes those repairs require more work and take longer to get resolved.

MR PARTON: Minister what is the time frame generally from when requests are received to when they are assessed, given that some tenants are waiting several months?

MS BERRY: I think that has been identified in the answer to Mr Parton's first question. It does depend on each individual circumstance and the types of repairs that are required.

MR CAIN: Minister, why is there such a time lag between an assessment being done and the repair work being approved and then completed?

MS BERRY: I can help Mr Cain and Mr Parton to understand. In some circumstances it might be that there just is not a time that is suitable for both the public housing tenant and the total facilities management team for people to go in and do the assessment of the repairs. Again, it depends on the types of repairs that are required: whether they are significant or whether they are something that is relatively easy, that can be repaired in a shorter period. If it is a significant repair of something in a tenant's home, it is going to take longer than 20 days. For example, if it is a kitchen upgrade or the painting of a whole house, there is a whole lot of planning work that needs to go into place.

If Mr Cain knows somebody who has made representations to him about repair work, if he could get in touch with my office or encourage that person to get in touch with total facilities management in the first place to make sure that they can have their

repairs assessed and that work can get started as soon as there is a suitable time for both the tenant and the total facilities management team to get in and do that work.

Building—licensing of trades

MR MILLIGAN: My question is to the minister for building quality. Building quality is and has been an ongoing problem for many Canberrans over many years. In New South Wales carpenters must be licensed. Must carpenters be licensed in the ACT and, if not, why not?

MS VASSAROTTI: I thank the member for the question. Licensing is a significant issue we have been looking at in the ACT as well as working with colleagues in building ministers' meetings for some time. It was really good to have a significant piece of work undertaken, the report *Building Confidence*, which looked at building quality issues more generally, and licensing and registration were key issues in relation to that.

In terms of the national work that has been happening, we have been working with the ABC board in order to develop a framework for registration of a range of professions. In the ACT, builders are required to be licensed, and we are looking at a range of other registrations, particularly engineer registration as a priority project that we need to be working through. We are looking at sub-trades licensing as part of that process, and we are through that program in consultation with industry right now.

Mrs Jones: Carpenters?

MS VASSAROTTI: My understanding is that if they are builders they will be licensed, and there will be some sub-licensing. But I will take the specifics of what level of licensing carpenters are covered by on notice.

MR MILLIGAN: Minister, are there any other trades the ACT does not require a licence to operate but that New South Wales do?

MS VASSAROTTI: I thank the member for the question. There are differences in the licensing requirements across states and territories. That is a key element being looked at through the registration framework we are looking at nationally. Work is also happening around automatic mutual recognition and ensuring consistency across jurisdictions.

Mrs Jones: For which trades.

MS VASSAROTTI: There are a range of trades. A range of trades have different requirements, and I will take the detail on notice and provide that to the member because it is quite detailed.

MR PARTON: Minister, to what extent has this government's licensing regime contributed to the building quality crisis in the ACT?

MS VASSAROTTI: I thank the member for the question, but I question using the language of “a building crisis”. There are certainly a range of building quality issues that this jurisdiction is working through—as well as all jurisdictions across Australia. There has been a significant reform process we have been working through over a number of years. The first phase of reforms was reported on last year, and we continue to work on issues as we move forward.

We have identified priority projects in terms of this next phase of reform. We have been working on the registration of particular professions—engineering is the one I have identified as a priority project. We have been working with industry. I was part of a roundtable working with industry on the details of that scheme only a couple of weeks ago. There are a range of reform projects that we are working on. Licensing is part of that issue and we will continue to work with industry to get consistency across different jurisdictions. It is an issue that needs work, but certainly I really question the use of the language of “crisis”.

Planning—western edge

MS CLAY: My question is to the Minister for Planning and Land Management. Minister, there is a lot of high-value, really special ecological land on the western edge of Canberra. That region is likely to contain many endangered and vulnerable species. The ACT government has announced a western edge investigation. When will the scoping and land suitability investigations be complete?

MR GENTLEMAN: I thank the member for her question. Yes, there is quite a bit of work that is occurring on the western edge to make sure that we can provide some opportunity for residential construction into the future. We have identified some areas on the western edge for investigation, for example. This will take quite a number of years. There is some funding in this budget, of course—which the Canberra Liberals just voted against!—to do that study. I thought I would get in early with that! It was almost \$700,000; I want to put that figure in the *Hansard*.

Each work that goes ahead for those studied identifies the key important areas that Ms Clay was talking about. We want to make sure that we can protect those ecological sustainable habitats into the future, and, of course, any habitat that is endangered as well. So it will take many years.

MS CLAY: Will the results of those investigations be made public so that they can be included in public consultations about western edge development?

MR GENTLEMAN: Yes, we will make those public. Of course, it is important and I think Canberrans really want to know what is of value in the western edge. So if we find something that needs protecting, we will protect it into the future. I do not want to pre-empt any findings that might come out of those studies. As I mentioned, it will take a couple of years to have those complete. These sorts of pre-development studies take a long time. I think this was initiated back when Mr Barr was the minister for planning—so, quite a number of years ago. It is important that we do the studies to ensure that we can get the appropriate work done for the future.

MR DAVIS: Minister, how exactly will those studies be conducted to ensure that we get genuine assessment of all species and habitat in that area?

MR GENTLEMAN: We have experts from EPSDD in our environmental area to do those studies. On occasion, they will contract other experts to do some of the field work, as well. You see the results of the previous work in other areas across the ACT, particularly those habitat areas that we have been put aside for endangered habitat and for the opportunity for Canberrans to go out and have a look at those habitats.

There is some of grasslands work that Ms Orr has done. The work on Franklin grasslands, for example, is a good piece to show the sort of work that is done on the ground, looking at particular species and then putting that into policy work for the future.

Budget—children and young people

MS ORR: My question is to the Minister for Families and Community Services. Minister, how will the ACT budget improve support for children, young people and their families?

MS STEPHEN-SMITH: I thank Ms Orr for the question. The ACT government is, of course, committed to reducing the number of children entering statutory care, and to continuous improvement in the child and youth protection and out-of-home care systems.

The 2021-22 budget provides funding to advance a number of key projects. As I mentioned during the budget debate, one of the projects that I am personally very proud and pleased to have delivered funding for is the Safe and Connected Youth coordinated service response program. Safe and Connected Youth started as a pilot program, developed and delivered alongside community sector partners. Following the success of this pilot, the budget provides \$7 million over four years to deliver therapeutic respite accommodation, early preservation outreach services, including mediation and casework, and post-exit outreach.

This funding delivers a Labor election commitment by continuing and expanding the Safe and Connected Youth Program to include therapeutic respite accommodation, creating a coordinated service response for children, young people and their families. The redevelopment of a Housing ACT property for this purpose was funded through the 2020-21 fast-track program, with the redevelopment of the property co-designed with young people who have a lived experience of homelessness. The property refurbishment is due to be completed in late December, although it may have been somewhat delayed by the inclement weather recently. Internal fit-out of the property with soft furnishings and appliances will commence in early 2022, and the property will be ready for its intended function in the first half of 2022.

The tender for the new and expanded service was released to the market on 5 November, closing on 16 December. The existing service partners will continue to deliver the current program while the procurement process is underway. Both the

refurbished property and the service have been co-designed with young people with a lived experience of family conflict and homelessness, and the services that know them best.

MS ORR: Minister, how will the funding to modernise the Children and Young People Act support the ACT government's reform agenda?

MS STEPHEN-SMITH: The ACT government has an ambitious social policy reform agenda, which I know Ms Orr is very interested in. This includes a strong focus on ensuring that we create the conditions in which children, young people and families can thrive.

The 2021-22 budget includes almost \$2 million over three years to modernise the Children and Young People Act 2008. The CYP Act has been amended frequently since it was first introduced in 2008. This has led to a necessarily complex act being even less accessible for those who interact with it. The full revision of the act will improve its function, while enabling and supporting a number of key government commitments, including embedding the Aboriginal and Torres Strait Islander child placement principle, improving the extended care system for 18- to 21-year-olds, establishing a charter of rights for parents and families and embedding this in legislation, creating a legislated external decision review mechanism for decisions made by Child and Youth Protection Services, and implementing system reform to support raising the minimum age of criminal responsibility.

Modernising the Children and Young People Act will enable reforms under development to be incorporated into the CYP Act holistically, while making the act as a whole more transparent and easier for both frontline workers and the public to understand.

Importantly, the redesign of the CYP Act will focus on embedding trust and accountability in the child protection and youth justice systems. Evidence is constantly evolving about the best ways to support children, young people and families at risk. This means both policy and practice must evolve. This significant investment will support innovative best-practice child protection work and out of home care delivery.

Modernising the Children and Young People Act will enable legislation to reflect the way our modern child protection and youth justice systems work, and support our significant reform agenda.

MR PETTERSSON: Minister, how will this work enable the government to embed the Aboriginal and Torres Strait Islander child placement principle?

MS STEPHEN-SMITH: I thank Mr Pettersson for the supplementary. The forced removal of Aboriginal and Torres Strait Islander children from their families is a black mark on Australian history, and it is incumbent upon all child protection systems to ensure that we do not repeat the past practices which have caused such deep harm to Aboriginal and Torres Strait Islander peoples.

The Aboriginal and Torres Strait Islander child placement principle provides a framework for a holistic, best-practice response to families in contact with the child protection system. It emphasises the central role of self-determination in supporting and maintaining connections.

The 1997 *Bringing them home* report described the Aboriginal and Torres Strait Islander child placement principle as the single most significant change affecting welfare practice since the 1970s. Recommendation 5 of the Our Booris, Our Way review calls on the government to ensure that the full intent of the Aboriginal and Torres Strait Islander child placement principle is reflected in the Children and Young People Act.

In the lead-up to the 2020 election, ACT Labor committed to fully implementing the Our Booris, Our Way recommendations. Funding the modernisation of the Children and Young People Act is another step towards delivering this commitment. A request for quotation was issued on 12 August for an Aboriginal and Torres Strait Islander consultant to undertake consultation about embedding the placement principle into the CYP Act. The Community Services Directorate is currently finalising contract negotiations with the successful provider, and the consultation will be conducted in the first half of 2022.

The consultancy will provide advice to government on the community consensus views of how to support this change in legislation, which will continue to drive improvements in policy and practice. This builds on the work already done to develop a new practice guide to embed the placement principle in practice and the engagement of SNAICC, the national peak body, to train frontline child protection workers and build the directorate's knowledge and understanding of the context, history and the reasons that the placement principle is so important.

University of Canberra—commercial development

MRS KIKKERT: My question is to the Chief Minister: what oversight and approval over commercial development at the University of Canberra does your government have, and how does it differ to development on other land in the ACT?

MR BARR: The university has a different lease arrangement that pre-dates self-government. The territory parliament in 2015, from memory, passed an amendment to the University of Canberra Act to enable a wider range of uses for the university's land assets. Development on the university campus must be consistent with the National Capital Plan and the Territory Plan and with the lease the university has.

This parliament did enable a broader range of uses with the deliberate intent of enabling the university to undertake the sort of commercial development I understand the member would be referring to in this question. So it was enabled by legislation in this parliament. But like all planning matters in the ACT, it must be consistent with the National Capital Plan, the Territory Plan, the individual lease that the university has and, of course, with the intent of the enabling legislation of the territory's university, the University of Canberra.

MRS KIKKERT: Chief Minister, have any lobbyists representing UC met with your office, including with representatives of UC, since you have been Chief Minister regarding any commercial development at UC?

MR BARR: Yes, the university through its vice-chancellor, chancellor and, indeed, others met with all sides of politics in this place, as I understand it, in relation to the university's master plan and its desire to undertake a more diverse range of activities. Those meetings were all appropriately declared and the enabling legislation was brought before this place and debated. I understand—I cannot be certain—but I believe that the former Leader of the Opposition met with the University of Canberra. I know the Canberra Liberals formed a view that they did not support the legislation, but it did pass this place with the support of the majority of members.

Its intent was to allow the university to not only attract commercial investment on to the campus but also, as has been evidenced by their recent announcements, to utilise some of their land for accommodation purposes. The ACT government seeks to work in partnership with the territory's only university that is under the remit of this place in order to grow its education offerings and its engagement with the community. That is evidenced by, amongst other things, the presence of a major public health facility—the University of Canberra Public Hospital—on the campus and the election commitment the government made to bring a new elective surgery centre on the north side to the campus as well.

We want to see the University of Canberra flourish and we will undertake activities in partnership with the university to achieve that end—to deliver for this community the skills that our community needs and the services our community needs. *(Time expired.)*

MR CAIN: Chief Minister, did the recent review of the University of Canberra Act improve the transparency of commercial development at UC?

MR BARR: I believe so. The act is regularly reviewed; this is all very transparent. If it was not transparent you would not be asking questions about it and we would not have brought legislation to the Assembly to enable it. It should not come as a surprise to those opposite what is happening on the campus. It is part of a deliberate strategy to diversify the range of activities on the campus, to support new educational offerings and to deliver services to the broader Canberra community in partnership with the university.

In an environment where federal government support for Australian universities has been nothing short of atrocious, particularly during the pandemic when they were deliberately excluded from federal government support this attack on the universities from those opposite is a little bit much, particularly given the university sector is the ACT's largest export earner and the next largest employer outside of the public service.

So yes, we want the universities to grow. We want them to play an even greater role in our economy and our community, and Canberra is a better city because of the presence of so many world-class higher education institutions.

Government—ethical investments policy

MR BRADDOCK: My question is for the Treasurer. Treasurer, I welcome the update to the responsible investment policy. I just have a question as to why this policy allows for some companies to have up to 10 per cent of their profits in some sectors but not others.

MR BARR: I thank Mr Braddock for the question. I believe that he is referring to the current requirements around divestment from certain industry types. Where it relates to gambling operations, yes, the threshold is currently set at 10 per cent of a company's overall activities. Gambling operations would mean that a company would either own or operate gambling facilities as diverse as casinos, racetracks, bingo parlours and other betting establishments—

Mr Parton interjecting—

MR BARR: Including horses or greyhounds, Mr Parton, or other racing events that would permit wagering—and lottery operations and online gambling. And bingo, Madam Speaker. If you operate a bingo parlour, Mr Parton, that would be counted under this as well as wagering on sporting events.

The short answer to your question, Mr Braddock, is that there are many businesses that have a broad range of activities that perhaps would not be described, even from a Greens' perspective, as being at the most pernicious end of the gambling industry! Unless you are saying that we must divest ourselves of any company that has bingo operations, I think the policy setting is about right. We review this frequently. We are happy to have a look at the broad policy settings from time to time. In light of the interest in this matter, I will undertake to do so as part of the next review of our investment policies.

MR BRADDOCK: Thank you, Treasurer, for that clarification. Does the ACT government invest in companies associated with nuclear weapons?

MR BARR: I think nuclear weapons are screened out under the requirement that relates to controversial weapons. This would include cluster munitions; landmines; biological and chemical weapons; and depleted uranium weapons, which I think would cover the weapon type that Mr Braddock is referring to. But it also extends to blinding laser weapons, incendiary weapons and/or non-detectable fragments. We do seek to screen our investments out there, together with gambling and also the manufacture of tobacco and related products—and direct exposure to proven fossil fuel reserves.

We cover this in great detail in estimates each year. It is part of the estimates hearing that we all look forward to!

MS CLAY: Does the ACT government support investment in companies associated with nuclear-related industries?

MR BARR: Thank you for the question. Nuclear related? I think it would depend on how it is defined. In the context of weapons, no. Perhaps in the context of medical research and the like, I think that might be a different story.

Mr Hanson: Do you support the acquisition of the submarines?

MR BARR: I do not think there is much need for a submarine fleet. There is not much need for a submarine fleet in Lake Burley Griffin, Mr Hanson.

MADAM SPEAKER: Resume your seat, Mr Barr. There is a point of order.

Mr Davis: Madam Speaker, the Chief Minister only has two minutes to answer Ms Clay's question. If Mr Hanson wants to take up an interjection in his own question—

MADAM SPEAKER: Yes. I remind members not to interject and perhaps members not to respond to interjections.

MR BARR: Madam Speaker, I feel that I can absolutely and categorically rule out any nuclear submarines operating within any of Canberra's lakes.

Mr Hanson: Are you sure?

MR BARR: Yes; thank you, Mr Hanson.

In relation to the question, I would need from the member a better—perhaps tighter—definition of what “nuclear related” means. Clearly, there would be some elements within that industry sector that would not be related to either energy or weapons that may in fact be, indeed, a highly suitable area for investment.

University of Canberra—commercial development

MS LAWDER: My question is to the Chief Minister: the Riotact reported on 23 November about the sale of land by UC for \$69 million. This land will be redeveloped and include up to 2,600 residential dwellings. The article notes that the deal is subject to your government granting a Crown lease. Chief Minister, will your government grant that Crown lease?

MR BARR: I think that would be asking for a government policy announcement. Clearly, we have passed enabling legislation to enable this to happen. So, subject to the appropriate planning oversight, it would seem illogical for this parliament to have established such a framework and put in place that the clear government policy to support the diversification of land uses and activities on the university campus—so it would seem logical, without pre-empting a final decision, that that would be the direction we would be heading in.

MS LAWDER: Chief Minister, have you or anyone in your office met with any individuals other than direct staff of the University of Canberra regarding this land sale and, if so, who?

MR BARR: I do not believe so, other than representatives of the university.

MR CAIN: Chief Minister, do you agree that these additional high density dwellings in the Canberra apartment market highlight the contrasting restrictions you are putting on the supply of land for other types of dwelling?

MR BARR: No, Madam Speaker. Mr Cain, you draw a few long bows in some of your questions, but that one I think sets a new world record and certainly a new record for Mr Cain in question time.

Mrs Jones: I have the longest one in history! He's joining greatness, Mr Barr.

MR BARR: He has, indeed, set a personal best! It's his personal best. That would be, for opposition backbenchers from the electorate of Ginninderra, a world record!

Heritage—national parks huts

MS CASTLEY: My question is to the environment and heritage minister. The heritage-listed Demanding hut and Max and Bert Oldfields hut were destroyed at Namadgi National Park during the 2019-20 summer bushfires. There have been media reports that your government will not rebuild the huts, while, across the border, the New South Wales government is rebuilding almost all of its damaged huts following its own assessment. The media has also reported that your government commissioned a report into the issue, which it refuses to release. Minister why won't you release the secret report into these historic huts?

MR GENTLEMAN: As Minister for Planning and Land Management, and as the minister with responsibility for parks, I will take that question. These huts sit on Namadgi National Park land, as you hear in the question. We certainly have had a look at whether we can rebuild the huts or whether we may have to leave those remnants in place as a heritage item, and build some replication alongside them or in the general vicinity of those original huts. So conversations have been had with the National Parks Association and the directorate on the way forward for the huts.

Ms Castley: I have a point of order. The question was: why won't the minister release the report into the historic huts?

MADAM SPEAKER: I think the Minister has concluded his answer.

MS CASTLEY: I have a supplementary question. Minister, will you release the report today, given the public interest in the issue, the historic importance of these huts and their heritage value?

MR GENTLEMAN: Consultation is ongoing with the huts association and heritage experts on the huts. Those reports that I discussed have not been finalised. I cannot see any reason why we would not release them in the future, but at the moment they are quite organic.

MS LAWDER: I have a supplementary question. Minister, how is it that two jurisdictions can both make expert assessments and come up with two completely different conclusions?

MR GENTLEMAN: It is the different studies on heritage application of the huts—where that has occurred—and the construction of the huts. The National Parks Association and the huts association have different views on how we should proceed with the heritage application of the huts themselves. As I mentioned, it is a matter of whether we keep the original huts that have been burnt, in their location and monument those, if you like, or whether we build something alongside them, to reflect the important story of those huts.

Government—land purchase

MR CAIN: My question is to the Minister for Housing and Suburban Development. Minister, the ACT government now has the power to purchase land in New South Wales to facilitate cross-border developments, such as, for example, Ginninderry and, arguably, elsewhere. When will you tell the community about the governance arrangements for developments in New South Wales? For example, are you planning to deliver services and levy rates? If not, who will?

MS BERRY: Mr Cain may or may not be aware that development in New South Wales, as part of the Ginninderry development, will be some years into the future. The government's position has been well broadcast; our preference is for the borders to be moved, so that those parts of New South Wales become part of the ACT. That would make things a lot easier for everybody to navigate. Those conversations about that proposal from the ACT government are continuing with New South Wales, Yass council and the federal government.

In the meantime we are also looking at a plan B: should it be the case that we cannot get to that optimal point of moving the border, what are the proposals around land management, services et cetera? As I said the proposed development in Ginninderry land in the New South Wales part of that development is 10 years down the track, so there is a significant amount of time for that planning work to occur, and it has been occurring for some time now.

MR CAIN: Minister, is there a conflict of interest with your Ginninderry joint venture partner owning the land in New South Wales that the government will likely purchase to complete the Ginninderry estate?

MS BERRY: I thank Mr Cain for his interest in this really great development, Ginninderry, in the western suburbs of the ACT. It is a project in which the ACT government is a joint partner, absolutely. We have been incredibly diligent in ensuring that there has been due diligence and transparency around the processes that have been in place for a number of years on the land in New South Wales, as part of the proposed Ginninderry development. All of that transparency in governance is well documented and is available for the public to analyse. I am happy to provide Mr Cain with a briefing on the processes that were conducted in ensuring that there was due diligence, transparency and appropriate governance around that process.

MR PARTON: Minister, for future developments like Ginninderry, will you commit to a “no conflicts” approach, where the government would not engage a joint venture development partner that owns the land to be sold to government for development?

MS BERRY: I do not even understand what the question means. I do not know that I could even answer about something that might or might not occur in the future. I also do not agree with the premise that the question implies, in any case.

COVID-19—multicultural communities

MR PETTERSSON: My question is to the Minister for Multicultural Affairs. How is the ACT government supporting multicultural communities with the COVID-19 recovery?

MS CHEYNE: I thank Mr Pettersson for the question and his interest and general support of the multicultural communities, including in his electorate of Yerrabi. The ACT government is supporting multicultural communities through the current COVID recovery with a range of initiatives. Earlier today applications closed for the multicultural participation grants program designed to support community organisations to promote participation and cohesion, cultural diversity and social inclusion.

In the previous year’s round of grants we funded 49 organisations to deliver programs and events ranging from Diwali celebrations to financial literacy workshops. I look forward to updating the Assembly with this round’s successful recipients and their COVID recovery efforts in the coming months.

Following the postponement of the 25th anniversary of the National Multicultural Festival the additional \$400,000 which was allocated to the festival in this year’s budget will be used to support the participation of multicultural organisations in large community events such as Australia Day and especially Canberra Day presented by Events ACT. This does not replace the festival but, rather, recognises the importance of our local events representing and celebrating the diversity of our community.

In addition, I am pleased to share that the 25th anniversary festival grant funding totalling over \$177,000, which is bigger than previous years, will be offered to eligible community organisation applicants to assist them to participate in local events or to host their own fundraising activities. The ACT government is committed to fostering a community where everyone feels welcomed and has a strong sense of belonging.

Alongside our current work to develop and introduce a multicultural recognition act, which will now be next year, we are progressing our accreditation as a welcoming city. We are now proudly the fourth location in Australia to reach the established level of accreditation, and we are well-positioned to progress to the advanced level of the Welcoming Cities standard with that work already underway. *(Time expired.)*

MR PETTERSSON: Minister, how will Events ACT engage with multicultural communities to support their participation in community events in 2022?

MS CHEYNE: I thank Mr Pettersson for the question. Just last Friday I met with the National Multicultural Festival Community Panel Reference Group and senior representatives from the National Multicultural Festival team and Events ACT to discuss the opportunities for integrating multicultural community programming at upcoming events in 2022.

The community panel reference group continues to play a key role in assisting the Community Services Directorate and Events ACT in encouraging the participation of Canberra's multicultural communities in a range of opportunities in 2022. This includes a major focus on multicultural integration at next year's Canberra Day celebrations with potential opportunities also spanning across the ancillary events, including Symphony in the Park, the Canberra Balloon Spectacular, the Enlighten illuminations and, of course, Canberra Day itself.

These opportunities will provide a platform for communities to share and showcase their cultural heritage and traditions, joining with Canberrans to celebrate multiculturalism in all its forms. Importantly, these will be revenue-raising opportunities for multicultural groups and organisations, some of whom participate in the National Multicultural Festival to raise funds to support further activities throughout the year.

The panel's advice and feedback on engaging the communities will be considered and incorporated into an expression of interest process, which is currently being developed. Interested parties can register now to receive updates about this process through the festival website.

DR PATERSON: Minister, how does the welcoming cities work benefit ACT multicultural communities?

MS CHEYNE: I thank Dr Paterson for the question and her interest. Welcoming Cities is a national network of cities, shires, towns and municipalities committed to an Australia where everyone can belong, contribute and thrive. Welcoming Cities is a founding partner of Welcoming International, which represents a growing network of more than 200 municipalities across the world.

Assessment and accreditation as a welcoming city allows jurisdictions to benchmark their progress and identify gaps in our welcoming and inclusion practices, and it provides valuable access to a community of like-minded governments setting the national standard for inclusivity both in policy and in practice.

The Welcoming Cities standard is a peer-reviewed resource that establishes the cultural diversity and inclusion benchmarks and framework for the ACT government to establish a positive and welcoming reputation, to increase the impact of government initiatives for ACT communities, and to assess progress and improvement over time.

Upon becoming an established earlier this year, the Welcoming Australia CEO, Aleem Ali, congratulated the ACT and remarked that Canberra has demonstrated

what can be achieved by being welcoming and developing strong partnerships with diverse communities. He said leadership is the primary focus of the established level of the Welcoming Cities standard and that successful accreditation confirms that the ACT government is a leader amongst their peers both in Australia and internationally. I look forward to updating the Assembly as we progress work towards attaining the advanced level of accreditation.

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

Supplementary answer to question without notice

Heritage—national parks huts

MR GENTLEMAN: In my earlier answer to Ms Castley I may have misspoken. The report considered by the Heritage Council has been finalised. I cannot see why that report would not be released after the discussions with stakeholders, such as the huts association and others, has concluded and a decision made regarding this matter. However, any decision to release is a matter for officials and possibly the independent council.

Papers

Madam Speaker presented the following paper:

Public Accounts—Standing Committee—Report 2—Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022—ACT Ombudsman’s response to Recommendation 19, dated 16 November 2021.

Mr Gentleman presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2021 (No 4)—Disallowable Instrument DI2021-261 (LR, 22 November 2021).

Food Act—Food (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-264 (LR, 22 November 2021).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-265 (LR, 22 November 2021).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2021 (No 1)—Disallowable Instrument DI2021-267 (LR, 22 November 2021).

Nature Conservation Act—

Nature Conservation (Canberra Nature Park) Reserve Management Plan 2021—Disallowable Instrument DI2021-268 (LR, 22 November 2021).

Nature Conservation (Scientific Committee) Appointment 2021 (No 2)—
Disallowable Instrument DI2021-256 (LR, 18 November 2021).

Public Health Act—Public Health (Fees) Determination 2021 (No 1)—
Disallowable Instrument DI2021-262 (LR, 22 November 2021).

Public Place Names Act—Public Place Names (Coombs) Determination 2021—
Disallowable Instrument DI2021-260 (LR, 18 November 2021).

Radiation Protection Act—Radiation Protection (Fees) Determination 2021
(No 1)—Disallowable Instrument DI2021-266 (LR, 22 November 2021).

Tobacco and Other Smoking Products Act—Tobacco and Other Smoking
Products (Fees) Determination 2021 (No 1)—Disallowable Instrument
DI2021-263 (LR, 22 November 2021).

University of Canberra Act—

University of Canberra Council Appointment 2021 (No 2)—Disallowable
Instrument DI2021-257 (LR, 18 November 2021).

University of Canberra Council Appointment 2021 (No 3)—Disallowable
Instrument DI2021-258 (LR, 18 November 2021).

University of Canberra Council Appointment 2021 (No 4)—Disallowable
Instrument DI2021-259 (LR, 18 November 2021).

Public Place Names Amendment Bill 2021

Dr Paterson, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

DR PATERSON (Murrumbidgee) (3.07): I move:

That this bill be agreed to in principle.

I wish to acknowledge and pay my respects to the past, present and future traditional custodians and elders of this land, the Nggunawal people. I wish to acknowledge and respect their continuing culture, spiritual and educational practices and the contribution that they make to the life of this city and the region. I would also like to pay my respects to Aboriginal and Torres Strait Islander people here today and acknowledge Paula McGrady from the Aboriginal and Torres Strait Islander Elected Body. I also wish to acknowledge my respect for deceased persons, as I will be mentioning the names of persons who have passed on.

I was saddened to hear the news this morning and overnight that Aboriginal actor David Dalaithngu passed away. I was lucky to have met him a few times during my work in Arnhem Land. We will all remember him for the roles he played in some of Australia's most iconic films, including his beautiful narration of *Ten Canoes*, world-famous films like *Crocodile Dundee*, *Rabbit-Proof Fence*, *The Tracker*, *Walkabout* and the moving film that I have very fond memories of as a child, *Storm Boy*.

He opened the eyes of the world to strong, positive depictions of Aboriginal people, their culture and landscapes, and the glitz and glamour of movie stardom was in stark contrast to how I met him: once on the side of an Arnhem Land road in a broken-down truck, and once under a tarp in a remote outstation of Ramingining.

On this day we pay tribute to such a contribution, and I am pleased to present to the Assembly the Place Names Amendment Bill 2021. The amendment I propose is small and simple but it is important. Under the Public Place Names Act 1989, the minister, in this case, Minister Gentleman, may determine the name of a public place that is in territory land. Public places include an avenue, road, street, geographical feature or place that the public is entitled to use, as well as any unleased land. In making such a determination, the minister must have regard to certain matters, which include, at section 4(2)(a):

the names of persons famous in Australian exploration, navigation, pioneering, colonisation, administration, politics, education, science or letters;

My amendment in this bill is to omit the word “colonisation” and substitute it with “reconciliation”. The implications of this amendment are wide reaching and have important implications for reconciliation across our community. The term “colonisation” is offensive to many people in our community and carries many negative connotations. It is time that we give greater attention to those who have made, and those who continue to make, positive contributions towards reconciliation in our community.

The change I am proposing will legislate for a broader scope of persons famous in Australian fields for whom the minister can have regard in determining a public place name. It will reflect a broader range of fields of relevance in contemporary society and to our diverse community and will clearly signal an important move away from glamorising colonisation and, instead, towards honouring reconciliation.

At its heart, reconciliation is about strengthening the relationships between Aboriginal and Torres Strait Islander people and non-Indigenous Australians. By contrast, colonisation is associated with devastating experiences of land dispossession, violence and racism. To quote Reconciliation Australia:

Reconciliation is an ongoing journey that reminds us that while generations of Australians have fought hard for meaningful change, future gains are likely to take just as much, if not more, effort.

Kirstie Parker, a board member of Reconciliation Australia, states that, for her:

A reconciled Australia is one where our rights as First Australians are not just respected but championed in all the places that matter.

The ACT should be proud of its Stretch Reconciliation Action Plan, adopted by the Chief Minister’s Directorate in April last year. As its name suggests, it is far reaching and sets out a clear framework until April 2023, through five clear dimensions: race relations, equality and equity, institutional integrity, unity, and

historical acceptance. These dimensions mirror those of Reconciliation Australia and are an agreed path forward on a shared journey of reconciliation. I understand that most, if not all, ACT government directorates have similar reconciliation action plans in place.

The ACT remains Australia's only jurisdiction to recognise Reconciliation Day, first celebrated here in 2018, and marked with a public holiday coinciding with National Reconciliation Week. It is an opportunity for all Canberrans to learn about our shared histories, cultures and achievements and to explore how each of us can contribute to achieving reconciliation in Australia. At the heart of our reconciliation journey, as individuals, families, communities, organisations and a nation, are the relationships that we collectively build and the value that we place on recognising Aboriginal and Torres Strait Islander peoples, histories, cultures and futures.

To me, reconciliation is all of this. It is recognition, it is respect, it is acknowledgement and it is celebration. I believe that, by enabling greater recognition in public place names across the ACT, we will contribute to reconciliation with our Aboriginal and Torres Strait Islander community. We will do this by bringing greater attention and focus to the contributions of people in Australia who have furthered the cause of reconciliation and to their plight and purposes.

We do already have two ACT suburbs which recognise Aboriginal and Torres Strait Islanders' important place in Australia's history. Bonner is named after Senator Neville Bonner AO, who was the first Indigenous person to enter federal parliament, as a Liberal senator for Queensland in 1971. Also, Nicholls is named after Sir Douglas Nicholls, a prominent Aboriginal man from the Yorta Yorta people.

Aboriginal and Torres Strait Islander culture more broadly is reflected in the language of many other names of ACT suburbs and streets, including my home suburb of Waramanga, derived from the cultural and language group name of the Warumungu people from the Tennant Creek district in the Northern Territory. In Waramanga, every street is named after different Aboriginal tribal groups from around Australia.

While we already clearly have a great history of naming public places in the ACT in recognition of important Aboriginal and Torres Strait Islander culture and people, the legislative change I am proposing will do more than just validate what is already done. It will send a clear signal, a clear commitment from this Assembly, that we honour reconciliation and, in parallel, that we denounce the negative connotations of colonisation and actions of colonisation and the injustices it incites for too many people in this community.

During the development of this amendment, I engaged closely with the ACT Aboriginal and Torres Strait Islander Elected Body, who have provided their full support. I wish to thank members of the ACT Aboriginal and Torres Strait Islander Elected Body, in particular the members who are here today, together with the members of the United Ngunnawal Elders Council and the Healing Foundation for their ongoing commitment and dedication towards causes relevant to reconciliation and furthering the opportunities for Aboriginal and Torres Strait Islander people.

I note that some of those people who have given their support and worked with me are here today in the chamber. So thank you for taking the time to be here, and I look forward to continuing to work together. Of course, this legislation, if passed, is just the beginning of this work. Significant community consultation would need to be undertaken by the minister ahead of any consideration concerning recognition of a person important for reconciliation in Australia. I look forward to continuing to play a role in ongoing community consultation.

I think it is also worth noting that introducing this amendment bill today is quite timely. This is the last week the Assembly will sit before the 50th anniversary of the establishment of the Aboriginal Tent Embassy, which was established on 26 January 1972. As we all know, the Aboriginal Tent Embassy is a permanent protest occupation site to bring about attention to and change for the political rights of Aboriginal and Torres Strait Islander Australians. Initially, it was established by four men under a beach umbrella. It has come a long way since then.

The Tent Embassy has been in its current location, on the lawns at the front of Old Parliament House, since 1992. It has served and continues to serve as a stark reminder that we still have a long way to go, as a community and as a nation. As of 2021, the focus of protests represented by the Aboriginal Tent Embassy has extended beyond land rights to also include Indigenous sovereignty and self-determination. As we seek to move forward together, as a community, it is fitting to make this important legislative amendment to coincide with the 50th anniversary of the Tent Embassy's establishment.

As many of you know, prior to commencing my position as an elected member for Murrumbidgee, I spent 15 years of my life working with remote Indigenous communities across the Northern Territory. I have seen firsthand the challenges in communities, the struggle for rights and recognition, and the implementation of policies that further entrench disadvantage and inequality. We have a long way to go in recognising collective Indigenous rights in Australia, which is really central to a decolonising policy process.

This amendment to the Public Place Names Act is a fitting and timely tribute, a move away from colonisation and a symbolic contribution towards reconciliation. I am really pleased, on behalf of Murrumbidgee residents that I represent and the ACT community, to be tabling this amendment bill in today's Assembly. I would also like to thank Minister Gentleman and his office for their support to do this. I am really hopeful that the debate may coincide with Reconciliation Week. I have noted that we have got two sitting days on 1 and 2 June. It always was, always will be, Aboriginal land.

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

Government—data security

MS LEE (Kurrajong—Leader of the Opposition) (3.20): I move:

That this Assembly:

- (1) notes that *The Canberra Times* article of 25 November 2021 reported that workers compensation data was publicly available online, resulting in a serious privacy breach for 30 000 public sector employees;
- (2) recognises:
 - (a) that this incident has led to a loss of confidence in the ACT Government to protect employee confidentiality; and
 - (b) caused significant distress to employees whose personal information was included in this data breach; and
- (3) calls on the ACT Government to:
 - (a) establish an independent external review into the breach of workers compensation data breach as reported in *The Canberra Times* on 25 November 2021;
 - (b) table the terms of reference of the review, including the details of the reviewer, in this Assembly by the last sitting day in February 2022; and
 - (c) table the findings of the independent external review in this Assembly by the last sitting day in September 2022.

On 25 November this year the *Canberra Times* reported:

The sensitive health data of nearly 30,000 ACT public servants has remained publicly accessible for more than three years in a privacy breach experts have described as extremely concerning.

The spreadsheet uploaded to the Tenders ACT website in 2018 contains details of workers compensation claims dating back to 1989, including highly personal information about the claimants' year of birth, gender, occupation, which ACT government directorate, details of injuries, and information about financial compensation. This is the information which was disclosed, which this Labor-Greens government claims was adequately redacted to protect privacy: year of birth, gender, occupation, which ACT government directorate, details of injuries, and information about financial compensation.

This is the information which was disclosed, which this Labor-Greens government claims it will not state was a breach of privacy: year of birth, gender, occupation, which ACT government directorate, details of injuries, and information about financial compensation. This is the information which was disclosed, which this Labor-Greens government claims does not require an independent external review. This incident should be ringing alarm bells for those in the highest positions in government because it is certainly ringing alarm bells for those in our community.

We know that legal experts are worried about the breach. Tom Maling from Elringtons labelled the incident "extremely intrusive" and "an enormous invasion of privacy" for claimants. Mr Maling said:

The disclosure of this type of sensitive information for a purpose other than helping them recover will be extremely concerning to workers who are impacted, as it represents a significant breach of trust.

Vice-chair of the Australian Privacy Foundation and University of Canberra legal expert Dr Bruce Baer Arnold has also said:

The government now should be making a major commitment right across the ACT public sector to make sure that nothing like this ever happens again.

He went on to heed an alarming warning that, once the data is out there, it is not coming back.

We know that long-term public servants are worried about the breach, with one saying to the *Canberra Times*:

An apology would be nice and an acknowledgement that they've gone and done this, they need to acknowledge that they've caused undue stress to their own staff.

On 26 November this year the *Canberra Times* reported that the ACT United Firefighters Union called this a gross breach of duty of care, with the Community and Public Sector Union ACT, or the CPSU, also saying that their members were furious about the breach. CPSU regional secretary Maddy Northam said:

It is absolutely astonishing and concerning that workers' private data has been publicly available for three years before the government was even aware of it. The data that has been available is of a highly personal nature, and it has been troubling for our members who have had a claim.

Ms Northam also said that union members were not told about the breach before reading it on the front page of the newspaper on 25 November.

Yet despite all of this concern from almost every stakeholder involved in this incident, those opposite have once again buried their heads in the sand. This government has announced an internal review, and that is simply not good enough. If we want to ensure that a breach of this nature does not happen again, a rigorous and, more importantly, independent review must be established. This is exactly what Dr Bruce Arnold called for and what the ACT United Firefighters Union called for.

I also note that the Special Minister of State did not give the Assembly a time frame for the review, which raises concerns that the review may not be completed as a matter of urgency.

The government knew about the data breach the day before the story broke and they did not contact the CPSU, nor did they alert any of the claimants whose privacy was breached in such a way. The breach of 30,000 public sector employees' personal health data cannot be taken lightly. This data breach contains highly personal and sensitive information: year of birth, gender, occupation, ACT government directorate, details of injuries, information about financial compensation—all made publicly available.

What is also concerning but, sadly, has become all too frequent with this government, is that these issues in relation to inadequate data management were raised with the government by the Auditor-General in his report last year on data security. The Auditor-General concluded in his report:

ACT Government agencies have not clearly understood the risks and requirements of securing sensitive data, and are not well placed to respond to a data breach.

In the response to the Auditor-General's report, the government supported every single recommendation that was made and promised to take action against them. Once again, we see this Labor-Greens government doing what it does best: talk the talk and fail to walk the walk.

The ACT government has access to sensitive, personal and commercially confidential data about Canberrans. It is an enormous privilege, as the government of the day, to be entrusted with such sensitive data, and with this privilege comes responsibility. This incident has led to an enormous breach of trust and faith in this Labor-Greens government's data management and security.

To ensure that incidents like this do not occur again, immediate and strong action must be taken. This is why it is absolutely vital that there is an independent and external review of this incident, not only so that we can determine whether ACT government data security protocols are adequate but so that we can put mechanisms in place to prevent any future gross breach of privacy.

If this Labor-Greens government has nothing to hide, it should have no problem with agreeing to an independent external review. The onus is on us, here in this place, to make sure that this does not happen again. I commend my motion to the Assembly.

MR STEEL (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (3.29): I would like to take the opportunity to set out some of the facts on this matter as the ACT government currently understands them. In 2018, de-identified information relating to historic workers compensation claims was published on the Tenders ACT website as part of an ACT government procurement process. This tender was part of the ACT government's transition to become a self-insurer and move away from Comcare as the assessor of workers compensation claims for ACT government employees.

The tender was to estimate the costs and provide accurate quotes. It was necessary to provide tenderers with information about the number, nature and duration of the claims that would require management. The spreadsheet in question was provided for that purpose and included redacted, de-identified information about ACT government workers compensation claims.

As my amendment to Ms Lee's motion that is now in circulation notes, I want to assure current and former ACT government public servants that the spreadsheet that was provided did not include names, dates of birth, addresses, contact details,

employee identification numbers or specific roles or positions. The spreadsheet was available to registered users on the Tenders ACT website for an initial period associated with the conduct of the tender in 2018, before being removed from public display.

A systems change in 2020 inadvertently resulted in this becoming accessible to registered users again. Once it was brought to the government's attention that this spreadsheet was still available online and concerns had been raised about its contents, we took a number of initial steps. Firstly, the spreadsheet was removed from the Tenders ACT website on the same day, and I can confirm that it is no longer accessible to users outside of government.

We established a process for individual workers who believe their claims may have been included in this dataset to contact the ACT government for further information. This process and a dedicated contact point within the Chief Minister, Treasury and Economic Development Directorate has been communicated to worker representatives.

The ACT Information Privacy Act 2014 regulates how Australian Capital Territory public sector agencies handle personal information. It includes a set of territory privacy principles which cover the collection, storage, use and disclosure of personal information. Under an arrangement between the ACT government and the Australian government, the Australian Information Commissioner exercises some of the functions of the ACT Information Privacy Commissioner. These responsibilities include conducting assessments of ACT public sector agencies' compliance with the Information Privacy Act.

I directed the Chief Minister, Treasury and Economic Development Directorate to make a self-referral to the Office of the Australian Information Commissioner about this matter, and that referral has now been made. I present the following paper:

Access to ACT Public Sector workers compensation data—Copy of letter to the Australian Information Commissioner and Privacy Commissioner from the Executive Group Manager, Procurement ACT, dated 30 November 2021.

The referral letter seeks advice from the Australian Information Commissioner on their view of this matter and whether there are any further steps the ACT government should take in relation to it.

This external body is well placed to review the facts of this matter and determine whether a data breach has, in fact, occurred. The ACT government will cooperate fully with the OAIC in their exploration of this matter and will take any further actions as advised or recommended following that process. We agree that information security and personal privacy are extremely important. We take protecting it very seriously, as the steps we have taken to refer this matter for external review indicate.

For future reference, in the event that members of this place become aware of publicly available information which they believe is not consistent with privacy legislation or principles, the appropriate course of action would be to draw this immediately to the

attention of the government and privacy regulators so that we can take the steps that we have taken in recent days since we have become aware of this matter. Further, disseminating the information in question would not be consistent with the objective of protecting privacy, which members in this place have professed a deep commitment to.

The steps outlined for members of the Assembly to take in the amendment that I have circulated will ensure that all the facts of this matter can be considered by the external oversight body and further copies of the spreadsheet in question will not remain in circulation while the OAIC's review is underway.

The government intends to be open and transparent about any actions, decisions or investigations undertaken by the Office of the Australian Information Commissioner, following our self-referral. I will provide an update to the Assembly on these matters within three months of receiving advice from the external regulator. It is not possible to be more specific on exact dates at this time, as we await the advice from the OAIC about their intended approach to this information release.

I move:

Omit all text after "That this Assembly", substitute:

"(1) notes that:

- (a) de-identified information relating to historic workers compensation claims was published on the Tenders ACT website in 2018 as part of an ACT Government procurement process;
- (b) this spreadsheet was intentionally prepared and made available to assist potential suppliers in preparing their responses to the Government's Request for Tender;
- (c) the spreadsheet did not include any of the following identifying information about the individual records contained within it:
 - (i) names;
 - (ii) dates of birth;
 - (iii) addresses;
 - (iv) contact details;
 - (v) employee identification numbers; or
 - (vi) specific roles or positions;
- (d) the spreadsheet was available to registered users on the Tenders ACT website for an initial period associated with the conduct of the tender in 2018, before being removed from public display. A systems change in 2020 inadvertently resulted in this becoming accessible to registered users again; and
- (e) the spreadsheet has now been removed from the Tenders ACT website and is no longer accessible to registered users outside of government;

(2) further notes that:

- (a) under arrangements associated with the Information Privacy Act 2014 (ACT) the Australian Information Commissioner exercises some of the functions of the ACT Information Privacy Commissioner, including assessing ACT public sector agencies' compliance with the Information Privacy Act;
 - (b) while the Act does not have a mandatory notification scheme, a referral may be made to the Australian Information Commissioner to obtain advice and assistance to determine an appropriate course of action in relation to matters covered by the Act; and
 - (c) the Special Minister of State has directed the Chief Minister, Treasury and Economic Development Directorate to make a self-referral about this matter to the Office of the Australian Information Commissioner and this referral has now been made;
- (3) calls on the Government to:
- (a) co-operate fully with any investigation the Australian Information Commissioner may choose to initiate in this release of workers compensation data; and
 - (b) report back to the Assembly on the outcomes of any action, decision or investigation undertaken by the Australian Information Commissioner within three months of receiving advice about this; and
- (4) calls on members of the ACT Legislative Assembly to:
- (a) declare whether they or their offices accessed the spreadsheet in question before Wednesday, 24 November 2021 and whether they provided copies of this, or web links to it, to any third party external to their offices on or before that date; and
 - (b) take steps to ensure that any copies of the spreadsheet held by MLA offices are deleted.”.

I commit to keeping members updated on this matter as the government is able to.

MRS JONES (Murrumbidgee) (3.34): I add to this debate because of the health aspect of it but also because I am, quite frankly, stunned by the government's response to this data breach. If a data breach has occurred, the arrogance of this statement that Mr Steel continues to make, after it has been made perfectly clear that people have been and can be identified by their birth year and the area in which they worked, including the injury which they sustained, is breathtaking, even for this government. That they maintain this position that a data breach may not have occurred is total nonsense. It is very clear to all that people's privacy has been completely stripped bare by this arrogant government. The release by the government of the details of the confidential workers compensation claims of 30,000 current and former ACT public sector workers dating back to the start of self-government in 1989 is one of the greatest disgraceful behaviours and scandals I have ever seen in this place.

I have met people all weekend at events whose data was in that spreadsheet, and they are appalled. One woman told me it took her two days to get through the *Canberra Times* article about this matter. It was so traumatic for her, the end of her working life,

the way she was treated whilst trying to get her injuries compensated for and properly treated. And then this on top of it!

The following details were released: claimants' birth year, claimants' gender, details of their occupation, details of where they are or were employed, their job titles, the date of claimants' injuries, the type of claimants' injuries, the location on the body of claimants' injuries, and the compensation and treatment costs funded for these claimants. This is the most personal information that is directly related to their health status. It is scandalous that it was freely available on an ACT government website for three years because no-one in this government seemingly knew or cared about the sensitive nature of this information. It reflects breathtaking arrogance.

Whether or not the information should have been protected by the Privacy Act 2014 or the Health Records (Privacy and Access) Act 1997 turns upon whether this information can be connected to an individual's specific health status. The *Canberra Times* has been able to connect this information to individuals. People who work in the ACT workers compensation system have easily been able to link this information to people that they know and have assisted. This, I believe, is clearly health information that should have been protected under the health records act, and that is why, on Thursday, I wrote to the Health Services Commissioner at the Human Rights Commission demanding an investigation, if at all possible. The legal framework is a distraction.

My office has received numerous calls from Canberrans who know that they are on the list because they have been injured while working for the ACT government. Some of these people have incurred psychological injuries by working in the ACT government because they were both frontline workers and, when they got injuries such as post-traumatic stress injury, they were bullied by senior management. The ACT government has released the details of their claims, some of which are the result of long, long-fought battles with Comcare or with the current insurer, online. Unbelievable!

This breach raises major questions in my mind about how personal health data like this is managed in the ACT government on a day-to-day basis. Is it stored on shared drives, open to anyone? Is it emailed between directorates? Do ACT public servants get training in privacy and their legal obligation to protect people's private information? Given the level of transparency and accountability demonstrated by this government, it is not surprising that there is little information publicly available about such matters.

One relevant, but admittedly old, report was prepared by the ACT Ombudsman when reviewing the ACT Revenue Office's handling of revenue objections in 2007. After reviewing the ACT Revenue Office's records management, the Ombudsman observed that the review of files by the Ombudsman revealed a pattern of shortcomings in the records management systems of the Revenue Office. The Ombudsman also observed:

No file had folio numbers and files were not consistently maintained in an orderly manner to facilitate folioing. Records were often not in date or event order.

On several files, documents were missing, misplaced or lost, and in some instances had to be obtained again.

Many files contained poorly recorded information—for example, a telephone conversation recorded on a post-it note ...

In a few cases, no paper file for an objection was created.

Is this still going on? Is where you live, the value of your house, your business payroll, still floating around on a post-it note in the Revenue Office, with no protection whatsoever? Will Minister Steel's internal review look at the internal management of private data within ACT government also?

When Minister Steel came in here in question time on Thursday, after knowing full well that this information was going to be discussed, he had not seen the original document. He clearly had not seen the original document. Would you not think the first thing the minister in charge would say is, "Show me the document so that I can fully understand what kind of screw-up we have watched over." He did not know because on Thursday he came back in here during the adjournment debate to correct the record because he had actually said the wrong thing in question time. The whole argument that a data breach may not have occurred rests on the statements he made in question time on Thursday, which he has said now are categorically incorrect.

I echo what the Leader of the Opposition, Ms Lee, has already said on this. It is a disgrace. The government, via Mr Steel, should not be allowed to review itself. The question here of whether the law has been broken or not needs to be determined by an independent statutory officer who has been specifically appointed for this task—as Minister Steel has admitted, the Australian Information Commissioner, probably in conjunction with the ACT Health Services Commissioner. Offences may have been committed and this government should not be allowed to investigate itself.

For those who are on that list, for those who have suffered trying to have their injuries understood, for those who have tried to have their injuries addressed—injuries they have incurred while serving the people of the ACT via employment on the frontline of this government's workforce—it is not acceptable that they have been stripped bare in front of the whole community with this data breach and it must be addressed appropriately.

MR RATTENBURY (Kurrajong) (3.43): On behalf of the ACT Greens, I would like to express our support for the robust system of privacy protection that we have in the ACT and for the principles that underpin it. It is important that we respect and protect people's privacy and people's personal information from misuse and potential exploitation and indeed from casual exposure, recognising that people value their privacy and that personal information can be misused in many ways. Sometimes these methods of exploitation are not immediately clear, and data can also be interrogated or aggregated and can be used in disturbing ways that were not immediately clear.

The circumstances outlined around this matter are certainly of concern. What we understand so far is that de-identified information relating to historic workers

compensation claims was originally published on the Tenders ACT website deliberately, as part of an ACT government procurement process. The information was taken down when the tender closed but it was accidentally made visible again several years later, following a systems change.

Ms Lee and Mrs Jones have asserted that it was available for three years. I understand it to be a different set of circumstances. I guess this is something that the investigation process will reveal. That is the value of the external review that Minister Steel has referenced in his amendment.

I recognise the legitimate concerns that are being raised by some in the community. It is important that a review of the incident occurs to determine what has occurred and what action may be required as a consequence of those findings. The Information Commissioner is an appropriate entity to conduct this review.

Let me put on the record again, on behalf of the Greens, that any privacy breach is deeply troubling. We need to find out the circumstances of the recent incident, if it is indeed an incident in breach of the privacy principles or the Privacy Act, how it occurred, if it reveals any problems that need to be rectified and, if so, what are the steps that need to be taken to make that rectification. There are a whole series of questions there that are important that we do understand very clearly.

As Minister Steel has discussed, the potential breach is being taken very seriously. I understand that an internal investigation was initiated immediately, and Minister Steel outlined that in question time last week. That is an appropriate first step. We have public servants who work as privacy officers. It is part of their role to investigate these matters and ensure that the privacy principles are adhered to. I do not see any problem with this being the first point of investigation because I put some considerable stead in the professionalism of our ACT public servants and that they take these roles very seriously. It is their job to be watchdogs within the government to make sure that these rules are adhered to.

However, as Minister Steel has also described, the decision was taken recently to formally refer the matter to the office of the information privacy commissioner for investigation and report. I agree with that decision. The commissioner will report back on the incident, and the government is committed to cooperating fully with any investigation and reporting back to the Assembly on the outcomes of any action, decision or investigation undertaken by the commissioner.

If there are recommendations from the commissioner to take action under the Privacy Act, I will respond to those as the Attorney-General, in partnership and working with Minister Steel as the minister responsible for this matter. As I also noted when this issue was raised with me in question time last week, I will wait to see what any recommendations have to say, because that, of course, is the appropriate course of action. This referral to the commissioner also meets the request in Ms Lee's motion.

The Greens will be supporting Minister Steel's amendment, which describes the referral to the commissioner and still meets the request in Ms Lee's motion but with updated information. I do expect that that process will get to the bottom of this issue.

If it reveals a deficiency in process, that will need to be corrected. There are always improvements to be considered where circumstances of concern like this arise.

I will say, though, that I do not believe this is a regular occurrence in the ACT government, and there is a strong commitment to privacy protection. I have already said that we have good and professional public officials whose job it is to protect this information, and I think they are very committed and they work hard to do that job. The government has made very clear its commitment to taking the privacy of the community seriously, and those are the officials charged with that responsibility.

Finally, I note the additional part in Minister Steel's amendment that calls on members of the ACT Assembly to declare whether they or their offices have accessed a copy of the spreadsheet in question and on what dates they did so and to take steps to ensure that any copies of the spreadsheet held by MLA offices are deleted. I can deal with that issue now on behalf of the Greens and inform the Assembly that there are no members of the Greens or their offices that have accessed this data.

Having made that clarification, I will indicate, as I said earlier, that the Greens intend to support Minister Steel's amendment, which provides a range of factual information and particularly notes that the minister has referred this matter to the Australian Information Commissioner, and we support that referral.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.49): I just want to speak very briefly on Ms Lee's motion and in support of Mr Steel's amendment. I speak both as health minister and as the minister who was responsible for both workplace safety and industrial relations and also procurement. If memory serves me correctly, I already had the procurement portfolio in 2018, when this request for tender was initially issued.

I can assure those opposite that, contrary to their rhetoric, this is a matter that we do take very seriously. It is clear that Mr Steel took this matter very seriously as soon as it was reported and that an internal investigation was immediately called for. As Mr Rattenbury has indicated, that was absolutely appropriate as a first step to identify what this information was, how it was released and what should be done next. This is absolutely standard practice to understand what then needs to be referred to external agencies.

I can clarify for Mrs Jones that I have also sought advice from the ACT Health Directorate on whether, in their view, this information constitutes health records for the purposes of the Health Records (Privacy and Access) Act, and I am advised that, based on the fields provided, these records would not be considered health records and, as such, are not governed by the Health Records (Privacy and Access) Act.

The Health Directorate has held discussions with the Director of Clinical Records in Canberra Health Services, with the Territory Records Office, with the Chief Minister, Treasury and Economic Development Directorate and internally within the Health Directorate to provide that advice to me.

As someone who worked on health privacy issues at the Consumers Health Forum many, many years ago, I take these matters around health privacy and the privacy of health records very, very seriously. Indeed, I take the matter of privacy of the information of public servants, including workers compensation information, whether or not it is a health record, very, very seriously.

Mrs Jones obviously had not had an opportunity to read the letter that Mr Steel tabled before she gave her pre-written speech. So I think it is useful to note to the Assembly that that letter that has gone to the Australian Information Commissioner from Procurement ACT does provide a time line of events and does indicate that the original request for tender indicated that this type of information, the claims data, would only be provided to tenderers that had signed and returned a confidentiality agreement.

Investigations to date indicate that there appears to have been an internal breakdown in communications within the procurement team when some further information, more historical information, was requested by the tenderers so that they could better understand their potential liabilities if they took on this role and that that claim data was unfortunately made available to all registered users of Tenders ACT, rather than being restricted to those who had signed the deed of confidentiality. That does seem to be an area that absolutely warrants investigation and further consideration as to how that occurred and what checks and balances were in place.

It is then advised that the Tenders ACT platform was upgraded in late February 2020 and at that point that information was then reloaded on the Tenders ACT website and became available for people to access. This does indicate that eight unique users of Tenders ACT downloaded the claims data a total of 16 times between 6 September and 24 November 2021.

I hope that Ms Lee will be able to address part (4) of Mr Steel's amendment, calling on all members of the ACT Legislative Assembly to declare whether they or their officers accessed the spreadsheet in question before Wednesday, 24 November and whether they provided copies of this, or web links to it, to any third party external to their offices on or before that date. I think this is particularly important in light of the stress and anxiety that this matter has caused to many ACT public servants and former public servants who have had workers compensation claims.

From the way that this has been talked about by the opposition and, indeed, reported in some sections of the media, one would think that the ACT government had uploaded sensitive personal information on a front-facing website and pointed everybody to it. I am not making light of this situation in any way—it is a very serious situation that is being investigated—but the reality of this data is that it was buried in a closed tender. It was found by someone but it was buried in information about a closed tender that related to the ACT government taking responsibility for workers compensation and becoming a self-insurer under the workers compensation scheme.

A lot of the stress and anxiety that has resulted from this is in the way that, among others, Ms Lee has talked about this as if it has been broadcast by the ACT

government, as if this information had been sent to people and broadcast by the ACT government and then looked at by many, many people. I think it is really important to reassure those people who are experiencing stress and anxiety that that is not the case.

I think it is very important that everyone take very seriously part (4) of Mr Steel's amendment and ensure that they and their officers have not been responsible for dissemination or pointing any other third party to this information, if they had become aware of it, rather than, if they were concerned about it being an issue of privacy, alerting the government to it immediately and indeed alerting other authorities if they thought that that was the appropriate action to take.

We hear about some of the actions that have been taken with this data—sharing it around to people to determine whether or not they could identify people in it, sharing around to other people to determine whether those other people were able to identify people. If you believe that this is private data that should not be shared with anyone, why would you be sharing it around with other people to determine whether they could identify people?

Ms Lee interjecting—

Mr Rattenbury: On a point of order, Mr Assistant Speaker, Ms Lee made very controversial remarks and she was heard in silence. She is now shouting over the minister in an entirely unparliamentary way.

MR ASSISTANT SPEAKER (Mr Cain): I call Ms Stephen-Smith.

MS STEPHEN-SMITH: I want to ensure everybody here that I am in no way diminishing the seriousness of this issue and the importance of it being investigated. I think it is clear that someone who worked on workers compensation matters and was familiar with individual cases and the time that they would have occurred, and the injuries that they would have incurred, may have been able to look at this spreadsheet and identify people from it. That is not actually that surprising. The same would happen in a lot of other cases where de-identified data is released but people who are already familiar with the data would be able to re-identify it.

But the question is why those people were being shown that information, why that information was being distributed to other people by people who are claiming that they are so concerned about privacy. That may not be anybody in this place or any of their staff, but I think it is really important that the Canberra Liberals support Mr Steel's amendment and that everybody addresses part (4) of it.

MRS KIKKERT (Ginninderra) (3.59): I thank Ms Lee for bringing this very important motion to the Assembly today. I rise to speak in support of an independent review of the government's compliance with the Information Privacy Act. As noted, the information about workers compensation claims for 30,000 public sector employees has been publicly accessible online for the past years because of a decision taken by this government. Despite Minister Steel's assurance last week that he is not aware of any specific privacy breach, individuals have already been identified by means of the personal medical details that appear in this document. One would have to be wilfully blind not to acknowledge this as an obvious privacy breach.

It is equally obvious that this matter needs to be reviewed independently. I would be surprised if there are more than two dozen people in Canberra who actually trust the current ACT government to adequately review its own violations of the Information Privacy Act, and 16 of them would have to be Minister Steel and his Labor and Greens colleagues opposite.

It is not the same thing, but on this point I am reminded of my four-and-a-half-year struggle to see child protection decisions in this territory subject to external review. During the budget debate last week, Minister Stephen-Smith stated that she has shared my frustration over a number of years about how slowly this project has moved. But this is pure historical revisionism.

When I first moved the motion in this place calling for external review, the minister insisted that internal review was sufficient and, as a quick search of *Hansard* demonstrates, she continued to make that argument for several years. I am glad that she has finally come around to seeing the need for external review in this area. I suspect it helped when the entire Human Rights Commission published an open letter telling her that I had been correct all along.

We can likewise see this government's struggle to embrace external scrutiny in the fact that, three years after the recommendation was accepted, we still do not have an Aboriginal and Torres Strait Islander children's commissioner. Instead, the current budget only funds a temporary advocate, which Minister Stephen-Smith has acknowledged is a stopgap measure intended to calm some of the community's frustration about "the delay in moving forward on this recommendation".

Further, when I asked in budget estimates hearings if the minister could assure us that this commissioner will actually have real power to scrutinise and intervene in government decisions, the best answer I could get was that this is "part of the conversation". This is a real concern, because this government has an established history of creating offices that appear to provide external scrutiny but then very carefully do not give the office holders any actual powers to do so.

If five years in this place have taught me anything, it is that ACT Labor and the Greens have an uneasy and often troubling relationship with openness. They absolutely love to talk about it, but when it comes to how they actually run this territory they become positively allergic to the idea of external scrutiny. It happens across virtually every facet of governance, this one included. But people can see right through the hollow assurances.

Accurately, the *Canberra Times* editorial this past Sunday called out the government for their hypocrisy, hiding public information behind fake privacy claims whenever it suits them, but not taking an actual privacy breach seriously enough.

On behalf of the public servants whose private medical details have been divulged and, likewise, on behalf of every honest, reasonable Canberran, I commend this motion to the Assembly.

MS LEE (Kurrajong—Leader of the Opposition) (4.03): The Special Minister of State started his address in this debate by setting out “facts”. Let us set out some more facts, since the minister decided to leave some out. Last week the minister scoffed and brushed off the Canberra Liberals’ claims and concerns, significant concerns, about this data breach issue, telling us that we were wrong about the nature of the information that was released—hoping to get away with it, at the end of the day—only to be forced back into this chamber to correct the record. If the minister is going to be sitting here claiming that there is no breach of privacy, that the information that was released does not constitute a breach of privacy, he can at least get the nature of the information right.

He also seemed to justify what can only be described as an absolute stuff-up by saying that the information needed to be disclosed, it had to be disclosed and it was necessary to disclose for the purposes of the procurement process. That is absolute rubbish. How many times have members of the Labor-Greens government cited privacy and information that is commercial in-confidence and “we cannot release it because it is part of a procurement process”? It is absolute rubbish to say that information of this kind—personal, sensitive, confidential information of this kind—needed to be released because of the procurement process. And for him to come into this place and say that with a straight face is almost laughable, if this were not such a serious, serious matter.

I go to the comments by the Attorney-General. He stands in this place during this debate and says very strongly, “You know what? The Privacy Commissioner is going to make some recommendations and I will look at them and I will respond to them as the Attorney-General.” Let us not forget that the Auditor-General made some very alarming recommendations in his report last year and the same government responded, accepting all those recommendations. And here we are today! We know that this is a government that is good at talking the talk. We know that their actions just do not stack up.

The Minister for Health and for workplace relations made some extremely controversial, disgraceful remarks. If she wants to point fingers, get her to name names and do it outside this chamber. They are serious allegations that she is throwing around. Tell her to come good on them.

Going to the amendment, on the one hand, we have got the Special Minister of State saying, “No, no, there was no privacy breach. There was no privacy breach.” The amendment actually goes on to list extensively the information that was not included, that was not contained in the spreadsheet, and then, in the same breath, in the same amendment, he goes on to demand that all MLAs declare whether anyone has accessed it and make sure that they deleted it.

If it is not private information, why is he calling for that to happen? You cannot have it both ways. You cannot on the one hand say, “Ho, ho, there is no privacy breach here,” and then, on the other hand, demand that everyone delete it. Why? If it is not private, if it not confidential, if it is not a breach, what is he asking for? What is he calling for?

This is information that this government itself put up on a public website that is accessible and, despite what the Minister for Health says about the information, it was this government that put it up. It was this government that was careless with very private, very confidential, very personal information about its own citizens. So she cannot come to this place and tell off the media for doing their job. This is a website; so I do not know where she comes from. In my world, when you put something up on a website it is accessible and it is accessible to a lot of people, not just Canberrans. This is an extraordinary response, an extraordinary response from a government that has engaged in a serious, serious failure in its duty of care to its citizens.

The Special Minister of State's amendment, after the arrogant response from last week, at least accepts that he is going to refer the matter to the Australian Information Commissioner. This is after the initial brush-off about whether there was even a breach in the first place.

The Canberra Liberals will not be supporting his amendment because it seeks to absolutely absolve the responsibility of the minister and the responsibility of this Labor-Greens government that has let down not only the 30,000 ACT public servants who entrusted this government with their personal information but the entire community by being lax, by showing absolute disrespect to citizens' private data. That is why we will not be supporting this amendment.

I finish this debate with some quotes from the *Canberra Times* editorial on Sunday:

... the government needs to admit the error of releasing the spreadsheet. Then, it needs to work to rebuild the community's trust in how it handles personal information.

Citizens need to be able to trust their governments with their information. Mistakes will be made, but they should never be made twice.

Privacy is a real issue, not an excuse to use when seeking to avoid scrutiny or the release of information that can't be linked to an individual.

We will not be supporting the government's amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 14

Noes 8

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

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

Sport and recreation—dryland ovals

MS CLAY (Ginninderra) (4.16): I move:

That this Assembly:

(1) notes that:

- (a) the ACT has 31 dryland ovals, including 14 in the Belconnen region and these make up a significant part of our outdoor community space;
- (b) climate change is leading to a hotter, drier Canberra climate;
- (c) these 31 dryland ovals were converted from irrigated sports fields due to the millennium drought, the cost of irrigation and the increasing amount of water needed to upkeep these sports fields;
- (d) the cost to convert a dryland oval back into an irrigated sports field is more than one million dollars and the upkeep on these fields is considerable;
- (e) dryland ovals are now first and foremost informal sporting and recreation spaces available to use for the whole community;
- (f) dryland ovals are a community resource that are currently underutilised and residents near these ovals would like a better use of this large amount of local community space;
- (g) ACT Government values dryland ovals as a community and recreational space, and wants to preserve them as publicly-owned green spaces;
- (h) local communities provide valuable feedback about what is in and around their suburbs, and should play an active role in the development of their suburb;
- (i) some communities are already well advanced in discussions with ACT government about the future of their dryland oval, such as the Florey community who have been engaging with the Florey Primary School over the past year; and
- (j) community members have suggested many low-cost climate resilient ways that dryland ovals could be repurposed for community use, including but not limited to:
 - (i) community-constructed BMX dirt bike tracks;
 - (ii) nature playgrounds;
 - (iii) community run micro-forests or urban rewilding projects;
 - (iv) adventure playgrounds;
 - (v) enclosed dog off-leash areas;
 - (vi) community gardens;
 - (vii) outdoor exercise areas; and
 - (viii) disc golf courses;

- (2) further notes that the ACT Government:
- (a) recently released a draft Play Space Strategy and is currently consulting on this;
 - (b) is due to commence a review of Public Land Management Plans for urban open spaces, including dryland ovals, in 2022; and
 - (c) has an Adopt-a-Park program, which provides grants funding to support community-led initiatives on urban open area land including micro-forests; and
- (3) calls on the ACT Government to:
- (a) conduct public consultation on land management plans for urban open spaces with the local community, including on the 31 dryland ovals, with residents, local Parent & Citizen groups, local businesses and local community groups;
 - (b) finalise updated land management plans, which will include specific consideration of dryland ovals and incorporate the feedback and aspirations on their future use received from the local community;
 - (c) promote the Adopt-a-Park initiative and engage closely with community groups wanting to start projects to improve dryland ovals and other open spaces for community uses;
 - (d) continue to work with the Florey Primary School and the community on commitments to improve the Florey oval to provide more active open space for the school and local community; and
 - (e) report back to the Assembly on progress on this motion by the first sitting week in 2023.

My motion concerns “dryland ovals”, which may not be a term everyone immediately recognises. Canberra has plenty of dryland ovals. We have 31 in total, and 14 of those are in Belconnen. That is why I brought this motion, and I am sure it will be of particular interest to my MLA colleagues in Ginninderra.

We have all heard from constituents about our local dryland ovals. Community members write in and stop me at stalls with questions all the time. They have so many great ideas, and it made me realise how important it is to get feedback from people about their local areas. That is why I have put community consultation at the heart of this motion. A lot of people wonder why their ovals are in the condition they are in. Especially if you are new to Canberra, you may not realise that these ovals were converted from irrigated sports fields to the dryland condition they are in today. I have lived in Belconnen my whole life and I remember the difficult decision taken during the millennium drought. I also understand that decision.

We chose to keep some irrigated sports fields—that is important; we need to keep some for structured sport—but we reduced the number of irrigated ovals in Canberra. We simply could not afford the water. I will start with the environmental cost. We are in a climate crisis. Canberra is getting hotter and drier, with more extreme weather. Some years we have a lot of rain—this year is one of them—and our dams are full. But we all know this will not last forever, and the trend is towards a hotter and drier

climate. We need to be careful with our water and we need to make long-term decisions about how we use this precious resource. We need to care for our environment for the future, not through the lens of the past.

The upkeep costs on those 31 ovals also massively increased during that millennium drought. This meant it was also financially unsustainable to put a huge volume of water into 31 ovals. It would cost over \$1 million per oval to turn those dryland ovals back into irrigated sporting fields, along with the ongoing maintenance and water costs. It would be irresponsible to spend tens of millions of dollars upfront, plus ongoing costs, to return them to what they once were, knowing that we would only have to wait until the next big drought before taking the same tough decision to turn them off again.

A green space is incredibly important for our community and for our environment. It offsets the heat island effect, and we know that is only going to get worse with climate change. It provides a retreat from the urban environment. It gives people somewhere to connect and play. We need responsible long-term planning that preserves our local green spaces and gives the community a real voice in how they are used.

Next year, the ACT government is developing a management plan for urban open spaces across the territory. If my motion passes, this plan will include a discussion on dryland ovals. That process provides an excellent opportunity for members of our community to have their say and ensure that these important community resources are given priority in the review. From the number of people who raised this issue with me, I know that there will be enthusiastic participation. The ACT Greens believe in neighbourhood democracy, and in fact we ran this as part of our 2020 election platform. The community knows best what its local neighbourhood needs. A good process to gather those ideas and facilitate group discussion is the best way to get a good outcome. We want to create a government that listens, respects and trusts the community voice and that has the skills and desire to turn this voice into tangible changes that people can see right in their own neighbourhoods.

I would like to thank the Florey Primary School and Florey community in particular for their patience. They are the front runners on this project. They have been working with the government and Minister Berry for a couple of years on the future of their oval. I knew it was a great time to start a conversation about dryland ovals when so many members from the Florey community provided ideas about how we could better use that space. And it was not a one-way conversation about whether we should turn the taps back on and irrigate; it was a really creative and wide set of ideas, with so much enthusiasm for what we could grow that would suit our changing climate. I am pleased to say the world has moved on from denial—Canberrans certainly have—and that we are ready to talk about what will work in the new environment. I would particularly like to thank Gay and Greg in Florey; they have been tireless advocates. I applaud all participants for their effort and vision and their cooperative community outlook.

Now, COVID has meant that we are all exploring our neighbourhoods more than ever. We are all suddenly in love with the hyperlocal. In my street we have hung tyre swings, we have made a mini golf course and we have had treasure hunts. That story

is happening all over Canberra. It is another great reason why now is such a good time for us to be having this conversation. Urban open green spaces, including our dryland ovals and parks, are one of the great things about living here in Canberra. Most residents can walk to their local park or oval and kick a footy or play with their dog, or use a playground, and we need to make sure that those places are special.

From Dunlop to Macquarie, local residents have come to me with ideas on how we can make that community open space better for everyone. I have heard every pitch possible. I spoke to a Dunlop woman recently who wanted the kids in her suburb to have a place where they could build their own BMX track. She was a grandmother; she was not looking after her kids; she was thinking about other people's. Several people have asked for micro-forests, possibly on the model run by Edwina and The Climate Factory.

A lot of people want nature playgrounds, adventure playgrounds or all-abilities playgrounds. Disc golf, outdoor gyms, community gardens, fairy forests; there are so many great ideas. A lot of dog owners want more enclosed dog parks, and that in itself is another great Canberra conversation. Before we had them, I remember cynics saying that they would never work—"Just think of the dog fights; think of the dog poo"—but now enclosed dog parks are an institution, and I think our repurposed dryland ovals will be like that soon, too.

What I have learned from all this feedback, and from these community-led experiments is that governments should not be prescriptive. I have heard more ideas about our local dryland ovals than I have for almost any other issue, and this shows we need to listen to communities and work with them on what they would like to see. Different communities have different wants and needs but the important part is to listen to all of them and to allow them to listen to one another. The local area can then make an informed decision rather than us implementing a top-down approach from government.

I have already sponsored a great local project in Holt, which, while not on a dryland oval, represents the same kind of community spirit we would like to see brought to all 31 ovals. The Holt micro-forest is a brilliant community project brought to life by dedicated locals who saw a small, underutilised park near their homes and imagined it as a more vibrant community space that could bring people together. That project succeeded in their fundraising goals, and it is now in the works. It was great to see how it achieved tripartisan support.

I am also glad to highlight the success of popular programs like Adopt-a-Park and the community gardens grants. These provide support for local community groups to access funds from government to improve their local areas. Ensuring the community is both listened to and resourced to achieve their vision is so important, and every year we see dozens of groups which receive these grants delivering on great ideas. I thank Minister Steel for his work on the play spaces review and for his willingness to incorporate unique consultation on dryland ovals as part of the upcoming urban open space management plan.

I am really excited to help make the visions of our community become a reality. I know that Minister Berry has been working with the Florey community for a long time to bring that dryland oval into reality too. I am delighted to bring this motion to the Assembly today—a motion informed by so many conversations with locals across Belconnen and Canberra, and I look forward to continuing to bring the voices of the community to the Assembly as a local member and as an ACT Greens MLA. I commend my motion to the Assembly.

MR CAIN (Ginninderra) (4.25): Thank you, Mr Deputy Speaker. As Shadow Minister for Planning and Land Management and a member for Ginninderra, I hear often from Canberrans concerned about the state of ovals in their neighbourhoods. I am firmly in support of the need to invest in under-utilised ovals. Unfortunately, it is no surprise that the ACT Labor-Greens government has been neglecting community facilities. They are broke, with record levels of debt and deficit. Basic services, such as these ovals could be providing, suffer as a result. The Labor-Greens 70-30 infill agenda puts such ovals at risk.

I will now go to why I am moving an amendment to the motion. They will say that it is not true, but we know that the Labor-Greens government have proposed to sell an oval for residential development in Kippax, as an example. So, are the dryland ovals next? How many developers' drawing boards are each of these 31 ovals up on now?

So, I am moving the amendment circulated in my name, and I believe it is friendly to Ms Clay's motion. I trust she will support it. I am asking the ACT Labor-Greens government to put on the record that they will not allow any residential or commercial development on these ovals.

I move:

After paragraph (3)(d), insert:

“(da) explicitly exclude the ACT's dryland ovals from future residential and commercial development;”.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.26): I am very pleased to have the opportunity to speak to dryland ovals under Ms Clay's motion today, and was happy to work with the Greens office in supporting her in the development of this important motion. Our community has long valued and benefited from generous and diverse provision of open spaces in the ACT, which delivers a wide range of benefits to all of us. It is why we love Canberra.

We love our bush capital, and we love our green open spaces. Canberra's open spaces, in their many forms, deliver so many opportunities for recreation and sport, connectivity between suburbs, and support for biodiversity and social interaction, as well as underpinning the beauty and the amenity of our wonderful bush capital. The value of these spaces has become even more important during the health emergency,

when members of local communities have come to appreciate the accessibility and value of these spaces, or even to meet them for the first time.

Dryland ovals are an important part of the urban open space network, and, as Ms Clay noted, these ovals were converted from irrigated sports grounds many years ago, when the millennium drought brought persistent dry conditions, dictating that the upkeep of all ovals could not be sustained into the future. It was recognised then that these ovals had limited appeal for sporting groups. This is important because sporting groups make a lot of use of these sports fields once they are irrigated and used for community sport. Ovals often lacked the supporting infrastructure that sporting groups would like—including pavilions and lighting—and, in most cases, these dryland fields consist of a single oval. In contrast, the modern model for sporting infrastructure favours co-located sports fields. This is supported by our sports communities because it enables multiple matches or training to take place at the same time, with access to change rooms, toilets, canteen facilities, and parking and lighting, to support sporting participants, organisers and spectators. These facilities are used by the community during times when sport is not occurring.

It is now, however, very clear that the community's expectations for our urban open spaces and how they can be used, have changed. The government is responding to that through a range of different policies and funding engagement initiatives. I continue to work very closely with Minister Steel on these matters in relation to my responsibilities as Minister for Sport and Recreation. The future enhancement of dry ovals is one important element in this response, which continues to be informed by the Better Suburbs statement, which was developed by community representatives in 2018.

Through TCCS, the directorate responsible for the management of urban open spaces including dryland ovals, the government is taking a proactive approach to meeting community requests for better facilities. The government is listening to communities. It continues to roll out programs of upgrades to a range of recreational infrastructure, including play spaces, sporting facilities, footpaths, seating, lighting and other important community facilities. For example, during COVID lockdown unofficial dirt bike tracks built by community members on public land became popular to entertain children close to home. Right near Dunlop, which Ms Clay referred to, there is a bike track like this, which was built by the younger people in the McGregor school community just across the road. It is a bike track that is regularly used by young people in that suburb, including my own as they were growing up. In response, TCCS has introduced the bumps and burn program. It reaches out now to community bike-track builders through signage, and provides guidance materials and track-building expertise to make sure that those sites are registered and that they are safe for use.

One of the key mechanisms to support community aspirations for tangible improvements to local spaces is the Adopt-a-Park program. Following the success of the pilot in 2019-20, funding has been allocated in 2020-21 and 2022 to continue this program, which will see grants allocated to registered community groups to further their local initiatives around environmental enhancements to urban open space. The government will make further announcements about the next round in 2022.

I can cite a couple of examples of collaboration in action. Caroline Chisholm School is one, where an ACT Health initiative called It's Your Move has benefited from collaboration between the ACT Health Directorate, the Education Directorate, Caroline Chisholm senior school campus, the TCCS, the University of Canberra and the Office for Mental Health and Wellbeing to progress It's Your Move outdoor environment project. In late 2020, Caroline Chisholm students consulted with their broad school community in Chisholm and worked with undergraduate design students from the University of Canberra to co-design an innovative outdoor environment for the Caroline Chisholm senior campus. These students developed five distinct design concepts to facilitate outdoor learning opportunities, increase physical activity and improve mental health outcomes.

A dirt bike track is the first stage of the implementation, made possible through shared funding contributions by the ACT government. Importantly, the bike track on school grounds will remain publicly accessible, adding significant play value and play diversity to the Chisholm area. This is the first collaborative play space project attributable to the Better Suburbs play space forum and the pending play space strategy.

Florey Primary School provides another example of a local approach that has been driven by the school community in seeking better access to quality open space for the students. This is a unique circumstance which is having an individual approach so that the school has more open green space, using part of the dryland oval that exists there. In this instance I have had the chance to meet with and hear firsthand from students and community members about their needs. I can report that this collaborative approach, which is led by the Education Directorate with the support from TCCS, will continue to seek to meet their needs through future enhancements to the Florey dryland oval. I am really looking forward to continuing to work with the Florey Primary School community to ensure that they have a green space that is sustainable and meets the needs of that school community more broadly.

Every community has its own unique perspective on what it needs to enhance the local area, but the principles of equity and consistency are very important to this government, and it takes a holistic approach to such matters to ensure that available resources are distributed in a fair, transparent and effective way. To this end, strategic policy documents are important to guide decision making. There are currently two processes underway in this regard, both of which will support the intent of this motion.

I can advise that TCCS, as the custodian of urban open space, is leading a review of statutory public land management plans for urban open space to update existing plans. These plans identify the areas of public land and associated management objectives and design how the management objectives will be implemented and promoted. This review is expected to be finalised and a draft plan provided for community consultation. In 2022 the draft plan will specifically consider management prescriptions for dryland ovals as a category of urban open space and will provide an opportunity for community views and aspirations to be heard. In addition, Minister Steel recently released a draft play space strategy, which is available for the community to have input until 14 December via the YourSay website.

Action 2 of this strategy is to make underused play spaces more available to the community for more play uses. Key focus areas for action 2 in this strategy are to strengthen and promote processes for establishing and managing social infrastructure on public land; work with stakeholders and communities to adapt underused green spaces into valuable community assets which support a diversity of play uses; and take a collaborative approach to identifying where school and public recreational open space and play facilities can be better aligned so that more facilities are available to the community as a key objective in relation to these spaces and their use.

These focus areas are directly aligned with the motion being considered today, further demonstrating the alignment of the government's existing approach with the initiatives in this motion. And this strategy will, when finalised, provide a long-term strategic approach to the provision of better quality, more diverse, more accessible and more sustainable play spaces for the ACT community. I thank Ms Clay for bringing along this important motion today, and I am always happy to talk about what the ACT government is doing to ensure the delivery of quality open spaces that meet the needs of the communities and their expectations.

I go to the amendment that has been proposed by Mr Cain. I wonder what he has been saying to the community when community members raise concerns that they might have about the use of the ACT's dryland ovals. I wonder whether he has suggested to members of the community that the ACT government might have—

Mr Cain: What are you saying, Minister?

MS BERRY: I am just asking whether Mr Cain has made the suggestion to people in our community that the government has an alternative plan of use for dryland ovals and whether he has implied to them that the ACT government might be considering future residential and commercial development on these dryland ovals, which, of course, is not the case. I encourage Mr Cain to ensure that the community understands that the ACT government places significant value on dryland ovals, and understands the value that our community places on them. The community has benefited from the generous and diverse provision of these urban open spaces, which have delivered a wide range of benefits to our community.

I will leave it there, but I thank again Ms Clay for bringing this motion to the Assembly today. It gives us the chance to clarify and understand the history behind these dryland open spaces and their uses, and the reasons their use was changed during the millennium drought. It looks at how the future use of our sport fields needs to be done in a sustainable way. Taking into account that we are in an environment which is facing continuous climate change, we need to make sure that we have sports fields, not just for now. We need to ensure that we can maintain them in a way which will enable all of our community to use them well into the future. So I commend Ms Clay's motion and I thank her very much for bringing this subject to the Assembly for discussion 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) (4.39): I thank Ms Clay for the motion today. I will speak to Mr Cain's amendment in just a moment, but I want to thank Ms Clay. This brings up an important discussion, I think, on how we can provide better outcomes for Canberrans into the future. Thankfully, we have had a little bit of rain, so some of these areas now are coming up quite green, and there is a project that TCCS is looking into to ensuring their wellbeing in the future as well.

I was quite disappointed that Mr Cain's amendment was last-minute, without any consultation with either the mover or government on this. It changes the context, somewhat, of the motion.

Mr Cain: It was a friendly amendment.

MR GENTLEMAN: Mr Cain interjects again, Mr Deputy Speaker. He interjected four times through the last minister's speech. His speech was, of course, left un-interjected upon. He was quite free to have his speech, so I think it is respectful to listen to other points of view in the chamber and not interject while conversations are occurring.

There is nothing extreme about Mr Cain's amendment. It seems reasonable for us to look into the future, but we need to ensure consultation before these sorts of decisions are made, so Ms Orr has written an amendment to Mr Cain's amendment, which is being circulated at the moment. That will call for consultation with the Canberra community before such a decision would occur. I think that is quite reasonable and fits in with Mr Cain's amendment. It also fits in with Ms Clay's original motion. So as that is being distributed now, I will leave it there and let the chamber decide which way to go.

MS ORR (Yerrabi) (4.41): I rise very briefly, with a very small amendment, and it is certainly in keeping with the spirit of Mr Cain's amendment—to see these ovals maintained for community use and community recreation use, but making sure that it is done in consultation with the community and that we are not inadvertently excluding something that could be put on them—particularly given my past life as a planner and the interpretation of the word “development” and what that could involve. I just want to make sure that we are not ruling anything out that the community may want to see, but certainly keeping these wonderful community assets as just that—community assets.

I move:

After “development”, insert “subject to consultation with the community;”
circulated in my name.

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) (4.41): I rise briefly to put on the record my thanks to Ms Clay for bringing this motion forward. I think that all members of Ginninderra in this place have been very strongly engaged with the

Florey community and other communities that have significant dryland ovals, including Macgregor, Spence and Macquarie. I want to add my voice to those commending community members, particularly Gay Robertson and Greg Blood, for their engagement with us and for their dedication in their advocacy about what Florey oval might be used for.

I note that, of course, the primary school's uses are paramount in considerations for the future uses of the oval. Minister Berry has been leading that consultation for some time now in, essentially, a co-design process with that school community—with the students, the teachers and the parents as well. That is obviously the very important first step, but I welcome the management plans—which will be consulted on with the community, as Minister Berry has flagged, in 2022—and how they will interact with the play spaces strategy going forward.

As Ms Orr said, I appreciate the intent of Mr Cain's motion. I do not think there is any need to scaremonger, but I absolutely support Ms Orr's amendment to Mr Cain's amendment because, as always, this needs to be done as a partnership with the community. That is what the community is asking for and would want in any future discussions in this place. So I commend Ms Orr's amendment to Mr Cain's amendment to the original motion, and I thank Ms Clay for bringing it today.

MR CAIN (Ginninderra) (4.44): Thank you for the consultation on the floor. Of course, this is not the first time that either side of this Assembly has covered the business of the day in that manner. I am comfortable with this amendment from Ms Orr. I am not quite sure if there is scope to add the word "the" before the word "community," which would be the normal reading of such a phrase.

I will be supporting Ms Orr's amendment to my amendment, but I want to raise something that has been very topical and is of great significance and concern to me. That is this government's track record on consulting with the community. I have been involved—as have many members here, particularly my colleagues from Ginninderra—with the William Hovell Drive duplication, and we have seen failed community consultation at both the planning and the city services level. I have been intimately connected, as shadow planning minister, with the planning review, having attended six of the eight district planning forums. As I spoke about last week, the district councils in this city are very concerned about the poor consultation with which they were engaged on a review of ACT planning laws.

So, while I appreciate Ms Orr's amendment, and will be supporting it, I say to this government: I hope you mean what this amendment contains. What I mean by that is that consultation with the community should be authentic, genuine, comprehensive and wholeheartedly wanting to hear what the community says. The track record up to this point is not very good. I thank members for the opportunity to speak. I will be supporting Ms Orr's amendment.

MRS KIKKERT (Ginninderra) (4.46): I thank Ms Clay for bringing this matter to the Assembly, and I thank Mr Cain and Ms Orr for their contributions. The motion to improve and vary the use of our dryland ovals is an important one. It has particular relevance to the Ginninderra region, as it is home to the same amount of dryland ovals

as the entire south side of Canberra. With a multitude of options that are available for use of our dry lands, it is extremely important that widespread consultation is conducted with the community to find the best ideas. After more than 20 years in government, it is clear that effective consultation is still not a strong suit of this government—or perhaps it has grown so confident that it feels that consultation is beneath it.

This was shown just recently in its consultation regarding the William Hovell Drive duplication, as my colleague Mr Peter Cain has mentioned. Initially, minimal effort was made to reach out to Hawker residents and the wider Belconnen community to get their thoughts on the duplication. To preserve the integrity of their green space, residents had to take consultation into their own hands and reach out to their community organisations and councils rather than the government reaching out to the community as was supposed to have happened. I am happy to report that through the combined action of these residents, they were able to extend the consultation period and have their voices heard.

I believe Mr Cain's amendment is complementary to Ms Clay's motion in that it places the future of these dryland ovals squarely in the hands of local residents. A commitment from this government to exclude our dryland ovals from future residential and commercial development would allow community groups and neighbourhoods to gather and collaborate on ideas. The best and most creative ideas for how to use these dryland ovals will be identified through effective consultation, but that will only be possible if the government will genuinely commit to conducting it. I commend this motion to the Assembly. Thank you.

MS CLAY (Ginninderra) (4.49): I support Ms Orr's amendment to Mr Cain's amendment to my motion. It is a bit of a shame that we had a really rapid amendment from the floor. I have managed to speak to Mr Cain several times about this motion, and it is the first time he raised it.

Part of the problem with amendments like that is that planning law is really hard. I have been chairing the planning committee for a year. I have learned a huge amount, and there is so much more to learn. We were a bit concerned when we saw the first version of Mr Cain's amendment because the first thing we thought was, "What if the community wants a coffee cart, a dog park, a fete or an art show on their oval?" That form of words might have actually stopped those community projects from taking place in that space.

That is an indication of the problem with trying to run legislation or policy really fast, without pausing and thinking and talking to one another. That means we need to talk to our community. It is also really good when we talk to each other about what we think the community wants, and about the best way to move forward. We get better results when we do that—when we work collaboratively, and then we really can solve those things.

Ms Orr has come up with a really good way to amend the amendment. I note that our original motion already covered the ground very well. The motion reads that "the ACT government values dryland ovals as a community and recreational space and

wants to preserve them as publicly owned green spaces". We put that in the motion very carefully, to make it clear that this is about repurposing and reshaping those recreational green spaces into something better than they are. It is not about taking them away or redeveloping them; it is about bringing to life the community ideas that have been such a long time coming. Now is a really good time to do that.

I think we have landed in a good place in the end. I am really excited to see how this is going to unfold and to see what sorts of climate-friendly ideas we are going to see on our 31 dryland ovals. I think that is really fun. I am excited to see what the Florey oval comes up with. It has been a great model of consultation, starting with the school and then bringing in the community. It is going to be good to see what we come up with. I am just very pleased that we have managed to come up with a form of words that I think everybody here is happy with.

It is a shame when we lose sight of what we are all trying to work together to create, and I think it is important that we just remember who we are here to represent. We are here to represent our communities. We are here to get good outcomes, and we have done that today. Let's all keep making sure that we are doing that. I commend my motion, as amended by Ms Orr's amendment to Mr Cain's amendment, to the Assembly.

Ms Orr's amendment to **Mr Cain's** proposed amendment agreed to.

Mr Cain's amendment, as amended, agreed to.

Original question, as amended, resolved in the affirmative.

Emergencies Amendment Bill 2021

Debate resumed from 9 November 2021, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (4.53): I am pleased to speak briefly on the Emergencies Amendment Bill 2021. The Canberra Liberals will be supporting the bill today. We welcome the amendments to the act following the changes recommended by the *Report of the Review of the Operation of the Emergencies Act 2004*. This is an area of interest to Mr Milligan, who is the shadow minister. He is not here today, and I will be making the remarks on behalf of the Canberra Liberals in his stead.

It is good to see the government incorporating all of the recommendations of that review into this bill. This will help the Emergency Services Agency to continue their effective response services, and improve the provision of a better coordinated recovery in the event of further bushfires. It is imperative that we ensure the best response possible, as we know that, here in Australia, bushfires are a likely natural disaster.

It is important, as the review noted, that there should be effective and widespread communication of public information and warnings, especially when the website is

unavailable, as happened at critical moments during the fires of 2019-20. Of course, social media is a key form of communication accessed by most people, whether it is Twitter, Facebook, Instagram or others that become popular. We particularly welcome these changes.

In our consultations with the community, a number of concerns were raised, the main one being the make-up of the proposed new advisory council, and the possibility of diluting the advice that the minister will receive, with bushfires being the main threat here in Canberra.

The other concern was how many people would be on the council and what would their qualifications to serve on it be. There is very little detail concerning this in the legislation, the minister's speech or the explanatory statement. It would appear that much of this detail will be left to be included in the terms of reference. When the opposition asked for clarification, no further information from the minister was forthcoming, other than to reiterate that these matters would be addressed in the terms of reference.

It would appear to vest a significant reliance on the minister in this matter. The Canberra Liberals recognise that this change was in response to the recommendations of the Royal Commission into National Natural Disaster Arrangements. We look forward to reading the terms of reference to see how they incorporate the further recommendations of this report.

Apps such as Fires Near Me were used extensively during the bushfires. The report to the Minister for Police and Emergency Services on ACT government coordination and response during the 2019-20 bushfire season showed that many people in and around the ACT downloaded and accessed the New South Wales app. It was positive to read that this was in fact encouraged by the ESA and that the ESA had partnered with the New South Wales RFS to enable the ACT alerts to appear on their platform. It is useful as the smoke from New South Wales fires is likely to have significant impacts on residents in the ACT. Since many ACT residents are on the border with New South Wales, have family in New South Wales, and work in or travel frequently to New South Wales, it is important that this relationship continues.

The creation of a purpose-built app for the ACT seems unnecessary and would require people to have multiple apps on their devices. It would appear to be common sense to have just one for this entire area.

Whilst it is not reflected in this bill, it is hoped that the minister will also follow the recommendations in this report to continue to explore the options to improve the functionality of, and relationship with, the New South Wales RFS Fires Near Me with respect to ACT-specific information. This should preferably occur before the next bushfire season.

On our second point, we see in other states, such as Victoria, New South Wales and Western Australia, a stronger engagement with the Aboriginal and Torres Strait Islander communities and their cultural burning practices. It would be good to see a greater and more rigorous commitment to adopting more of these Indigenous practices

as part of the ACT response to bushfire management, as part of the strategy to keep our territory safe.

Cultural burning uses slow burning techniques. They burn at different times of the year, producing less smoke, with the potential of having a reduced impact on the health of residents. Research published in 2021 showed cultural burning had less impact than wildfire on threatened bushlands in areas of New South Wales, where this had been implemented. It was shown to effectively decrease fuel loads in those same areas.

We recognise that Emergency Services and RFS are working with the local Murumbung ranger team within the Aboriginal fire management zones to protect areas and sites of cultural significance using these techniques.

In an estimates hearing this year, the minister stated, in response to a direct question, that cultural burning was not yet a large tool as part of bushfire management. It is disappointing that this is missing from this bill. Hopefully, we will see a more widespread use of cultural burning reflected in the next strategic bushfire management plan, beyond the smaller zones currently identified.

Whilst the bill does not include some details with more foresight suggested in other reports, it does incorporate all of the recommendations of the report of the Review of the Operation of the Emergencies Act 2004. The Canberra Liberals will be supporting the bill today.

MR BRADDOCK (Yerrabi) (4.59): The ACT Greens welcome this bill, which implements the recommendations of the report of the review into the operation of the Emergencies Act 2004 as tabled before this very Assembly. The review covers a period of extreme weather events that tested our community to an unprecedented scale. These included raging bushfires, storms, hail and thick smoke. In talking to this legislation, I would like to state, on behalf of the ACT Greens, my thanks to everyone in ACT Policing and the Emergency Services Agency for their efforts in keeping our community out of harm's way during this period, in spite of everything nature threw at us.

It was inevitable that, through such a testing period, opportunities for improvement would be identified—not because our response was broken, but because the scale and breadth of issues come new lessons about how the ACT should and must respond. This bill takes into account the lessons learnt by the ACT over recent natural disasters. It enables us to be better prepared. It enables us to respond, to prolong our response capability and to be more resilient. These are all important objectives as more extreme weather events will become our new normal. With the impacts of a changing climate we anticipate more natural disasters; therefore our emergency services need to be in the best position to help the Canberra community.

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) (5.00), in reply: I am pleased to close the in-principle stage of this debate

and support the Emergencies Amendment Bill 2021. The bill implements the recommendations of the report of the review of the operation of the Emergencies Act 2004. The report's overall conclusion is that the ACT's emergency management and response arrangements are of a high quality and reflect best practice.

The ACT model, comprising a public service agency, the Emergency Services Agency, led by a single commissioner who provides strategic direction and oversight to the various emergency services within the agency, remains the most appropriate model for the territory. It ensures a seamless response across agencies and across services to crises and problems that face our community. The Emergency Services Agency provides emergency response services to the territory that are among the best in Australia when measured by response times and capabilities provided. The current model respects and values the identity and history of the four emergency services whilst delivering efficiencies and economies of scale in support services, such as training and logistics. The single agency structure continues to provide significant advantages and benefits to the community. These benefits occur at many levels, from having single-point administrative accountability for emergency services through to the invaluable cooperation and coordination of operational staff in communities during emergencies and disasters.

The review also found that the Emergencies Act was meeting its objectives and that it facilitates the protection and preservation of life, property and the environment so far as possible. However, the report did identify a number of amendments to the Emergencies Act to improve the overall operation of the act. A number of these amendments reflect lessons learnt from the various reviews into the black summer of 2019-20. Other amendments are based on developments in other jurisdictions to ensure that the Emergencies Act remains best practice across Australia. The other amendments capture lessons from those members and volunteers at the front line of emergency response in the territory. The amendments in this bill are wide-ranging and not confined to any one part of the act, reflecting the broad nature of the review.

I wish to highlight three key amendments made by this bill. First is that the bill confers a legislative power on the minister to appoint a recovery coordinator. This reflects the importance of recovery and the need for a clear coordinated approach among government and our recovery partners. Community recovery from disasters can be a complex and often lengthy process, and I am sure that all Canberrans who were exposed to the horrific 2003 bushfires will agree that recovery operations may continue for many years after the initial emergency.

The recovery elements of the comprehensive approach to disaster management—prevention, preparedness, response and recovery; commonly referred to as PPRR—can be the most complicated and protracted areas. The recovery coordinator will determine the most effective way to inform and deliver recovery services to affected communities as well as to coordinate recovery efforts across government and the community. It is widely recognised not only that emergency recovery planning needs to occur well in advance of an emergency, but that recovery operations need to commence at the same time as response operations.

This appointment of a recovery coordinator ensures the important focus on recovery at all of the right times. The recovery coordinator's dedicated recovery focus complements the focus of the incident management team on the response operations, and the recovery coordinator will work with the incident controller or emergency controller to elevate the importance of recovery, delivering better outcomes for the ACT community in future emergencies.

The second is that the bill expands the objects of the act to include providing for emergency management that assists in building community resilience. Resilience is the capacity of the community to cope with shocks and keep functioning in much the same way. As a community we are all, to a greater or lesser degree, vulnerable to the effects of hazards, threats or perils. This shared vulnerability reinforces the importance of building resilience across the community, as disasters and emergencies do not discriminate.

It is important to highlight that while this Emergencies Amendment bill recognises that government has a key role in promoting community resilience, all of us have a role to play. One way that Canberrans can do this is through completing a household survival plan, which can be downloaded from the Emergency Services Agency website. This plan not only asks people to think about how to be disaster-proof in their actions and with respect to their property, but gets them to collate the key information they will require in the event they have to leave the house or it is rendered uninhabitable. This simple act of preparing a survival plan will ensure that Canberrans are better able to respond to a disaster as well as to better cope with its consequences. This reflects the increased focus on resilience in emergency management and ensures that future planning and capacity-building factors-in and supports the community.

The third is that this bill transitions the ACT Bushfire Council into a multi-hazard advisory council to advise the minister and Emergency Services Agency on the risks facing the territory across all hazards rather than just bushfires. The territory faces risks from a broad range of hazards, including severe storms, heat events and flash floods. Climate change is also increasing the frequency and severity of extreme weather events.

The changes made by this bill give the council the flexibility to vary its membership as required to address the changing risks faced by natural hazards. The amendment bill ensures that the Minister and the Emergency Services Agency will benefit from expert advice, across a range of sectors and hazards, to better protect Canberra from those natural hazards. This bill makes a range of other amendments across a number of aspects of the Emergencies Act.

A number of changes have been made to improve public awareness of emergencies. These include requiring that any declaration of a state of alert or state of emergency be notified on social media. A declaration of a total fire ban by the emergency services commissioner will also be required to be notified on social media. These changes reflect the increasing reliance by the community upon social media in emergencies.

The ability of the Emergency Services Agency to plan for and respond to emergencies is boosted by this bill. The bill creates the position of assistant emergency services commissioner to support the commissioner in the exercise of their functions. Offences relating to misuse of fire appliances are also consolidated to increase clarity and aid enforcement. The emergency services commissioner has been given a blanket power to issue fire permits, regardless of land tenure and ownership.

The bill also makes a number of governance and administrative changes. It clarifies the role of the Security and Emergency Management Senior Officials Group, and it provides more detail on when a state of alert and state of emergency may be declared. The commissioner will also be able to enter into cooperative arrangements with interstate agencies—rather than just the minister, as is currently the case. The powers of the chief officer to require a person to give reasonable assistance to a member of an emergency service are extended to include police officers and people acting on behalf of the emergency service. The commissioner and chief officers will be able to delegate their powers to a police officer. Currently, they can only do this to a public servant or a member of the emergency service.

Finally, the bill supports emergency service volunteers by extending the existing employment protection provisions in the act that protect emergency service volunteers who are victimised at their paid workforce as a result of their volunteering commitments during emergencies. I note the comments raised by the scrutiny committee, and I table my response, provided to the committee ahead of today's debate:

Emergencies Amendment Bill 2021—Copy of Government response to the Chair of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role), dated 29 November 2021.

In bringing this bill, I would like to take this opportunity to thank all of the members of the Emergency Services Agency in Canberra, including our firefighters, paramedics, rural fire service, SES volunteers and support staff. Their sustained efforts help protect and serve the people of Canberra. The government is committed to ensuring that these members have the resources and legislative powers available to do their job the best way possible. The bill forms an important part of meeting that commitment, and I commend the bill to the Assembly.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

Lake Tuggeranong—community feedback

MS BURCH (Brindabella) (5.11): I rise today to speak on the ACT government's upgrades to the Lake Tuggeranong foreshore as part of the current budget and part of ACT Labor's election commitment. This will see over \$4 million spent in renewing and regenerating the foreshore, including Tuggeranong town park.

I recently undertook a survey of local residents across the electorate of Brindabella to seek their input into how we could get this right. Residents paint an optimistic future for our lake, especially as it has become busier since COVID-19.

Residents love using our lake for exercising, walking their dogs, cycling and socialising with friends. They love our skate park and the beautiful green open spaces. Residents want to keep Lake Tuggeranong clean, safe and user-friendly well into the future. Residents want upgrades to include more bins, more opportunity for biodiversity, and better space for us to come together. New playgrounds, toilet upgrades, shared paths and cyclepaths are top priorities for local residents.

While the use of the lake has grown, residents remark that the strong uptake of cycling and skating around the lake has made them think about pedestrian safety. It is important that any of the upgrades that we put in place take into consideration how we can make the lake more accessible, safer and more welcoming for older residents and those with a disability.

I welcome the support from the community for more places to get together and to celebrate all that Lake Tuggeranong has to offer. New cafes, outdoor dining options and more are priorities for our local residents.

Lake Tuggeranong has a bright future, Mr Deputy Speaker; I am sure that all members share that view with me. Residents are very proud of our lake. I have always said that the sun shines brighter down south.

With over 500 responses to the survey to date, I will soon be able to collate these and present the results to Mr Steel for his consideration as we work together and undertake these fantastic upgrades and the renewal of Lake Tuggeranong.

Mr Andrew Prowse—tribute

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) (5.13): I rise to pay tribute, together with Ms Lee, to our dear friend Andrew Prowse, affectionately known to many of us as Andy.

Andy Prowse was born in Tamworth on 30 April 1987. His entry into the world was not a smooth one: two months in hospital following surgery to remove a bowel obstruction, and being diagnosed with cystic fibrosis.

In his early years, Andy rarely publicised that he had cystic fibrosis. He was a fast learner who could rapidly absorb and understand information and then recall it, which made him particularly good at trivia, at tipping competitions and, later, in advising his wife Heidi if she needed to rapidly prepare for one of her many media interviews.

But what stood out time and time again about Andy was his care for others, from what he chose to study and his job to his personal relationships and, notably, his support for the broader community.

He was academically gifted. Andy studied economics at uni before joining the Department of Social Services here in Canberra, which combined his talent for economics with social justice, providing robust policy advice through an economic lens, with the firm approach of helping others.

Heidi and Andy had been at school together in Tamworth in different grades, but their paths did not cross until they were both at a party here in 2011. Heidi had just moved here. Their love quickly grew. Their story is well known. They were married in 2015; they welcomed their precious dog, Monty, into their family in 2016.

Heidi and Andy are known for their incredible love and the strength of their relationship, but it is what they achieved as a couple together for the benefit of others that has consistently made headlines. Heidi helped Andy to become more comfortable with speaking about cystic fibrosis—so much so that he went on to become the most incredible advocate and fundraiser. He became the adult representative on Cystic Fibrosis ACT's management committee, representing and advocating for the 50 adults in the ACT community on locally important CF issues. He made representations regarding the health system in the ACT, including to executives and directly to ACT government ministers, and he appeared before committee inquiries.

In 2011, Heidi and Andy co-founded the Santa Speedo Shuffle, Cystic Fibrosis ACT's incredible winter fundraiser, which raised \$12,000 in its first year and more than \$800,000 over the last 10 years. Andy was, unsurprisingly, awarded the ACT volunteer of the year profound influence award in 2018.

My own friendship with Andy was one that highlights all of these qualities. He loved discussing policy issues; we discussed everything from health care to representation in parliament. We had particularly passionate conversations about the voluntary assisted dying debate and territory rights. But it was his care that always struck me. It would not come as a surprise to people who know everything about Andy that it was not an unusual experience for Andy to reach out to ask how I was, encouraging me to reach out to him if there was anything he could do. One of the last questions Andy asked me, just a few weeks before he died, when he had been through so much already this year, was whether I was taking time for my own self-care.

Andy died on 8 October this year, aged 34. We extend our deepest sympathies and love to his many friends, to his family and, especially, to Monty and to Heidi. His contributions and legacy will be felt for a long time. Fundraisers continue to occur in Andy's memory, including through the South Canberra Netball Association, and there will be another Santa Speedo Shuffle.

I feel so lucky that my path crossed with Andy's. I will always continue to draw inspiration from his courage. Andy is so very missed, and always will be.

Mr Andrew Prowse—tribute

MS LEE (Kurrajong—Leader of the Opposition) (5.18): I thank Ms Cheyne for approaching me so that we can jointly pay tribute to a very proud Canberran, Andrew Prowse, who passed away at his home in Higgins beside his beautiful wife, Heidi, and their beloved dog, Monty, last month.

Andrew lived a life of compassion, of service, and of love. Andrew had always been interested in people and supporting those most vulnerable in our community. He was inspired to pursue a career in public service by his family and worked as a policy analyst at the Department of Social Services. Ms Cheyne has already spoken about Andrew's many talents, but when asked why, of all the career paths available to him, he chose social and public policy, he responded:

I have always had a keen interest in social and public policy. I feel this was inspired by my mother who is a social worker, and my grandparents who all played a role in supporting others throughout their lives. There was a guiding light towards public service. I wanted to be able to contribute to societal wellbeing and be able to drive policy that would impact people from the ground up.

These are the admirable traits and influences that led Andy to pursue a career in the Australian Public Service to drive the positive policy changes from the heart of government.

In the first year of the unique and beloved Santa Speedo Shuffle fundraiser—quite a sight around Lake Burley Griffin in the middle of winter—Heidi asked Andy if he would be willing to share his personal story of living with cystic fibrosis. At the time not many people knew that he was living with the disease. It was not the right time for him to share his own story, and he responded, "I am running for everyone else living with cystic fibrosis."

Andy always put others ahead of himself. On 31 July next year, Heidi will hold the 10th Santa Speedo Shuffle in memory of Andy and for all of the community living with cystic fibrosis. I encourage everyone in the chamber to please support that event.

Andy was an extremely proud Canberran. As his sister Lou said:

He relished in showing his family and friends around Canberra, highlighting all the new developments or innovative additions, and he enthusiastically gave Canberra history books as presents. He was really passionate about the Canberra community and he felt connected to the many networks he and Heidi came into contact with through his advocacy, his mentoring and volunteering in the CF ACT, Mental Health and Donate Life circles.

His other sister, Carla, added:

He was a proud Canberran who loved this city and loved giving back through his work and various community pursuits.

Andy touched the hearts of many Canberrans, including me. Andy kept in touch with me regularly. I was always blown away by his intimate knowledge of local issues and all things politics. But what I will always remember, as Ms Cheyne has already referred to, is his kindness. The one interaction that really touched my heart was when he asked me to reach out to Heidi because he knew that she had been working way too hard and was worried that she, as she did so often, was putting everyone else first.

At the celebration of Andy's life a few weeks ago Andy's father captured the Prowse family's deep love for their son and brother beautifully:

Rest easy my son, knowing you have been courageous in life and made a difference for so many others with your love Heidi beside you. We will all treasure the memories you have left us forever. We love you dearly.

To Heidi, to Monty, to Andy's family and friends and to everyone who Andy touched in his life, my sincerest thoughts and condolences on behalf of the Canberra Liberals. Madam Speaker, I end with the words from the love of Andy's life, Heidi.

I'm finding it hard to articulate what we did and had. He just was such an exceptional human nothing like anyone I've ever known. A computer brain and huge heart he really made the world a better place for everyone he came into contact with and that flowed so much further than either of us could imagine.

Rest in peace, Andy.

Aboriginal Tent Embassy—50th anniversary Mr Andrew Prowse—tribute

MR RATTENBURY (Kurrajong) (5.23): Madam Speaker, today, as with every sitting day, you commenced the proceedings with an acknowledgement of country in the Ngunnawal language. This is a significant and important reminder that we work, live and play on Ngunnawal land—a land that was possessed under First Nations laws and customs for tens of thousands of years, and a land where sovereignty was never ceded.

First Nations peoples in Australia have been traumatised by the generational actions and policies of subsequent governments and peoples in denying them their rights and traditions to live peacefully according to their spiritual, cultural and sovereign rights. That trauma continues today, and there is much to do to repair the damage and the harms that have been inflicted since colonisation.

Nearly 50 years ago, the McMahon government announced the implementation of a new system that rejected granting independent ownership of traditional land to Indigenous people in favour of 50-year general purpose leases. That announcement sparked action among many Indigenous groups and directly contributed to the founding of the Aboriginal Tent Embassy, when Michael Anderson, Billy Craigie, Bertie Williams and Tony Coorey drove to Canberra from Redfern and set up a beach umbrella on the lawns opposite what is now Old Parliament House on 26 January 1972.

It was set up as a site of protest and an opportunity to bring to national attention a list of demands that included, among other things, ownership and mining rights of all other Aboriginal reserve lands in Australia, the preservation of all sacred sites in Australia and compensation for lands that were not able to be returned.

The Aboriginal flag was first raised in Canberra on that day because, although Aboriginal and Torres Strait Islander First Nations people of Australia have suffered countless injustices, all of those injustices started from one single event—the invasion of this country and the taking of their land without their consent.

While the goals of protesters have changed over time, and now include not only land rights but also Indigenous sovereignty and self-determination, the issues they raised back then remain pertinent today. Just this week, we have seen support up on the hill for the fracking and destruction of the Beetaloo Basin in the Northern Territory. In 2020 we had the destruction of two ancient rock shelters in the Juukan Gorge. We see Adani destroying land and culture in Queensland's Galilee Basin, and in Victoria we have seen the removal of sacred birthing trees, and we know that more will be permanently destroyed by the 72 new coal projects and 44 new gas projects proposed by the federal government around the country.

This destruction is not only harming our planet and contributing to global warming and the disastrous effects of climate change; it is destroying the cultural heritage of our First Nations people. It is destroying the songlines, flooding sites of historic cultural significance, and severing their continuing connection to country. It is and remains a travesty.

Today I wish to take this opportunity, before the sitting year finishes, to reflect that 26 January 2022 will be the 50th anniversary of the Tent Embassy, and reflect that there is much unfinished business. We have a long way to go to progress the truth, treaty and voice called for in the Uluru Statement from the Heart. We have a long way to go to repair the injustice of the past. I know there will be many Canberrans, and undoubtedly people from other parts of Australia, standing alongside our First Nations brothers and sisters in solidarity on the anniversary.

The simple fact that the Tent Embassy still stands 50 years on is a testament to the conviction of so many people over many years to fight for justice and a better future, but it is also a stark reminder to us all of the effort we must make in the future to address the unfinished business. With no further opportunity before 26 January, I wanted to take the opportunity to reflect on an important occasion this evening.

I also want to thank Minister Cheyne and Ms Lee for their remarks about Andy Prowse. Whilst I did not know Andy to the depth that they both did, in my former role as the Minister for Mental Health I worked a lot with Heidi and I also know her through the netball connections. I take this opportunity to offer my condolences and thank the two earlier speakers for those reflections on what has been a very difficult time for Heidi and her family.

National Multicultural Festival 2022—cancellation

MRS KIKKERT (Ginninderra) (5.27): I rise today to speak about the recently announced cancellation of next year's National Multicultural Festival. The festival is an annual event that is important for Canberra as a whole and deeply important for many culturally and linguistically diverse community groups. Attendance of over 200,000 people is not uncommon.

For close to 25 years now, it has provided an excellent way for our diverse community to come together and appreciate many different cultures. For some multicultural communities the festival has been the biggest, or even the sole, fundraising opportunity, with money generated from food and drink sales at the festival supporting charitable activities and/or other events across the year.

For the second year running, this opportunity has now been taken away. After two long years of isolation from each other, an opportunity to come together and renew our ties was exactly what we needed. Unfortunately for everyone involved, the government opted to take the lazy option and cancel the festival for the second consecutive year, to the mass disappointment of many Canberrans.

To use COVID as an excuse is an insult to Canberrans' intelligence. The government has had since the last festival in February 2020 to prepare for the next Multicultural Festival. We all know that we have just completed three months of lockdown, but the question remains: what was this government doing for the 18 months before we went into lockdown last August? Eighteen months should have been enough time to pull off planning for a festival with a whole range of contingency plans to cope with whatever happened COVID-wise.

I have spoken to people involved in events planning. They have told me exactly the same thing. During the pandemic they have been actively planning events that will happen next year, taking into account all kinds of scenarios and developing plan B, plan C and so forth. But that is not the case for the ACT government. I am not even sure that the minister had a plan A; if she did, a three-month interruption appears to have been enough to scrap the previous 18 months of work!

Canberrans are over this government using COVID-19 as an excuse for its poor performance. The word "unprecedented" has been trotted out too many times. Even the government's own ministers are starting to recognise that it has been taken too far, as just last week a minister started to use the phrase "close to unprecedented".

The reality is that this government is lazy, and close to 80 different multicultural groups will now pay the price for it. This incompetence stands in stark contrast to all of the other community events that will be going ahead in the first few months of 2022. That this government lacked the will to do the same for the multicultural community speaks volumes. This government should be ashamed of itself.

**Set the standard—report
Legislation—Crimes (Consent) Amendment Bill 2021**

DR PATERSON (Murrumbidgee) (5.31): Before I start my substantive speech, I want to—

Members interjecting—

MADAM SPEAKER: Ms Cheyne and Mrs Kikkert, I am going to ask you both to have the courtesy of leaving, if you are going to keep interjecting across the table. Dr Paterson has the call.

DR PATERSON: Before I start my substantive speech, I want to acknowledge in the Assembly that the independent review titled *Set the standard: report on the independent review into commonwealth parliamentary workplaces* conducted by the Australian Human Rights Commission and led by Sex Discrimination Commissioner Kate Jenkins has just been released.

The word trending on Twitter to describe the findings of this report is “appalling”, with the report finding that one in three people in Parliament House had experienced sexual harassment, 77 per cent witnessed or experienced bullying, and there were those that were sexually assaulted in their workplace. These findings are appalling. As we are days into the 16 days of activism to eliminate violence against women, it is important that we continue our activism well past the 16 days and well past the boundaries of Parliament House.

As this is the last sitting week for the Assembly this year, I want to provide an update on my Crimes (Consent) Amendment Bill. In June this year, I released a draft exposure bill for public comment. Sexual violence has been an issue that has been very much at the forefront of public debate in Australia since the beginning of this year. One of the pivotal calls for change is to reform laws to implement a communicative or affirmative model of consent. My bill proposes exactly that.

Earlier this month, New South Wales passed affirmative consent legislation in a bill that was very similar to mine. Also last month, Victoria announced its intention to introduce an affirmative model of consent in 2022. I am very passionate about and remain committed to seeing this happen in the ACT.

Over the four-week period of public consultation on my draft bill, I received detailed submissions from 14 groups and individuals and have subsequently met with many key stakeholders to discuss matters in more detail. This year, Minister Berry established the Sexual Assault Prevention and Response Program, and I have presented to its working group on law reform.

An overarching steering committee to this working group led by community and sector experts is providing a holistic approach to the prevention of and response to sexual assault in the ACT. I believe this coordinated and collaborative approach is critical to deliver the best outcomes for our community, and I am committed to this process. I eagerly await the recommendations from the working group.

I wish to assure the community and stakeholders that I intend to bring my bill forward in the first available opportunity in 2022. I acknowledge concern in the community and frustration about the lack of affirmative consent laws in the ACT, but I want to provide assurances that things are moving and that, when my bill is tabled, the community can be confident that it has gone through an incredibly rigorous process to ensure that the bill has all likelihood of passing.

Ultimately, the goal is that we have robust, comprehensive legislation that causes no harm, and that is what I believe this process will achieve. I say to victim-survivors in the ACT: I am working for you. This is for you, and we are nearly there.

Question resolved in the affirmative.

The Assembly adjourned at 5.36 pm.